



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 23, 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. Prosecuting Attorney Doug Abenroth was excused today as he was out of town. Deputy Prosecuting Attorney, McCord Larsen was in attendance in his absence.

THOSE PRESENT:

County Commissioners:

Dennis Crane, Chairman
Deputy Prosecuting Attorney:
McCord Larsen

Paul Christensen
Administrator:
Kerry D. McMurray

Bob Kunau
Clerk of the Board:
Joseph W. Larsen

Others:

(As Attached)

(Sheriff Jay Heward and Undersheriff George Warrell – remotely by speakerphone)

- 1) 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) Southern Idaho Solid Waste District conference on Tuesday, March 24th at the landfill for Commissioner Christensen
 - ii) Cassia Regional Medical Center Benefits Committee luncheon on Tuesday, March 24th for Commissioner Christensen
 - b) 9:05 AM CORRESPONDENCE
 - i) Correspondence from the Idaho Transportation Coalition in support of the Idaho Transportation Funding Package
 - ii) National Association of Counties 80th Annual Conference and Exposition scheduled for July 10th through 13th in Charlotte, North Carolina
 - c) 9:04 AM PERSONNEL
 - i) CHANGE OF STATUS
 - (1) SHERIFF'S OFFICE
 - (a) Voluntary resignation of Deputy Patrolman Kimberly Hammond

CASSIA COUNTY COMMISSION
REGULAR SESSION
Monday, March 23, 2015

9:13 AM

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

(2) MINI-CASSIA CRIMINAL JUSTICE CENTER

- (a) Increase in rate of pay for Senior Detention Deputy Angus Ross Merrell for meeting physical fitness requirements
- (b) Increase in rate of pay for Senior Detention Deputy David Luke Wells for meeting physical fitness requirements

10:46 AM

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

- (c) Increase in rate of pay for Kenny Emery for Taser Training Academy Instructor’s Certification. The Board determined to defer a decision for further discussion and explanation. Commissioner Christensen said there are other trainers such as waterways that an increase in rate of pay is not applicable.

d) 9:26 AM APPROVAL OF MINUTES

9:26 AM

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE MINUTES OF THE BOARD FROM MARCH 16, 2015. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

e) 9:03 AM JUNIOR COLLEGE RESIDENCY APPLICATIONS

- i) The Board reviewed two high school dual credit CSI Junior College Residency Applications

9:03 AM

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

f) 12:22 PM COUNTY PAYABLES

CURRENT EXPENSES	104	\$3,716.84
SOCIAL SERVICES FUND	105	\$11,850.00
DISTRICT COURT FUND	106	\$1,044.36
COUNTY ROADS & BRIDGES FUND	107	\$208.06
COMMUNITY COLLEGE FUND	113	\$155,350.00
REVALUATION FUND	114	\$505.11
COUNTY ELECTION FUND	116	\$16,608.47
COUNTY SNOWMOBILE FUND	118	\$23.73
ASSESSOR TRUST FUND	123	\$32.60
JUSTICE FUND	130	\$53,849.10
NARCOTICS SEIZED ASSETS FUND	134	\$3,228.35
PHYSICAL FACILITIES FUND	144	\$972.50
ADULT MISDEMEANOR PROBATION	149	\$449.99
	TOTAL	\$247,839.11

12:22 PM

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE COUNTY PAYABLES DATED MARCH 20, 2015. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- g) 9:26 AM COUNTY ROAD AND BRIDGE
- i) Commissioner Christensen said with Secure Rural School (SRS) decreases that the open position in Road and Bridge should go to a part time position.
 - ii) Commissioner Kunau talked about how effective the work might be with Sam doing it alone. Chairman Crane talked about getting more than one part time person.
 - iii) Chairman Crane said Road and Bridge Supervisor Sam Adams suggested raising part time wages a little and he felt that ought to be considered as well as raising Adam's wage a little. Commissioner Christensen would like to wait for any decision on that until budget time when all salaries are being reviewed. Chairman Crane said it would be a factor now as they hire a part time person.
 - iv) Commissioner Kunau asked about when employees become benefit eligible. J. Larsen stated that when an employee works 20 or more hours they become PERSI eligible. If they work 30 or more hours they become eligible for full time benefits. He also pointed out there are situations when those amounts are exceeded and it is acceptable without providing benefits, but there are also situations when they can never exceed that without benefits being required.
 - v) J. Larsen cautioned the Board to not look at what is budgeted in Road and Bridge for benefits. That allocation is budgeted as a placeholder and doesn't serve as a benchmark for savings. Rather, they need to look at what the current employee has received in benefit to see what reduction in expectation would be.
 - vi) Chairman Crane said Deputy Auditor Heather Evans provided the Board with a printout of Durfee's benefits. J. Larsen said that is what should be relied on for savings.
 - vii) Chairman Crane reported Adams' wage per hour at \$19.40, Durfee's at \$12.75, and Sears' at \$9.54. The wage will be a factor as someone is considered for hire.
 - viii) J. Larsen commented on the difficulty in getting someone hired part time without benefits for his department at just \$12.00 per hour. Enhancing that might be necessary to get a person willing to do the job. The savings of not paying benefits would enhance the ability to do that. Chairman Crane said Adam's suggested \$15.00 per hour.
 - ix) J. Larsen said the Auditor's office got some unsolicited feedback when part time seasonal Fair employees were getting \$15.00 per hour when others in the County were getting less. He felt this situation was different, but encouraged the Board to consider potential negative feedback from other County employees who feel they are not fairly treated, especially with no rate of pay increases this current fiscal year.
 - x) The Board discussed the rate of pay further and determined to approve offering \$12.50 per hour.

