



## 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, September 21, 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:

Dennis Crane, Chairman

#### Prosecuting Attorney:

Doug Abenroth

Paul Christensen

#### Administrator:

Kerry D. McMurray

#### Others:

Bob Kunau

#### Deputy Clerk of the Board:

Tammi Pollard

Casey Anderson, Citizen

Dwight Davis, Assessor

Jay Heward, Sheriff

Winston Inouye, Commerce Authority

Garth Dayley, Citizen

Blair Bowers, Citizen

Laurie Welch, Times News

Lana Bowers, Citizen

J Horgan, Jerome Prosecuting

Dennis Byington, Public Defender

Craig Rinehart, Coroner

Amber Prewitt, Adult Probation

Patty Justesen, Treasurer

Joe Larsen, Clerk

Gordon Edwards, Weed Supervisor

Jason Rogers, Sheriff's Department

Kevin Horak, Investigations

Russ Rasmussen, MCCJC

Darwin Johnson, MCCJC

Craig Munoz, Maintenance

Timbri Hurst, Admin Secretary

8:00 AM JOINT JAIL QUARTERLY REVIEW AT MINI-CASSIA CRIMINAL JUSTICE CENTER (MCCJC)

### 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) County Commissioner Meeting to be held 9:00 a.m. on Monday, 09/28/2015
  - b) Public Defender meeting at 7:30 a.m. Tuesday, 09/22/2015
  - c) Justice meeting at 8:00 a.m. Tuesday, 09/22/2015
  - d) LEPC meeting at 12:00 p.m. Tuesday, 09/22/2015 at Morey's Steakhouse
  - e) Southern Idaho Solid Waste at 10:00 a.m. out in Milner
  - f) City of Albion is Capital for the Day for the State of Idaho Tuesday, 09/22/2015. The Governor and his Entourage will be there from 10:00 a.m. to 3:00 p.m.
  - g) South Central Public Health District Meeting at 1:30 p.m. on 09/23/2015 in Twin Falls.
- 3) 9:07 AM REVIEW CORRESPONDENCE
  - a) Email regarding Trac Phones

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**REGULAR SESSION**

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- 4) 9:24 AM COUNTY ROAD AND BRIDGE DEPARTMENT WEEKLY WORK SCHEDULE
- a) Chairman Crane reported that due to the rain last week they were able to get some road grading done.
  - b) Chairman Crane stated that Adams has indicated that the dry conditions have changed and they are getting ready to fix culverts that were damaged in the spring.
- 5) 9:25 AM DISCUSS RENTAL OF POWER SCREEN FOR ROAD AND BRIDGE DEPARTMENT
- a) McMurray stated that Adams has proposed four different options in regards to power screen bids.
    - i) Plan A is with Modern Machinery and it is a full blown power screen. This option presents problems in set up with the use of a power loader to feed it and there is a weight issue at 65,000 pounds. That would result in transportation requiring an additional \$10,000.00 per month plus screen plus freight both ways depending on availability.
    - ii) Plan B is a cone crusher from Kimball Equipment; it weighs 97,000 pounds which causes a transportation problem. The cost is \$28,000.00 per month plus freight plus spare parts plus delivery. McMurray stated that where this is delivered to is where it stays, as there is no mobility.
    - iii) Plan C is a full power screen from Gale Lim Construction; it is on wheels and can be pulled with the county's semi so it is completely mobile. McMurray stated that the county has to provide their own screens, Gale Lim will help with setup at no charge and the screen is located in Blackfoot. It is now available for rent costing \$7200.00 per month plus screens. The advantage is its mobility.
    - iv) Plan D there is a chance for a demonstration from Road Tech; they are out of Coeur d'Alene. McMurray stated that the cost is pretty high, stating that it is a crush in place on the road machine with cost including wear on parts and transport.
  - b) Adams recommended plan C subject to inspection and would like to go ahead and make a rental agreement and get crushing some material.
    - i) Christensen inquired as to having to purchase screens for the unit in plan C and asked about a cost estimate. McMurray did not have a cost estimate on this as of yet.
  - c) Chairman Crane inquired as to approval of option C and to have further investigation into it.
  - d) Christensen and Kunau are in agreement to further investigate option C.
  - e) McMurray will pass this information on to Adams.
- 6) 9:29 AM HEARING TO DELIBERATE ON BEER AND LIQUOR LICENSES
- a) The Board went on the record at 9:29 a.m. for a hearing to consider Beer and Liquor Licenses.
    - i) The License considered was for Duck Ugly's
    - ii) Request was for draft beer on premise & wine by the drink

