



Cassia County Board of Commissioners

SPECIAL MEETING MINUTES

Friday, September 21, 2018

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

1:30 PM

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

ACTION AGENDA ITEMS

- 1) Call to order
- 2) Pledge of Allegiance and prayer
- 3) Roll call

1:33 PM **Roll Call.**

Present: Tim Darrington - Member, Paul Christensen - Member, Bob Kunau - Chair, Kerry McMurray - Assistant to Commissioners (Not voting), Doug Abenroth - County Attorney (Not voting), Sharene Ahlin - Deputy Clerk (Not voting), Joe Larsen - Clerk (Not voting).

4) 3:16 PM Personnel Matters:

a. Mini-Cassia Public Defender Effective Dates for COS Forms

- i. Larsen explained the overlap of time with the hiring of Tim Schneider and the retirement of Dennis Byington as Public Defender. Two Deputy Public Defenders are leaving employment and Byington desires to have his last day of employment be 10/15/2018. The budget should not be adversely affected by that overlap.
- ii. Byington explained the difficulty and dilemma with those departures and stated that nobody had applied for the open positions, even amongst the new bar members. They have advertised in various locations for recruitment with no success.
- iii. They could be forced with that shortage to withdraw due to inadequate representation.
- iv. They desired to recruit and hire one of the applicants for the Public Defender position and felt they would need to offer her that position at a higher salary in order to be successful. Byington said attorney Jeremy Pittard could take over some juvenile cases as Deputy Public Defender Doug Whipple used to do and that could help some, but the cost of such would have to be determined.
- v. They also desire to offer \$60,000 annually for the two open Deputy Public Defender positions.
- vi. Abenroth advocated that attorneys are highly specialized and are in competition across the State.
- vii. Christensen said he supported an increase and Larsen said the budget could be amended to meet those financial needs from the Idaho Public Defense grant proceeds by moving allocations from the Indigent Defender line of the Social Services Fund to the Public Defender's budget for Cassia County's portion of the obligation.
- viii. Rates of pay of each current attorney in the Public Defender's Office and potential increases to that to assist with the recruiting and retention of new employees.

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4:10 PM **Motion and Action:** Approve proposing to Minidoka County to increase the Public Defender's budget by \$50,000 to increase the salaries to meet current market trends and that money would be dispersed by the department head, **Moved by** Paul Christensen - Member, **Seconded by** Tim Darrington - Member.
Motion passed unanimously.

ix. Kunau said that gives the latitude to offer an additional amount to potential new hired public defenders.

5) 4:14 PM Calendar, meetings, and correspondence

6) 4:14 PM Approval of Clerk's Office recommendations regarding junior college Certificate of Residency Forms

4:15 PM **Motion and Action:** Approve Clerk's Office recommendations to approve six junior college Certificate of Residency Forms as presented, **Moved by** Paul Christensen - Member, **Seconded by** Tim Darrington - Member.

Motion passed unanimously.

7) 4:16 PM Additional Personnel Matters

a. Change of Status Requests

x. MCCJC - Kirk Craner - Senior Deputy (Voluntary Resignation)

xi. Road & Bridge - William Crystal - PT Road Tech (New Hire)

b. Time cards

xii. Noxious Weeds Supervisor Michael Ottley

4:18 PM **Motion and Action:** Approve Change of Status Requests and time cards as presented, **Moved by** Paul Christensen - Member, **Seconded by** Tim Darrington - Member.

Motion passed unanimously.

8) 4:18 PM Approve minutes

4:19 PM **Motion and Action:** Approve minutes from 9/21/2018, **Moved by** Tim Darrington - Member, **Seconded by** Paul Christensen - Member.

Motion passed unanimously.

9) 4:19 PM Approve payables

a. Darrington said the payables were in order.

b. He noted invoices from All Wireless in the approximate amount of \$26,000 would be pulled.

4:20 PM **Motion and Action:** Approve payables presented on 9/21/2018, **Moved by** Tim Darrington - Member, **Seconded by** Paul Christensen - Member.

Motion passed unanimously.

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- 10) 4:23 PM Execute Resolution No. 2018-027 for Amendment of the Cassia County FY2018 Budget
- a. Larsen explained the items requiring amendment of the FY2018 budget.
 - b. Those items included what is allowed under Idaho Code § 31 Chapter 16 regarding County Budget Law to recognized unrealized revenue and unanticipated expenditures.
 - c. Resolution No. 2018-027 enumerates in detail the necessities regarding each amendment along with the budgets that are affected.

4:25 PM **Motion and Action:** Execute Resolution 2018-027 regarding amendment of the FY2018 Budget as presented, **Moved by** Paul Christensen - Member, **Seconded by** Tim Darrington - Member.
Motion passed unanimously.

