



Cassia County Board of Commissioners

*Cassia County Courthouse
Commission Chambers
1459 Overland Ave. – Room 206
Burley, ID 83318
www.CassiaCounty.org*

Board Members:

*Chairman Dennis Crane (District #3) ~ dcrane@cassiacounty.org
Paul Christensen (District #1) ~ pchristensen@cassiacounty.org
Bob Kunau (District #2) ~ bob.kunau@cassiacounty.org*

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Monday, March 16, 2015

9:00 AM

The Board of Cassia County Commissioners met this day in regular session in the Commission Chambers of the Cassia County Courthouse.

THOSE PRESENT:

County Commissioners:

Dennis Crane, Chairman

Paul Christensen

Bob Kunau

Prosecuting Attorney:

Administrator:

Clerk of the Board:

Doug Abenroth

Kerry D. McMurray

Joseph W. Larsen

Others:

Rod Barton, Cassia Hospital
Russell Rasmussen, Mini-Cassia Jail
Todd Quast, County Mapper, 911
Stephanie Curtis, Cassia Hospital

Shirley Hubbard, WCQRU
Heather Evans, Auditor's office
Ruthe Hobbs, Citizen

Susan Keck, Elections Supervisor
Dan Gammon, Fair Board
Paul Marchant, Fair Board
Todd Powers, Fair Board

1) 9:01 AM AMENDMENT TO AGENDA

- a) The Fair Board was scheduled to report to the Board today at 11:00 a.m. but it was inadvertently omitted from the agenda.

9:01 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO ADD TO THE AGENDA A REPORT FROM THE FAIR BOARD. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

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, AUDITOR MATTERS, CONTRACT MATTERS

a) 9:05 AM CALENDAR

- i) Planning and Zoning meeting at 3:00 p.m. Thursday, March 19th in the Commission Chambers
- ii) The Joint Public Defender meeting and the Joint Justice meeting that had been scheduled for March 24th have both been delayed until March 31st due to spring break.
- iii) Burley High School FFA banquet at 6:00 p.m. Tuesday, March 17th in the small gym at the high school
- iv) South Central Public Health Department Board meeting on 1:30 p.m. Wednesday, March 18th in Twin Falls for Commissioner Kunau
- v) South Central Community Action Partnership meeting at 11:30 a.m. Thursday March 19th for Commissioner Kunau

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- vi) Abenroth will be out of town on Monday, March 23rd and will not be present for Board Meeting. Chairman Crane asked Abenroth to check the next agenda to determine if counsel would be needed.
- b) 9:05 AM CORRESPONDENCE
 - i) Letter from the Region IV Development requesting the Board to write a letter supporting this region as a manufacturing community for food processing. A letter will be drafted by Abenroth.
 - ii) John Birch Society handout from Ruthe Hobbs announcing a free presentation from Arthur R. Thompson to be held at 7:00 p.m. Thursday, March 19th at the King Fine Arts Center
 - iii) Letter from South Central Community Action Partnership Executive Director Ken J. Robinette thanking the County for their contribution of \$2,000
 - iv) Invitation from Intermountain Health Care to “a Dialogue About Healthcare Reform” from 12:00 p.m. to 1:30 p.m. Wednesday, April 1st at the Capitol Ballroom at the Marriott City Center Hotel in Salt Lake City, Utah. RSVP required.
- c) 10:00 AM PERSONNEL
 - i) CHANGE OF STATUS
 - (1) MINI-CASSIA CRIMINAL JUSTICE CENTER (MCCJC)
 - i) Request for promotion of Detention Deputy Eric Shippen to Senior Detention Deputy with an increase in rate of pay.
 - ii) MCCJC Deputy Administrator Russell Rasmussen indicated Shippen had been moved from the Cassia County Judicial Center to the MCCJC. After about two years, Detention Deputies are promoted to Senior Detention Deputies so they can be in charge of shifts. They need experience and rank to do so. Shippen has also completed 24 hours of class time.
 - iii) Rasmussen indicated it was Sheriff Heward’s decision to have Shippen come back to the jail and they are happy to have him back.
 - iv) Commissioner Kunau asked if anything had been done to set up these types of Change of Status to be considered by the Board on a quarterly basis. Chairman Crane asked Larsen about that. He stated that the Auditor’s office established dates that they thought would be most convenient to departments. Those dates were presented to each department some time ago with no feedback so no decision was made. That needs to be done prior to a pay period and after notification of successful completion of some qualifying training for the employee. Chairman Crane asked for those proposed dates to be provided and approve them at the next Board meeting.
 - v) Rasmussen asked about delays between dates of Change of Status requests in making those changes. Commissioner Christensen stated the reasoning was to group them together rather than just filtering them in each week. Chairman Crane said to just provide back pay.
 - vi) Larsen said that is problematic in that after each pay period, each employee’s pay is closed as it pertains to the County’s federal liability as well as PERSI calculations and pay. Recently, a request was to retro pay an individual from six months in the past on a Change of Status request. It does create an accounting and possibly a legal problem to do that. Authorized and unpaid past employee pay is best done in a current pay period. Amendment of past pay should not be done for the reasons presented. Larsen recommended a formal presentation from the Auditors’ office regarding the process.
 - vii) McMurray recommended addressing that in Department Head training. Larsen agreed that would be appropriate.

10:05 AM

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

(2) EXTENSION OFFICE

i) Temporary part time employment of Christy Gammon as Office Assistant as needed.

10:06 AM

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE SAID CHANGE OF STATUS REQUEST AS PRESENTED BY THE EXTENSION OFFICE. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

ii) Request for extension of personal and vacation accrued time for an Extension office employee due to illnesses and new procedures which have increased the employee’s workload.

