



# Cassia County Board of Commissioners

Cassia County Courthouse  
Commission Chambers  
1459 Overland Ave. – Room 206  
Burley, ID 83318  
[www.CassiaCounty.org](http://www.CassiaCounty.org)

## Board Members:

Dennis Crane, Chair (District #3) ~ [dcrane@cassiacounty.org](mailto:dcrane@cassiacounty.org)  
Paul Christensen, Member (District #1) ~ [pchristensen@cassiacounty.org](mailto:pchristensen@cassiacounty.org)  
Bob Kunau, Member (District #2) ~ [bob.kunau@cassiacounty.org](mailto:bob.kunau@cassiacounty.org)

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Monday, May 18, 2015

9:00 AM

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

### THOSE PRESENT:

#### County Commissioners:

Paul Christensen

#### Administrator:

Kerry D. McMurray

#### Others:

Susan Keck, Deputy Clerk

Jay Heward, Sheriff

Linda Culver, Rep. Simpson

Saber Oldham

Kent Jensen

Bob Kunau

#### Clerk of the Board:

Joseph W. Larsen

Dennis Crane, Chairman

#### Prosecuting Attorney:

Doug Abenroth

Dwight Davis, Assessor

Wallace Keck

Mike Mathews, Sen. Risch

Patty Justesen, Treasurer

George Warrell, Undersheriff

Loren Poppert, USFS

Kit T. Mullen, USFS

B. J. Ray

Samantha Marshall, Sen. Crapo

Julie Thomas, USFS

## INFORMATION AND ACTION AGENDA ITEMS

- 1) 9:00 AM CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND PRAYER
- 2) 9:07 AM REVIEW CALENDARS AND MEETINGS
  - a) Cassia Republican Central Committee Meeting at 7:30 p.m. Tuesday, May 19<sup>th</sup>
  - b) Consolidated Election Day from 8:00 a.m. to 8:00 p.m. Tuesday, May 19<sup>th</sup>
  - c) South Central Public Health Department (SCPHD) meeting at 1:30 p.m. Wednesday, May 20<sup>th</sup> in Twin Falls with a Board meeting to follow for Commissioner Kunau
  - d) South Central Community Action meeting at 12:00 p.m. Thursday, May 21<sup>st</sup> in Twin Falls for Commissioner Kunau
  - e) Cassia Regional Medical Center (CRMC) subcommittee luncheon at 12:00 p.m. today, Monday, May 18<sup>th</sup> for Commissioner Christensen
  - f) Grand opening of the Community Family Health Services building at 1:30 p.m. Wednesday, May 20<sup>th</sup>
  - g) Burley West LDS Stake Seminary Graduation at 7:00 p.m. Wednesday, May 20<sup>th</sup> at the Burley West Stake
  - h) District IV Elected Officials Meeting at 1:30 p.m. Wednesday, May 27<sup>th</sup> in Blaine County
  - i) Planning and Zoning meeting at 3:00 p.m. Thursday, May 28<sup>th</sup> in the Commission Chambers
- 3) 9:07 AM REVIEW CORRESPONDENCE
  - a) Abenroth received correspondence from attorney Kent Jensen regarding the release of an indigent lien

**CASSIA COUNTY COMMISSION**

**REGULAR SESSION**

**Monday, May 18, 2015**

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- 4) 9:08 AM REVIEW JUNIOR COLLEGE CERTIFICATE OF RESIDENCY RECOMMENDATIONS FOR APPROVAL
- i) The Board reviewed 11 junior college Certificate of Residency applications
    - (1) College of Southern Idaho approvals:
      - (a) High school dual credit: 0
      - (b) Non-dual credit: 10
    - (2) College of Southern Idaho denials: 1

**9:08 AM**

**MOTION: PAUL CHRISTENSEN, MEMBER, MOVED TO APPROVE CLERK RECOMMENDATIONS OF JUNIOR COLLEGE RESIDENCY APPLICATIONS AS PRESENTED. BOB KUNAU, MEMBER, SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

- 5) 9:08 AM BUILDINGS AND GROUNDS WORK AND UPDATES
- a) McMurray reported on problems with the sump pumps in the basement of the Law Enforcement building that they are working to gather more information on.
  - b) One of the pumps may need to be replaced at a cost of about \$12,000.00.
  - c) There is only \$6,000.00 in the budget for the law enforcement building.
  - d) Commissioner Kunau asked Davis about coming up with some plans regarding his desire for remodeling in the Assessor's Office. Davis said he had provided that at budget time and he needed to know what funds would be approved to use. Commissioner Kunau asked for a sketch or drawing of his proposed plans. The only other projects in the County include what may be needed at the apartment building.
- 6) 9:08 AM GATEWAY TRANSMISSION LINE UPDATES – No matters
- 7) 9:10 AM PERSONNEL MATTERS
- a) CHANGE OF STATUS
    - i) ADULT MISDEMEANOR PROBATION
      - (1) Voluntary resignation of U/A Technician Dominik Pedraza
      - (2) Hiring of Tausha Smith as a U/A Technician
    - ii) SHERIFF'S OFFICE
      - (1) Transfer of Russell Hollins from the Mini-Cassia Criminal Justice Center (MCCJC) to the Sheriff's Office as a Deputy Patrolman
      - (2) Larsen pointed out the explanation of a resignation needs to be stricken on the Change of Status Request as it is a transfer.
    - iii) MINI-CASSIA CRIMINAL JUSTICE CENTER
      - (1) Transfer of Senior Detention Deputy Russell Hollins to the Sheriff's Office
      - (2) Increase in rate of pay for Senior Detention Deputy David Luke Wells for POST Level II Certification