11) 4:26 PM Review and sign letters to Public Defender applicants.

12) 4:27 PM Review and sign revised Flood Management Grant Contract.

- a. McMurray reported the draft language did not reflect changes that should have been made to the contract and there has been
- b. The matter was tabled and will be placed under unfinished business on future agendas.

13) 4:28 PM Executive Session (for the purpose of discussing indigent matters)

4:28 PM **Motion and Action:** Enter Executive Session pursuant Idaho Code § 74-206 (1) (d) to consider records that are exempt from public disclosure for the purpose of evaluating indigent recommendations, **Moved by** Paul Christensen - Member, **Seconded by** Tim Darrington - Member.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 3).

Yes: Tim Darrington - Member, Bob Kunau - Chair, Paul Christensen - Member.

4:37 PM **Motion and Action:** Approve recommendations of the Social Services Assistant Director regarding indigent matters, **Moved by** Paul Christensen - Member, **Seconded by** Tim Darrington - Member.
Motion passed unanimously.

14) 4:37 PM Discuss Auditor's Office matters regarding software conversion and budget including but not limited to:

- a. Discuss alternate considerations for retail sales and sales tax collections
 - i. Deputy Auditor Heather Evans reported that conducting retail sales has been questioned by CAI as it is not a typical County practice.
 - ii. Sales of history books, revenues, and sales tax reporting was one such matter.
 - iii. Evans recommended an alternative source for the sale of history books by paying the royalties to Kathleen Hedberg and donating the books to the museum to handle sales and sales tax reporting of those books.
 - iv. McMurray will research how many books remain.
 - v. Evans also recommended public auctions be handled by an auction agency, perhaps national online companies who conduct auctions for municipalities.

- b. Reallocation of East and West Soil Conservation District grant matching funds
 - vi. Larsen recommended moving that matching grant to the General Fund rather than through Weed and Pest.
 - vii. The State said most counties handle that grant in that manner.

SCHEDULED ACTION AGENDA ITEMS

15) 1:38 PM NuQuo Presentation

- a. Representatives from NuQuo presented their findings in consolidation of the copier and printer fleet in Cassia County with a potential buyout of some or all of the existing equipment contracts.
- b. Scenarios for savings were reviewed and NuQuo recommended doing a Request for Proposal with vendors to determine actual savings using their developed strategy.

2:27 PM **Motion and Action:** Approve engaging NuQuo to provide an RFP to present to the Board for their review and consideration as presented, **Moved by** Tim Darrington - Member, **Seconded by** Paul Christensen - Member.

Motion passed unanimously.

16) 2:33 PM Deliberate on sponsoring an application for hazard mitigation grant for Oakley Dam Improvement with Dave Shirley

- a. Shirley reviewed historical situations where the release of water through the tunnel of the Oakley Dam was required due to rapid increases in water volume. There was subsequent damage to the tunnel structure due to air lock and hammering.
- b. Recommendations made by the Army Corp of Engineers included an air vent system installation to alleviate air lock and hammering and to allow the water flow smoothly. They also recommended a secondary valve and gate system be installed as well.
- c. Some repairs were done but the air vent system and the secondary valve system were not done. Following recent flooding in 2017, Novus Engineering recommend the air vent system and a secondary valve to facilitate the release of water from the dam. A relining of the tunnel is necessary in order to do those recommended actions in facilitating a pressurized system.
- d. The Goose Creek Flood Control District asked Shirley to assist with a grant application from FEMA to facilitate those needed changes. The Idaho Office of Emergency Management has agreed to commit 15% of funding to go towards the grant.
- e. FEMA requires that the sponsor of the grant be who sponsors the All Hazards Mitigation Plan for the area which is Cassia County. He said it makes sense and he requested for the County to be the sponsor of that grant that has been approved by the OEM. FEMA would be responsible for 75% of the funding, the State of Idaho would cover 15%, and a local match of 10% would be required.
- f. The Oakley Canal Company committed on the grant Shirley submitted to donate a valve the currently have to go towards the local match. OEM agreed with that even though the final approval is from FEMA. Novus Engineering estimated the value of that valve at \$250,000. OEM asked Shirley to look at what the cost would be in today's open market for that valve. He received quotes in the amount of \$170,000 and \$365,000 with the varying cost due to quality of the valve or the gate. The local match would be only \$125,790 and it looked to him that the

donation of the valve from the Oakley Canal Company would meet that amount. The engineers told him they felt that would work.