10:07 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE SAID REQUEST FOR EXTENSION OF PERSONAL AND VACATION ACCRUED TIME OF AN EXTENSION OFFICE EMPLOYEE AS PRESENTED. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

iii) Review and approval of timecard for Road and Bridge supervisor Sam Adams

d) 10:44 AM APPROVAL OF MINUTES

10:44 AM

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE MINUTES OF THE BOARD FROM MARCH 9, 2015. CHAIRMAN CRANE SECONDED THE MOTION. COMMISSIONER CHRISTENSEN ABSTAINED AS HE WAS NOT PRESENT AT LAST WEEKS BOARD MEETING. THE MOTION PASSED UNANIMOUSLY.

e) 9:08 AM JUNIOR COLLEGE RESIDENCY APPLICATIONS

i) The Board reviewed two CSI Junior College Residency Applications

(1) High school dual credit recommended for approval: One

(2) Recommended for denial: One

9:08 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE THE CLERK’S OFFICE RECOMMENDATIONS FOR CSI JUNIOR COLLEGE RESIDENCY APPLICATIONS AS PRESENTED. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

f) 10:35 AM COUNTY PAYABLES

CURRENT EXPENSES	104	\$24,344.33
SOCIAL SERVICES FUND	105	\$800.00
DISTRICT COURT FUND	106	\$457.98
COUNTY ROADS & BRIDGES FUND	107	\$913.46
WEED & PEST FUND	108	\$8,152.00
HISTORICAL SOCIETY FUND	112	\$14,000.00
911 COMMUNICATIONS FUND	115	\$1,847.51
COUNTY ELECTION FUND	116	\$378.03
COUNTY SNOWMOBILE FUND	118	\$695.71
JUSTICE FUND	130	\$23,145.45
D.A.R.E TRUST	137	\$381.80
CASSIA COUNTY BENEFITS TRUST	148	\$3,863.84

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ADULT MISDEMEANOR PROBATION

149

\$5,735.66

TOTAL

\$84,715.77

11:30 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO APPROVE COUNTY PAYABLES DATED MARCH 13, 2015. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- g) 9:08 AM COUNTY ROAD AND BRIDGE
 - i) The Board will go over things today with Sam Adams when they meet with him at 1:00 p.m.
 - ii) Commissioner Christensen was brought up to speed on the voluntary resignation of a Road and Bridge department employee.
- h) 10:31 AM BUILDING AND GROUNDS MATTERS
 - i) Commissioner Christensen asked about a door jam in the doorway going out of the courthouse towards the law enforcement building where painting was never completed during remodeling. Chairman Crane said Commissioner Kunau noticed that and pointed that out to McMurray. He stated that he was pushing his staff with overtime during remodeling and was burning them out. Chairman Crane also pointed out areas around the light fixtures in the Commission Chambers that painting needed to be completed as well.
 - ii) McMurray will get the paint crew going again to complete the unfinished painting.
- i) 11:08 AM AUDITOR MATTERS
 - i) Larsen stated that Deputy Auditor Heather Evans has prepared a handout to be given to the Board before their Road and Bridge trip today that she will go over later in the meeting.
 - ii) He also asked if the Board had any further requests for additional financial information or explanation pertaining to the City-County Law Enforcement agreement.
 - iii) Commissioner Kunau said we need to see if we can move to the next level and put a request through to the City of Burley as to what they want in law enforcement. He stated we can provide numbers for the next few months and we are not going to get anywhere.
 - iv) McMurray had correspondence with the Committee and the City of Burley about our next steps. Chairman Crane asked to delay this discussion until later when contract matters are discussed.
 - v) Larsen stated he just wanted to know if there was anything his office needed to do to cooperate with the Board, the Committee and the City of Burley from his office.
 - vi) Department Head training in April will be the Auditor's office training for budget. The Board desired that explanations of the funding process be included to help clarify that to department heads.
 - vii) Deputy Auditor Heather Evans was asked to provide a brief historical audit and information regarding Road and Bridge. Funding has changed with the loss recently of the magnesium chloride grant and more recently with Secure Rural School (SRS) funding reductions.
 - (1) Historical budgeted versus actual revenues and expenses are detailed on the first page of the report. In 2014, 2012, and 2011, the budget was amended as more was spent than what was budgeted for.
 - (2) In 2010 and 2011, the red colored differences between revenues and expenses were due to revenue shortfalls from what was budgeted but the last column depicts PILT transfers that had to be brought into Road and Bridge due to declining revenues.
 - (3) In 2012, 2013, and 2014, more revenues were brought in than was budgeted even though the budgeted amounts continue to decline. It only looks positive and within the budget because of the ever increasing reliance on PILT to fund Road and Bridge as revenues have diminished.
 - (4) Chairman Crane asked if the PILT amounts that have been relied on were eliminated; would that give the Board a number to work towards without robbing PILT? Evans concurred that it would.