12:50 PM

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE OFFERING OF A PART TIME POSITION FOR ROAD AND BRIDGE AT \$12.50 PER HOUR. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- h) 9:26 AM BUILDING AND GROUNDS MATTERS
- i) McMurray reported that rain gutters have been installed at the Cassia County Judicial Center (CCJC) at the north and south entryways.
- 2) 9:13 AM DELIBERATE ON AND ADOPT ORDINANCE 2015-03-01 ADOPTING 2012 EDITIONS OF INTERNATIONAL BUILDING CODES AS MODIFIED BY STATE AND LOCAL PROVISIONS
- a) McMurray reported a number of changes that need to be adopted by ordinance into the County Code

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- i) Amending certain sections of the 2012 International Building Code and appendices E, H, and I published by the International Code Council
 - ii) Idaho Manufactured Home Installation Standard published by the State of Idaho
 - iii) Amending certain sections of The International Residential Code
 - iv) The 2012 International Existing Building Code
 - v) Amending certain sections of the International Energy Conservation Code
 - vi) The 1997 Uniform Code For the Abatement of Dangerous Buildings published by the International Code Council
- b) McMurray reported he had extensively reviewed the proposed changes and requested adoption by the Board of Commissioners.
 - c) Commissioner Christensen inquired about the changes and in response, many of the changes were read by McMurray in response to his inquiry.

9:23 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO ADOPT CASSIA COUNTY ORDINANCE 2015-03-01 AS PRESENTED. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

3) 9:23 AM EXECUTE NOTICE OF PUBLIC AUCTION FOR HAND LINES

- a) Chairman Crane reported that the Fair Board has approved putting wheel lines on the carnival grounds area and hoping to sell the hand line sections declared surplus at public auction.
- b) As required, a Notice of Public Auction was prepared to sell said surplus property in conjunction with a U.S. Auction sale to be held at 11:00 a.m. Wednesday, April 8th at 480 West 100 South of Paul.
- c) Items to be sold include 120 sections of three inch hand line, with a minimum bid of \$50 per section to be sold "as is, where is" with no warranty express or implied.
- d) The Board determined to allow the Fair Board to maintain the proceeds of the sale in their budget.

9:24 AM

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE THE NOTICE OF AUCTION OF SURPLUS COUNTY PROPERTY AS PRESENTED. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

4) 9:29 AM KNOW YOUR GOVERNMENT REPORT BY ROSIE DAVIDS

- a) Rosie Davids introduced the group present. Four who attended the Know Your Government reported to the Board. Those who made presentations detailed legislative and judicial procedures as well as lobbying. They had many inspirational presentations. The four delegates who presented to the Board their experience included Olivia McMurray, Hannah Beck, Malissa Meline, and Samantha Waters. Julie Meline was the group's chaperone, who praised all the participants for their efforts and behavior.
- b) The Burley Republican Central Committee donated funds in memory of Lucas Ward for this 4-H class.
- c) Commissioner Christensen asked about what qualifies participants. Must be in good standing with 4-H and there are limited numbers. Rosie said it is the best state program to participate in.
- d) Commissioner Kunau asked how many participants were involved. Davids reported there were 116 participants in addition to leaders.

5) 9:45 AM DEPARTMENT HEAD MEETING

- a) JAY HEWARD – SHERIFF
 - i) Not present

- b) PATTY JUSTESEN – TREASURER
 - i) Justesen provided the February 2015 Statement of Treasurer’s Cash and Urban Renewal Report detailing payment of taxes collected that have been diverted to the Burley Urban Renewal District totaling \$1,132, 220.42 year to date.
 - ii) They are in the middle of processing two tax deeds which are being published for a hearing on May 18th. Justesen is hoping that only one will go through with the actual deeding.
 - iii) One property in question had been deeded to a limited liability company and she wasn’t sure how that was going to work.
- c) DWIGHT DAVIS – ASSESSOR
 - i) Davis stated the Tax Reduction Program and the Homeowner’s Exemption deadline is April 15th. Sending out reminder letters for those who may qualify or have had a change of status.
 - ii) Urban Renewal will be receiving more tax funding rather than less. Davis said the new \$50 million facility which has just been announced will generate no new taxes to the County. The land has no value taxation-wise as it is owned by Burley Development Authority. The building will be in the Urban Renewal District hence no dollars will come to the County.
- d) JOE LARSEN – CLERK
 - i) Chairman Crane said they have been talking to J. Larsen about when there is a Change of Status Request for promotion such as with the jail for physical fitness or certification that the Board would like it on a schedule of four or six times a year to address those. The main reason is so departments can look ahead when budgeting to plan and schedule promotions. He brought up two in today’s requests regarding physical fitness and Taser certification. Commissioner Christensen said the Taser certification is not one that has been granted in the past and likely would not be now.
 - ii) J. Larsen stated when change requests for increase in rate of pay comes in, often they are for times in the past and often it is several weeks or months in the past. It is problematic to the Auditor’s office to do retro-pay. Doing this on a periodic basis would allow us to identify the date of completion and prorate it from that date forward as a onetime payment the next pay period. It is virtually impossible to amend PERSI and Federal amounts of withholding from the past. Any withholding variances to the employee would actually be reconciled when they file their individual tax returns.
 - iii) Each department needs to provide the Auditor’s office what each department has for grade, rank, and title that when an employee moves from one to the other, it can be anticipated and budgeted for each year. J. Larsen said there are some direct parallels in departments in the County where specific training and requirement may qualify them for an increase in rate of pay. Those need to be identified for each department so the Board can evaluate approval of Change of Status Requests. Departments that have a number of rate of pay increase possibilities as compared to other departments causes the gap between department employee pay to widen inequitably.
 - iv) A laminated page of the results of a survey of all departments will not only allow the Board to compare requests with what has been approved, but to make sure it has been budgeted appropriately for each department as well.
 - v) It was determined following feedback of department heads and the Board to have quarterly treatment of Change of Status Requests except for hiring and termination of employment. Physical training could coincide with the quarterly timeframe so pay changes would be accurate and timely.
 - vi) Employment resignations always need to be presented to the Auditor’s office before it happens. We need to conduct an exit interview to cover time sensitive legal requirements with the departing employee. This past week a Change of Status request came through on a voluntary resignation of a

