



# Cassia County Board of Commissioners

*Commissioner Chambers*

*1459 Overland Ave.*

*Burley, ID 83318*

[www.cassiacounty.org](http://www.cassiacounty.org)

**Board Chairman:**

*Dennis Crane*

**Phone:** (208) 878-7302

**Fax:** (208) 878-9109

**Board Members:**

*Paul Christensen (District #1) ~ [pchristensen@cassiacounty.org](mailto:pchristensen@cassiacounty.org)*

*Bob Kunau (District #2) ~ [bob.kunau@cassiacounty.org](mailto:bob.kunau@cassiacounty.org)*

*Dennis Crane (District #3) ~ [dcrane@cassiacounty.org](mailto:dcrane@cassiacounty.org)*

Monday, June 3, 2013

The Board of Cassia County Commissioners met in regular session on Monday, June 3, 2013, at 9:00 a.m. in the Commissioner Chambers of the Cassia County Courthouse.

THOSE PRESENT:	County Commissioners:	Dennis Crane, Chairman Paul Christensen Bob Kunau
	Clerk of the Board:	Joseph W. Larsen
	Prosecuting Attorney:	Al Barrus
	County Administrator:	Kerry D. McMurray
	Other:	Barry Goold, ABL Management Anne Benny, ABL Management Jay Heward, CCSO George Warrell, CCSO Patty Justesen, Treasurer Ruthe Hobbs Jay Lenkersdorfer, The News Journal

1) 9:00 AM AMENDMENT TO AGENDA

9:01 AM

**MOTION: COMMISSIONER CHRISTENSEN MOVED TO ADD DISCUSSION OF A SECOND LEVEL CONFLICT PUBLIC DEFENDER CONTRACT DUE TO LARGE CLAIMS THIS PAST WEEK FOR ATTORNEY SERVICES FOR SUCH. INFORMATION CAME IN TOO LATE TO INCLUDE THAT ON THE POSTED AGENDA. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

- a) It was pointed out that there were a considerable number of cases more than usual, ordered by judges to be paid for second level conflict public defenders.
- b) Judges have been more regularly appointing second level conflict attorneys in Twin Falls and Jerome as well as some younger local attorneys at a much higher cost than customary.
- c) Conflict attorneys are getting paid by the hour and are putting in a considerable amount of time with the cases.

**CASSIA COUNTY COMMISSION**

**REGULAR SESSION**

**Monday, June 3, 2013**

**1 | Page**

- d) The Board recommended that Barrus prepare a letter to go to local attorneys soliciting a second level conflict public defender to begin July 1, 2013. Applicants can respond to the Administration Office to set up an interview with the Board.
- e) A contracted second level conflict public defender should not have as large a case load as Clayne Zollinger, the first level conflict public defender.
- f) It would be expected that if contracted, a second level conflict public defender would provide a monthly report of what cases they are assigned to handle.

**9:03 AM**

**MOTION: COMMISSIONER CHRISTENSEN MOVED TO ADD TO THE AGENDA DISCUSSION OF THE CITY OF BURLEY LAW ENFORCEMENT AGREEMENT INASMUCH AS DISCUSSION WITH THE SHERIFF REGARDING THAT AGREEMENT IS INCLUDED ON THE NEXT BURLEY CITY COUNCIL MEETING AGENDA. INFORMATION CAME IN TOO LATE TO BE INCLUDED IN THE POSTED AGENDA. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