**9:29 AM**

**MOTION: PAUL CHRISTENSEN, MEMBER, MOVED TO APPROVE A BEER AND LIQUOR LICENSE FOR DUCK UGLY'S AS PRESETNED. BOB KUNAU, MEMBER, SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

- b) The Board went off the record at 9:30 a.m.
- 7) 10:09 AM DELIBERATE ON PUBLIC DEFENSE EXPENDITURES FOR ACCESS TO INMATES
- a) McMurray offered some background information on this issue. This program will allow Public Defenders and Conflict Public Defenders access to the inmates at the MMCJC without having to actually go to the jail to visit with them. There should also be a significant savings for Twin Falls conflict public defenders.
    - i) Total cost is \$2,390.00 for hardware and software.
    - ii) Byington asked for the Board's approval and cited that there should be enough funds left over in the FY2015 funds for this project.
  - b) Christensen inquired as to this technology being available to those Public Defenders that are out of town as well as the ones that are in town.

- i) McMurray stated there will not be a priority set. It will be on a first come first serve basis. The idea is to first serve the Mini-Cassia Public Defender's office and Conflict Public Defenders and then those defenders who are from out of town.
- c) Christensen inquired as to Public Defenders from Twin Falls or others out of town and how the scheduling process would work.
  - i) McMurray stated that there would need to be prior notification to schedule an appointment so as to accommodate the prioritized needs.
- d) Christensen suggested that priority be given to those that are out of town versus local.

**10:11 AM**

**MOTION: PAUL CHRISTENSEN, MEMBER, MOVED TO APPROVE HARDWARE AND SOFTWARE IN THE AMOUNT OF \$2,390.00 FOR PUBLIC DEFENDER ACCESS TO INMATES FOR PUBLIC DEFENSE. BOB KUNAU, MEMBER, SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

8) 10:13 AM PERSONNEL MATTERS

- a) CHANGE OF STATUS
  - i) SHERIFF'S OFFICE
    - (1) Transfer of Deputy Wayne Winder from Bailiff to Patrol
    - (2) Voluntary resignation of Bobby Jo Munoz from Dispatch
    - (3) Chairman Crane inquired of Larsen as to whether costs for Change of Status Requests from last week were covered in the budget.
    - (4) Increase in rate of pay for Deputy Patrolman Russell Hollins for language/interpreter. Larsen addressed by email the Board's request of whether that has been done in the past. He concurred that has taken place historically for language/interpreter.
    - (5) Chairman Crane inquired of Larsen if this is also happened for physical fitness tests. Larsen stated that there had been no consistency with this in the past.
    - (6) Larsen stated that for those individuals that passed their physical fitness tests would need to come out of the overtime budget as was addressed previously in meetings of the Board. These are individuals that lost this benefit and would otherwise get it back. Heward desired to have those officers expedite the increase in pay for physical fitness to get it through for FY2015.
    - (7) Chairman Crane asked for further clarification. Heward explained why some of these officers did not show up for the annual physical fitness test a year ago for one reason or another. Heward wanted to allow them regain their \$600.00 back that they lost going forward so they would be back up to where they were previously.
    - (8) Chairman Crane asked if this would come out of the overtime budget. Heward asked Larsen if this was coming out of the A budget. Larsen said funds were not allocated in the wage and salary line and it would necessitate it coming from the overtime line in the "A" Budget.
    - (9) Christensen stated that it would be wise to take this out of that overtime budget. Heward concurred but would like to see it split with the four or five in the Sheriff's office coming out of the Patrol overtime budget. Also, he desired that those who work in the MCCJC, to have it come out of their overtime budget.
    - (10) Chairman Crane read the Change of Status Requests from the Sheriff's Office as follows; Deputy Patrolman Russell Hollins, Senior Patrolman Chris Weber, Corporal Patrolman Kenny Emery, Sr., Patrolman Antonio Bernard, and Corporal Patrolman Bryan Bird.
    - (11) Larsen addressed the issue of the 12 employees that are coming from the jail and talked about the B & D budgets.
    - (12) Chairman Crane addressed the changes that were presented to be made:

- (a) Wayne Winder moving from bailiff to patrol
- (b) Bobby Jo Munoz voluntary resignation
- (c) Russell Hollins for language/interpreter
- (d) The other four previously state for physical fitness

**10:24 AM**

**MOTION: PAUL CHRISTENSEN, MEMBER, MOVED TO APPROVE SAID CHANGE OF STATUS REQUESTS AS PRESENTED WITH FUNDING ALLOCATED FROM THE SHERIFF'S OVERTIME BUDGET. BOB KUNAU, MEMBER, SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

9) 10:25 AM EXECUTE COST OF LIVING ALLOWANCES AND PAY RAISES FOR FY2016 MEMO

- a) Kunau read a memo prepared by McMurray he wanted to send out to employees of Cassia County that went over cost of living increases in rate of pay and department head latitude to use increases to equalize pay in their departments.

**10:27 AM**

**MOTION: PAUL CHRISTENSEN, MEMBER, MOVED TO APPROVE SENDING OUT THE MEMO PRESENTED AND DATED 09/21/2015 REGARDING PAY RATE INCREASES FOR FY2016. BOB KUNAU, MEMBER, SECONDED THE MOTION.**

- b) Larsen said he already sent out a memo to all the departments as to rate of pay increases. It needed to go out based on the Board's previous decision on the split for cost of living and merit. They were under a time constraint for department heads to get their Change of Status requests in to the Auditor's office in time for the first payroll of FY2016.
- c) Crane inquired as to the miscommunication about the Board's next meeting.
- d) Larsen stated that there were notes attached to Change of Status Forms that did not square up with what was allocated in the budget. He also said Change of Status effective dates cannot be backdated. It is not congruent with Fair Labor Standards Act or the IRS reporting and liability.

**10:29 AM CHAIRMAN CRANE CALLED FOR A VOTE ON THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

10:30 AM PAYMENT OF FAIRGROUND'S CAPITAL IMPROVEMENTS

- e) Chairman Crane stated there has been a request from the secretary of the Fair Board to receive the second half of their budgeted fairgrounds exhibit line and also their capital expense line. Chairman Crane stated that the Fair Board has always worked under their own budget similar to the museum. He questioned the reason for the payment being held up and asked Larsen about that.
- f) Larsen stated that this did not meet -any of the GASB or GAAP standards relative to accounting. He concurred that the Fair Board does operate under their own budget but is still part of the County levy and subject to internal controls of the County. Larsen stated that the capital improvements are part of the County budget as a line item and in fact must be examined by the Auditor's office.
- g) Larsen stated that after discussing this with the outside auditor it was held up because there was not appropriate documentation to determine what had taken place for the amount of money being spent as required under the statute before approval. The money has to be expended out of the county funds not out of their private account where it is a county budgeted line item.
- h) Christensen asked if the Fair Board expends money and presents that to the Auditor's office with appropriate documentation and receipts, would those payments be made.
- i) Larsen replied that when the Auditor's office receives appropriate documentation, it will be presented like other County expenditure to Board for their approval for payment. By statue, the Auditor's office has the responsibility to examine and verify expenditures and this situation was absent of that. Larsen stated that if those expenditures are identified by invoice as to what they are for, the Auditor's office can present them like they do all County expenditures for approval.

