



Cassia County Board of Commissioners

SPECIAL MEETING MINUTES

Tuesday, August 28, 2018

*Cassia County Courthouse ▪ Commission Chambers
1459 Overland Ave ▪ Room 206 ▪ Burley ID 83318*

4:30 PM

The Cassia County Board of Commissioners met today with the Minidoka County Commissioners and 5th Judicial District judges at the place and time as posted by agenda pursuant to Idaho Code § 74-204 for Open Meetings Law.

AGENDA ITEMS

- 1) In Attendance:
 - a. Cassia County Officials – Bob Kunau - Chair, Paul Christensen - Member, Tim Darrington - Member, Kerry McMurray – Assistant to Board, Doug Abenroth – Prosecutor, McCord Larsen – Deputy Prosecutor, Joe Larsen – Clerk
 - b. Minidoka County Officials – Bob Moore, Sheryl Koyle, Kent McClellan, Tonya Page
 - c. Judges – Judge Mick Hodges and Judge Blaine Cannon
- 2) 4:35 PM Discussion with 5th Judicial District Judges from Minidoka and Cassia County regarding filling the vacant Joint Public Defender position upon retirement of Public Defender Dennis Byington
 - a. Cassia County Board Chair Bob Kunau conducted the meeting and stated the purpose was to determine what criteria should be considered in hiring a new public defender.
 - b. Judge Cannon stated his opinion and detailed experience as being critical, possessing appropriate management skills
 - c. Christensen asked about the importance of second chair death penalty qualifications. Those requirements were reviewed by McMurray.
 - d. Designation of conflict was discussed. Both Judge Cannon and Judge Hodges stated attorneys know when that designation is needed.
 - e. Abenroth reviewed the history of the selection of a public defender in Cassia County as well as the establishment of the Joint Powers Agreement for public defender services in Cassia County and Minidoka County.
 - f. Kunau asked for discussion if the joint public defender concept is best. Larsen pointed out that we serve as a model throughout the state for that and an additional amount of funding is received from the Idaho Public Defense Commission for doing so. Their desire is clearly for jurisdictions to combine for public defense purposes.
 - g. Christensen noted the increasing trends of requirement for public defense services.
 - h. Judge Hodges opined that Child Protection Case increases create an additional burden as well.
 - i. Abenroth explained that Trial Court Administrator Shelli Tubbs had contacted him and said a new committee is needed to be formed and appointed by Administrative District Judge Eric Wildman to consider applicants for the public defender open position prior to conducting interviews. He also explained which attorneys are allowed under the statute to participate in that process. Three attorneys, including Abenroth, who were originally selected for that process were unable to carry forward in that capacity in order to comply with the statute.

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- j. That committee may choose to post the job again once the committee is formed and seek new applicants which could delay the process. They will submit no more than five and no less than three applicants for consideration of the Commissioners.
- k. Moore talked about questions that should be asked of the applicants in the interview process and what they should be cautious of during that process.
- l. Christensen suggested asking about their career path and where they see themselves in the future.
- m. Judge Hodges said it would be helpful to check job history and references as well as to get a feel for how well they would work with the Commissioners.
- n. Christensen said it is important to select a candidate who will represent the accused in a way that will facilitate a good solid case and who is articulate.
- o. Judge Hodges pointed out that increases in the number of cases presents a larger need for conflict attorneys. With the appointment of conflict defense attorney Stacey Depew as a judge, there are diminished numbers of attorneys available who are willing to work for the County-established rate of \$55.00 per hour. He has found that only attorneys from distant locations just out of law school are willing to take cases.
- p. Larsen commented that some attorneys have declined to take cases due to the current hourly rate of pay.
- q. Koyle commented on the additional amount of paperwork required from those conflict attorneys.
- r. Budgetary impacts of an increased hourly rate were also discussed. Larsen stated there should be enough in Cassia County's budget to cover the costs of an increase.
- s. Kunau recommended raising the rate of pay up to \$65.00 this year and to perhaps step that up again next year to \$70.00 per hour.
- t. Judge Cannon pointed out that if conflict defense attorney billing hours are high, they can choose not to reappoint those attorneys in the future.
- u. Page, Larsen, and Christensen expressed concerns that we are very close to the Justice Fund levy limits in both Cassia County and Minidoka County. Any increases above those levy limits must come from Idaho Public Defense Commission grant funds or reserves to satisfy additional obligations.

3) 5:19 PM Adjourn

5:19 PM **Motion and Action:** Adjourn, **Moved by** Tim Darrington - Member, **Seconded by** Paul Christensen - Member.

Motion passed unanimously.

APPROVED:

/s/ _____

Bob Kunau, Chair

CLERK OF THE BOARD:

/s/ _____

Joseph W. Larsen