- a) The Board requested to be placed on the agenda of the last Burley Council meeting. Administrator Mark Mitton indicated that the City wanted additional statistics prior to being placed on a Burley City Council meeting agenda.
  - b) Sheriff Jay Heward and Undersheriff George Warrell were subsequently requested to be on the agenda for discussion with the City Council.
  - c) Statistical information had been provided to the City regarding the costs to the County in providing the current level of service of patrol officers and detectives that are dedicated to the City. The City is provided 15 patrol officers and three investigators. Over half the service rendered by the Sheriff's Office is for City services. Consequently, half of the wage and cost of benefits for patrol, investigation, and administration officers (minus the Sheriff), along with the same costs of one and a half clerks. The contract has also historically included 60% of the costs of dispatch. The total of those outright costs are \$1,794,357.37.
  - d) The Board put forth a proposal of \$1,500,000.00 for this year's law enforcement agreement costs to the City of Burley. The relatively small amount of increase would be to offset the always increasing amount of work required for escalating crime and for inflation of operating and personnel costs.
  - e) Heward and Warrell were asked to follow up on what items of discussion would be included in that meeting.
  - f) Barrus advised that Commissioner Christensen should be in attendance to that meeting as well.
- 2) 9:00 AM CALL TO ORDER, PLEDGE OF ALLEGIANCE, REVIEW CALENDAR, MINUTES, CORRESPONDENCE, PERSONNEL, CSI RESIDENCIES, COUNTY PAYABLES, COUNTY ROAD AND BRIDGE, BUILDING AND GROUNDS MATTERS, GATEWAY MATTERS, AND FY2014 BUDGET MATTERS
- a) 9:05 AM CALENDAR
    - i) Region IV Development Board of Directors Meeting at 12:00 p.m. Thursday, June 6, 2013, at the Twin Falls office
    - ii) Cassia Republican Central Committee Meeting at 7:00 p.m. Thursday, June 6, 2013, at the Commissioner Chambers
    - iii) Meeting with Election Software and Services representatives to discuss the newly-certified Electionware Software at 2:00 p.m. Tuesday, June 4, 2013, in the Commissioner Chambers
    - iv) County public auction to be held at 4:00 p.m. today, June 3, 2013, at the south side of the Law Enforcement Building.

***CASSIA COUNTY COMMISSION  
REGULAR SESSION  
Monday, June 3, 2013***

- b) 9:05 AM           CORRESPONDENCE
  - i) Email from the IAC with suggestions for taxing districts to not exploit foregone balance amounts in budgeting for FY2014 as it may have adverse consequences.
  - ii) Letter from Intermountain Hospital in Boise informing the County of an increase in our contract rate of 5% from \$827.00 to \$868.00 for involuntary mental holds.
  - iii) A letter from Southern Idaho Solid Waste indicating that the County's preliminary share for operations of the solid waste system for FY2014 is \$534,720.00.
- c) 9:12 AM           PERSONNEL
  - i) CHANGE OF STATUS
    - (1) SHERIFF'S OFFICE
      - (a) Promotion of Duane Clay Anderson from Deputy Patrolman to Corporal Patrolman with an increase of pay effective May 1, 2013, following the completion of a driver training program approved by Sheriff Heward.
    - (2) FAIR OFFICE TIME SHEETS
      - (a) The Board reviewed Employee Time Sheets for Cory Parish including explanations of overtime provided at the Board's request.

**9:16 AM**

**MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE SAID CHANGE OF STATUS REQUESTS AND OTHER PERSONNEL MATTERS AS PRESENTED. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

- (1) MINI-CASSIA CRIMINAL JUSTICE CENTER
  - (a) When the Board reconvened at 1:30 p.m., they discussed the desire of the MCCJC to utilize former maintenance supervisor, Larry Osterhout to assist with emergencies as needed in the absence of current maintenance supervisor Brandon Salvesson.
  - (b) The Board was in agreement with the request.
- (2) CLERK'S DEPARTMENT REQUEST
  - (a) Larsen presented to the Board a request for all full time deputy clerk personnel to move from a 37 ½ hour to a 40 hour work week requirement. He suggested that changing Deputy Recorder Heather Evans to a Deputy Auditor and changing Deputy Court Clerk Tammi Pollard to Deputy Recorder along with increasing to a 40 hour work week would eliminate the need to hire an additional clerk following a recent deputy clerk retirement.
  - (b) The recommendation was presented by Larsen on a spreadsheet to show that financial implications would require very little change in personnel budget requests for FY2014 for the Clerk's Department.