- g. Shirley said that with the donation of the valve, the OEM commitment, and with FEMA's approval, repairs could be done without out of pocket costs to the sponsor.
- h. He talked to McMurray about quarterly reporting that is required of the sponsor of the grant throughout the project. Funds would be expended and reimbursed within a two to three-week period of time by FEMA and the State of Idaho.
- i. He said it would require drawing down funds as the project progresses including additional costs for significant engineering to assure safety and adherence to specifications.
- j. Originally, they thought the flood district could work through this but with FEMA wanting Cassia County to be involved sponsoring it, the two entities could work together.
- k. It has taken a year to get the grant application in place so far. The flood district would take the lead with the project but it would still need to be reported and signed by the sponsoring agency.
- l. The engineers estimated total cost of the project is \$1,257,907.
- m. Christensen asked for compensation for McMurray's time with the project. Darrington said he felt we need to support this where Oakley is in our County. He said McMurray has spent a lot of time working with those entities and it does work. Christensen said the flood district and the folks up the creek should take the lead but there is an interest with the County as a whole to participate.
- n. Abenroth's legal recommendation was to sign the application on behalf of Cassia County and appoint McMurray as the agent. He would work with the flood district and McMurray as well.

2:49 PM **Motion and Action:** Approve sponsoring an application for All Hazard Mitigation grant for the Oakley Dam improvement project and designate Mr. Kerry McMurray as our contact agent for that project recognizing that will be Cassia County's contribution in total, **Moved by** Paul Christensen – Member

- o. Shirley interjected that legally speaking, the County would still be ultimately responsible for that local match. If for some reason, the valve donation would not be put up, the flood district has agreed to put up a portion of that local match as well. He said he couldn't give a legal guarantee that what Christensen proposed would be all the County may have liability for. The local match is \$125,000. He felt that between the County, the Goose Creek Flood Control District, and the Oakley Canal Company, they could come up with that in order to get this done. He said it has been put off for a very long time.
- p. He said the Oakley Canal Company has signed a letter of cooperation and he felt if we have another dryer year this next year would be a prime time to put that in.
- q. Larsen pointed out there was a motion on the floor that may need to be amended. He also pointed out the potential liability to Cassia County could be about 8% of our annual budget that would either have to come from reserves or relinquished from other areas of what has been budgeted.
- r. Kunau talked about alternatives including opening up an area around the spillway to release water as they did at the Minidoka Dam in lieu of draining the reservoir. Shirley said an alternative similar to that was listed as a part of the study for the grant but according to the engineers would be costlier.

- s. Kunau indicated the motion needed to be finished. Darrington said he would second the motion. Larsen asked for the motion to be clarified so it would be correct in the record. Shirley said he believed that there was an attachment to the motion that the only potential liability to the County would be McMurray's time. He explained that by sponsoring this, there is a risk.
- t. Christensen asked if there was a way they could get a commitment from the Oakley Canal Company and the Goose Creek Flood District that the County's contribution would not be over 1/3. Shirley said the Goose Creek Flood District has already written a letter committing, in the event it is needed, 6.47% of the project or about \$70,000, which is more than 50% of the 10% match. Christensen asked about commitment from the Oakley Canal Company. Shirley stated nothing had been discussed more than the valve contribution at this point.
- u. Kunau said if the valve didn't work and the Oakley Canal Company did not commit anything, Cassia County would be liable for about \$50,000. Christensen said he would feel more comfortable if we had a commitment from the Oakley Canal Company as it is hard to negotiate after the fact.

3:04 PM **Restated Motion and Action:** Approve sponsoring an application for the All Hazard Mitigation grant for the Oakley Dam improvement and designate Kerry McMurray as our authorized agent, **Moved by** Paul Christensen - Member, **Seconded by** Tim Darrington - Member.
Motion passed unanimously.

- v. Abenroth said documents need to be signed today regarding that agreement.
- 17) 3:05 PM Update from Bowen Insurance Group on County insurance matters and review and sign Delta Dental Service Agreement for Cassia County for FY2019
- a. Bowen explained expanded Level IV benefits that are part of the new FY2019 Delta Dental contract renewal.
 - b. A 1% administrative fees increase was waived by Delta Dental.
 - c. The FY2019 renewal contract needed to be approved and signed by the Board Chair.
 - d. Abenroth reviewed the contract and had no issues with it.
 - e. Bowen reported that the health insurance plan is in good shape. They are working to either effectuate a six-month or an 18-month contract with a July 1st renewal date to coincide with and to facilitate budgeting.
 - f. Blue Cross contacted Bowen and desired to quote the Gem Plan where Blue Cross owns that plan. He said he could assist as the County's agent in getting a quote with Blue Cross.
 - g. Christensen said it would be valuable to take a look that as a possibility.
 - h. Bowen said he would proceed with that but expressed concern that they are aggressively looking for market share which is generally good for the first year but can easily change the next year.
 - i. He extolled that Cassia County achieves 54% to 70% discounts with repricing through ELAP. Blue Cross is significantly less than that. He pointed out that does not show on premium amounts but does significantly affect costs to the insured.