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- j) Kunau inquires as to how it was done last year.
  - k) Larsen stated that one line budgeted for the Fair is for capital improvements and one line is for Fair Exhibits. The Fair Exhibit allocation is paid out in two equal payments a year. Larsen proposed that those two payments be made after each tax drive when funds are more likely available.
  - l) Chairman Crane has a hard time understanding why there needs to be more involvement comparing the circumstances of the Fair versus the Museum being similar. Chairman Crane did not want to add more pressure as they are both volunteer boards.
  - m) Christensen does not recall a footnote on this matter on the outside Auditor's report naming this as an issue of concern.
  - n) The outside audit has not even begun for FY2015's budget to be able to address it. Larsen stated that putting pressure on volunteers is a mischaracterization. Fulfilling the function of internal controls as the Auditor under the statute is the issue.
  - o) Larsen suggested making that payment on a specified day two times a year for the Fair Exhibit payment so it would be clear when it would be received. Chairman Crane also felt that a determined date would serve the Fair better.
- 10) 10:39 AM EXECUTE CREDIT APPLICATION WITH BARRY EQUIPMENT AND RENTAL FOR ROAD AND BRIDGE
- a) McMurray stated that there is a credit application form that Adams has sent in and Sara Haynes has followed up with Barry Equipment and has filled out the necessary information. The application is ready for signatures. This credit is to allow Adams to rent equipment on a few occasions when it is necessary.
  - b) Christensen stated that Southern Idaho Solid Waste was allowed to use the County's compactor in a project and felt that we could reciprocate use of a track hoe. He asked the Board to keep this in mind as a resource.

**10:40 AM**

**MOTION: BOB KUNAU, MEMBER, MOVED TO SIGN THE BARRY RENTAL CREDIT APPLICATION. PAUL CHRISTENSEN, MEMBER, SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

11) 10:41 AM REVIEW AND CONSIDER FOR APPROVAL L-2'S

- a) Larsen presented the County L-2's to the Board for review, signing, and certification.

**10:42 AM**

**MOTION: PAUL CHRISTENSEN, MEMBER, MOVED TO SIGN AND APPROVE THE COUNTY L-2'S AS PRESENTED. BOB KUNAU, MEMBER, SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

12) 10:41 AM REVIEW AND CERTIFY L-1'S

- a) Larsen presented the County L-1's to the Board for review, signing, and certification.

**10:42 AM**

**MOTION: PAUL CHRISTENSEN, MEMBER, MOVED TO SIGN AND APPROVE THE COUNTY L-1'S AS PRESENTED. BOB KUNAU, MEMBER, SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

13) 10:44 AM REVIEW REQUEST TO PURCHASE A FREEZER FOR MCCJC

- a) Kunau reads the request for the purchase of a freezer at the MCCJC. A bid has been received from Rock Creek Refrigeration in the amount of \$5,870.00. Rasmussen requested approval to make this expenditure from the MCCJC's repairs line.

**10:44 AM**

**MOTION: BOB KUNAU, MEMBER, MOVED TO APPROVE \$5,870.00 TO BE PAID TO ROCK CREEK REFRIGERATION FOR THE PURCHASE OF A FREEZER FOR THE MCCJC. PAUL CHRISTENSEN, MEMBER, SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