**1:52 PM**

**MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE THE RECOMMENDATIONS OF THE MCCJC AND THE CLERK'S DEPARTMENT AS PRESENTED. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

**1:53 PM**

**MOTION: COMMISSIONER CHRISTENSEN MOVED TO MAKE IT A POLICY OF CASSIA COUNTY THAT HIRING OF ALL FUTURE FULL TIME EMPLOYEES WILL BE BASED ON A 40 HOUR WORK WEEK. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

- b) 1:55 AM           APPROVAL OF MINUTES

**1:55 AM**

**MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE MINUTES OF THE BOARD FROM MAY 28, 2013. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

c) 9:20 AM CSI RESIDENCY APPLICATIONS

- i) The Board reviewed two CSI Residency applications; one CSI residency application for spring 2013 and one CSI residency application for 2012-2013

**9:20 AM**

**MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE TWO CSI RESIDENCY APPLICATIONS AS PRESENTED. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

d) 1:54 AM COUNTY PAYABLES

CURRENT EXPENSES	104	\$315,673.82
DISTRICT COURT FUND	106	\$1,124.00
HISTORICAL SOCIETY FUND	112	\$6,250.00
REVALUATION FUND	114	\$1,151.84
911 COMMUNICATIONS FUND	115	\$5,030.88
COUNTY ELECTION FUND	116	\$6,248.26
ASSESSOR TRUST FUND	123	\$54.36
JUSTICE FUND	130	\$11,386.07
PHYSICAL FACILITIES FUND	144	\$2,254.54
ADULT MISDEMEANOR PROBATION	149	\$1,764.53
	<b>TOTAL</b>	<b>\$350,938.30</b>

**1:54 AM**

**MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE COUNTY PAYABLES DATED JUNE 1, 2013. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

e) 9:22 AM COUNTY ROAD AND BRIDGE

- i) Chairman Crane reported on road grading that is currently being done.

f) 9:23 AM BUILDING AND GROUNDS MATTERS

- i) McMurray reported on concerns expressed by law clerk Maren Redd regarding security on the third floor of the courthouse. That area includes access to the roof and to areas where court files are stored. After discussion of the Board, it was determined to change the lock to the door in that area and provide keys to the law clerk, court clerks, and to the Administration Office. A sign will also be placed on the door to indicate access only to authorized individuals.
- ii) McMurray indicated that any items that were listed for sale at the County public auction that could possibly be used with our upcoming office relocations when the Cassia County Judicial Center (CCJC) is completed should not be offered for sale.
- iii) Commissioner Christensen and McMurray discussed removal of the signage on the corner of Overland Ave and 16<sup>th</sup> Street at the CCJC. The estimated cost for removal was estimated to be approximately \$600.00. They also indicated that the electricity to that sign comes from the most proximal light pole in the parking lot. It was also determined that there is no value

to the sign company for that sign. The Board also discussed removal of the sign by the Commissioners.

- iv) Request for Proposal No. 26 which includes PR #18 Additional Parapets was reviewed by the Board. These parapets are on the north and south sides of CCJC and are placed there to obscure the rooftop HVAC units as previously discussed by the Board at a cost of \$15,615.42.

**10:21 AM**

**MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE RFP NO. 26 PR #18 FOR ADDITIONAL PARAPETS AS PRESENTED AT A TOTAL COST OF \$15,615.42. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

g) 9:46 AM GATEWAY MATTERS

- i) McMurray reminded the Board of the deadline of June 28, 2013, for the comment period on the EIS for the Gateway Transmission Line Project.
- ii) Attorney Doug Balfour provided the first draft of comments on the EIS on behalf of the Gateway Task Force and desired to know of any other potential areas of concern the Board wished to add to those comments.

h) 9:49 AM FY2014 BUDGET MATTERS

- i) Larsen reported on the sizeable negative balance of the Justice Fund that requires the attention of the Board to closely monitor spending throughout the remainder of the current fiscal year. He recommended that the Board impose departmental spending limits that would require prior approval of the Board.
- ii) FY2014 budget workshops will be scheduled during the coming six weeks for department heads and elected officials. The first presentation will occur on Monday, June 10, 2013, with budget recommendations for the District Court. Administrative District Judge Richard Bevan and Trial Court Administrator Linda Wright will be present to discuss funding recommendations.

2) 9:10 AM BOARD OF EQUALIZATION (BOE)

- a) There is no BOE today.

