

## POWER COUNTY COMMISSION AGENDA

The Board of Power County Commissioners met in regular session on Monday, December 14<sup>th</sup>, 2009. Present were Commissioners Vicki Meadows, Chairman, Ken Estep and Ron Funk. Also present were Power County Clerk Christine Steinlicht and Power County Prosecuting Attorney F. Randall Kline.

NORTHERN ROCKIES ECOSYSTEM PROTECTION ACT – POWER COUNTY RESOLUTION #2010-04: Following discussion, it was moved by Commissioner Estep, seconded by Commissioner Meadows, to approve and execute Power County Resolution #2010-04, which is a resolution opposing House Resolution 980 entitled “The Northern Rockies Ecosystem Protection Act” and urging the Idaho Congressional Delegation to oppose HR 980. Carried.

POWER COUNTY DEVELOPMENT AUTHORITY – FMC SITE (REDEVELOPMENT): Commissioner Meadows reported that she and Commissioner Funk attended a luncheon meeting with the Power County Development Authority (PCDA) and FMC on December 2<sup>nd</sup>, 2009, to discuss redevelopment of the FMC site. At this time, PCDA is working toward obtaining the required Environmental Protection Agency (EPA) certification so that redevelopment of its property just north of Highway 30 and adjacent to FMC property can proceed.

POWER COUNTY MISDEMEANOR PROBATION – SERVICES AGREEMENT: Following discussion with Power County Prosecuting Attorney Randy Kline, it was moved by Commissioner Meadows, seconded by Commissioner Funk, to approve and execute the Misdemeanor Probation Services Agreement between Nancy Cladis d/b/a Power County Misdemeanor Probation Services, Inc., and Power County as presented. Carried. Clerk Steinlicht will send the original Services Agreement to Ms. Cladis for her review and approval.

BRIAN HAYNES D/B/A AMERICAN AIR, LLC – COMMERCIAL AIRPORT HANGER LEASE: Following discussion with Power County Prosecuting Attorney Randy Kline, and a finding by the Board of Commissioners that Mr. Haynes is attempting to assign or convey his interest in and to the Commercial Airport Hanger Lease entered into on May 9<sup>th</sup>, 2005, which attempt is contrary to the terms of said Lease, it was moved by Commissioner Meadows, seconded by Commissioner Funk, to immediately and absolutely terminate and void the Commercial Airport Hanger Lease between Power County and Brian Haynes d/b/a American Air, LLC. Carried.

DAVE SAVAGE D/B/A SAVAGE AIR – AIRPORT LEASES: Following discussion with Power County Prosecuting Attorney Randy Kline, the Commissioners agreed to table further consideration of this matter until January 11<sup>th</sup>, 2010.

POWER COUNTY ELECTED OFFICIALS/DEPARTMENT HEADS: The following individuals appeared for the Power County Elected Officials and Department Heads meeting:

Vicki Meadows, Commissioner Chairman  
Ken Estep, Commissioner  
Ron Funk, Commissioner  
Chris Steinlicht, Clerk  
Randy Kline, Prosecuting Attorney  
Bobbie Mauch, Treasurer  
Connie Shepherd, Juvenile Probation Supervisor  
Robert Steinlicht, Building Administrator/P&Z  
Stan Gortsema, Agricultural Extension Department  
Craig Heward, Transfer Station/Landfill Supervisor  
Curtis Munk, Weed Department Supervisor

JOB DESCRIPTIONS: The Commissioners reported that they had received and reviewed job descriptions from each Department Head except Weeds Supervisor, and will keep those on file for future reference. Following discussion, the Commissioners suggested that elected officials and department heads may want to prepare job descriptions for each position within their office/department to also keep on file for future use.