**9:12 AM**

**MOTION: PAUL CHRISTENSEN, MEMBER, MOVED TO APPROVE SAID CHANGE OF STATUS REQUESTS AS PRESENTED. BOB KUNAU, MEMBER, SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

- b) PAYOUT OF ACCRUALS – No matters today
- c) TIME CARDS
  - i) Road and Bridge Supervisor
  - ii) Two employees of the Fair
- d) LETTER OF RESIGNATION FROM CARY BRISTOL AS ASSISTANT 9-1-1 COORDINATOR
  - i) Commissioner Kunau read the letter of resignation from Cary Bristol sent to McMurray.
  - ii) Bristol will return all equipment issued him to All Wireless.

9:14 AM

**MOTION: PAUL CHRISTENSEN, MEMBER, MOVED TO ACCEPT THE RESIGNATION OF CARY BRISTOL AS ASSISTANT 9-1-1 COORDINATOR. BOB KUNAU, MEMBER, SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

iii) Commissioner Kunau asked about what problems Bristol has had that the Board has not been made aware of and hasn't been dealt with. McMurray said he didn't know any more detail than what was in the letter other than problems he has had with the Law Enforcement Agreement, but he does not know any details.

iv) McMurray said they will review with the committee what needs to be done with that position.

8) 9:21 AM COUNTY ROAD AND BRIDGE DEPARTMENT WEEKLY WORK SCHEDULE

- a) Chairman Crane reported that due to the storm this past Friday night and Saturday, there were problems with the Big Cove Road. Road and Bridge Supervisor Sam Adams was able to do backhoe work to help the water situation but grading will be necessary.
- b) In Elba Canyon at Clyde Creek and Cottonwood Creek there is extensive damage where some culverts have washed out. Chairman Crane called Carl Boden with the Raft River Flood Control Board. They will assist financially and otherwise. A proposal needs to be sent to them of what costs will be entailed. Adams was asked by Chairman Crane to work up a proposal today to get to the Board to pass on to the Raft River Flood Control Board.
- c) The road going up to Elba Canyon has been closed. The Sheriff's office is aware and there are no problems on the Oakley side even though it was closed there as well. They have checked to see if there are any campers that may be stranded there.

9) 9:23 AM REORGANIZATION OF BUILDING GROUNDS AND MAINTENANCE DEPARTMENTS AND COMPLIANCE OFFICER ASSIGNMENT

- a) Abenroth said there has been concern with the Fair groundskeeper and the part time office secretary along with the Buildings and Grounds department. Concerns of legal counsel are that Fair employees are being supervised by volunteer members of the Fair Board.
- b) He stated it makes sense to reorganize that supervision from a volunteer board to an actual employee. The fairgrounds are County buildings just like the courthouse, the Judicial Center, the Assessor's building, Probation Office, and Public Defender's Office.
- c) Reorganization could take away some of the legal exposure and awkwardness of having a volunteer board supervising those two employees. Abenroth suggested the Board take action to bring supervision of the two Fair employees to the Administration Office who currently has supervision of County buildings and grounds.
- d) There have also been complaints of compliance with dairies and feedlots, violations with racetracks and potential junk yards in the County. There is some need to have an employee of the County help fulfill those responsibilities. It is suggested with the reorganization that one of the existing employees take on the responsibility of compliance to assist the Planning and Zoning Commission and Administrator with those responsibilities. During FY2015 budgeting, the Commissioners left \$17,000 in a line item for a compliance officer. With using existing employees in the Administration Department there would be a zero impact on the budget for wages and things of that nature.
- e) Chairman Crane asked Larsen if the Board could have leeway in adjusting budget requests due today to reorganize the two budgets to reflect those changes.
- f) Larsen recommended to be compliant with the statute that they at least be submitted and then can be changed as we go, which would be no problem.

- g) Larsen said he had budgetary questions regarding these proposals. There is a line item that has to do with capital improvements that he assumed would be shifted from the Fair over to the County Building Fund, which is in the Current Expense Fund. He asked if that would be done with the museum property as well to include all buildings in the County to be under that fund and to be budgeted accordingly. Chairman Crane didn't think the museum is a building of the County and is a separate organization and doesn't fall into that category of County buildings. Larsen said he understood differently. It has been inferred that it is County property and does not belong to the Historical Society. Chairman Crane said that needs to be looked into. He also said it makes sense to move the Capital Improvement line item of the Fair Budget to the County Building fund as Larsen stated it.
- h) Commissioner Christensen asked if it would be appropriate to look at specific matters to be decided upon before taking action. Chairman Crane said he felt they should take action and work through things as we go.