3) 9:26 AM REVIEW AND EXECUTE COMMENT LETTER TO USFS ON COMMUNICATION SITES AT HEGLAR AND MT. HARRISON

- a) A letter of comment to the US Forest Service District Ranger, Scott Nannenga regarding the installation of communication sites on Heglar Peak and Mount Harrison electronics site was prepared at the request of the Cassia County 911 Coordinator.
- b) Infrastructures for communication on these two sites are critical to safety for both Cassia County residents and for USFS personnel.
- c) Commissioner Kunau read the proposed letter.

**9:31 AM**

**MOTION: COMMISSIONER KUNAU MOVED TO SIGN AND SEND THE LETTER OF COMMENT TO THE US FOREST SERVICE REGARDING HEGLAR PEAK AND MOUNT HARRISON ELECTRONICS SITES. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

4) 9:15 AM EXECUTE DOCUMENTS FOR REFUND FROM ITD

- a) The Board reviewed a letter from the Idaho Transportation Department (ITD) regarding a final settlement of the Local Agreement with the Cassia County Transportation Plan, Project #STP-0004(129) A012(219) Major Program #9035, Program #T044060.
- b) The balance due Cassia County is \$2,786.67.

***CASSIA COUNTY COMMISSION***

***REGULAR SESSION***

***Monday, June 3, 2013***

**5 | Page**

---

- c) ITD requested a signature of certification by the Board that the amount claimed is just and correct as presented.

**9:32 AM**

**MOTION: COMMISSIONER CHRISTENSEN MOVED TO SIGN THE CERTIFICATION TO THE ITD AS PRESENTED FOR A CLAIM OF THE BALANCE OWING CASSIA COUNTY OF \$2,786.67. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

- 5) 9:25 AM REVIEW PROJECT SCOPING DOCUMENT FOR THOMPSON FLAT CAMPGROUND IMPROVEMENT PROJECT
  - a) McMurray reviewed with the Board the scoping document for a project to improve the Thompson Flat Campground. The campground is reaching capacity for parking and camping.
  - b) The desire of the US Forest Service is to increase the size of the camping areas, designate a parking area, and replace restrooms with ADA accessible facilities.
- 6) 9:34 AM DISCUSS SOLID WASTE TRANSFER BUILDINGS
  - a) As a member of the Solid Waste Board, Commissioner Christensen discussed the replacement of the small shacks and the portable restrooms at the four Cassia County roll off stations in Oakley, Elba, Albion, and Malta. He indicated that most of the other locations he has visited include an office with running water and a restroom.
  - b) He indicated that costs to do those upgrades are the responsibility of the County but could be done with current fund balances.
  - c) The possibility of completing one location per year or the savings for doing all four at one time was also discussed.
  - d) The Board asked Commissioner Christensen to continue to do research on the possibilities.
- 7) 9:43 AM EXECUTE NOTICE OF PUBLIC AUCTION FOR SALE OF REAL PROPERTY OBTAINED BY TAX DEED
  - a) Treasurer Patty Justesen presented a parcel of property at approximately 297 South Wilson Avenue in Oakley that has been noticed for past due taxes under the name of Anthony Rapoza and Verenia Isabelle Rapoza in care of Toni Ketterling.
  - b) The minimum bid amount is \$611.14, which is the amount of past due taxes and the cost of the notice of publication.
  - c) The sale is scheduled to take place on Monday, June 24, 2013, at 9:15 a.m. at the Commissioner Chambers.

**9:45 AM**

**MOTION: COMMISSIONER KUNAU MOVED TO APPROVE THE TAX DEED SALE AS PRESENTED AND TO PUBLISH THE NOTICE OF PUBLIC AUCTION. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

- 8) 10:00 AM DISCUSS AND SELECT PROPOSALS FOR MCCJC COMMISSARY AND BANKING
  - a) MCCJC Director Darwin Johnson and financial secretary Ann Harper presented a comparison of respondents to the RFP for a commissary and bank software program for the jail.
  - b) Bids were received from ABL Management, Trinity Services, Swansons, and Keefe.
  - c) Harper reported that ease of banking was a critical portion of consideration for acceptance. All of the proposals were web-based banking systems.
  - d) Concern was expressed about Keefe as the current vendor for commissary items.
  - e) Debit cards will be used upon the release of inmates so funds are off the books when provided to the inmate.

