



Cassia County Board of Commissioners

Commissioner Chambers

1459 Overland Ave.

Burley, ID 83318

www.cassiacounty.org

Board Chairman:

Dennis Crane

Phone: (208) 878-7302

Fax: (208) 878-9109

Board Members:

Paul Christensen (District #1) ~ pchristensen@cassiacounty.org

Bob Kunau (District #2) ~ bob.kunau@cassiacounty.org

Dennis Crane (District #3) ~ dcrane@cassiacounty.org

Monday, October 20, 2014

The Board of Cassia County Commissioners met in regular session on Monday, October 20, 2014, at 9:00 a.m. in the Commission 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:	Doug Abenroth
	County Administrator:	Kerry D. McMurray
	Others:	
	Heather Evans, Deputy Auditor	Casey Anderson, Burley Councilman
	Randy Hawkins, Burley Councilman	George Warrell, Undersheriff
	Chris Jensen, Sheriff's office	Jay Heward, Sheriff
	Dwight Davis, Assessor	Karlene Bunn

1) 9:28 AM AMENDMENT TO AGENDA

- a) The agenda included discussion of marriage recording matters. Recording matters that needed to be discussed extended to recording of death certificates that was inadvertently omitted from the agenda.

9:28 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO ADD DISCUSSION OF RECORDING OF AN AFFIDAVIT IN LIEU OF NON-PUBLIC CERTIFIED DEATH CERTIFICATES WITH DOCUMENTS IN THE RECORDER'S OFFICE. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- b) Larsen talked about a resolution that was presented by the Idaho Association of County Clerks and Recorders and approved by the Idaho Association of Counties to pursue the creation of an abbreviated certified death certificate for recording purposes.
- c) Certified death certificates include personal and private information that becomes public once recorded.

CASSIA COUNTY COMMISSION

REGULAR SESSION

Monday, October 20, 2014

1 | Page

- d) An affidavit was created and reviewed by Abenroth that was approved to use with recordings that exclude private information. The original death certificate will be retained as per the direction of Abenroth to support that recorded affidavit.
- e) Abenroth further discussed the reasoning for not recording certified death certificates.
- 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, ELECTION MATTERS
 - a) 9:05 AM CALENDAR
 - i) Pipeline Safety Meeting at 5:30 p.m. Wednesday, October 22nd at the LaQuinta Inn and Suites in Twin Falls
 - ii) CAT Board Meeting at 10:30 a.m. Thursday, October 23rd for Commissioner Christensen
 - iii) State Republican Candidates Bus Tour will arrive in Burley for a reception from 6:00 p.m. to 8:00 p.m. Thursday, October 23rd at the Burley Best Western
 - iv) NRCS Soil District soil judging contest Tuesday, October 14th for Commissioner Kunau
 - v) CSI Applied Technology and Innovation Center dedication at 2:30 p.m. Tuesday, October 21st
 - vi) Wood River Resource Conservation and Development meeting regarding cloud seeding will be held on Thursday, October 23rd at the Gooding fairgrounds
 - vii) District IV Elected Officials meeting will be held at 1:00 p.m. Wednesday, October 22nd in Jerome
 - b) 9:05 AM CORRESPONDENCE
 - i) Southern Idaho Republican Women’s Boots and Diamonds Annual Harvest Gala featuring Fox News Anchor Jeanine Pirro will be held Friday, October 24th at the Canyon Crest Event Center in Twin Falls
 - ii) Request from GDA Engineers, who have been selected to conduct a Master Plan for the Burley Municipal Airport, to have a member of the Board serve as a member of their Advisory Council. Chairman Crane felt that would be advisable.
 - iii) South Central Public Health District Legislative Reception from 9:30 a.m. to 11:00 a.m. on November 12th in Twin Falls
 - iv) Thank you note received from Donna Headley
 - c) 9:18 AM PERSONNEL
 - i) CHANGE OF STATUS
 - (1) SHERIFF’S OFFICE
 - (a) Promotion of Court Security Corporal Shannon Taylor to Sergeant with increase in rate of pay.
 - (i) Sheriff Heward explained that the proposed increase in rate of pay is within FY2015 budgeted amounts after moving from one “A” Budget line item to another. It will not adversely affect the FY2015 budget.
 - (ii) Commissioner Christensen asked if Taylor was assuming additional responsibilities to what he had before moving to the Cassia County Judicial Center (CCJC). Heward indicated that he is filling similar roles as the Director of Adult Misdemeanor Probation, Amber Prewitt and the Director of the MCCJC, Darwin Johnson. They govern their employees in their defined job description.
 - (iii) Commissioner Kunau expressed concern with uncertainty with the law enforcement agreement with the City of Burley and funding with PILT.