County employee after they had already departed. The Auditor's office needs advance notice of that. Also, a hiring date cannot legally happen prior to it being presented to the Board for approval. Not doing that is a violation of Federal laws.

- vii) Chairman Crane asked for a simple worksheet to go to department heads to detail these matters.
- e) MC CORD LARSEN – PROSECUTING ATTORNEY
 - i) M. Larsen reported that Abenroth is out of town and felony arrests went up over the weekend and they will be busier than normal.
 - ii) Their office is doing a great job. They have had some difficult cases.
 - iii) He has found in Idaho Code 20-604, 20-605, and 20-606 there is no problem with the jail handling the money as presented earlier.
 - iv) The problem inmate discussed earlier was denied a furlough and will not be getting out of jail any time soon. He was involved with injury to jail property which is a felony. Hopefully, he will be sent to the State in short order. The property belongs to the people and it needs to be protected. As such, they do not want to drop it down to misdemeanor.
 - v) They have a couple of big cases coming up.
- f) KERRY MCMURRAY – ADMINISTRATOR
 - i) McMurray provided the February County Building Department report to the Board.
 - (1) Nine building permits were issued totaling \$1,564.66 in fees and \$201,947.72 in valuations.
 - (2) One manufactured home permit was issued totaling \$150.00 in fees.
 - ii) The Planning and Zoning Commission met this past Thursday. They had two matters before them:
 - (1) A plat for a subdivision on 550 East off the Declo highway just south of the railroad tracks. It was approved with some minor changes.
 - (2) Amendments to Title 9 of the Cassia County Code dealing with permit modifications and zoning administration authority. An issued permit was valid for a period of three years and the amendment allows the permit into perpetuity so long as it is in conformity with the presented proposal in the permit application. Minor changes or amendments can be authorized by the administrator.
 - (3) The Planning and Zoning Board has requested a hearing. A transmittal letter will come forward later in today's meeting.
 - iii) Commissioner Crane asked if the change from a three year limit on permits into perpetuity included CAFO permits. McMurray said it does. A number of people have approached them and with transfer of water rights in the mix that three years was not enough time. The three year timeframe was originally put in there to protect them from speculators. That will alleviate a lot of pressure on Planning and Zoning having people come in every three years desiring to extend where they didn't have time to get the project done. Christensen wanted to know about how many outstanding CAFO permits are out there that haven't been acted upon. McMurray said there is a handful.
 - iv) Geothermal work has been done in the Raft River area with Agua Caliente. They have done test drilling and desire to put in a power plant in that area.
 - v) McMurray reported that the rain gutters appear to working out satisfactorily at the CCJC.
- g) AMBER PREWITT – ADULT MISDEMEANOR PROBATION
 - i) Prewitt reported on having 576 level I, 223 level II, and 44 level III probationers they are currently supervising.
 - ii) They are down two employees and they are offering a position to a female today. Their other position will need to be filled by a male. They will be attending the Job Fair on the 26th of this month to hopefully fill the open position with a male employee.

- iii) Their floors are complete in their office. Linoleum still needs to be replaced. They will be getting quotes on what that will cost.
 - iv) Prewitt expressed concerns with their narrow and steep front steps. Older probationers have a difficult time maneuvering there. During wintertime it has been difficult and they have probationers that are disabled or physically challenged. Chairman Crane asked if Building Supervisor Craig Munoz was aware of that. Prewitt said she had brought it up before. She will talk more with him about the situation.
- h) DARWIN JOHNSON – MINI-CASSIA CRIMINAL JUSTICE CENTER
- i) Johnson reported on the jail census currently being at 147; 25 State holds, and six US Marshall holds. The MCCJC made a trade with Twin Falls County with two problem inmates. Twin Falls County had problems with the inmate they received and sent that person back to the MCCJC.
 - ii) Former Sheriff Kidd didn't want the jail to handle any of the jail housing billings. Johnson talked to Justesen and J. Larsen today regarding the matter. Inasmuch as the jail actually sends out the billings and where they have started the new good time program, they desire to just handle that at the jail.
 - iii) McMurray said he didn't feel that would be problem. Resources and manpower at the time caused that to happen. It was done just for convenience.
 - iv) People are back and forth from the jail to the Treasurer's office. Steps are eliminated by the jail taking care of their money.
 - v) J. Larsen said it is a solution to the Auditor's office and they are in full support of that.
 - vi) M. Larsen said he didn't feel at this time there is any reason to not do what has been proposed. He said he could do more research if they desired a more definitive answer. Justesen said their office had originally taken this on as they had time to do it and the numbers of those involved were a lot less than they are currently.
 - vii) Commissioner Christensen said it shouldn't require a motion. He said they could have M. McCord check to see if there is any problem.
 - viii) Crane asked McCord to research the matter. He will consult with Abenroth and will advise the jail at the direction of Crane.
 - ix) Work on the 2014 SCAAP grant is due April 20th. He will have that submitted by the end of the week.
 - x) He asked about financial reports from Auditor's office to begin the budgeting process. J. Larsen said he could ask of the Auditor's office any time for financial information but budget worksheets will be distributed soon.
 - xi) Department Head training will take place on April 20th and budgeting guidelines and procedures will be detailed by the Auditor's office.
- i) GORDON EDWARDS – WEED AND PEST CONTROL
- i) Edwards said the State Sage Grouse plan is out. Their priorities are with fires, noxious weeds, and invasive species. A lot of enforcement this year is likely on State lands. It will end up being pretty expensive by the time they get done spraying.
 - ii) They are currently working from Raft River to the Snake River. There are a lot of pivots starting about Bridge going through Malta all the way to Raft River where it goes under Interstate 84 and feeds into the Snake River. They have been contacting farmers throughout that area so they are aware of the high priority concerns for control there of the white top weed and scotch thistle. Spraying early this year will hopefully stop the weeds from going to seed.
 - iii) BLM has given them \$50,000 and they have another \$100,000 for weed control on BLM ground. A \$65,000 request was put in for this year which will include about 3,000 acres for treatment and inventory. They are going to work the areas where farm ground butts up to the BLM in Goose Creek,