- 14) 10:45 AM REQUEST FOR ASSISTANCE AT IDAHO STATE LAND AND SOIL EVALUATION EVENT
- a) Kunau read the request dated 09/17/2015 asking for help at the Statewide FFA & 4-H Soils Judging Contest being hosted by the East & West Cassia Soil & Water Conservation Districts. The event is being held on 10/13/2015 from 9:30 a.m. to 1:00 p.m. The location is to be announced.
  - b) Chairman Crane and Commissioner Kunau are available to help.
- 15) 10:48 AM REVIEW AND EXECUTE AGREEMENT WITH ADA COUNTY 2015-2016 PATHOLOGY AGREEMENT
- a) McMurray stated that the coroner presented this to his office and he had presented it to the Abenroth for his review.
  - b) Abenroth reviewed this agreement and felt that it satisfies the requirements.
  - c) Christensen inquired as to whether the fees for service are staying the same.
  - d) Abenroth stated that for each autopsy performed, Cassia County shall pay \$1,350.00 plus toxicology, at Ada County's cost and x-rays according to Ada Counties set fees schedule.
  - e) For each inspection performed, Cassia County shall pay \$800.00 plus toxicology at Ada County's cost and x-rays according to Ada Counties set fees schedule. In addition to those fees, there is an additional cost of \$110.00 for each body that comes into the Ada County Coroner facility.
  - f) For a body left at the Ada County Coroner facility for more than 24 hours after the Coroner's completion of work, Cassia County shall pay a storage fee of \$65.00 per day.
  - g) If Cassia County requests that the Ada County Coroner release the body directly to a mortuary, the Cassia Coroner shall pay a \$50.00 handling fee.
  - h) Ada County Coroner's office cost for one of its pathologists testifying in court beyond the first appearance will be at a rate of \$500.00 for the first four hours, or any portion thereof, and \$250.00 for each additional hour.
  - i) The daily maximum cost of the Ada County Pathologist will not exceed \$1,000.00. For any overnight stay for a required court appearance, Cassia County will responsible for providing a hotel room.
  - j) Ada County will bill monthly for the costs stated and Cassia County will have 30 days to pay upon receipt of the invoice.

**10:50 AM**

**MOTION: PAUL CHRISTENSEN, MEMBER, MOVED TO SIGN THE 2015-2016 PATHOLOGY AGREEMENT WITH ADA COUNTY. BOB KUNAU, MEMBER, SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

- 16) 10:51AM DESIGNATION OF POLLING PLACES FOR THE NOVEMBER 3, 2015 CONSOLIDATED ELECTIONS
- a) Keck addressed the Election office proposed designated polling places for the 11/03/2015 Consolidated Election.
  - b) Keck reviewed the precincts that are being proposed as vote by mail precincts.

**10:56 AM**

**MOTION: PAUL CHRISTENSEN, MEMBER, MOVED TO SIGN THE DESIGNATION OF POLLING PLACES FOR THE 11/03/2015 CONSOLIDATED ELECTION. BOB KUNAU, MEMBER, SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

- 17) 11:19 AM REVIEW MINUTES FOR APPROVAL

**11:19 AM**

**MOTION: BOB KUNAU, MEMBER, MOVED TO APPROVE MINUTES OF THE BOARD FROM 09/14/2015. PAUL CHRISTENSEN, MEMBER, SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

- 18) 12:37 AM REVIEW JUNIOR COLLEGE CERTIFICATE OF RESIDENCY RECOMMENDATIONS FOR APPROVAL
- i) The Board reviewed 119 junior college Certificate of Residency applications
- (1) CSI dual credit approvals: 107

- (2) CSI non-dual credit approvals: 5
- (3) CWI dual credit approvals: 1
- (4) Denials: 6

**12:37 PM**

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

19) 12:43 PM REVIEW COUNTY PAYABLES FOR APPROVAL (*attachment included*)

**12:43 PM**

**MOTION: PAUL CHRISTENSEN, MEMBER, MOVED TO APPROVE COUNTY PAYABLES DATED 09/21/2015. BOB KUNAU, MEMBER, SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

20) 12:47 PM

- a) Chairman Crane asked all three Board members to sign the Change of Status Requests.

**12:47 PM**

**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) The Board of Commissioners reviewed and signed all of the Change of Status Requests as presented.

### ***SCHEDULED INFORMATION AND ACTION AGENDA ITEMS***

21) 9:15 AM MINI-CASSIA COMMERCE AUTHORITY REPORT BY WINSTON INOUE

- a) Inouye offered an executive summary of the projects being worked on in the Mini-Cassia area.
- b) The Commerce Authority continues to work with the Ida Beef project which is expected to be completed by December. This project should be up in production and processing cattle by the end of this quarter or first of next quarter.
- c) Inouye states that there will be 105 full time equivalent jobs in the initial phase, and they will all be above the county average, and will qualify for work force development.
- d) The second phase of this project will double its size as it will double the head per day being processed.
- e) \$7.5 million has been put into the project by the developer Alan Ward. Most of this is coming back to the community through local contractors.
- f) Inouye stated that the next project that is close to getting started is Value Added Meat & Fish Company.
- g) Christensen asked if they are a meat processing company. Inouye stated they are, but they actually do other things such as flavorings and smoking of the meats.
- h) Inouye discusses the manufacturing company that he has had contact with through a third party but stated they are a good solid company.
- i) Advanced transportation for a major agriculture company is looking at ways to build a whole new transportation and loading system in this area.
- j) Christensen inquired as to association with High Line, Inouye responds.