3:14 PM **Motion and Action:** Approve and sign the Delta Dental Agreement for FY2019 as presented, **Moved by** Paul Christensen - Member, **Seconded by** Tim Darrington - Member.
Motion passed unanimously.

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18) 4:50 PM Adjourn

4:50 PM **Motion and Action:** Adjourn, **Moved by** Paul Christensen - Member, **Seconded by** Tim Darrington - Member.
Motion passed unanimously.

APPROVED:

/s/ _____

Bob Kunau, Chair

CLERK OF THE BOARD:

/s/ _____

Joseph W. Larsen

ATTENDANCE LOG ATTACHMENT

**CASSIA COUNTY COMMISSION
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Cassia County Commissioner Meeting

Attendance Log

Date: 9-21-18

	NAME (Please Print)	TOWN	REPRESENTING
1.	Dennis Byington	Burley	Public Defender
2.	Timothy Schaefer	Burley	Public Defender
3.	Brianne McLaughlin	Boise	PDC
4.	Torrey Thornton	Rigby	No Quo
5.	Kevin McGee	Boise	No Quo
6.	Heather Whitewood Evans	County	Auditor
7.	Kelly Bannan	BIDA	Bowen Ins.
8.	Malcolm Langer	Burley	Self
9.	Janet Berch	Burley	Social Services
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24.			

COUNTY EXPENDITURES ATTACHMENT

9/21/2018

	DEPARTMENT	FUND/DEPT	AMOUNT
104 Current Expense Fund	CURRENT EXPENSE FUND	104.304	\$150.00
	COUNTY COMMISSIONERS	104.401	\$0.00
	AUDITOR & RECORDER	104.402	\$293.52
	TREASURER	104.404	\$145.00
	ASSESSOR	104.405	\$566.47
	PUBLIC DEFENDER	104.408	\$770.98
	AGRICULTURAL EXTENSION	104.410	\$3,721.60
	COUNTY BUILDING	104.411	\$1.61
	JUDICIAL CENTER	104.412	\$0.00
	BOARD OF HEALTH	104.413	\$10,487.42
	PLANNING & ZONING	104.414	\$378.93
	GENERAL	104.415	\$1,838.11
	CIVIL DEFENSE	104.416	\$2,650.00
	COUNTY ELECTIONS	104.417	\$0.00
LAW ENFORCEMENT BUILDING	104.418	\$1,350.00	
COUNTY ADMINISTRATION	104.419	\$295.06	
INFORMATION TECHNOLOGY	104.420	\$0.00	
VETERANS SERVICE OFFICER	104.421	\$0.00	
	CURRENT EXPENSE FUND TOTAL		\$22,648.70
Dedicated Funds	SOCIAL SERVICES	105.502	\$1,325.00
	CONFLICT INDIGENT DEFENDER	105.504	\$2,739.00
	CASSIA COUNTY COURTS	106.602	\$1,951.99
	COUNTY ROAD & BRIDGE	107.707	\$200.00
	WEED & PEST	108.708	\$9,809.92
	SOLID WASTE	109.709	\$0.00
	AMBULANCE SERVICE	110.710	\$0.00
	FAIR EXHIBITS	111.711	\$12,519.43
	HISTORICAL SOCIETY	112.712	\$0.00
	COMMUNITY COLLEGE	113.713	\$0.00
	REVALUATION	114.714	\$537.00
	9-1-1 COMMUNICATIONS	115.715	\$0.00
	CONSOLIDATED ELECTIONS	116.716	\$18,547.33
	COUNTY WATERWAYS	117.717	\$0.00
	COUNTY SNOWMOBILE	118.718	\$0.00
	ASSESSOR TRUST	123.323	\$0.00
	K-9 TRUST	128.328	\$0.00
	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	\$0.00
	ADULT MISDEMEANOR PROBATION TRUST	149.349	\$0.00
	ADULT MISDEMEANOR PROBATION	149.749	\$4,761.45
VIOLENT PREDATOR ACCOUNT	150.750	\$0.00	
BOX ELDER COUNTY BOOKMOBILE	151.751	\$0.00	
WIDOW BENEFIT TRUST	198.798	\$0.00	
	DEDICATED FUNDS TOTAL		\$52,391.12
130 Justice Fund	JUSTICE FUND	130.330	\$0.00
	CLERK OF THE DISTRICT COURT	130.803	\$0.00
	MINI-CASSIA JUVENILE PROBATION	130.805	\$0.00
	PROSECUTING ATTORNEY	130.807	\$218.09
	CORONER	130.809	\$323.00
	SHERIFF - PATROL	130.821	\$39,881.62
	SHERIFF - INVESTIGATIONS	130.822	\$95.00
	SHERIFF - DISPATCH	130.823	\$268.00
	SHERIFF - ADMINISTRATION	130.824	\$3,339.23
	MINI-CASSIA CRIMINAL JUSTICE CENTER	130.827	\$21,567.99
	MINI-CASSIA JUVENILE DETENTION CENTER	130.828	\$0.00
	SHERIFF - PATROL (City of Burley)	130.851	\$70,636.59
SHERIFF - INVESTIGATIONS (City of Burley)	130.853	\$41.95	
SHERIFF - ADMINISTRATION (City of Burley)	130.854	\$0.00	
	JUSTICE FUND TOTAL		\$136,371.47
	TOTAL EXPENDITURES		\$211,411.29