- (b) Increase in rate of pay for Senior Patrolman Michael D. Akers for receiving his Certified Instructor's Certificate in Emergency Vehicle Operations.
- (c) Increase in rate of pay for Senior Patrolman Chris Weber for receiving his Certified Instructor's Certificate in Ground Control Techniques.
- (2) MCCJC
 - (a) Reduction in rate of pay for Detention Deputy Justin Tyler Higley for not meeting physical fitness benefit requirements
 - (b) Reduction in rate of pay for Senior Detention Deputy Angus Ross Merrell for not meeting physical fitness benefit requirements
 - (c) Reduction in rate of pay for Detention Deputy Stephanie Lee Olson for not meeting physical fitness benefit requirements
 - (d) Reduction in rate of pay for Senior Detention Deputy David Luke Wells for not meeting physical fitness benefit requirements
 - (e) Reduction in rate of pay for Senior Detention Deputy Jacob Coleman Mitchell for not meeting physical fitness benefit requirements
 - (f) Increase in rate of pay for Detention Deputy Eric Ryan Shippen for meeting physical fitness benefit requirements
- (3) PROSECUTOR'S OFFICE
 - (a) Voluntary Resignation of part time legal assistant Linnell Watson effective October 31, 2014.
 - (b) Abenroth explained to the Board that he will hire another part time legal assistant.

9:21 AM

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

- ii) Larsen commented that the Auditor's office will periodically provide an Administrative Benefits Report that lists all County employees with 35 hours or more in their Comp Bank. That report will highlight employees whose Comp Bank is over 50 hours as well as those who over 100 hours. Excessive accumulations of Comp time can present a budgeting dilemma if not managed appropriately according to Larsen.
- iii) Larsen also indicated that after checking with other County clerks, it might be beneficial for the Board to entertain building physical fitness requirements into employee's base salary and incorporating it in their job description as a requirement of employment. He also said other counties detail consequences of failure to meet that requirement.
- iv) Chairman Crane completed an annual evaluation of Extension Office Agent Joel Packham.

d) 9:26 AM APPROVAL OF MINUTES

9:27AM

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE MINUTES OF THE BOARD FROM OCTOBER 6, 2014. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

e) 9:07 AM JUNIOR COLLEGE RESIDENCY APPLICATIONS

- i) The Board reviewed nine Junior College Residency Applications; five CSI high school dual credit, three CSI non-high school dual credit, and one CWI high school dual credit residency applications.

9:07 AM

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE NINE JUNIOR COLLEGE RESIDENCY APPLICATIONS AS PRESENTED. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- ii) Larsen reported on a meeting for non-resident junior college county funding that he is a part of. There is confusion regarding the Fast Forward program for funding of high school junior college dual credits. A meeting will be held a week from today in Boise regarding that funding and revision of the Residency Application Form/Affidavit.

f) 11:22 AM COUNTY PAYABLES

FY2014 Payables

CURRENT EXPENSES	104	\$7,465.57
DISTRICT COURT FUND	106	\$205.86
COUNTY ROAD & BRIDGE FUND	107	\$215.19
WEED & PEST FUND	108	\$1,710.36
REVALUATION FUND	114	\$516.60
911 COMMUNICATIONS FUND	115	\$3,346.82
JUSTICE FUND	130	\$44,241.20
CASSIA DRUG TASK FORCE	136	\$50.00
ADULT MISDEMEANOR PROBATION	149	\$1,294.34
	TOTAL	\$59,045.94