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- (5) Page two shows a bar graph of the historical revenue breakdown. Commissioner Christensen asked about what PILT funding was budgeted for FY2015. Evans stated that \$159,170.00 in PILT was budgeted to meet expense expectation for FY2015 for Road and Bridge. Commissioner Christensen said that is a little less than half the total budget that is funded by PILT.
 - (6) Magnesium Chloride grant funding has run out following FY2012 and is no longer available.
 - (7) The last page is a five year tracking of SRS funds received. Road and Bridge has received roughly anywhere from \$16,000 to \$24,000 in SRS funding from FY2010 to FY2014. Last year Road and Bridge had \$16,241.27 distributed to them as revenue. SRS funding received is distributed to highway districts, school districts, and to County Road and Bridge. With sequestration, those amounts have been reduced by 75%. County Road and Bridge is projected to only receive \$2,943.39, which is a loss of \$13,297.88 in budgeted revenue for FY2015 alone.
 - (8) This has translated into a huge concern in the Auditor's office where Road and Bridge is increasingly relying more and more on PILT. Hence, the Auditor's office desires to know how the Board suggests we go forward with those losses. Road and Bridge has reached maximum property tax levy caps which has shifted the funding burden to PILT. Continued reliance on PILT as the only available funding source after taxes has increased from \$100,000 in FY2014 to \$159,170.00 for FY2015. That does not include the SRS sequestration decrease in funding of \$13,297.88. Continued reliance solely on PILT for shortfalls is troubling and unsustainable. Another funding source is imperative without an appropriate decrease in expenditures. Larsen recommended Board action to balance expenditures with available revenues.
- j) 10:32 AM CONTRACT MATTERS
- i) Chairman Crane indicated that it appeared the City of Burley and the Law Enforcement Committee didn't trust the Auditor's office financial presentations. The Board agreed with Larsen's recommendation that our outside auditor, Jeff Poulsen present any further County financials to the Committee. McMurray had the assignment to follow up with that recommendation with Bill Parsons and Randy Hawkins.
 - ii) McMurray said that after reviewing the report in preparation to having a discussion with Jeff Poulsen about numbers, while there were some issues about past numbers, going forward there needed to be accounting that differentiates City and County expenditures. Sheriff Heward talked a week or two ago about breaking out City-attributed law enforcement costs from those of the County. McMurray felt that seems to be the concerns of the committee. So, instead of having Poulsen going back and getting past numbers, it has more to do with law enforcement breaking out those costs as we go forward with future expenditures.
 - iii) McMurray is working towards setting up a meeting next Monday at 1:30 p.m. for representatives of the City of Burley, Cassia County Commissioners, and the Law Enforcement Committee.
 - iv) Chairman Crane asked Larsen if there was something else we need to do to be prepared for that meeting. Larsen stated he didn't know what else his office could provide for the meeting without knowing what that request would be. There is nothing in the bookkeeping or accounting process that needs to be changed or done in the Auditor's office opinion from what historically has been done that will engender gaining any level of trust. Larsen still felt those numbers need to come from a third party as had been talked about last Board meeting. The Auditor's office will do whatever the Board would desire in the matter. He further reiterated there has been no alterations, changes, or additions to what has previously been provided.
 - v) Commissioner Christensen said that years ago there had been some inaccuracies in numbers. He felt that this go around he has faith in good numbers that have been provided. Larsen said he just

desires to do what is in the best interest of the County and on behalf of the Board. The Auditor's office is at the Board's disposal to provide whatever they desire to whomever they desire it to be provided.

- vi) Commissioner Christensen said according to Josh Bartlome at the South Central Solid Waste District that there has apparently been some discussion of moving forward with the transfer station between City of Burley Administrator Mark Mitton and Steve Tuft. McMurray indicated he hasn't heard anything regarding that.
 - vii) Commissioner Kunau said we will play the law enforcement situation right up to the cutoff date in July if we don't be proactive and take the next step. He would like to just ask the City of Burley to tell us what they want in law enforcement and disregard cost. Commissioner Kunau would like to know if they are happy with 14 law enforcement officers and three investigators. Is that adequate or do they desire more? Then, we can work on the costs. All we are doing right now is batting numbers back and forth. He is concerned that we can meet next week and not accomplish anything that wasn't talked about in the past meeting. In the next meeting, he feels that is all that we need to request. They need to come in and tell us what kind of a force they would like to have. Then we can apply our numbers to that and if it can work, we can do it and if not, something different would need to be done. It doesn't make sense to just continue giving more numbers.
 - viii) Commissioner Christensen indicated that we should have a good discussion not assuming that any decisions have been made now that the City of Burley has had time to deliberate and see if they are even close to presenting a proposal.
 - ix) Larsen stated the Auditor's office had received a First Amendment to the contract with ELAP from MBA to allow HIPAA-authorized individuals to deal with ELAP. Larsen further advised McMurray that the ELAP contract copy that this would be an addendum to was not included in the shared contract folder. The copy of the First Amendment was provided to Abenroth to review.
 - x) Chairman Crane stated that he had heard twice that the reason the County's financial situation is as it is has to do with the building of the new CCJC. He stated that he does not believe that but doesn't know how to argue against that. Commissioner Kunau said that it was funded by previous savings and has no effect on the current budget whatsoever. Larsen said that in addition to that it can be explained that many erroneously believe that carryover dollars is extra money the County somehow rat holes into a corner to be spent on that type of project. Carryover dollars are fund-specific and remains in that fund. The County has done some very prudent things in accumulating money along the way for future projects in that building fund. That accumulation along with geothermal lease funds is what paid for the CCJC project. There was a small amount of property tax levy and foregone balances just the fiscal year of the construction that funded the project. Carryover money in the Justice Fund collectively remains in that fund which alleviates the ever-increasing amounts relied on from PILT as well as levied amounts for the ensuing fiscal year. Again, carryover dollars are not rat holed anywhere, they decrease dependence on PILT balances that are ever-shrinking as well as keeping us below levy limits we inch ever closer to each year. Those comments are erroneous and irrelevant in that carryover dollars remain in the fund they originate from and are not transferred to other funds such as the County Building Fund which is a part of the Current Expense Fund. Chairman Crane felt that is a point that could be cleared up in the meeting this next week since there is that attitude out there.
- 3) 9:09 AM CASSIA REGIONAL MEDICAL CENTER (CRMC) OVERVIEW BY ROD BARTON, ADMINISTRATOR
- a) CRMC Administrator Rod Barton Provided the Board a status report for the hospital.
 - b) Barton introduced Stephanie Curtis, the hospital's Public Relations Director.

