



POWER COUNTY BOARD OF COMMISSIONERS

Meeting Minutes
Commission Chambers
543 Bannock Ave.
American Falls, ID 83211
www.powercounty.is.us

Monday, February 22, 2017, 12:00 pm

I. CALL TO ORDER

The Board of County Commissioners met in special session Wednesday, February 22, 2017, and called the meeting to order at the hour of 12:06 pm, in the Commission Chambers of the Power County Courthouse.

II. COMMISSIONERS/STAFF

PRESENT: Commissioner Ron Funk, Chair
Commissioner Delane Anderson
Commissioner Bill Lasley

ABSENT: None

STAFF: Sharee Sprague, Clerk
Ryan Petersen, Legal Counsel
Anson Call, Legal Counsel

OTHER PARTIES PRESENT: Doug Balfour
Lance Funk
Nick Behrend (Telephone)

III. AGENDA

A. MOTIONS:

1. **Agenda Approved:** A motion to approve the agenda for Wednesday, February 22, 2017, was presented by Commissioner Funk with a second by Commissioner Lasley. Following audible call of the Board, motion unanimously carried.

B. POINTS OF ORDER:

1. **Water Rights Leasing Discussion:** Lance Funk appeared before the Board inquiring on the status of leasing water from the county. Lance advises his usage need for water and offered proposal options. Lance advises that he has been in communication with the American Falls Aberdeen Ground Water Association and was advised that they preferred that he lease water directly from the County as they were no longer going to be leasing any water from the County.

Doug Balfour advises that he attended the American Falls Aberdeen Ground Water Association meeting and was informed that they have decided to rescind their original

offer to the lease the water rights from the county for \$250,000 per year for five (5) years and pay the \$1,000,000 lease fee in advance in an effort to assist the County in keeping the water local.

Commissioner Anderson expressed concern that the County moved forward with the Bond and advertised to constituents based on the promise received from the Ground Water Association. Furthermore, with the Ground Water Association backing out their promise, the County is now obligated to make a payment in the next few weeks without the promised funding. Commissioner Anderson inquired if Lance Funk was willing to pay the higher rate of \$42-\$58 per acre the Commission was advised the water was valued.

Lance concurs with the County's viewpoint and need to protect taxpayers as much as possible, however, he advises that the suggested rate will not balance out to an amount that he could sustain for the upcoming season. Lance did agree to increase his offer to \$150,000.00 for the first year to allow all parties more time to develop better plans moving forward.

Commissioner Funk reports that upon receiving that information from Mr. Balfour he contacted Tim Deeg and Nick Behrend from the Ground Water Association, who confirmed that they were rescinding their previous promise to the County and suggested the County lease water this year to Lance Funk and in mitigation have now offered to pay \$50,000.00 to lease any remaining water not utilized by Lance Funk. Mr. Funk also advises that the Ground Water Association is requesting the \$50,000.00 rate be locked in for the next three (3) years. Commissioner Funk suggests that in lieu of the previous action of the Ground Water Association that the Board awaiting a written proposal for confirmation of the offer prior to entering into any lease agreements.

Lance advises that leasing with any new partners would need to be approved through IDWR, which takes considerable time. Lance shared his ideas toward satisfying his future water needs going forward.

The Board advised that given recent events, the County would need all proposals in writing to be considered. Lance advised that he would work with Ryan Petersen in submitting an updated agreement for the Board to Consider.

The Board directed Doug Balfour to move forward in negotiating the impact and timelines of restoring the water to the original site and move forward with negotiating an agreement with the Ground Water Association to lease the remaining water for the forthcoming year.

The matter is continued for discussion on Monday, February 27, 2017.

2. **SB168 Support Letter:** Clerk Sprague advised that Fremont County had sent a copy of their letter supporting SB168 which addresses the spread of mussels within the tributaries of the state and requested the County to do the same. Following discussion, Clerk Sprague was directed to draft a letter to the Legislative Representatives recognizing the points provided by Fremont County and supporting the same.

IV. EXECUTIVE SESSION:

1. **Executive Legal Advice Session pursuant to I.C. §74-206(f) 12:53 pm:** A motion to enter into executive session pursuant to I.C. §74-206(f), to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated was presented by Commissioner Anderson with a second by Commissioner Funk. Following an audible call of the board, the motion unanimously carried.
2. **Executive Legal Advice Session pursuant to I.C. §74-206(f) 1:40 pm:** A Motion to exit executive session pursuant to I.C. §74-206(f), was presented by Commissioner Lasley with a second by Commissioner Anderson. Commissioner Anderson was absent. Following an audible call of the board, the motion unanimously carried.

V. ASSESSMENTS/CONCLUSIONS:

1. **Next Meeting:** The next regular session for the board to meet is slated for February 27, 2017.
2. **Adjourn:** Having no further business to come before the Board, a motion to adjourn was presented by Commissioner Funk with a second by Commissioner Anderson. Following audible call of the Board, motion carried and the meeting was adjourned at 5:38 pm.

The foregoing minutes were approved by the Board of County Commissioners during the Regular Board Meeting held March 13, 2017.



COMMISSIONER FUNK, Chairman

ATTEST:



SHAREE SPRAGUE, Clerk