**9:30 AM**

**MOTION: BOB KUNAU, MEMBER, MOVED TO PROCEED WITH THE PRESENTED PLAN. PAUL CHRISTENSEN, MEMBER, SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

- i) Davis said he had extra money in his budget that he is not going to use. He asked if he could re-distribute those funds to give additional duties to his staff. Chairman Crane said he didn't think so but was not quite sure how to answer that. Chairman Crane said they are not trying to reward anybody but to fill the responsibility of a compliance officer and to pull maintenance back under the proper umbrella. Commissioner Kunau said they will not spend any additional money and that they could fill the compliance with another employee. Davis asked about the \$17,000.00 and Commissioner Kunau said they didn't have a compliance officer and need one as there is nobody to investigate complaints they have received.
- j) Abenroth said the idea is that the Fairgrounds grounds-keeping budget money might not be an expense anymore. Those expenses would be brought into the Administration Department. So, it's a zero effect change in the budget.
- k) Larsen said with a zero effect change in this year's budget and with almost three quarters of the fiscal year gone without utilizing that item there, apparently it hasn't been needed up to this point. So, that must mean there is an excessive need for that now. The Auditor's office has been looking at that line item to recommend for elimination to help with carryover dollars. That also appears to change what was going to be recommended for FY2016. He also questioned if this is a shift of responsibility over the buildings at the Fair that has been really tight to be able to go into a budget that is over-budgeted to cover expenditures and effectively harm our carryover dollars. He also questioned that it appears to be the same with the employee situation, if the \$17,000 was being combined with what they are currently paying to accomplish additional work and pay of a current employee. Either that or it would be used for an additional employee. Chairman Crane said it is not for an additional employee. Larsen asked if the current employees would be performing those duties in addition to their duties with their current 40 hour work week. Commissioner Kunau said the Fair had a loss this past year. They are trying to figure out how to reduce that loss that the Fair had. They are taking a fulltime position away from the Fair as groundskeeper and will probably spend less than half time at the Fair and the other half will be as compliance officer. There will be the same amount of time with a 40 hour employee, but needs will be covered for a compliance officer, which we have not had to take care of compliance issues. The County needs someone who can go out and review complaints. Larsen asked if that had heretofore been ignored or done by the building inspector and Commissioner Kunau thought it had been ignored because there hasn't been the time with all the inspections. McMurray said those duties have been

picked up by two members of his staff in addition to their regular duties. Larsen then asked if they have been able to do that in the normal course of their work or has overtime had to be paid. McMurray said they have not used overtime but have had to limit their other duties. It has pushed them over what their normal scope of duties are. Larsen said that is quite like what the rest of us in the County go through, but his concerns are only budgetary. Larsen said it appears we are finding ways to spend more money rather than save it. Chairman Crane said all they are talking about is the amount of money in the compliance officer line and that Larsen had a good point of whether we can keep that there for FY2016 or not but it is evident that we need to.

- l) Chairman Crane said the benefit to Davis is that there would be better grounds-keeping where sometimes we have fallen short around the County buildings. Now there would be additional help here.

10) 10:44 AM REVIEW AND EXECUTE CONTRACT WITH OFFICE OF ENERGY RESOURCES FOR FUNDING TO SEAL ATTIC HOLES AND INSULATE ATTIC, ALSO UPGRADE EXTERIOR LIGHTS AT ASSESSOR'S OFFICE

- a) McMurray reported on an audit of County buildings. Two of the projects identified at the Assessor's Office where money could be saved are the sealing of penetrations in the ceiling and insulating it. Additionally, exterior lights can be replaced with LED lights.
- b) With the audit now completed, a grant contract for the Board's approval is being presented totaling \$3,706.00 for cost reimbursement from the Department of Energy Resources.
- c) The work needs to be completed by June 12<sup>th</sup> as the grant funding runs out on that date.
- d) In talking with the contractors, it is something all three involved feel they can do.
- e) Davis was asked by Commissioner Christensen whether or not this is something he felt was good. Davis said this is the first he had heard about it. His concern was when the work would be done. He said he hoped it would be after hours, as having insulation people in there during work hours would raise havoc with the day to day operations. McMurray said they will work with the Assessor's Office to coordinate the schedule.

10:46 AM

**MOTION: PAUL CHRISTENSEN, MEMBER, MOVED TO SIGN THE TWO CONTRACTS WITH THE DEPARTMENT OF ENERGY RESOURCES AS PRESENTED. BOB KUNAU, MEMBER, SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