- c) Barton went through a PowerPoint presentation which extolled the hospital as a private organization with an important community partnership.
 - d) He went over financials, history, statistics, staffing, and goals.
 - e) Medicare is the single largest payer to the hospital services. They also have contracts with Blue Cross and others that constitute 18% of their revenue for hospital services. The emergency room is funded significantly by Medicaid due the fact that many do not have a primary care physician or insurance.
 - f) Select Health is an affiliated insurance company with Intermountain Health Care (IHC) that sells their products throughout Idaho and Utah.
 - g) The hospital is a not for profit organization. They do desire a profit to save for reinvestment in the future. They do have a process to determine who cannot afford health care as compared to those who just decide they do not want to pay. Last year they wrote off several million dollars in charity care for those who cannot afford to pay.
 - h) Commissioner Christensen talked about the County's move away from a preferred provider and working with national pricing which has changed our relationship a little. Barton indicated they have a contract with Blue Cross of Idaho. There are smaller companies CRMC does not have contracts with, but those companies have contracts with a network. Barton said there has been some confusion as per claims processing with MBA where some County employees were told they were out of network and would only be paid at the 60% rate rather than the 80% rate. He is aware of a few situations that CRMC's finance director is working on. He stated it does get complicated as there are hundreds of different groups they work with. He stated that hospitals don't like insurance companies and insurance companies don't like hospitals.
 - i) Commissioner Christensen acknowledged the great blessing it is to have IHC in our community.
 - j) Chairman Crane asked about Life Run Ambulance being changed to a paramedic service. The number of runs is increasing and Barton feels they need a paramedic service just because of that and other things they have been seeing lately. On each crew of two, there will be at least one paramedic. That will entail staff training and certification over the next few months. They hope to have that completed before contract negotiations with the County.
 - k) Barton stated that the County ambulance contract needs to be renewed soon. Chairman Crane said they should start work on that right away.
 - l) Chairman Crane expressed concern with the various volunteer Quick Response Units (QRU) in the rural parts of the County. Barton stated that it shouldn't make a tremendous difference with rural QRU unit volunteers. Chairman Crane stated it is important to not step on feelings with the volunteers. Barton said there is no intent to impact them negatively in any way. Their only intent was to increase the level of service CRMC provides.
 - m) Commissioner Christensen said the County hadn't heard anything about an increase in funding participation in the ambulance contract. If that is CRMC's intent, the County needs to know that.
- 4) 9:30 AM TERI LUCERO CSI RESIDENCY APPEAL/DELIBERATION
- a) A hearing was held last week which was recapped by Abenroth. He was asked by the Board to review the exhibits provided by the Clerk's office and the applicant and prepare a memorandum that was e-mailed to the Clerk's office and the Board.
 - b) Abenroth said that according to Idaho Statute 33-2110 (A), any student that is a resident of an out-of-district junior college County, such as Cassia County immediately prior to enrolling in school, is a resident of that County. Ms. Lucero attended high school and was a resident in Cassia County then immediately enrolled at the College of Southern Idaho (CSI) and has been enrolled there ever since.

- c) Commissioner Christensen asked if she is a resident today. Abenroth said technically her parents are residents of Cassia County. Ms. Lucero has moved to Twin Falls and has an apartment lease where she has lived since January 2013 which is over twelve continuous months. Idaho Statute 33-2110 (B) defines a resident student, which includes language defining domicile. Domicile and residence are different according to Abenroth as it is a legal parsing. You can live in one place and have a domicile somewhere else. Ms. Lucero's driver's license, voter registration, and vehicle license is all in Cassia County. Her parents paid at least 50% of her bills. As such, under the statute, she is a resident of Cassia County.
- d) Larsen stated this has been problematic and an interpretation of this has been desired for some time. Statewide there has not been any definitive conclusion as derived here because the language has vagueness in both Idaho Statute 33-2110 (A) and 33-2110 (B) with district in-residence as well as with out-of-district residence. The Idaho Junior College – County Workgroup, which Larsen is a part of, has discussed this and as yet has not been able to come to a definitive conclusion. In-district schools will divert tuition participation to the County with this type of interpretation. The contrary interpretation most counties have espoused historically is that when a student is no longer a minor, residence with a parent is not automatically assumed. The vagueness of the statute has made it difficult for counties and junior colleges to have congruent interpretation on the concept of residency versus non-residency. Larsen acknowledged that interpretation could go either way in his opinion. Junior Colleges declaring anybody they can as out-of-district translates into additional funding for the school by way of out-of-district county liability.
- e) Larsen indicated that students are covered one way or another. If they are in-district, tax levies offset their reduction in tuition. If they are out-of-district, the out of district county, bears an equivalent portion of the student's tuition.
- f) The workgroup Larsen sits on has collectively agreed that complete repeal or revision of the Idaho Statute 33-2210, 33-2210 (A), and 33-2210 (B) is the best solution and inevitable. If Cassia County interprets situations such as Ms. Lucero's as clearly being a Cassia County resident, Larsen just wanted the Board to be aware that liability for out-of-district tuition to the County could increase by as much as \$20,000 to \$30,000 per year. Historically, this category of applicant has been denied as being out-of-district to our County and in-district to the junior college.
- g) Abenroth said it is important to point out this is specific to Ms. Lucero's appeal. It is not an interpretation of future appeals or applications. This is specifically for this situation. Larsen commented that it mirrors a lot of other situations that could be interpreted in the same fashion. He did not disagree with the interpretation, but said it could set precedence for like situations to Ms. Lucero's in the future which we would need to budget additional funds for meeting that obligation financially.
- h) Abenroth stated that it is based on the facts presented in the hearing last week.
- i) Commissioner Kunau agreed with Larsen that this would change the parameters going forward. He said evidence was not provided to show that 50% of the Ms. Lucero's support came from her parents. Abenroth said he specifically asked that question at the end of the hearing and Ms. Lucero's mother said she paid about 50% of costs. Larsen said he reviewed the recording and it is reflected as such in the minutes as Abenroth stated. Commissioner Kunau said it wasn't clear if she was referring to 50% of her living expenses or of her schooling. Larsen reiterated that there has been no conclusion if that refers to a non-minor as it does to a minor and Ms. Lucero is no longer a minor. That has been challenged by counties in the past.
- j) Abenroth wanted to make it clear on the record that there is no language regarding a minor versus non-minor. If any county is making a decision as to whether someone is a minor or not, he doesn't know