FY2015 Payables

CURRENT EXPENSES	104	\$34,673.47
DISTRICT COURT FUND	106	\$1,316.57
COUNTY ROAD & BRIDGE FUND	107	\$5,415.45
WEED & PEST FUND	108	\$916.30
AMBULANCE SERVICE	110	\$17,233.50
COMMUNITY COLLEGE FUND	113	\$300.00
REVALUATION FUND	114	\$363.42
911 COMMUNICATIONS FUND	115	\$3,562.50
COUNTY BOAT LICENSE FUND	117	\$1,385.00
COUNTY SNOWMOBILE FUND	118	\$17.36
ASSESSOR TRUST FUND	123	\$76.75
JUSTICE FUND	130	\$24,138.29
AUDITOR'S TRUST FUND	140	\$40,395.33
PHYSICAL FACILITIES FUND	144	\$13.32
ADULT MISDEMEANOR PROBATION	149	\$1,787.03
	TOTAL	\$131,594.29

FY2015 Pre-approved Emergency Payable to be Ratified

JUSTICE FUND	130	\$210.00
	TOTAL	\$210.00

11:22 AM

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE COUNTY PAYABLES FOR FY2014 AND FY2015 DATED OCTOBER 16, 2014, AND OCTOBER 20, 2014. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

g) 9:12 AM COUNTY ROAD AND BRIDGE

- i) Chairman Crane indicated that he had discussed equipment for Road and Bridge that they were hoping could be obtained from the Idaho Department of Transportation (IDOT). He was informed that the equipment in question was owned by District 5, therefore it could not be donated to the County.
- ii) Chairman Crane will contact IDOT District 4 Supervisor Devin Rigby to see if the equipment can be transferred to the County.
- iii) It was reported that Sam Adams is involved in a number of projects. They are working on obtaining appropriate permits for culvert extensions and for the change of the stream flow that was reviewed by the Board last meeting in Almo.

h) 9:13 AM BUILDING AND GROUNDS MATTERS

- i) McMurray reported on work the Maintenance Department is doing in anticipation of weather changes.
- ii) Handicapped signs have been put up at the CCJC. Some have been hit and have been damaged already.
- iii) No smoking signs have been installed. He desired the Board's opinion on placement of those signs at the CCJC.

3) 9:10 AM INDUSTRIAL APPRAISAL CONTRACT REVIEW

- a) An agreement for appraisal services between Scott Erwin from Erwin Insurance and Appraisal Services and the Cassia County Assessor and the Board was presented by Assessor Davis for approval.
- b) Abenroth reviewed the contract and saw no problems with the content of the agreement.
- c) Davis indicated there is nobody in his office that is a qualified as an industrial appraiser.
- d) Davis stated the only change was a slight rate increase and all costs are covered in the budget.

9:11 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE AND SIGN AN INDUSTRIAL APPRAISAL SERVICE AGREEMENT WITH SCOTT ERWIN AS PRESENTED. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

4) 9:30 AM MARRIAGE RECORDING MATTERS

- a) Larsen reported that the Supreme Court stay on same-sex marriage was lifted. At 10:00 a.m. this past Wednesday, the Recorder's office under order of the Idaho State Attorney General made available application issuance of license for same-sex marriages.
- b) The Recorder's office has participated in a number of training conference calls and webinars in preparation for that change.
- c) To date one applicant for same-sex marriage has been processed.
- d) It was determined after discussion with the Attorney General's office that it would be appropriate to make three minor modifications on the Application for Marriage License form to be generically correct for gender while we await the Idaho Department of Health and Vital Records Board to meet and officially change the Marriage Certificate.