11) 10:46 AM DELIBERATE ON PROPOSED POLICY CHANGES REGARDING EMPLOYEE EVALUATIONS AND EXIT INTERVIEWS

- a) Abenroth presented a modified proposal based on comments made by Larsen following an experience he had with a former employee who had voluntarily resigned. In review of the Personnel Policy Handbook, changes were identified that need to be made.
- b) Annual employee evaluations as currently required is problematic if it is not being done. Not providing those evaluations can lead to a lawsuit following the departure of an employee for failure to follow the Personnel Policy Manual.
- c) Abenroth proposed changing the mandatory language from "shall" to optional language of "may."
- d) Departments can have evaluations when and if they would like to. If they are done, they should be honestly done. Weak points should be a part of those evaluations as well so it is an accurate record.
- e) The exit interview process currently includes that it be with the Auditor's office and Larsen said that is awkward if departing employees have issues. The Auditor's office isn't the appropriate place for that feedback dialogue to take place. They do, however, need to be involved in the exit process where they handle all payroll functions and benefits.
- f) Abenroth talked about backup for the Auditor's office if someone didn't desire to talk with Larsen or his staff. Larsen clarified he wasn't concerned regarding his office as employees have no other option and

are required to deal with them on exit of their employment for payroll and benefit termination. His concern was more with disgruntled employees who may give good informational feedback. They would be more inclined to express their feelings if they had options as to who they could do that exit interview with. The proposal as presented appropriately gives an employee that option with the inclusion of the County Prosecutor to conduct that exit interview if so desired.

- g) Abenroth is in favor of these changes to alleviate some awkwardness in the current policy.
- h) Larsen expressed gratitude for this issue being promptly addressed and it should meet everybody's needs. This way legal and liability issues can be addressed with the appropriate authorities.
- i) A resolution will be prepared and notification will need to go to each employee to acknowledge by signature they have received those changes.

**10:57 AM**

**MOTION: PAUL CHRISTENSEN, MEMBER, MOVED TO APPROVE CHANGES AS PRESENTED IN SECTION 18 AND SECTION 21 OF THE COUNTY PERSONNEL POLICY HANDBOOK. BOB KUNAU, MEMBER, SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

12) 11:12 AM REVIEW AND EXECUTE LETTER OF SUPPORT FOR MINIDOKA MEMORIAL HOSPITAL (MMH) EMS GRANT APPLICATION

- a) McMurray said a request had been received from MMH for a letter of support. They are seeking money for the purchase of an ambulance.
- b) Commissioner Kunau read the prepared letter to the Board.

**11:13 AM**

**MOTION: PAUL CHRISTENSEN, MEMBER, MOVED TO APPROVE THE LETTER OF SUPPORT FOR THE PURCHASE OF AN AMBULANCE FOR MMH. BOB KUNAU, MEMBER, SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

13) 11:22 AM REVIEW MINUTES FOR APPROVAL

**11:22 AM**

**MOTION: BOB KUNAU, MEMBER, MOVED TO APPROVE MINUTES OF THE BOARD FROM MAY 11, 2015. PAUL CHRISTENSEN, MEMBER, SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

**11:22 AM**

**MOTION: PAUL CHRISTENSEN KUNAU, MEMBER, MOVED TO APPROVE MINUTES OF THE BOARD FROM MAY 12, 2015. BOB KUNAU, MEMBER, SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

**11:23 AM**

**MOTION: PAUL CHRISTENSEN KUNAU, MEMBER, MOVED TO APPROVE MINUTES OF THE BOARD FROM MAY 15, 2015. BOB KUNAU, MEMBER, SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

14) 11:24 AM DISCUSS REQUEST FOR FUNDS FROM IDAHO TRANSPORTATION DEPARTMENT (ITD) CITY OF ROCKS BACKCOUNTRY BYWAY PROJECT

- a) ITD is asking the County to pay the balance or \$4,770.13 for our share of the cost for federal aid for the City of Rocks Backcountry Byway Project.
- b) McMurray said the first issue is if the Board desires it to be paid. The second issue is identifying where the funds would come from to pay that.
- c) Chairman Crane said the funds would come from the General Fund in the Current Expense Fund budget.

**11:24 AM**

**MOTION: BOB KUNAU, MEMBER, MOVED TO APPROVE PAYMENT TO ITD IN THE AMOUNT OF \$4,770.13 AS PRESENTED. PAUL CHRISTENSEN, MEMBER, SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

- 15) 11:26 AM REVIEW AND CONSIDER FOR APPROVAL REQUEST FOR STORAGE BUILDING AT THE MINI-CASSIA CRIMINAL JUSTICE CENTER
- a) Commissioner Christensen said this request came before the Joint Jail Committee. The cost was estimated at roughly \$13,000 for the storage building.
  - b) The building would house tissue and toilet paper they bulk purchase in order to save a substantial amount of money.
  - c) Commissioner Kunau asked if they had explored the option of using a semi-trailer with the axles taken off as had been discussed earlier. The request letter said a cargo storage unit would be about \$1,000 more in cost. He thought they were going to talk to Burley Iron Works who purchases surplus trailers.
  - d) Commissioner Kunau said he had purchased one from Pacific Steel for \$800 and another with a rollup door for \$1,500. They desire a 40 foot by 10.5 foot building with an eight by seven foot overhead door.
  - e) Commissioner Christensen said it should be tabled so Sheriff Heward can follow-up with Jail Director Darwin Johnson on the different possibilities.
- 16) 11:40 AM DELIBERATE AMENDMENT OF PREVIOUSLY APPROVED MINUTES CONTAINING CLERICAL ERROR
- a) Larsen stated that due to an increased number of Board minutes that have been prepared lately and due to the fact reporting of expenditure approvals has been added as an attachment to the minutes, a few clerical errors have occurred.
  - b) Minutes from May 4<sup>th</sup> lacked detail of actions for each indigent case in consideration. Those case designations and actions need to be included. May 6<sup>th</sup> minutes included the incorrect date in the footer of each page. A sticker was prepared to place over those dates designating that a special meeting with the correct date. Minutes from April 13<sup>th</sup> did not include payables as approved by the Board that date. The incorrect payables as listed need to be corrected.
  - c) Larsen indicated that minutes in the future will be abbreviated. If desired, the recorded proceedings of the Board are public record and can be requested.