where they get the statutory authority. He stated there is nothing in the statute that if a person is a minor they are treated in one fashion and if not, the student is to be treated differently.

- k) Larsen said there is one area that does address a minor that he brought up in the hearing last week from Idaho Statute 33-2110 (1). Abenroth stated that it doesn't apply in this situation. Larsen said he felt it could in that Ms. Lucero is not a minor.
- l) Abenroth stated that there might be some precedential value from this decision today but at the same time it is a fact-specific appeal to this case only. If the facts are different on a future appeal that would change potentially the analysis provided.
- m) Commissioner Kunau stated that we need parameters to avoid having to go to the appeal process so the Clerk's office knows where the cutoff point is. If it is proven that 50% or more of the support comes from a parent, then that qualifies the student.
- n) Larsen said that a case recommended for denial and accepted by the Board today may be a similar case where the student may have been 12 consecutive months residency out of Cassia County. Abenroth said he does not want to be crossing different issues. If the Clerk's office reasonably interprets the statute and recommends a denial, the student has a right to appeal. If they don't want to appeal, it is on the student. It is up to the student to determine if they desire an appeal. Larsen said he is just concerned that if the parameters for the Clerk's office recommendations as Mr. Kunau stated is different than it has been in the past, there would clearly be additional financial liability to the County that we need to budget for. Further concern was expressed by Larsen that this reversal of the Clerk's office recommendation might spawn junior colleges to recommend appeal to all similar denials. Abenroth reiterated that it is considered on a case by case basis. Ms. Lucero presented the evidence and it was applied to the statute and that is the job for Abenroth, as hearing officer, to do that.
- o) Larsen referred to Idaho Statute 23-2110 (1) where it states, "The residence of a minor shall be deemed to be the residence of his parents or parent or guardian." Some counties have looked at the converse situation that where a student is not a minor, their residence is not automatically deemed to be that of their parents. That could refer to the place where the person has resided for the previous 12 months rather than assumption of it being the residence of their parent. A non-minor is not clearly defined in the statute, hence the dissention in the interpretation historically. We are just merely drawing a line in the sand that nobody has been willing to do in the past.
- p) Larsen stated that the Idaho Association of Counties (IAC) has attempted for counties to act in unison as we go forward, but there are conflicting interpretations of the law that could change things going forward. Abenroth stated that is where he disagrees and he felt this is being taken too far as this is a decision on the facts of one case. Facts of another situation may be different. Larsen said a lot of the facts with future cases will be the same.
- q) Commissioner Christensen said we need to look at the statute and Abenroth has given his opinion. The next step might be to address the statute through legislation. He shared the concerns expressed by Larsen and Commissioner Kunau but felt the Board could still deny in future applications as has been done historically and then require the appellant to provide evidence that they are receiving 50% of parental support. It needs to be backed up with evidence. He is hoping that the Clerk's office will continue to screen those as they have done historically but felt the Board should act on the advice of counsel.
- r) Chairman Crane asked Abenroth if Commissioner Christensen could vote as he was not present at the hearing last week. Abenroth said he didn't believe so.
- s) Chairman Crane asked Commissioner Kunau if he would like to make a motion or if he felt there was more that needed to be discussed. Chairman Crane said the motion would be to reinstate the request or

stay with the denial. Commissioner Kunau stated he would like evidence that there is 50% support from Ms. Lucero's parents such as receipts. Chairman Crane disagreed. He said he thinks they had the evidence in the hearing last week because Abenroth asked the question. In Abenroth's opinion, that would be enough. Chairman Crane said it is documented in the minutes of the hearing and asked Larsen if he could read that from the minutes. He stated they were in the possession of the Board for approval and they could read directly from them. Commissioner Kunau said that the minutes don't tell us the parents pay 50% of the student's schooling expenses. It just states that the parents pay about 50% of those costs. Chairman Crane said Larsen indicated they are in the minutes and asked if that was in the minutes or not.