22) OPEN MEETING VIOLATION DISCUSSION WITH J HORGAN

- a) Doug Abenroth addressed the complaints of six different open meeting law violations as presented by Casey Anderson in April of 2015. On 05/06/2015 the Board of County Commissioners responded by admitting some of the violations and denying the balance. Abenroth stated that Anderson accepted the findings with the exception of one which was a denial regarding an open meeting law violation on 03/23/2015. Anderson contacted Abenroth by phone and certified letter requesting per Idaho Statute that this matter be investigated and to consider filing an action in Magistrate Court alleging an open

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meeting law violation. Abenroth stated that statute permits the County Prosecutor to seek a Special Prosecutor when the allegations are against the County Commissioners because of a conflict of interest.

- b) Horgan was contacted by Abenroth to act as Special Prosecutor to address this complaint. Horgan was appointed in August of 2015 after proper filings were made through the Court.
- c) Horgan addressed the findings of this allegation citing that a meeting on 03/23/2015 at 12:00 p.m. in a restaurant the minutes read: "The Board discussed the Law Enforcement Contract." In particular, the Board agreed on their support of the Law Enforcement Committee recommendations on Page 14; items 1-7. 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.
- d) Horgan stated that this was not agendized and not noticed as far as the meeting being at the restaurant.
- e) Horgan stated that in May 2015 a letter was written admitting a few of the violations and denying this particular violation. Horgan received these allegations on 09/01/2015 and has read them over many times and has reviewed this with many others that deal with this sort of violation and it appears that the meeting in question did in fact violate the open meeting law.
- f) Horgan stated that the action cannot be voided at this point and asked the Board of Commissioners if they would like to admit the violation and agree to do better and possibly get some training on a regular basis.
- g) Abenroth stated for the record that Horgan is the Jerome County Prosecutor. Horgan informed Abenroth on Friday that if the Board of Commissioners does not admit today on this charge that he intends to file a complaint in Magistrate Court.
- h) Horgan agreed that there is a violation and he was asked to review the case, citing that he will do what he needs to do.
- i) Chairman Crane asked if there are any questions the Board had for Horgan. There were no questions at that time.

**9:36 AM CONVENE EXECUTIVE SESSION**

**MOTION: PAUL CHRISTENSEN/BOB KUNAU, MEMBER, MOVES THAT THE BOARD, PURSUANT TO IDAHO CODE § 74-206(1)(f), CONVENE IN EXECUTIVE SESSION TO COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY-LIKELY LITIGATION REGARDING ALLEGED OPEN MEETING LAW VIOLATION. BOB KUNAU/PAUL CHRISTENSEN SECONDED THE MOTION, FOLLOWED BY A ROLL CALL VOTE:**

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

**THE BOARD ADJOURNED THE EXECUTIVE SESSION AT 10:01 AM.**

**10:01 AM OPEN MEETING LAW VIOLATION DISCUSSION**

- a) Abenroth stated that on 05/06/2015, the Board of Commissioners issued a letter to Mr. Anderson in response to six allegations of violations against them regarding the open meeting laws in Idaho.
  - i) Allegation #4 violated open meeting laws by having a working lunch at a local restaurant, where discussion allegedly occurred regarding the law enforcement committee report action.
  - ii) The Commissioner's, in response to the allegations, denied any violation of the open meeting law and gave its rationale for that decision.
  - iii) Abenroth stated that at this time, based upon Horgan's opinion before the Board of Commissioners; he has determined that he believes there was a violation of the open meeting law by moving the Commissioner meeting from this building on 05/23/2015 to a local eating establishment for a working lunch.