**11:45 AM**

**MOTION: BOB KUNAU, MEMBER, MOVED TO APPROVE THREE MINOR CORRECTIONS OF CLERICAL ERRORS WITH MINUTES FROM APRIL 13<sup>TH</sup>, MAY 4<sup>TH</sup>, AND MAY 16<sup>TH</sup>, 2015, AS PRESENTED BY THE CLERK OF THE BOARD. PAUL CHRISTENSEN, MEMBER, SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

- 17) 11:48 AM REVIEW COUNTY PAYABLES FOR APPROVAL (*attachment included*)

**11:48 AM**

**MOTION: BOB KUNAU, MEMBER, MOVED TO APPROVE COUNTY PAYABLES DATED MAY 15, 2015. PAUL CHRISTENSEN, MEMBER, SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

- 18) 11:48 AM REVIEW AND EXECUTE BLM NOXIOUS WEED CONTROL DOCUMENT

- a) Weed Supervisor Gordon Edwards brought paperwork for the second \$50,000 of the total amount of \$100,000 which needs to be expended during the current fiscal year. The first \$50,000 portion was requested a few weeks ago according to McMurray.
- b) The paperwork request from BLM needs to be reviewed and executed by the Board.

**11:49 AM**

**MOTION: BOB KUNAU, MEMBER, MOVED TO APPROVE THE BLM WEED CONTROL COOPERATIVE AGREEMENT. PAUL CHRISTENSEN, MEMBER, SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

**SCHEDULED INFORMATION AND ACTION AGENDA ITEMS**

19) 9:09 AM BOARD OF EQUALIZATION (BOE) – None today

20) 9:15 AM TAX DEED HEARING

- a) The Board went on the record at 9:15 a.m.
- b) Treasurer Justesen said the hearing is to take possession of the property at 910 Miller Ave in Burley, ID listed under the name of Marie Herrera for three year delinquent taxes.
- c) The Treasurer’s Office has sent out all notifications and Justesen has a copy of the recorded Affidavit of Compliance for the Board’s review.
- d) She provided a letter the Board needs to sign granting the taking of the tax deed. The tax deed will be recorded upon the Board’s approval.
- e) Justesen recommended setting the tax deed sale after 30 days.

**9:17 AM**

**MOTION: PAUL CHRISTENSEN, MEMBER, MOVED TO ACCEPT THE TREASURER’S RECOMMENDATION FOR THE AFOREMENTIONED TAX DEED SALE AND SET A DATE OF JUNE 29, 2015, AT 9:30 AM FOR THE SALE OF SAID PROPERTY. BOB KUNAU, MEMBER, SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

**9:18 AM**

**MOTION: BOB KUNAU, MEMBER, MOVED TO ALLOW THE TREASURER TO RECORD THE TAX DEED SALE AS PRESENTED. PAUL CHRISTENSEN, MEMBER, SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

**9:18 AM**

**MOTION: PAUL CHRISTENSEN, MEMBER, MOVED TO AMEND THE FIRST MOTION TO INCLUDE ONLY ACCEPTANCE OF THE TREASURER’S RECOMMENDATION OF THE AFOREMENTIONED TAX DEED SALE. BOB KUNAU, MEMBER, SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

**9:19 AM**

**MOTION: PAUL CHRISTENSEN, MEMBER, MOVED TO SET THE DATE AND TIME OF THE AFOREMENTIONED TAX DEED SALE AT 9:30 AM MONDAY, JUNE 29, 2015. BOB KUNAU, MEMBER, SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

21) 9:37 AM INDIGENT MATTERS

**9:37 AM CONVENE EXECUTIVE SESSION**

**MOTION: PAUL CHRISTENSEN, MEMBER, MOVED THAT THE BOARD, PURSUANT TO IDAHO CODE § 67-2345(1)(d), CONVENE IN EXECUTIVE SESSION TO CONSIDER MEDICAL INDIGENT MATTERS THAT ARE EXEMPT FROM PUBLIC DISCLOSURE AND VOTE TO DO SO BY ROLL CALL.**

DENNIS CRANE, CHAIR	YES
PAUL CHRISTENSEN, MEMBER	YES
BOB KUNAU, MEMBER	YES

Welfare Director Susan Keck presented the following cases for review and approval of the Board:

- a) Case Presentation: 2015030, 2015031, 2015037, 2015040
- b) Certificate of Approval: 2015004, 2015027
- c) Order of Dismissal: 2014112
- d) Notice of Lien: 2015037, 2015038, 2015039, 2015040
- e) Release of Medically Indigent Lien: 2014112
- f) Medical Records/Utilization Management Review: 2015030, 2015037, 2015040