- t) Chairman Crane said he appreciated everything Larsen said and it is a concern. He further stated that we don't need to make it a concern. He suggested that the Clerk's office do as Commissioner Christensen stated and go ahead and keep looking at applications as they are and deny them when they feel they should and those applicants have a right to appeal. Larsen stated his office will proceed as directed by the Board.
- u) Commissioner Kunau read from the minutes that when asked if Ms. Lucero's mother provided more than 50% or less than 50% of the costs of her daughter's schooling, Ms. Lucero's mother responded, "it was probably around 50%." Chairman Crane asked if that testimony was enough. Commissioner Kunau said he would like to have some proof in writing. He felt that changing the parameters may mean each individual case will be appealed. Chairman Crane said he felt we are crying wolf here about what CSI is going to do. All we are doing today is acting on one appeal of Ms. Lucero. Our lawyer has given the Board evidence as it was presented that we should overrule the denial. Whatever CSI does from this point forward is their business and the business of Larsen's office is to take applications and research to make recommendations to the Board to deny or approve residency applications according to what they find. Whatever CSI does, the Board will worry about that later. He further stated that Larsen needs to go to the committee he sits on and bring up the situation so the law can be defined a little tighter. For today's decision, Commissioner Crane felt we have the information and the recommendation from our legal counsel, the Board should go ahead and reverse the denial decision of Ms. Lucero's application. As Commissioner Christensen can't vote, it is up to Commissioner Kunau and Chairman Crane. Commissioner Kunau felt we should obtain the proof as just saying what was said without any clarification is not enough. He felt it was not delaying the process by just requiring that information. It is not proof enough for her mother to just say she pays about 50% of her daughter's expenses. Chairman Crane said he disagreed and that the Board has the proof but that they are at an impasse and cannot vote.
- v) Chairman Crane asked Abenroth to research this further. Abenroth said what may have to be done is to re-open the hearing.
- w) Later in the meeting, Abenroth asked to further comment on the Lucero appeal hearing. After reviewing his memorandum as well as the requested financial information of the parents from Commissioner Kunau, he wanted to reiterate his analysis. Abenroth didn't think information from the parents is relevant to the decision of the Board in that Ms. Lucero was a resident of Cassia County immediately prior to her first enrollment at CSI. According to Abenroth, that is all that really matters in that her domiciliary and residency was in Cassia County at the time of enrollment. The analysis stops at that point. Getting a lease for rent in Twin Falls doesn't change her domiciliary or residence. Had she moved to another location, then to Twin Falls, it would be different.
- x) Abenroth stated that he felt Commissioner Christensen and Larsen were right in that it needs legislative work to clarify the statute. Abenroth said the confusion arises with the interplay of two statutes. He said he felt Idaho Code 33-2210 (A) is clear, in his opinion, that Ms. Lucero is a Cassia County resident. Larsen

stated again that this type of situation isn't isolated. Several students fit that criteria and clarification of the statute as to minor versus non-minor, residency versus non-residency, and residence versus domiciliary needs to be clarified for all parties involved. Statutory clarification or modification was the consensus of those present. For Ms. Lucero, residency in Cassia County appears to be clear.

9:58 AM

MOTION: COMMISSIONER KUNAU MOVED TO GRANT THE APPEAL OF MS. LUCERO FINDING THAT SHE IS A CASSIA COUNTY RESIDENT FOR COUNTY JUNIOR COLLEGE ASSISTANCE PURPOSES AS PER ABENROTH'S INTERPRETATION. CHAIRMAN CRANE SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY. (NOTE AS PER CHAIRMAN CRANE: COMMISSIONER CHRISTENSEN DIDN'T VOTE AS HE WAS NOT PRESENT AT THE HEARING HELD LAST WEEK)

5) 11:01 AM CANVASS BALLOTS FROM MARCH 10, 2015 CONSOLIDATED ELECTIONS

- a) Election's Director Susan Keck said the March 10th consolidation election included two election ballots. One was for the Cassia Joint School District that also included a portion of Oneida and Twin Falls County. It was a general obligation bond that passed in favor with a 75.5% total and 66.7% super majority requirement. The second was for the Power County Joint School District that included a small portion of east Cassia County for a supplemental levy which passed. There were only eight voters from Cassia County and they were split with four in favor and four against the levy.
- b) Cassia County had a great turnout with 37.6% of registered voters. Also, there were 262 election-day registrants following a voter registrant purge. The largest precinct turnout was with the Malta Precinct with a 55.2% turnout which was higher than the General Election. The lowest voter precinct turnout was Burley 1 Precinct with 14.6%. Vote by mail voter turnout was at 64% which was average for that group. Early voters totaled 145 votes which is a good turnout. There were 28 absentee ballots returned and four home-bound ballots were delivered on Election Day and two of them were in Oakley.
- c) There were 1,012 who utilized our new ExpressVote machines in lieu of the traditional ballot and we continue to receive positive comments on the ease of that method of voting.
- d) The Election's office utilized our new ballot-on-demand onsite printing. We can print them for \$0.11 per copy instead of pre-printing with Caxton's at \$0.41 per ballot for additional cost savings. We save money not only with ballot-on-demand printing but also with utilizing the activator cards with ExpressVote instead of the traditional ballot. There were a total of 84 ballot-on-demand ballots issued.
- e) We had final unofficial results by 10:15 p.m. on Election Day. The last precinct reported at 10:04 p.m. and there were not equipment issues at all.
- f) Statistics were provided to the Board.

11:06 AM

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE THE CANVASS OF THE VOTE FOR THE MARCH 10, 2015 CONSOLIDATED ELECTION AS PRESENTED. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

6) 11:23 AM INDIGENT MATTERS

11:23 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: 2015010, 2015011, 2015012
- b) Order of Dismissal: 2013108

- c) Notice of Lien and Application for Medically Indigent Benefits: 2015025
- d) Release of Medically Indigent Lien: 207014, 2013108, 2014121, 2015008
- e) Tax Refund Consideration: 206104
 - i) The Board discussed Case No. 2016104, a request for tax refund consideration. The Board recommended that the Social Services Director offer relief of one half of the tax refund to the individual that is party to this case.

11:28 AM

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE THE MEDICAL INDIGENT ACTIONS AS PRESENTED. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY. THE BOARD RETURNED TO REGULAR SESSION AT 11:28 AM.