Cottrell Mountain, and in the Jackson area. That will be one of their first priorities and they have already started work on it. That will take care of the scotch thistle and the rush skeletonweed butting up against the farm ground.

- iv) They are going to do bio-treatment on 500 of the 3,000 acres of BLM ground. They will be collecting bugs in various areas and the BLM wants them to put out 5,000 to 10,000 bugs. They will put them in a white Styrofoam cup. They put a washer on the bottom of it and holes in the side with tape around them. They will put them out by horseback or by fire choppers and spend a day dropping bug bombs in the higher remote areas. There will be 200 to 300 bugs per drop to help with about 12 different species in the Goose Creek area. They will go out around the milk vetch and this is just another tool. Cottrell Mountain is another hotspot area that is an area of concern for scotch thistle and rush skeletonweed where it is a high area for Sage Grouse.
 - v) Cattle go out soon in the three corners where Idaho, Nevada, and Utah meet on April 1st. They will be there this week and spray that area with all three states for a couple of days.
 - vi) Edwards said he needed another part time seasonal employee in addition to his two he has had in the past to help on horseback due to terrain they will be working on. It is in his budget from the BLM grant money to do that and Chairman Crane said they will discuss that later in the day.
 - j) CRAIG RINEHART – CORONER
 - i) Rinehart reported that things have been slow in the Coroner’s office.
 - ii) He reported that unfortunately, there had been deaths of several young people in the past few months.
 - k) JOEL PACKHAM – EXTENSION AGENT
 - i) Packham reported on a canning class that will take place on April 7th and ends on the 19th to be held in Rupert.
 - ii) He reported on the excitement with the barley yellow dwarf virus.
 - iii) Two people were sent to Cody, Wyoming for training on the Fair program they used last year. They are happy with the good training they received.
- 6) 10:47 AM EXECUTE LETTER TO REGION IV DEVELOPMENT REGARDING INVESTING IN MANUFACTURING COMMUNITIES PARTNERSHIP
- a) A proposed letter of support of the Region IV Development Association’s efforts to secure EDA’s “Manufacturing Community” designation for the region’s food processing industry cluster was prepared by McMurray.
 - b) The letter was read by Commissioner Kunau.

10:48 AM

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE AND SEND THE LETTER OF SUPPORT TO THE REGION IV DEVELOPMENT ASSOCIATION AS PRESENTED. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

7) 10:49 AM DELIBERATE ON RESOLUTION NO. 2015-006 ELECTION RECORDS DESTRUCTION

- a) Resolution No. 2015-006 was reviewed by M. McCord.

10:50 AM

MOTION: COMMISSIONER KUNAU MOVED TO APPROVE RESOLUTION NO. 2015-006 APPROVING ELECTION RECORDS DESTRUCTION. COMMISSIONER CHRISTENSEN SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

8) 10:51 AM REVIEW LETTER OF TRANSMITTAL FROM PLANNING AND ZONING AND SET HEARING DATE FOR PROPOSED AMENDMENTS

- a) The Planning and Zoning Committee met and approved two amendments. One was for Millenkamp and his attorney out of Boise with regard to 9-5-2. The other amendments were in-house proposed changes.
 - b) Proposed changes for 9-5-2 is an amalgam of changes as negotiations behind the scenes between McMurray and Abenroth as well as Millenkamp's representatives.
 - c) Proposed changes for 9-10-11 and 9-11-10 deals with permit development.
 - d) Proposed changes for 9-11-6 clarifies language regarding waste management with specific CAFO's.
 - e) Proposed changes for 9-11-12 strikes language regarding the three year permit extended into perpetuity with qualifications.
 - f) Proposed changes for 9-11-4 was requested from 2nd Amendment advocates in northern Idaho dealing with firearms and prohibited areas. Prior to the amendment, it did not include firearms use on certain property of an officer or defense of a person's personal property.
 - g) Commissioner Christensen asked if extending rights from three years into perpetuity would be considered takings if they later desired to go back and limit that time element at a future date. McMurray said it would not be takings as long as it was for time going forward. As it currently with the three year limit, It was becoming a burden to Planning and Zoning every three years.
 - h) McMurray proposed setting the date for the hearing for May 4th and the Board concurred.
- 9) 11:01 AM INDIGENT MATTERS