***CASSIA COUNTY COMMISSION
REGULAR SESSION***

Monday, October 20, 2014

5 | Page

- 5) 9:40 AM RADARS, COMPENSATORY TIME, AND UNANTICIPATED REVENUE – CCSO
- a) Sheriff Heward explained to the Board the need for the purchase of radar equipment that would have been purchased in FY2014 with remaining funds had he known there would be funds available that were not committed for carryover to FY2015.
 - b) Heward reported there were three vehicles without radar and four others that do not work.
 - c) His request was for approval to purchase nine radars at a cost totaling \$9,855. The Board recommended approval of seven referred to earlier to be purchased at a total cost of \$7,665.
 - d) Larsen asked the Board also to approve in the motion opening the FY2015 budget to allow the approved purchase to come from uncommitted FY2014 carryover funds.

10:12 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE THE PURCHASE OF SEVEN PYTHON III K-BAND DUAL ANTENNA RADAR PACKAGES FROM MPH INDUSTRIES AT A COST OF \$1,095 EACH TOTALING \$7,665 AND TO APPROVE OPENING THE FY2015 BUDGET AT AN APPROPRIATE TIME TO ALLOW CARRYOVER FUNDS FOR THAT PURCHASE. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- e) Deputy Auditor Heather Evans informed the Board when salaries and wages were budgeted for FY2015, consideration in the “A” budget was not given to clothing allowances for the sheriff, undersheriff, and investigators. She requested the Board’s direction on the matter.
- f) The Board determined to allow that to be taken out of FY2015’s overtime budget allocation.

9:49 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE A CLOTHING ALLOWANCE IN THE GROSS AMOUNT OF \$600 EACH FOR THE SHERIFF, UNDERSHERIFF, AND INVESTIGATORS AS PRESENTED. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- g) Heward said their overtime budget was cut by \$17,250 for FY2015. He expressed concern that overtime costs for coverage of events such as rodeos and parades in Oakley, Declo, Albion, and Malta are paid from their overtime line in the “A” budget. He said the Cassia County Fair and Rodeo alone costs them over \$6,000 in overtime for coverage. He indicated they will be short of funding for their overtime.
- h) Extra law enforcement vehicles and confiscated vehicles were sold at auction. They received a check for that sale that they would like to add to their FY2015 budget under overtime in the amount of \$13,068. That would cover all but \$4,500 of their overtime budget cuts for FY2015.
- i) The Board inquired about the vehicles and the auction. Heward explained to the Board the vehicles that were sold and the payment received from US Auction in September.
- j) Commissioner Kunau commented on how tight the budget is this year and felt that they should wait and see what happens during the course of the year.
- k) The Board also expressed a desire to hear the Law Enforcement Advisory Committee report on the Law Enforcement Agreement with the City of Burley once completed.
- l) Commissioner Christensen asked Larsen about the status of PILT this year. He said the National Association of Counties are keeping in close contact with federal legislators to encourage funding. He said funding may still be uncertain until as late as March or April of 2015.
- m) The Board determined to delay a decision until there is more certainty regarding PILT funding.
- n) Heward reported on his department’s seeking of direction from McMurray regarding Comp Bank recommendations to keep that accumulation under control. Guidance included procedures as detailed in the Personnel Policy Manual.

- o) Undersheriff George Warrell asked about potential changes to limit Comp Bank time to 40 hours to help keep that under control and to avoid budget problems created by payouts to patrolmen of that time when requested or upon termination of employment. McMurray also indicated that this was discussed at a recent Employee Benefits Committee meeting. The Board will take that recommendation under advisement.
 - p) Commissioner Kunau discussed an email the Commissioners received from a member of the public who had concerns with the number of security personnel at the CCJC entryway. Heward indicated that there are currently additional personnel there as two employees are in training.
- 6) 10:26 AM REVIEW FROM PLANNING AND ZONING, DELIBERATE ON PUBLIC HEARING DATE AND TIME FOR PROPOSED ZONING ORDINANCE AMENDMENT
- i) The Planning and Zoning Board recommended that the Board of Commissioners conduct a public hearing for a Zoning Amendment allowing waste roll off stations to be constructed in the Industrial Commercial Zone with a Conditional Use Permit.
 - ii) The Board was provided with a copy of the letter from Planning and Zoning along with exhibits presented at their hearing this past week.
 - iii) Concern was expressed about holding the public hearing during business and working hours. Chairman Crane asked the Board to determine if it would be best to hold that meeting during the daytime or in the evening. It was determined that it would be better to hold it in the evening and they decided to schedule it for 7:00 p.m. Wednesday, November 19th. McMurray will take care of appropriate notices for that hearing.