09/21/2018 2nd Payables Batch

	DEPARTMENT	FUND/DEPT	AMOUNT
104 Current Expense Fund	COUNTY COMMISSIONERS	104.401	\$0.00
	AUDITOR & RECORDER	104.402	\$0.00
	TREASURER	104.404	\$0.00
	ASSESSOR	104.405	\$0.00
	PUBLIC DEFENDER	104.408	\$0.00
	AGRICULTURAL EXTENSION	104.410	\$0.00
	COUNTY BUILDING	104.411	\$0.00
	JUDICIAL CENTER	104.412	\$0.00
	BOARD OF HEALTH	104.413	\$0.00
	PLANNING & ZONING	104.414	\$0.00
	GENERAL	104.415	\$0.00
	CIVIL DEFENSE	104.416	\$0.00
	COUNTY ELECTIONS	104.417	\$0.00
	LAW ENFORCEMENT BUILDING	104.418	\$0.00
	COUNTY ADMINISTRATION	104.419	\$0.00
	VETERANS SERVICE OFFICER	104.421	\$0.00
CURRENT EXPENSE FUND TOTAL			\$0.00
Dedicated Funds	SOCIAL SERVICES	105.502	\$0.00
	CONFLICT INDIGENT DEFENDER	105.504	\$679.25
	CASSIA COUNTY COURTS	106.602	\$0.00
	COUNTY ROAD & BRIDGE	107.707	\$0.00
	WEED & PEST	108.708	\$0.00
	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	\$0.00
	9-1-1 COMMUNICATIONS	115.715	\$0.00
	CONSOLIDATED ELECTIONS	116.716	\$0.00
	COUNTY WATERWAYS	117.717	\$0.00
	COUNTY SNOWMOBILE	118.718	\$0.00
	ASSESSOR TRUST	123.323	\$783.24
	K-9 TRUST	128.328	\$0.00
	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	\$0.00
	ADULT MISDEMEANOR PROBATION TRUST	149.349	\$0.00
	ADULT MISDEMEANOR PROBATION	149.749	\$0.00
	VIOLENT PREDATOR ACCOUNT	150.750	\$0.00
	BOX ELDER COUNTY BOOKMOBILE	151.751	\$0.00
WIDOW BENEFIT TRUST	198.798	\$0.00	
DEDICATED FUNDS TOTAL			\$1,462.49
130 Justice Fund	JUSTICE FUND	130.330	\$0.00
	CLERK OF THE DISTRICT COURT	130.803	\$0.00
	MINI-CASSIA JUVENILE PROBATION	130.805	\$0.00
	PROSECUTING ATTORNEY	130.807	\$0.00
	CORONER	130.809	\$0.00
	SHERIFF - PATROL	130.821	\$0.00
	SHERIFF - INVESTIGATIONS	130.822	\$0.00
	SHERIFF - DISPATCH	130.823	\$0.00
	SHERIFF - ADMINISTRATION	130.824	\$0.00
	MINI-CASSIA CRIMINAL JUSTICE CENTER	130.827	\$0.00
	MINI-CASSIA JUVENILE DETENTION CENTER	130.828	\$0.00
	SHERIFF - PATROL (City of Burley)	130.851	\$0.00
	SHERIFF - INVESTIGATIONS (City of Burley)	130.853	\$0.00
SHERIFF - ADMINISTRATION (City of Burley)	130.854	\$0.00	
JUSTICE FUND TOTAL			\$0.00
TOTAL EXPENDITURES			\$1,462.49