11:01 AM EXECUTIVE SESSION

MOTION: COMMISSIONER KUNAU MOVED TO CONVENE IN EXECUTIVE SESSION REGARDING MEDICAL INDIGENT MATTERS UNDER IDAHO CODE SECTION 67-2345(1)(D). COMMISSIONER CHRISTENSEN 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: 2015013, 2015026
- b) Certificate of Denial: 2015005, 2015010, 2015014, 2015015
- c) Notice of Continuance of Hearing: 2013075, 2014025, 2014119
- d) Release of Medically Indigent Lien: 2015026
- e) Determination of Decision Held in Suspension: 2014013, 2015006
- f) Assignment to Collections: 2010111, 2011011, 2011127, 2013049, 2013066, 2014012
- g) Medical Records/Utilization Management Review: 2015013, 2015026

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.

10) 11:30 AM UNITED STATES FOREST SERVICE (USFS)/BUREAU OF LAND MANAGEMENT (BLM) REPORT

- a) CARL FUELING – USFS DISTRICT RANGER
 - i) Loren Poppert is attending meetings and can't be here today. Poppert will also not be here in April. He will be here in May and have the new supervisor with him.
 - ii) He reported on the Raft River range deer transplant. A total of 94 were removed from Logan, Utah. Of those, 52 were adult male and female. They have no information yet on survival.
 - iii) The Secure Rural School (SRS) program expired and we are currently back to the 1908 Act which is 25% of last year's payments.
 - iv) There have been more timber fuel sales in the Sublett division. Most of it is in Power County. There will be two more in Cassia County and then in the Rock Creek area with some in Cassia County and some in Twin Falls County.

CASSIA COUNTY COMMISSION

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- v) Chairman Crane asked about range conditions with the lack of rainfall. Fueling said if we don't get more moisture, the outlook is likely not going to be good.
- vi) Commissioner Kunau asked about activity at Black Pine. Some are still interested in gold mining.
- b) AMANDA DOBSON – BLM ACTING FIELD MANAGER
 - i) Dobson is just here for just a couple of months. In three to four months, a permanent person will be announced.
 - ii) She reported on the Walker Ranch Geothermal project near Malta. They have permission to drill six wells and they applied to drill 13 more as well as infrastructure to operate a geothermal plant. Scoping letters will be sent out this week to interested public and expect to have a decision on that action this fall.
 - iii) They recently confirmed an unauthorized use of about a quarter acre of Federal lands near Idaho that was used for storage of farm equipment. An administrative resolution has been effectuated to get the property moved off and the site cleaned up.
 - iv) Dobson updated the Board on the Milner Recreational site. Paving will begin in early April for the road that goes through BLM access and will be closed on half the site on the driving portion while that paving takes place. The site will be accessible from another entrance. A press release will be sent out next week to notify the public.
 - v) A letter of support was provided to the Burley Highway Department. They are requesting a grant from the Federal Highway Administration to pave a portion of the road that leads to the Recreation site. They are seeking assistance for 1.5 miles of road from the east. The application for the grant closes April 1st.

11) 12:22 PM WORKING LUNCH

- a) The Board discussed the Law Enforcement Contract.
- b) In particular, the Board agreed on their support of the Law Enforcement Committee recommendations on Page 14; items 1-7.
- c) It was also determined to isolate expenditures in the Sheriff's office pertaining to the City of Burley and the County law enforcement beginning the first of FY2015, October 1, 2015.

12) 1:30 PM LAW ENFORCEMENT MEETING WITH BURLEY CITY COUNSEL AND TASKFORCE

- a) The Board of Commissioners (all present), the Law Enforcement Committee (minus Clay Handy), and five Burley City Council members (minus Mark Fillmore) were joined on the speakerphone by Sheriff Jay Heward and Undersheriff George Warrell as they were out of town to a meeting.
- b) Chairman Crane agreed with the stance of the Law Enforcement Committee and went over their Conclusions and Recommendations as follows:
 - i) Continue a unified City and County law enforcement
 - ii) Undersheriff to work closely with the City of Burley
 - iii) Develop a model for costs during FY2015 for use in future fiscal years and to maintain the current contract with a 2% inflation cost. Chairman Crane said the Board agreed to this and the Sheriff's department has been charged with keeping track of costs from the beginning of FY2015.
 - iv) City and County take the politics out of negotiations and focus on law enforcement for the County and City. The Board's thought was that the Law Enforcement Committee serves the means for a mediator. The County is happy with that.
 - v) The Board agreed that a model needs to be developed for the Sheriff to present a budget to the County and City for their consideration and feels that is being accomplished in the third (iii) recommendation as we go throughout this year and figure out our costs.