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iv) It is the understanding of Abenroth that the Board of Commissioners wish to change their finding from the 05/05/2015 letter on that allegation to admit to the violation of open meeting law on 03/23/2015.

b) Abenroth asked if this was the intentions of each Commissioner to admit to the open meeting law violation as stated.

**10:05 AM DENNIS CRANE, CHAIR ADMIT YES**  
**PAUL CHRISTENSEN, MEMBER ADMIT YES**  
**BOB KUNAU, MEMBER ADMIT YES**

c) Abenroth stated that the statute requires that upon an admission to an open meeting law violation that there be an intention of curing the violation stated. Abenroth stated that the cure to that violation occurred on that day 03/23/2015 because the Board of Commissioners had noticed up and placed on the agenda a meeting with the Burley City Council and the Mayor for 1:30 p.m. at the courthouse at this address. Further that was noticed and agendized to discuss all aspects of the law enforcement contract and as such there was a full deliberation and a properly noticed meeting and a decision based upon this deliberation was made on that day. Therefore any violation of the working lunch that occurred off premises was cured by that meeting.

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

d) Abenroth felt that there is no further cure as it was already done on that day 03/23/2015.

e) Abenroth asked if it is the intentions of the Board as part of a proposed cure to do better going forward including a review of the open meeting manual at some point in the future.

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

f) Abenroth stated that the statutory requirements are all covered, as well as Horgan's questions and concerns having been resolved.

g) Casey Anderson made a comment as to wanting things to work and run better. Another issue is the expense for that meal. Anderson felt that it should be paid back, and he also suggested that each of the people at that lunch donate \$50.00 to the Meals on Wheels program. Anderson felt that he had been stonewalled and felt that he was made to feel that he didn't know what he was talking about. He also felt Horgan straightened that out.

#### 23) INDIGENT MATTERS

**10:58 AM CONVENE EXECUTIVE SESSION**

**MOTION: PAUL CHRISTENSEN, MEMBER, MOVED THAT THE BOARD, PURSUANT TO IDAHO CODE § 74-206(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) Notice of Lien: 2015085,2015086,2015087
- b) Release of Lien: 2015048, 2015018
- c) Present: 2015073,2015074,2015077
- d) Medical Utilization Management: 2015079,2015074,2015077

**CASSIA COUNTY COMMISSION**  
**REGULAR SESSION**

**Monday, September 21, 2015**

- e) Certificate of Denial: 2015072, 2015075
- f) Determination of Decision Held In Suspension: 2015076
- g) Certificate of Approval: 2015022
- h) Order of Dismissal: 2015018

**11:19 AM**

**MOTION: PAUL CHRISTENSEN, MEMBER, MOVED TO APPROVE MEDICAL INDIGENT ACTIONS AS RECOMMENDED BY THE SOCIAL SERVICES OFFICE. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY. THE BOARD ADJOURNED THE EXECUTIVE SESSION AT 11:19 AM.**

24) 11:21 AM REVIEW AND EXECUTE FY2016 INDUSTRIAL APPRAISAL CONTRACT

- a) Davis submitted contracts for approval and signatures.
- b) Chairman Crane made comments.
- c) Davis addressed Chairman Crane's inquiries.

**11:22 AM**

**MOTION: PAUL CHRISTENSEN, MEMBER, MOVED TO EXECUTE THE FY2016 INDUSTRIAL APPRAISAL CONTRACT AS PRESENTED. BOB KUNAU, MEMBER, SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

25) 11:33 AM DEPARTMENT HEAD TRAINING

- a) Presentation was by Mary Kummer, Risk Management Specialist ICRMP and Carl Erickson, Risk Management Legal Counsel ICRMP.
- b) The presentation was in about limiting your County's exposure to risk.