**10:12 AM**

**MOTION: PAUL CHRISTENSEN, MEMBER, MOVED TO APPROVE THE MEDICAL INDIGENT ACTIONS RECOMMENDED TO THE BOARD BY THE SOCIAL SERVICES DIRECTOR. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY. THE BOARD ADJOURNED THE EXECUTIVE SESSION AT 10:10 AM.**

22) 10:12 AM CITY OF ROCKS DRAFT EIS MEETING WITH WALLACE KECK

- a) City of Rocks and National Parks Service (NPS) Superintendent Wallace Keck desired to bring the Board up-to-date on the City of Rocks EIS process. It has been ongoing for five or six years and is about completed.
- b) It has taken that much time as they originally considered expanding the boundaries of the Reserve to include some BLM and private ground. There had been resistance or objection to that.
- c) They went back to the drawing board and their preferred alternative is "B" which does not include expansion of the boundaries.
- d) Under the "B" plan, some campgrounds will be opened and some closed for resource protection. There will be an emphasis on the backcountry experience rather than front country with facilities and structures. Castle Rock will carry the load for needed facilities. Grazing will continue; however as permittees that change or abandon their permits, they will not be renewed. The way of life in the Almo area was a point of concern that will be preserved.
- e) Commissioner Christensen wanted to know if that meant no permits are transferable. Keck said that has always been the case even though that is not so with the BLM.
- f) All permittees seem to be happy with what is being proposed according to Keck.
- g) The desire is to do electronic presentation of the preserve rather than exhibits to preserve the park to be as the pioneers would have experienced it.
- h) Private lands would continue to fall under the jurisdiction of Cassia County as a party to the City of Rocks partnership with Planning and Zoning duties.
- i) Hunting will continue with close work with Fish and Game regarding certain species. They will also continue to work with adjacent landowners. No administrative infrastructure will be built on the Reserve.
- j) They desire over time to have the NPR boundaries and requirements match Planning and Zoning requirements. Commissioner Christensen asked McMurray what would need to be done to change the multiple land use designation to historic preserve. McMurray said an application and hearing process would be necessary for a recommendation to come before the Commissioners for a final decision. That is required as an ordinance change would be necessary. Keck was aware of that as they had gone through a situation like that before.
- k) Two prime reasons for the reserve are not included in the current historic preserve land use designation. Some administrative changes need to be cleaned up with other National and State historic reserve designations in all alternatives.
- l) Commissioner Christensen said he desired to have kiosks portray the historical uses of the reserve rather than highly charged political portrayals of climate change. Keck said all national parks are required to address climate change within their parks. Keck's emphasis is not that portrayal. The City of Rocks is a place of species delineation such as with Pinon Pine trees and some wildlife that climate change would affect. Climate change will not be ignored even though it will not be the emphasis.
- m) Commissioner Christensen asked about the southwest corner of the park where there are historic trails. Granite Pass is important to the historic aspects to see it as the pioneers saw it according to Keck. Protection of scenic views is important.

- n) Public comments will be taken until July 9<sup>th</sup>. A record of decision should be in by the end of the year.
- 23) 10:30 AM YEARLY OUTREACH FROM AREA CONGRESSMEN DELEGATES:
- a) Mike Matthews (Senator Jim Risch), Samantha Marshall (Senator Mike Crapo), and Linda Culver (Congressman Mike Simpson) were present to provide the Board with brochures regarding our federal legislator's available services.
  - b) They also desire to know of any concerns of any constituents relating to the federal government as our legislators can make an inquiry on their behalf.
  - c) Commissioner Christensen said he had recently been asked to serve on the ICRMP Board for risk management. The absence of tort reform is costing counties a great deal of money in the way of employer-employee litigation. The way the statute reads now, if an employee has a grievance with termination or any action taken against them, they can litigate against a government entity, with no penalty to the employee where they have no "skin in the game." These cases go more through the federal courts than through the state courts. If the entity is found that they have done damage to an employee, they have to pay 100% of the legal fees the employee has incurred during the process of litigation. A good case isn't good enough. It has to be a perfect case or government entities stand to lose up to a half million dollars if found to be in the wrong. Something needs to be done on the federal level to bring that process into better balance so the grievant has the same responsibilities to cover county's legal fees if the case is proven to be justifiable. Commissioner Christensen asked that to be taken back to the legislators. He further stated when ICRMP was formed; there was no insurance entity that insured counties. It is troubling to government to have such a high standard.
  - d) Abenroth referred to a federal code from 1983 where a complainant could bring an action such that damages could be awarded, whatever the amount, along with recovery of attorney's fees of the offending party that their insurance would have to cover. Sometimes actions are filed just on the basis of recovery of attorney's fees.
  - e) Commissioner Christensen said this situation has an enormous impact on county insurance premiums.
  - f) Culver said they will do the research and get this information to our legislators.
  - g) Larsen said as an elected official, it is problematic with employees deputized to work on their behalf where they are entrusting those deputized to represent their integrity, we trust them to do their duties adequately, appropriate supervision is expected, and the work of the county must get done. The situation articulated here, takes the rights of the elected official who is representing their constituents and effectively handcuffs them and puts duct tape on their mouths in the ability to perform their duties appropriately by not being able to solve some non-rectifiable problems. It goes beyond the issues of insurance and liability and goes right down to the level of what services get provided on behalf of the entities. He said it is a serious problem that is ongoing. In the last four years Larsen has been in his elected position, he has spent more hours and resources devoted towards rectifying those problems than providing services as required on our constituent's behalf.
  - h) Larsen expressed his gratitude to Senator Crapo and Representative Simpson on the work they have personally done to preserve Payment in Lieu of Taxes (PILT) and Secure Rural Schools (SRS) funding. They have taken an active role in that. Cassia County has become dependent on that funding as the County that receives the second highest amount of PILT money in the State of Idaho. We are using every bit of the \$2.1 million funding our annual ongoing needs. The elimination of PILT would be disastrous to our County in the form of reduction of workforce and services rendered. Going year to year without permanent funding, it will continue to be a huge problem every budget year until permanent funding is authorized. Larsen said his comments were expression of gratitude but also a continued plea.