- vi) The Board feels carrying forward with the Committee to do further work is appropriate. Chairman Crane also felt the Committee's work would eventually come to an end unless further needed.
- vii) The Sheriff's budget should not be a source for budget shortfalls in other departments. Chairman Crane said the Board agrees with that but feels that is the way it is now anyway. The Sheriff's budget is the Sheriff's budget and it does not supplement other budgets.
- c) Commissioner Christensen said the County's position has been stated well by Chairman Crane.
- d) Councilman John Craner made a recommendation to involve the Committee in the process of making a budget and developing a scope or model of what we are trying to accomplish so we get something that is in writing so going forward there is a plan that everyone collectively can agree on. Chairman Crane asked about the mechanics of how that would work.
- e) Parsons said the Committee is willing to carry forward working on the model. There is information that they need to work on the model. They came up short as they felt they needed some outside help but if provided, they could carry forward.
- f) Parsons asked if the Committee covered the City's and the County's expectations. Chairman Crane said it was what the County had expected. Commissioner Kunau had a concept he wanted to present. He said he would like to have the City tell the County what kind of law enforcement they would like. The County worked on the costs without ever knowing the level of service the City desired. Parsons said he thought we are getting the cart before the horse. He further stated creating the model would be the basis for costs. The City would then ask the Sheriff to add or reduce to the desired level of law enforcement. Parsons felt the model needs to be developed. That concept came from Washington State and Ada County Sheriff Raney and he is willing to continue to help.
- g) Robert Squire from the Committee said the model, the way it is designed, addresses the variable costs of each additional officer. You then can increase or decrease and the model will reveal the cost of that.
- h) Commissioner Kunau said the Sheriff previously said you have a 24/7 period that you need a certain force to cover the City during that period. If a force were lessened, there would need to be combining City and County officers so you just don't have a time without an officer on duty. Squire said the model will tell what level of service can be attained for a given dollar amount. Coverage would need to be negotiated. The Sheriff stated that 14 officers is the minimum and the model would assist with calculating what additional costs would be for additional officers.
- i) Councilman Casey Anderson wanted to go back to the first statement Chairman Crane made. He said he had been coming to all the meetings where there have been discussions of law enforcement. He wanted to know when the Board had discussed things in preparation for this meeting as nothing was ever on the agenda or he would have been here. When any discussion regarding the City takes place, he is here. He asked if the agenda had been amended to put that discussion on it. Chairman Crane said there is general business at the top of each agenda and one that has been added in the last month is contract discussions. The main thing the Board has discussed is when they could get the Committee and the City back to meet. The contract was discussed today and the agenda was not amended as it was already there under the title of "contract matters."
- j) Anderson further stated that where meetings are on Monday, which is almost the worst day of the week for everybody, and it is held in the mornings, which is the worst time of the worst day, it makes it difficult. He said he could take a half day off and come to watch and make sure stuff gets discussed like it is supposed to. The last time he was in attendance, the meeting was running a little late and the Board called for an Executive Session on an employee matter. The agenda was not amended and it was not called for by Idaho Code or subsection. The Sheriff and Undersheriff were also called in that session and then came out of that session and talked about the law enforcement contract. Anderson said he didn't

know if the Board was just trying to get all their ducks in a row so everybody was on the same page when they came out of Executive Session, which he said isn't what is supposed to happen in an Executive Session. He said the Board could have been talking about an employee of the Sheriff's office. He did not know that and said maybe he is not supposed to know that. Anderson said things need to be done in the right way and told the Board if they came to City meetings and they have an Executive Session, they can show the Board how it is supposed to be done. Chairman Crane responded that the Executive Session was regarding an employee of the Sheriff's department. Anderson said the way it was called was not legal.

- k) Parsons responded said he was not here to make friends and he will probably make enemies, but what they have tried to tell both parties in the report is not to throw stones at each other. Rather, work on what it costs to have law enforcement and find a way to do it. We are not here to talk about the Open Meeting Law. They desire to have one team that puts this together and makes it work. If that precept is followed, he felt we could get there. It does not matter what has been thought in the past, today is the first day of the rest of your life if we are to have a unified contract. Chairman Crane agreed with that. Anderson said that one of the biggest problems with the contract in the past was with trust. He said he has a hard time when things are not done in the right manner, it makes it hard for him to trust. That is one of the issues he has had. He said they could go way back, even though Parsons does not want to talk about that, and he just feels some of these things need to be addressed. It's just not right, the way things have happened. Whether they have been or not, it just feels like to him, that things have been hidden or have been altered. He talked of a Board meeting on what he thought was November 20th when the Sheriff said he brought back to the County \$101,000 plus he thought about \$15,000 for surplus vehicles that had been sold. The Sheriff was asking for \$9,000 to buy new radar units because there were three cars without them and four that didn't work. The Board finally arrived at a decision that they would allow him to buy seven radar units and he would have to deal with the other two that were 20 years old.
- l) Anderson went on saying, Mr. Larsen talked about the \$100,000 and that the Sheriff had done a good job with his budget, but the judicial part was way over. From the conversation, that was where the \$100,000 was going to go and it was for the 5th quarter. Anderson said in his lifetime, he had never heard of 5th quarter. That didn't make any sense to him. He said he certainly wasn't an accountant and that his wife does his books for him in his business but they have never had a 5th quarter ever. When the minutes came out, there was no mention of the \$100,000 at all. If someone wanted to know what happened in that meeting, they would have no idea of what occurred. That's the kind of things that make it hard for him to trust. The authorized \$7,000 was mentioned but the \$100,000 didn't even make the page. Unless someone shows up here every time for every meeting, just like the Board discussed the Law Enforcement Committee report and talked about it, that happened in a place where it wasn't even mentioned. It was a completely different thing. There was no way he could have read the Board's agenda and known that was going to be on there, because it wasn't there. The same with anybody else that comes or wants to come. It makes it really difficult and the key that is going to make this work is when something is put on the agenda, he wants to be able to believe that. When the City puts something on their agenda, they want the Board to believe that also. Anderson said the City makes a big effort because he thinks they are watched more closely than the County does because they actually have their meetings at night when people can show up. People come and scrutinize what they do. For all the time Anderson has been on the City Council, they have lived the Open Meeting Laws as close as they can. They don't want to get in trouble in the first place, but they want the public to trust and believe in what they say and that it is above board.