10:31 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO NOTICE FOR AND HOLD A PUBLIC HEARING FOR A ZONING AMENDMENT AS AFOREMENTIONED ON WEDNESDAY, NOVEMBER 19, 2014. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- 7) 10:41 AM REVIEW CONFLICT PUBLIC DEFENDER REPORT FOR SEPTEMBER 2014
- a) The Board reviewed the conflict public defender report of Clayne S. Zollinger, Jr. for September.
 - b) The report included a yearly breakdown by month of cases handled by Zollinger as well as a detailed monthly report for September.
- 8) 10:42 AM CONSIDER AND ADOPT AMENDMENT RESOLUTION NO. 2014-020A
- a) McMurray indicated that two adopted resolutions were inadvertently given the same resolution number.
 - b) This proposed amended resolution changes the presented resolution to be numbered 2014-020A instead of 2014-020 to eliminate the duplicated number.

10:43 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE AND SIGN THE AMENDED RESOLUTION NO. 2014-020A CHANGING IT FROM RESOLUTION NO. 2014-020. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- 9) 10:44 AM REVIEW BURLEY HIGHWAY DISTRICT HOWELL CANYON REPORT
- a) The Board reviewed the annual report of the Burley Highway District for FY2014.
 - b) That report included snow removal expenses, maintenance expenses, the Howell Canyon check register with US Bank, and Howell Canyon check register with the State Treasurer.
- 10) 10:30 AM RISK MANAGEMENT DISCOUNT PROGRAM DRIVER SAFETY MEETING
- 11) 10:48 AM INDIGENT MATTERS

10:48 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 cases for review and approval of the Board:

- a) Case Presentation:
- b) Certificate of Denial: 2014084, 2014079, 2014090, 20140941
- c) Certificate of Approval: 2014041, 2014077, 2014093
- d) Notice of Lien and Application for Medically Indigent Benefits: 2014092
- e) Release of Medically Indigent Lien: 2014043, 2014072
- f) Order of Reimbursement: :2014041, 2014077
- g) Determination of Decision Held in Suspension: : 2014082

11:10 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 11:15 AM.

11:51 AM EXECUTIVE SESSION

MOTION: COMMISSIONER 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 11:59 AM.

12) 12:00 PM DEPARTMENT HEAD TRAINING

- a) The Administration Department presented training for department heads on Family Medical Leave Act and Fair Labor Standards Act as presented from the Idaho Counties Risk Management Program (ICRMP).

13) 1:15 PM PUBLIC DEFENDER CONFLICT MATTERS

- a) Abenroth reported that recent changes in statutes preclude public defender contracts for a fixed amount. The County's current contract with attorney Clayne Zollinger is no longer an acceptable contract and needs to be revisited.
- b) Zollinger explained that his practice is centered with first level conflict public defender duties and he is desirous to carry forward with an hourly rate if the Board approves.
- c) He explained a rate of \$55 per hour for services is what was originally paid and is now outdated. He works approximately 80 to 90 hours each month for Cassia County. His desire is to charge the County \$65 to \$70 per hour. He also knows of budget constraints in the County and will work on a proposed contract.
- d) Larsen said Minidoka and Cassia County's Joint Public Defender agreement is a model for the State that is talked about all the time. It may be financially beneficial for both counties to consider a joint powers agreement for conflict public defense with Zollinger.

14) 1:35 PM ADJOURNMENT

APPROVED:

/s/ _____

Dennis Crane, Chairman of the Board

ATTEST:

/s/ _____

Joseph W. Larsen, Clerk of the Board