- i) Culver said a permanent fix to this is what the legislators are working for. Someday soon maybe that will be taken care of. They recognize how hard it is to budget not knowing the status of that funding and how important it is to counties in Idaho.
- j) Commissioner Christensen echoed what Larsen said about PILT and SRS funding. Commissioner Kunau also expressed appreciation for the work our legislators have done for Cassia County and the State of Idaho.

24) 10:59 AM SABER OLDHAM – MEDICAL INDIGENT LIEN

- a) Abenroth said a medical indigent lien had been filed on and reported in 2006 based on an indigent application. A lien on real property had been filed with the Secretary of State in 2007. Ultimately, there was a bankruptcy filing by the applicant who did not have any property at the time of filing.
- b) Liens need to be in place within 30 days and the first lien was but the second one was not.
- c) Ms. Oldham is trying to buy real property and the lien has created some obstacles for her.
- d) Attorney Kent Jensen explained there is really no dispute of the facts as Abenroth presented them. He referred to a Bonner County case in 2002 where if the lien on real property had not been filed prior to the filing of the bankruptcy, a county lien would not attach post-bankruptcy property thereafter acquired. The only lien remaining would be on personal property the applicant may have had pre-filing of the bankruptcy. Proceeds would have to be tracked back to that time.
- e) Oldham was set to close on a house recently until the bank said they would not go forward until the lien could be satisfied even though it only can be perfected on personal property.
- f) Current case law does not address the differences in interpretation between Jensen and Abenroth.
- g) Abenroth said it could be interpreted that the County does not have a valid lien on the personal property. He agreed Ms. Oldham had come a long way from a bad situation. Having said that, Abenroth felt the County could have a position with the lien but only with personal property. The debt amount is less than \$10,000 and the County's position is pretty limited. An amount could be negotiated but he recommended something that would be satisfactory to everyone.
- h) Jensen reiterated that the ultimate reason for bankruptcy is to allow people to take risks, but when things don't go right, people can have a fresh start and that is what he is looking for Ms. Oldham. He is asking for the Board's consideration for a fresh start for her.
- i) The only property that would be subject to lien, according to Jensen, is what she had before the bankruptcy.
- j) Jensen asked for the lien to be withdrawn and allow her to become a good stable citizen.
- k) Commissioner Christensen asked if any payments had been made and Abenroth said that the bankruptcy absolved her liability from that happening.
- l) Commissioner Kunau stated it may be more expensive to fight it than what it would be worth.

11:10 AM

**MOTION: PAUL CHRISTENSEN, MEMBER, MOVED TO WITHDRAW THE LIEN AS REQUESTED. BOB KUNAU, MEMBER, SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

- m) Abenroth said this is a unique situation and precedence would not be established.

25) 11:30 AM UNITED STATES FOREST SERVICE (USFS)/BUREAU OF LAND MANAGEMENT (BLM) REPORT

- a) LOREN POPPERT – USFS DISTRICT RANGER
  - i) Poppert reported they are flying a new building and repeater to Heglar Peak tomorrow and the next day to facilitate better radio communications. That facility could be available for other users including the County.

- ii) A meeting was held in the Albion area last week regarding the Travel Management Plan. There were approximately 40 people who attended. They discussed route rehabilitation for this year. They are also attempting to find a way to facilitate getting to firewood when those routes are rehabilitated.
- iii) Pole Canyon Road at Black Pine washed out this past weekend on the east side. That area is closed for right now. They are working on how to affect repairs there.
- iv) The Forest Service is coordinating with Sam Adams regarding the Elba-Oakley road washout at Clyde Creek, which is off Forest lands. They wanted to make sure there were no campers up there, where there had been a road closure.
- v) Sam Adams is working with their road crew operator, Dennis Erickson to see what they can do.
- vi) They have been working with Christmas tree fees that have been \$10. They get none of that money as it all goes back to the Treasury. That money is what they used to use to plow roads to allow people to get to the Christmas tree areas. They are working on increasing the fee from \$10 to \$15. Chairman Crane asked if the extra \$5 would come back locally. Poppert said some of that will come back and not go to the Treasury.
- vii) Chairman Crane reported on the help the Raft River Flood District is going be providing with the Elba flooding and washout.
- viii) Commissioner Christensen said a constituent had talked to him about closure of some secondary roads in the Almo area. Poppert said there is no attempt to close any legal system routes. They are working on rehabilitation of routes that are not part of the original Travel Management Plan.
- ix) Poppert introduced Kit Mullen, their new District Supervisor. She has been in the Twin Falls office for the past six months.
- x) Mullen introduced herself and asked for any concerns Cassia County has as it relates to the U.S. Forest Service. She has been with the Federal Forest Service since the early 1980's.
- xi) Commissioner Christensen emphasized the preservation of multiple-uses of the land for grazing, trails, and tree cutting.

