

COMMISSIONER MINUTES

January 31, 2011

The Cassia County Board of Commissioners met this day with Chairman Dennis Crane, Paul Christensen and Bob Kunau, Board Members; Alfred E. Barrus, Prosecuting Attorney; Joseph W. Larsen, Clerk of the Board, and Kerry D. McMurray, County Administrator, present.

ADDITIONS TO AGENDA

Prosecuting Attorney Barrus presented to the Board that the Memorandum of Agreement with Cassia and Minidoka County regarding the Domestic Violence Court needs to be included at Judge Bollar's request with the application to be sent in before the Board's next meeting. Good cause shown as to why this item should be added to the agenda is that the Board needs to review the agreement prior to that Board meeting on February 14, 2011. Commissioner Christensen made a motion that this item be added to the agenda, seconded by Commissioner Kunau, followed by a unanimous yea vote.

PREVIOUS WEEK'S MINUTES

The Commissioner Minutes for January 18, 2011, were discussed. A motion was made by Christensen to change the name of The Circuit Breaker Program as stated in the minutes to The Tax Reduction Program, as recommended by the State, seconded to approve by Commissioner Kunau. Roll call vote was unanimous with Commissioner Kunau, Commissioner Christensen and Chairman Crane all voting yea.

CORRESPONDENCE

The Board reviewed the following:

1. Information from IAC regarding legislative change in Board of Equalization
2. E-mail from Scott Bedke on eminent domain legislation
3. E-mail from IAC asking Commissioner's to consider supporting proposed changes to protect all agricultural land uses in the Local Land Use Planning Act.
4. Idaho Power and Rocky Mountain Power – release of draft of BLM
5. E-mail from NACo regarding free online leadership training courses.
6. Letter from BLM requesting comments, concerns, or issues for one geothermal lease nomination in the Raft River Valley.
7. Commissioner Meadows from American Falls about mediation between Commissioners and Power County Prosecutor Kline which resulted in the law suit being dropped. Balfour will continue representation in power line matters.
8. 2010 Annual Report from the Mid-Snake Resource Conservation & Development Council, Inc.

CALENDAR

The Board reviewed the following:

1. Juvenile Justice meeting tomorrow, 8:00 p.m. January 31, 2011
2. Commissioners trip to Elko, NV on Thursday – leaving the courthouse at 9:30 a.m.

COUNTY EXPENDITURES

The Board reviewed the County's Payables Approval Report dated January 14, 2011. A motion was made and seconded to approve the report and the roll call vote was unanimous with Commissioner Kunau, Commissioner Christensen and Chairman Crane all voting yea.

CASSIA FAIR FUND	111	\$44,027.50
COMMUNITY COLLEGE FUND	113	\$166,450.00
REVALUATION FUND	114	\$921.82
COUNTY SNOWMOBILE FUND	118	\$4,005.84
JUSTICE FUND	130	\$288,876.61
PHYSICAL FACILITIES FUND	144	\$216.65
ADULT MISDEMEANOR PROBATION	149	\$555.45
	TOTAL	\$514,387.48

CHANGE OF STATUS

The following Request for Change of Status forms were presented to the Board: Increase in pay for intermediate certification for Duane Clay Anderson and Mark R. Merrill and hiring of David N. Turner as Deputy Patrolman, all in the Sheriff's office. It was moved and seconded to approve the changes of status and roll call vote was unanimous with Commissioner Kunau, Commissioner Christensen and Chairman Crane all voting yea.

CSI RESIDENCY APPLICATIONS

Forty-nine CSI Residency Applications were reviewed and a motion to approve those applications was presented by Commissioner Kunau, seconded by Commissioner Christensen, followed by a unanimous yea vote.

AGENDA ADDITION – JUDGE BOLLAR'S REQUEST

The Memorandum of Agreement for the Domestic Violence Court as presented by Judge Bollar refers to obligations, policies, and guidelines that the Board of Commissioner must comply with. Prosecuting Attorney Barrus indicated neither he nor the Board have seen or reviewed them. Barrus opined that they must see them if we are going to agree to them. Budgeting for the program would burden of the Clerk's office and the Misdemeanor and Probation office. It was the understanding of Barrus that Minidoka County has agreed to provide space. Barrus will review the proposal with Judge Bollar and it will be reviewed by the county for proposed verbiage change to minimize the county's financial exposure.

WATER DISTRICT COLLECTION FEES – COUNTY TREASURER

Treasurer Patty Justesen requested a change in verbiage from "water right" to "water user" in billings to water district users. A resolution currently sets forth service fees for the preparation, sending, and postage of those billings. Commissioner Christensen made a recommendation that Administrator McMurray prepare a draft of a resolution that would reflect Justesen's request for the Commissioner's review.