26) EXECUTIVE SESSIONS AS NEEDED IC §74-206(1)(a) or (b)

**1:30 PM CONVENE EXECUTIVE SESSION**

**MOTION: PAUL CHRISTENSEN/BOB KUNAU, MEMBER, MOVES THAT THE BOARD, PURSUANT TO IDAHO CODE § 74-206(1)(b), CONVENE IN EXECUTIVE SESSION TO CONSIDER PERSONNEL MATTERS. BOB KUNAU/PAUL CHRISTENSEN SECONDED THE MOTION, FOLLOWED BY A ROLL CALL VOTE:**

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

**THE BOARD ADJOURNED THE EXECUTIVE SESSION AT 2:10 PM. NO DECISIONS WERE MADE**

27) 2:10 PM ADJOURNMENT

APPROVED:

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

Dennis Crane, Chairman

DEPUTY CLERK OF THE BOARD:

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

Tammi Pollard

**ATTACHMENT:  
COUNTY PAYABLES  
09/21/2015**

9/21/2015

## COUNTY EXPENDITURES

	DEPARTMENT	FUND/DEPT	AMOUNT
<b>104 Current Expense Fund</b>	COUNTY COMMISSIONERS	104.401	\$0.00
	AUDITOR & RECORDER	104.402	\$381.65
	TREASURER	104.404	\$64.98
	ASSESSOR	104.405	\$417.16
	AGRICULTURAL EXTENSION	104.410	\$0.00
	COUNTY BUILDING	104.411	\$608.07
	JUDICIAL CENTER	104.412	\$0.00
	BOARD OF HEALTH	104.413	\$0.00
	PLANNING & ZONING	104.414	\$53.33
	GENERAL	104.415	\$4,139.13
	CIVIL DEFENSE	104.416	\$52.90
	COUNTY ELECTIONS	104.417	\$0.00
	COUNTY ADMINISTRATION	104.419	\$118.36
	VETERANS SERVICE OFFICER	104.421	\$0.00
<b>CURRENT EXPENSE FUND TOTAL</b>			<b>\$5,835.58</b>
<b>Dedicated Funds</b>	SOCIAL SERVICES	105.502	\$379.41
	CASSIA COUNTY COURTS	106.602	\$3,172.98
	COUNTY ROAD & BRIDGE	107.707	\$397.53
	WEED & PEST	108.708	\$0.00
	SOLID WASTE	109.709	\$0.00
	AMBULANCE SERVICE	110.710	\$0.00
	FAIR EXHIBITS	111.711	\$47,750.00
	HISTORICAL SOCIETY	112.712	\$0.00
	COMMUNITY COLLEGE	113.713	\$150.00
	REVALUATION	114.714	\$671.72
	9-1-1 COMMUNICATIONS	115.715	\$0.00
	CONSOLIDATED ELECTIONS	116.716	\$453.03
	COUNTY WATERWAYS	117.717	\$0.00
	COUNTY SNOWMOBILE	118.718	\$0.00
	ASSESSOR TRUST	123.323	\$183.22
	EMERGENCY MEDICAL SERVICE	133.733	\$0.00
	NARCOTICS SEIZED ASSETS	134.334	\$0.00
	CASSIA DRUG TASK FORCE	136.736	\$0.00
	D.A.R.E. TRUST	137.737	\$0.00
	PHYSICAL FACILITIES	144.744	\$120.00
	ADULT MISDEMEANOR PROBATION	149.749	\$2,258.42
	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>\$55,536.31</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	\$5,604.00
	JUVENILE JUSTICE	130.805	\$0.00
	PROSECUTING ATTORNEY	130.807	\$785.10
	PUBLIC DEFENDER	130.808	\$146.25
	CORONER	130.809	\$2,120.73
	LAW ENFORCEMENT BUILDING	130.812	\$0.00
	SHERIFF - PATROL	130.821	\$826.01
	SHERIFF - INVESTIGATIONS	130.822	\$363.63
	SHERIFF - DISPATCH	130.823	\$0.00
	SHERIFF - ADMINISTRATION	130.824	\$972.91
	M-C CRIMINAL JUSTICE CENTER	130.827	\$0.00
	M-C JUVENILE DETENTION CENTER	130.828	\$0.00
<b>JUSTICE FUND TOTAL</b>			<b>\$10,818.63</b>
<b>TOTAL EXPENDITURES</b>			<b>\$72,190.52</b>