- m) All that being said, Anderson agreed with what the Committee has said, but he feels like the financial part needs to be independent. It's all public record and there should be no reason people can't look at the numbers and figure it out. That was the problem with the last negotiations. Anderson said Mr. Parsons didn't want him to go there, but he said he guessed he was going there. Through those negotiations, they had four different sets of numbers over a period of weeks. It wasn't like it was \$1000 or \$500 but it was like \$50,000 or \$100,000 and each time was different. They were still being told they weren't paying enough. He doesn't know how the City can be told they aren't paying enough when the County doesn't know how much it costs. That was heartburn to Anderson and he just wanted to get it out on the table so they knew what he was thinking about since he had dealt with this about four times, he thought, since he has been on the City Council. He said he just wants it to work and that there was no one in the room that wants a unified law enforcement more than him. He said he had been here forever and remembered what it was like before and he appreciates what they have now. But, things have to be done differently or he will have problems with the trust thing. He acknowledged the County has a bigger burden than the City does as all they do is write out a check. The County is responsible for everything else. Anderson further stated when they write that check, the City gets what it is paying for. In some ways, he felt they have not had that delivered to them. This past nine months, they have been two men short and he didn't know whose fault that was, but they still paid the same amount every month. He didn't know how many years it has been since the radar units were broke, but how can you enforce speed laws when nobody has a radar in their cars. You can't do it unless they had a fancy stop watch. They have been paying for this stuff, but it hasn't been delivered.
- n) Chairman Crane said he heard everything Anderson said, but it takes a pretty thin pancake that doesn't have two sides. He asked Anderson to forget about the grievances he has and move forward. The only thing he felt frustrated with was his distrust with the numbers. They are the numbers. Anderson asked how they can change. Crane said the more extensive and detailed the inquiry came to the County about numbers, the more was identified pertaining to the cost of services. Anderson desired that the Committee have full access to whatever they want to look at.
- o) Councilman Russell Mallory said up to this point they have never seen a concrete number of what it costs for law enforcement. He said there was very little he disagreed with in the Law Enforcement report. Some of it surprised him but a lot of it did not. Mallory was happy to hear the County agrees with the report. He felt if the City can see an accounting of what it costs for their law enforcement, the problem is solved. Where they are on an extremely limited budget on their end, they could then use the model to determine the level of law enforcement they can afford. He said he is personally satisfied with the level of law enforcement they have had. Mallory said they can go to any department in the City and with a spreadsheet, they can give to the penny what costs are. It has been a little strange in his mind why they haven't been able to get those numbers from the County even though he thinks they can. He desired to know who the County had in mind to negotiate future contracts, if County officers provided coverage in the City of Burley impact area, and is the City paying more or less than their fair share of dispatch costs. Chairman Crane said all those questions can be answered.
- p) Councilman Bryce Morgan agreed that the Committee did an excellent job in their report. His main concern was there is synergies in working together. If, for example, they determine it costs the City \$1.5 million to have the police force combined and they pay that, then the County gets all the benefit of the combined police force and the City doesn't get anything. As part of the model, he would like to see how we share that synergy. If a hard number is arrived at with this model of what it costs the City, they would need to benefit as well as the County with this synergy. If the City pays just what their costs are, they are not participating in that synergy. Chairman Crane responded with an example of when he

contracts with someone to thrash his grain, he pays him what he tells him is his cost. If he doesn't feel that it is fair, then he goes and finds somebody else that he feels would be better. He doesn't share in his profits. For example if the costs of the fuel goes down, he doesn't expect to get a part of that money back. If his combine breaks down, he shouldn't expect him to pay for it.

- q) Squire said when they identified those numbers, they realized as a Committee there is a wide range of numbers. When those numbers are nailed down better, it will expose the synergy expressed by Morgan so the savings would be realized by both of the entities. How that is shared is subject for negotiation. Equal cost sharing will have to be negotiated between the parties such as with dispatch. Both parties have huge intangible benefits as well as savings in cost.
- r) Craner talked about the possibilities of a joint force rather than a contractual agreement. That way it would be treated as a partnership rather than a contract. Chairman Crane said that would be a question for later in that the Sheriff and Undersheriff were only hearing parts of the conversation.
- s) Mallory said he sees a problem with when you have a model that you come up with a specific number for each officer, car, or whatever, that would be a concrete number. The synergy thing leaves it very subjective and we are back in the same boat where we are now as far as negotiation. Chairman Crane pointed out that where the City and the County are two separate entities, there are certain laws pertaining to whether or not we even can enter into a partnership. We have a joint agreement with the jail and public defender, but we are both county entities. That can be researched, but what he understands is that we can only execute a contract and cannot form a partnership. That is something Crane felt we need to find out more about.
- t) Parsons said the Committee's philosophy was to eliminate the word partnership and call it a unified law enforcement because we are all citizens of the same county.
- u) Morgan said it appears the Committee is in agreement with the sharing of synergy between the entities, but it appears the County is saying they are going to give the City a price and they either need to meet that price or find someone else to provide those services for the City. That didn't seem to Morgan to be a long term solution.
- v) Hawkins said he has been very careful to not say anything. He expressed his appreciation to the Committee. He reiterated even though it hasn't been stated in the media, a full report is available on the City and County websites. Hawkins was pleased the Commissioners had acceded to most of the findings in the report. He referred to Anderson's comment on being short two officers for a period of time which he said he guessed would be a breach of contract. He asked Parsons how that would be addressed if we had a model in the context of the number of patrolmen. Parsons said that if the model talked of a cost for 14 officers and if less were provided then that would be a breach of contract. Hawkins responded that what the existing contract says is 14 officers. Parsons said he didn't think they would do very well in a judicial action because they do not have real data. He said they have tried to emphasize both bodies need to work as friends and not adversaries. It will never work with adversarial viewpoints. He said he is not negative about it, but it is true. Parsons has seen partnerships for a good portion of his life. If two partners don't agree and are fighting, it's going down. If they both focus on a unified effort to make it work, it will work. It's almost epidemic. There are family partnerships, farming partnerships, business partnerships and they are all fighting and are not working together like they did when they started and it's bringing them down. So, if everyone is going to have adversarial attitudes going in, we don't need to worry about it.
- w) Chairman Crane asked the Commissioners on that note if they would like to make a motion on how to go forward. It was discussed that going forward, it would be appropriate to perhaps utilize Evans, Poulsen, and Catmull, CPA's where they have worked with both entities to provide detailed financial