EXECUTIVE SESSION

At 10:09 a.m. it was proposed by Commissioner Kunau and seconded by Commissioner

Christensen that the Board convene in Executive Session under Idaho Code Section 67-2345(1)(d) with Commissioner Christensen voting yea, Commissioner Crane voting yea, and Commissioner Kunau voting yea. The purpose and general tenor of the meeting was to discuss medical indigent matters. Susan Keck, County Welfare Director, presented and the Board approved the following: Release of Medically Indigent Lien: Case # 2010-171, Case # 2010-118, Case # 2010-137, Case # 2009-128, Case # 2009-064; and Certificate of Denial on Case # 2011-003. Following the discussion, the Board returned to regular session at 10:22 a.m.

EXECUTIVE SESSION

At 10:35 a.m. it was proposed by Commissioner Christensen and seconded by Commissioner Kunau that the Board convene in Executive Session under Idaho Code Section 67-2345(1)(f) with Commissioner Crane voting yea, Commissioner Christensen voting yea, and Commissioner Kunau voting yea. The purpose and general tenor of the meeting was to discuss pending litigation. Following the discussion, the Board returned to regular session at 10:43 a.m.

OTHER BUSINESS

1. Commissioner Kunau reported on a tour of county buildings with Administrator McMurray and Custodian Supervisor Randy Gasaway. They discussed the hiring of part time help versus a full time person. Gasaway has painted the trim in an isolated area of the courthouse which has received positive feedback. The remaining trim of the courthouse will be updated with new paint as time permits. Commissioner Kunau made a motion to hire a new full time custodian, seconded by Commissioner Christensen, followed by a unanimous yea vote.
2. County Road and Bridge Matters were discussed.
 - a) Commissioner Crane indicated it might be appropriate to return to an advisory board of three, similar to what had been done in the past with five members to receive input regarding road and bridge issues. The old bylaws will be reviewed and updated to reflect a three (3) member board, with a county commissioner as head, and a member each from the Elba and Almo areas.
 - b) The status of 1125 East was discussed regarding the cost of hearing to vacate or validate. McMurray indicated the need for clarification of costs for litigation and survey for a title report. The office of the Prosecutor, Assessor and Administration will coordinate the research.
 - c) The maintenance agreement with the State Department of Transportation for the Highway 77 spur was discussed. Particularly, McMurray drafted language in the contract for a provision for compensation that details cost per hour related to the type of machinery and labor provided to the State in maintaining that highway spur.
3. The Board reviewed a letter and news release from Governor Otter denouncing and urging withdrawal of Secretarial Order 3310 designating "wild lands" as issued by Secretary Ken Salazar of the Department of the Interior. McMurray will draft a letter for the Board in opposition to the Secretarial Order 3310.
4. The Board discussed the request of the BLM for comments, concerns, or issues regarding the one geothermal lease nomination in the Raft River Valley.
5. The Board discussed the request for intergovernmental review and comments regarding

the City of Fairfield's notification of intent to apply for Federal assistance. The Board's decision was to make no comment.

6. The 2010 program summary of the Idaho Invasive Species Program through the Idaho State Department of Agriculture was reviewed by the Board. That program includes the education regarding invasive species, monitoring of bodies of waters for invasive mussels, and the decontamination of watercraft travelling into and through Idaho.
7. The Board reviewed a proposed letter presented by Assessor Dwight Davis that would be sent to those having homeowner's exemption removed. It was suggested by the Board to Davis to send those out weekly. Some verbiage change was suggested by Barrus. Commissioner Christensen made a motion to accept and sign the amended letter, seconded by Commissioner Kunau, followed by a unanimous yea vote.
8. The Board discussed the Idaho Association of Counties proposed legislative changes regarding the Board of Equalization.
9. Gateway West Transmission Line Project matters were discussed by the Board. McMurray referred to an email from Representative Scott Bedke regarding the feasibility of proposed legislation regarding eminent domain. The Board also reviewed a letter from Attorney Doug Balfour regarding the State of Montana's recent approach to eminent domain.
10. At 11:07 a.m. Commissioner Christensen made a motion to convene as the Board of Equalization, seconded by Commissioner Kunau, followed by a unanimous yea vote. Following review and discussion of the current list of proposed homeowner's to be removed from homeowner's exemption by the Assessor's office, Commissioner Kunau made a motion to do so, seconded by Commissioner Kunau, followed by a unanimous yea vote. The Board returned to regular session at 11:23 a.m.

LUNCH

At 11:50 a.m. the Board departed for lunch at Al's Pizza, where recent flooding and culvert placement possibilities in Elba were discussed.

RECESS

Meeting was recessed until 9:00 a.m., Monday, February 14, 2011.

OTHERS IN ATTENDANCE AT TODAY'S MEETING

Stacey Hughey – The News Journal; Laurie Welch – The Times News

ATTEST:

/s/ _____
Joseph W. Larsen, Clerk

APPROVED:

/s/ _____
Dennis Crane, Chairman