- f) In the opinion of Harper and Johnson, Trinity has the best banking program and they were ranked first in the comparison.
- g) McMurray indicated that negotiations of the contract can take place after the award of the bid but stressed that the appropriate logistics for transition from Keefe to Trinity is critical.

**10:11 AM**

**MOTION: COMMISSIONER CHRISTENSEN MOVED TO AWARD THE BID TO TRINITY BASED ON THE RECOMMENDATION OF THE MCCJC COMMITTEE. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

9) 10:22 AM INDIGENT MATTERS

**10:22 AM EXECUTIVE SESSION**

**MOTION: COMMISSIONER CHRISTENSEN MOVED TO CONVENE IN EXECUTIVE SESSION REGARDING MEDICAL INDIGENT MATTERS UNDER IDAHO CODE SECTION 67-2345(1)(D). COMMISSIONER KUNAU SECONDED THE MOTION. A ROLL CALL VOTE WAS UNANIMOUS WITH CHAIRMAN CRANE, COMMISSIONER CHRISTENSEN, AND COMMISSIONER KUNAU VOTING IN THE AFFIRMATIVE.**

Welfare Director Susan Keck presented the following:

- a) Case #2013027 and #2013030
- b) Certificate of Denial on Case #2013022, #2013024, #2013026, #2013028, and #2013029
- c) Notice of Lien and Application for Medically Indigent Benefits on Case # 2013037 and #2013038
- d) Order of Dismissal on Case #2013005, #2013009, and #2013019
- e) Release of Medically Indigent Lien on Case #2013005, #2013009, #2013012, and #2013019

**10:42 AM**

**MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE THE MEDICAL INDIGENT ACTIONS AS PRESENTED. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY. THE BOARD RETURNED TO REGULAR SESSION AT 10:42 AM.**

10) 10:45 AM EXECUTIVE SESSION

**10:45 AM EXECUTIVE SESSION**

**MOTION: COMMISSIONER PAUL CHRISTENSEN MOVED TO CONVENE IN EXECUTIVE SESSION REGARDING PERSONNEL MATTERS UNDER IDAHO CODE SECTION 67-2345(1)(A). COMMISSIONER KUNAU SECONDED THE MOTION. A ROLL CALL VOTE WAS UNANIMOUS WITH CHAIRMAN CRANE, COMMISSIONER CHRISTENSEN, AND COMMISSIONER KUNAU VOTING IN THE AFFIRMATIVE. THE BOARD RETURNED TO REGULAR SESSION AT 11:18 AM.**

11) 11:40 AM JOINT HEARING WITH MINIDOKA COUNTY ON JUVENILE PROBATION FEES – MINIDOKA COUNTY COURTHOUSE IN RUPERT

- a) The Board met with Minidoka County Commissioners for a joint hearing regarding the increase of juvenile probation fees.
- b) Minidoka Board Chairman Bob Moore read the Notice of Hearing as published on May 15<sup>th</sup>, May 23<sup>rd</sup>, and May 30<sup>th</sup> of 2013 regarding an increase from the current rate of \$15.00 per probationer to \$25.00 as proposed.
- c) Chairman Crane requested for the record to determine if there was anyone present at the appointed time of 11:30 a.m. when the meeting was to start that was not present now. It was determined that there wasn't.
- d) Moore indicated that this proposal for a fee change was approved previously by the Joint Juvenile Probation Committee.

**11:49 AM**

***CASSIA COUNTY COMMISSION  
REGULAR SESSION  
Monday, June 3, 2013***

**MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE THE FEE INCREASE FOR JUVENILE PROBATION FROM \$15.00 TO \$25.00 AS PRESENTED EFFECTIVE JULY 1, 2013. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

- e) The Minidoka County Board also made a like motion that was seconded and subsequently approved unanimously.
- 12) 12:05 PM LUNCH AT HENRY'S DRIFT INN IN RUPERT
- 13) 1:49 PM THE BOARD RECONVENED AT THE COMMISSIONER CHAMBERS TO COMPLETE DISCUSSION OF AGENDA MATTERS.
- 14) 1:58 PM ADJOURNMENT

APPROVED:

/s/\_\_\_\_\_

Dennis Crane, Chairman of the Board

ATTEST:

/s/\_\_\_\_\_

Joseph W. Larsen, Clerk of the Board