information. Parsons asked if both entities would be willing to share a little funding for getting a good financial professional to provide the numbers. He said he would come to the Board beforehand. Commissioner Christensen said an estimate of costs should come forward for approval.

2:24 AM

MOTION: COMMISSIONER CHRISTENSEN MOVED TO ACCEPT THE RECOMMENDATION OF THE LAW ENFORCEMENT COMMITTEE TO CARRY FORTH FOR FY2016 WITH A 2% INCREASE IN PAYMENT FROM THE CITY OF BURLEY TO THE LAW ENFORCEMENT CONTRACT AS EXECUTED FOR FY2015, DESIGNATE COUNTY ADMINISTRATOR KERRY MC MURRAY AS THE COUNTY "GO TO" PERSON IN DIALOGUE WITH THE COMMITTEE AND THE CITY OF BURLEY, AND TO CONTINUE TO UTILIZE THE LAW ENFORCEMENT COMMITTEE GOING FORWARD IN THE DEVELOPMENT OF A MODEL FOR FUTURE CONTRACT CONSIDERATIONS. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

x) It was pointed out that the City should make a motion in the same fashion to carry forward. Hawkins said it was not their meeting. Anderson said it was posted as a meeting. The City Council did make a motion, second, and voted unanimously to the same effect.

y) Expression was again expressed to the Committee for their work and the meeting was adjourned.

13) 2:28 PM ADJOURNMENT

APPROVED:

/s/ _____

Dennis Crane, Chairman of the Board

ATTEST:

/s/ _____

Joseph W. Larsen, Clerk of the Board

CASSIA COUNTY COMMISSIONERS

Attendance Log

Date: 3-23-15

	NAME (PLEASE PRINT)	TOWN	REPRESENTING
1.	Doreen McMurray	Burley	KYG youth
2.	Jessica Gee	Burley	
3.	Mckenna Wells	Burley	
4.	Ryan Jensen	Burley	
5.	Anthony Jensen	Burley	
6.	Kaden Gammon	Burley	
7.	Emmaline Jensen	Burley	
8.	Eliza Jensen	Burley	
9.	Ajarajensen	Burley	
10.	Vana Beck		
11.	Juli Meline	Declo	KYG chaperone
12.	Malissa Meline	Declo	KYG delegate
13.	Olivia McMurray	Burley	KYG delegate
14.	Samantha Waters	Burley	KYG delegate
15.	Hannah Beck	Burley	KYG delegate
16.	Sydney Searle	Burley	
17.	Lynzey Searle	Burley	
18.	Bryann Patterson	Paul	
19.	Isaac Patterson	Paul	
20.	Tyler Gammon	Burley	
21.	Krista Gammon	Burley	
22.	Rose Dargatzis	Burley	4-H
23.	Dena Garolimek	Burley	4-H
24.	Amber Brewitt	Burley	Probation
25.		Burley	Assessor

CASSIA COUNTY COMMISSIONERS

2 of 2

Attendance Log

Date: 3/23/15

	NAME (PLEASE PRINT)	TOWN	REPRESENTING
1.	Patty Justesen	Burley	Treasurer
2.	Darwin Johnson	"	MCCSC
3.	Craig Reinhart	Burley	Coroner
4.	Amanda Dodson	Burley	BLM
5.	Karl Fuetling	Burley	Forest Service
6.	Dennis Dexter	"	LE Committee
7.	Robert Squire	Burley	LE Committee
8.	Willie Parr	Burley	✓
9.	Carol Anderson		C.O.B.
10.	Russ Mallory	Burley	Burley
11.	Casey Anderson	Burley	Burley
12.	Brenda Hartman	Burley	City of Burley
13.	Dyce Moya	Burley	" "
14.	John Crawford	Burley	City of Burley
15.	Merlow Smocking	Burley	City of Burley
16.	Scott Zimmerman	Burley	Burley
17.	Norane Zimmerman	Burley	Burley
18.	Jay Lenkersdorfer	Burley	Weekly Mailer
19.	Mary Critchfield	Burley	
20.	Chris Jensen	Heyburn	C.C.S.O.
21.	Toby Quast	Heals	all
22.	Janni Weber	Burley	Times-Menus
23.			
24.			
25.			