- ii) Larsen was excused from the meeting.
- 7) 11: 34 AM FAIR BOARD REPORT (*proceedings provided by Deputy Clerk Susan Keck*)
 - a) Chairman Crane stated the Fair Board was given a challenge to see what they could do to straighten things out with their budget. They have come back today to present their ideas.
 - b) Dan Gammon brought two different printouts with him. He presented and went over the previous year's Profit and Loss statement.
 - i) Fair Exhibit receipts decreased from \$95,500 in FY2013 to \$81,905.77 in FY2014
 - ii) Horse racing revenues dropped by about \$7,000.
 - iii) Expenses associated with the jamboree concert went up by about \$7,000.
 - iv) The totals of those three items are about a \$30,000 loss and the three areas to focus in on.
 - c) The payout of Comp hours to a previous employee impacted the decrease in Fair Exhibit appropriation of about \$20,000.
 - d) The horse racing decrease is outside of the Fair Board control and is a concern.
 - e) A savings account currently has about a \$10,000 balance that is used specifically for the racing program. If there is a continued drop, they are considering dropping the races.
 - f) The cost of the concert went up about \$2,000. Significant to that was the sound system rental that went from \$6,000 to \$11,000.
 - g) The Fair Board is looking at trying to increase income and decrease expenses. Gammon identified two approaches possible:
 - i) Refinance debt – They have no debt so that is not possible.
 - ii) Sell non-essential assets – They have no significant amounts of debt.
 - h) Income:
 - i) They have been much more aggressive in bringing in additional acts. At the end of June, they are waiting for a contract to come back for a country bluegrass festival held at the carnival grounds. They expect rental income and a cut on gate sales as well as with vendors brought in.
 - ii) There is another tractor pull and motocross race on two separate weekends after the Fair that they hope to generate additional revenues. They feel that could generate upwards of \$10,000 to \$12,000. That includes gate sales as well as concession sales.
 - iii) They have also increased vendor rents and have identified additional space for vendors for this year.
 - i) Expenses:
 - i) The CCF&R page handed out included expense items that they have control over which are all part of labor expenses where they feel they could absorb \$20,181.80.
 - ii) Lawn mowing, Rimrock Heating, and temporary labor are all items that should be taken care of with in-house labor totaling \$16,935.58.
 - iii) Employee-related expenses of \$38,628.04 were identified.

- iv) Truck costs, Fair program, and fence labor expenses total \$1,351.00.
- j) Needs List:
 - i) \$50,000.00 needed to replace blacktop.
 - ii) \$7,000.00 needed for the horse barn roof.
 - iii) \$1,500.00 or so for repair of the announcer's stand for staining and roofing.
 - iv) \$15,000.00 to \$20,000.00 for a remaining fence on the north end of the horse track that runs from the horse barn to the starting line.
 - v) \$7,000.00 to \$8,000.00 for the heating and cooling systems in the Fair office.
- k) Labor Expenses:
 - i) Expenses that can be eliminated are costs for lawn mowing, the Rimrock heating bill, and the temporary labor. That should all be eliminated with proper management of their full time employee.
 - ii) Savings should be realized throughout the course of the year.
- l) Options for Consideration:
 - i) Option 1: A six month seasonal labor position for lawn mowing using about half of what was used this past year. That would result in about a \$20,000.00 savings.
 - ii) Option 2: All grounds keeping hired as contract labor. That would include moving lines and mowing lawns. That would result in about a \$14,000.00 savings.
 - iii) Option 3: To increase income, the consideration of a gate fee charged to attendees. That would likely impact the number of people that would come to the Fair. That could roughly be an incremental income of \$120,000.00 to cover costs of capital expenditures.
- m) The concert has been moved to the Saturday before Fair week. The group that will be coming is the musical duo Dan + Shay. They have three songs out on the radio currently.
- n) Commissioner Christensen asked about Options 1 and 2 if that would include eliminating a full time position. Gammon said it would include that and hiring just seasonal help for the grounds.
- o) They have scaled back the office help to a seasonal position of two days per week working with vendor contracts, doing the books, and putting together the Fair book. She has just received her Associates Degree and her desired goal is to work towards becoming a CPA which will take a number of years. They are hopeful she stays there with the Fair.
- p) Commissioner Kunau said it is easy to see a budget shortfall with payout to the former groundskeeper.
- q) Chairman Crane asked McMurray and Abenroth about timing for the possibilities of considering Option 1 or 2 and they both concurred that it would be the Boards decision but a likely timeframe would be at the beginning of a budget year. Commissioner Christensen said he would like to give it another year. Commissioner Kunau said it would be good to see how the summer progresses.
- r) Chairman Crane suggested that the proposals be taken under advisement. The Fair Board is confident they could do any options. Commissioner Kunau and the Fair Board preferred to not go to a gate fee but do that only as a last resort.
- 8) 12:01 PM COUNTY ROAD AND BRIDGE TOUR (*proceedings provided by Administrator McMurray*)
 - a) The Board departed for Almo for a Road and Bridge tour.
 - b) A meeting took place with Road and Bridge Supervisor Sam Adams. They generally discussed the County Road and Bridge department budget and the effect of significant reductions in SRS funding for this year.
 - c) With the resignation of Road and Bridge employee Lorin Durfee, different options for replacement employment were discussed.
 - d) The group then traveled to Elba to meet with Devin Elison from Civil Science Engineering. They reviewed culvert replacements and the process to go through to do that. No decisions were made.
- 9) ADJOURNMENT

APPROVED:

/s/ _____

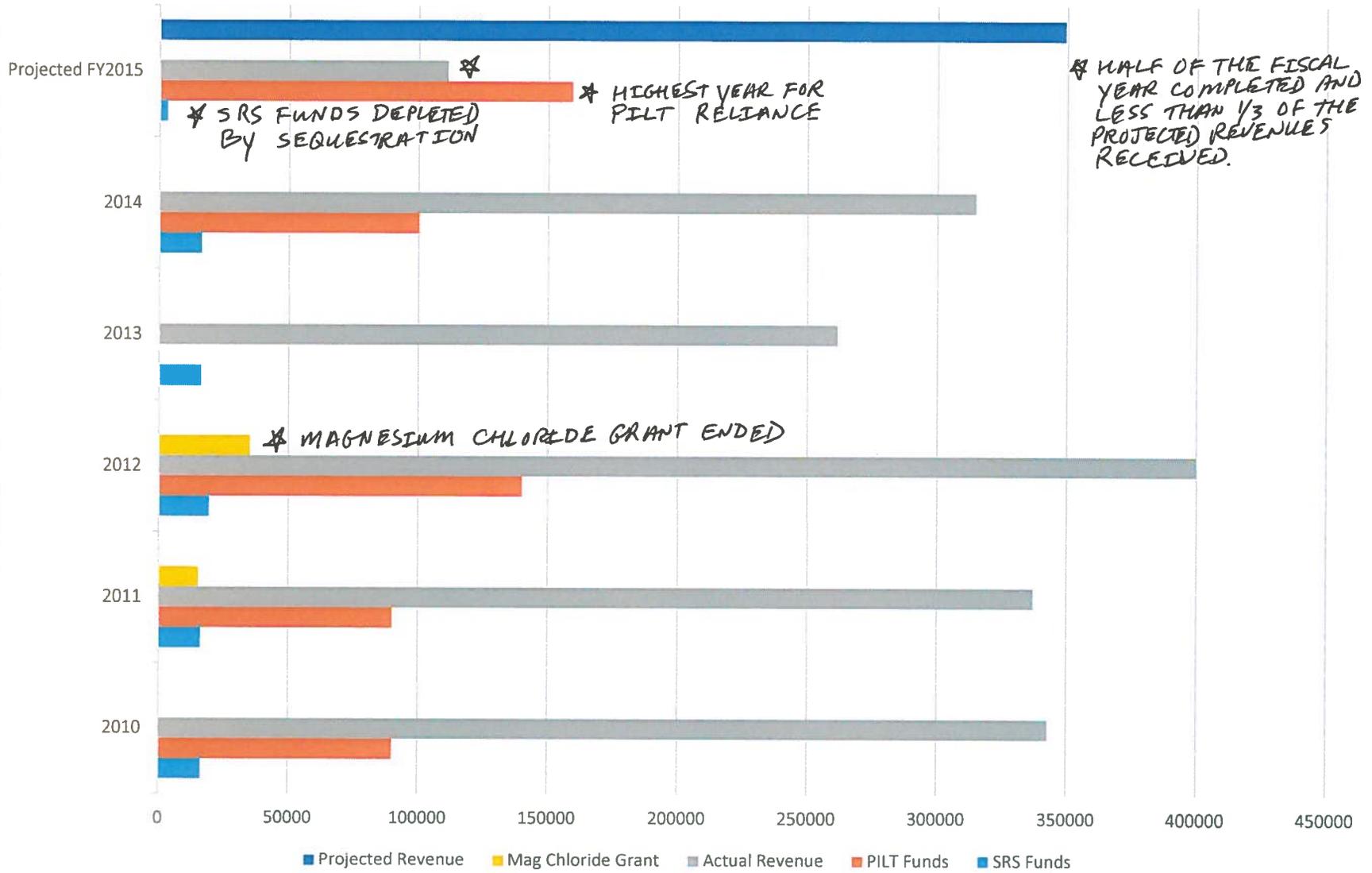
Dennis Crane, Chairman of the Board

ATTEST:

/s/ _____

Joseph W. Larsen, Clerk of the Board

Historical Road & Bridge Revenue Breakdown



FIVE YEAR TRACKING SRS FUNDS RECEIVED BY CASSIA COUNTY

	Total SRS Funds Received by County:	Funds Distributed to County Road/Bridge:	Funds Distributed to Highway Districts:	Funds Distributed to School Districts:
Anticipated FY2015	\$56,161.00	\$2,943.39	\$36,369.31	\$16,848.30
4/24/2014	\$309,890.60	\$16,241.27	\$200,682.15	\$92,967.18
3/13/2013	\$306,508.86	\$16,064.05	\$198,492.17	\$91,952.64
3/9/2012	\$368,492.27	\$19,312.56	\$238,632.03	\$110,547.68
2/15/2011	\$340,197.08	\$17,829.63	\$220,308.33	\$102,059.12
2/22/2010	\$456,754.34	\$23,938.36	\$295,789.69	\$137,026.29

FY2015 SRS Funds have been significantly reduced due to sequestration.

ROAD & BRIDGE HISTORICAL EXPENSES AND REVENUE

	<u>Budgeted Expenses:</u>	<u>Actual Expenses:</u>	<u>Difference:</u>	<u>Budgeted Revenues:</u>	<u>Actual Revenues:</u>	<u>Difference:</u>	<u>PILT Revenues Used:</u>
2015 YTD	\$373,013.00	\$159,223.35	\$213,789.65	\$349,218.00	\$111,050.25	\$238,167.75	* \$159,170.00 (Budgeted to Transfer)
2014	\$356,093.94	\$356,093.94	\$0.00	\$215,964.00	\$314,760.43	-\$98,796.43	\$100,000.00
2013	\$358,850.00	\$298,164.27	\$60,685.73	\$245,988.00	\$261,471.13	-\$15,483.13	\$0.00
2012*	\$498,500.00	\$462,272.65	\$36,227.35	\$384,054.00	\$399,838.27	-\$15,784.27	\$140,000.00
2011*	\$340,450.00	\$335,760.29	\$4,689.71	\$392,328.00	\$337,082.79	\$55,245.21	\$90,000.00
2010	\$355,652.00	\$293,808.00	\$61,844.00	\$374,364.00	\$342,785.69	\$31,578.31	\$90,000.00

*These budgets were amended.

* INCREASED RELIANCE
ON PILT FOR REVENUE