**11:51 AM**

**MOTION: PAUL CHRISTENSEN, MEMBER, MOVED TO ADJOURN. BOB KUNAU, MEMBER, SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

26) 11:51 AM ADJOURNMENT

APPROVED:

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

Dennis Crane, Chairman

CLERK OF THE BOARD:

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

Joseph W. Larsen

**ATTACHMENT:  
COUNTY PAYABLES  
05/18/2015**

5/18/2015

## COUNTY EXPENDITURES

	DEPARTMENT	FUND/DEPT	AMOUNT	
<b>104 Current Expense Fund</b>	COUNTY COMMISSIONERS	104.401	\$0.00	
	AUDITOR & RECORDER	104.402	\$159.52	
	TREASURER	104.404	\$47.22	
	ASSESSOR	104.405	\$259.44	
	AGRICULTURAL EXTENSION	104.410	\$1,624.10	
	COUNTY BUILDING	104.411	\$624.00	
	JUDICIAL CENTER	104.412	\$953.35	
	BOARD OF HEALTH	104.413	\$9,763.60	
	PLANNING & ZONING	104.414	\$53.18	
	GENERAL	104.415	\$4,137.89	
	CIVIL DEFENSE	104.416	\$361.01	
	COUNTY ELECTIONS	104.417	\$0.00	
	COUNTY ADMINISTRATION	104.419	\$720.20	
	VETERANS SERVICE OFFICER	104.421	\$0.00	
<b>CURRENT EXPENSE FUND TOTAL</b>			<b>\$18,703.51</b>	
<b>Dedicated Funds</b>	SOCIAL SERVICES	105.502	\$6,200.00	
	CASSIA COUNTY COURTS	106.602	\$306.00	
	COUNTY ROAD & BRIDGE	107.707	\$283.36	
	WEED & PEST	108.708	\$9,077.65	
	SOLID WASTE	109.709	\$0.00	
	AMBULANCE SERVICE	110.710	\$0.00	
	FAIR EXHIBITS	111.711	\$0.00	
	HISTORICAL SOCIETY	112.712	\$0.00	
	COMMUNITY COLLEGE	113.713	\$0.00	
	REVALUATION	114.714	\$1,189.47	
	9-1-1 COMMUNICATIONS	115.715	\$6,937.75	
	CONSOLIDATED ELECTIONS	116.716	\$0.00	
	COUNTY WATERWAYS	117.717	\$0.00	
	COUNTY SNOWMOBILE	118.718	\$28.51	
	ASSESSOR TRUST	123.323	\$1,211.70	
	EMERGENCY MEDICAL SERVICE	133.733	\$0.00	
	NARCOTICS SEIZED ASSETS	134.334	\$0.00	
	CASSIA DRUG TASK FORCE	136.736	\$650.00	
	D.A.R.E. TRUST	137.737	\$169.38	
	PHYSICAL FACILITIES	144.744	\$2,394.00	
	ADULT MISDEMEANOR PROBATION	149.349	\$30.00	
	ADULT MISDEMEANOR PROBATION	149.749	\$5,153.29	
	VIOLENT PREDATOR ACCOUNT	150.750	\$0.00	
	BOX ELDER COUNTY BOOKMOBILE	151.751	\$0.00	
	WIDOW BENEFIT TRUST	198.798	\$0.00	
	<b>DEDICATED FUNDS TOTAL</b>			<b>\$33,631.11</b>
	<b>130 Justice Fund</b>	JUSTICE FUND	130.330	\$0.00
CLERK OF THE DISTRICT COURT		130.803	\$0.00	
CONFLICT PUBLIC DEFENDER		130.804	\$6,573.88	
JUVENILE JUSTICE		130.805	\$0.00	
PROSECUTING ATTORNEY		130.807	\$709.44	
PUBLIC DEFENDER		130.808	\$6,566.40	
CORONER		130.809	\$772.00	
LAW ENFORCEMENT BUILDING		130.812	\$126.93	
SHERIFF - PATROL		130.821	\$8,641.16	
SHERIFF - INVESTIGATIONS		130.822	\$1,358.01	
SHERIFF - DISPATCH		130.823	\$234.00	
SHERIFF - ADMINISTRATION		130.824	\$2,637.12	
M-C CRIMINAL JUSTICE CENTER		130.827	\$0.00	
M-C JUVENILE DETENTION CENTER		130.828	\$0.00	
<b>JUSTICE FUND TOTAL</b>			<b>\$27,618.94</b>	
<b>TOTAL EXPENDITURES</b>			<b>\$79,953.56</b>	