POWER COUNTY WEB PAGE – RAVE COMMUNICATIONS: Michael Jones of Rave Communications appeared before the Power County elected officials and department heads to review and discuss the progress to the Power County Web Page. Mr. Jones reported that the old site is scheduled to be discontinued in the very near future. Following discussion, Mr. Jones agreed to conduct training sessions with County employees on Thursday and Friday, January 14<sup>th</sup> and 15<sup>th</sup>, 2010, at 9:00 a.m. and 2:00 p.m., and will also provide user manuals to County employees.

POWER COUNTY PERSONNEL MANUAL – EMPLOYEE CLASSIFICATIONS (AMENDMENTS): Power County Clerk Chris Steinlicht reported to the Power County elected officials and department heads that the Power County Personnel Manual regarding “employee classifications” conflicts with the Public Employees Retirement System of Idaho (PERSI) definitions of “employee”, specifically in regard to temporary employees, i.e. temporary “casual” (not to exceed five consecutive months) versus temporary “seasonal” (not to exceed eight consecutive months). Following further discussion, the Commissioners agreed that the Power County Personnel Manual should be amended to correspond with PERSI, and further consideration of this matter was tabled until January 11<sup>th</sup>, 2010.

2010 IDAHO LEGISLATIVE SESSION: The Power County elected officials and department heads then discussed the 2010 Legislative Session, which will commence January 11<sup>th</sup>, 2010. Commissioner Estep reported that he attended the Idaho Association of Commerce and Industry (IACI) meeting with the Idaho Association of Counties (IAC) Legislative Committee on December 2<sup>nd</sup>, 2009. IACI intends to pursue elimination of the personal property tax and has provided IAC with a copy of draft legislation that they feel addresses the areas of concerns for County governments; however, given the current revenue projections and budget shortfalls, IAC anticipates that no further tax exemptions will be considered by the 2010 Legislature. Following discussion, the elected officials agreed to discuss this matter further at the IAC Mid-Winter Conference which begins February 1<sup>st</sup>, 2010.

POWER COUNTY EMPLOYEE BENEFIT PLAN – GEM PLAN: The Power County elected officials and department heads then discussed the Power County employee benefit plan through the Gem Plan. Commissioner Estep reported that the Gem Plan Board of Trustees is recommending slight increases in employee prescription co-pays and deductibles; however, Power County employees will be given written notice of any changes in coverage. Following discussion, the Commissioners agreed to table further consideration of this matter until December 28<sup>th</sup>, 2009.

POWER COUNTY CLERK – ANNUAL FINANCIAL REPORT (I.C. #31-2307): The Commissioners then reviewed the Annual Financial Report, which was prepared by Power County Clerk Chris Steinlicht pursuant to I.C. #31-2307 and submitted to the Board of Commissioners on November 23<sup>rd</sup>, 2009. Following discussion, it was moved by Commissioner Meadows, seconded by Commissioner Funk, to approve the Power County Clerk's Annual Financial Report as presented. Carried.

COMMISSIONER MINUTES: Following discussion, it was moved by Commissioner Estep, seconded by Commissioner Funk, to approve the Power County Commissioner Minutes for November 6<sup>th</sup>, 9<sup>th</sup> and 23<sup>rd</sup>, 2009, as presented. Carried. The Commissioners then discussed the possibility of publishing a summary of the Commissioner Minutes in the Power County Press with notice that the full and complete text will be available on Power County's web page. Following discussion, the Commissioners agreed to table further consideration of this matter until February 8<sup>th</sup>, 2010.

IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY: Regional Administrator of the Idaho Department of Environmental Quality Bruce Olenick appeared before the Commissioners with Remediation Coordinator Ralph A. Osborn to discuss air quality issues pertinent to Power County. Mr. Olenick reported a highly productive working relationship between DEQ and Southeast Idaho Energy, which has resulted in a permit being negotiated and issued. The Commissioners and Mr. Osborn then discussed the underground fuel tanks that were removed from an area adjacent to the Power County Sheriff's Office in 1993; however, the DEQ has not closed their file on that matter and will need to pull a water sample from the area. Mr. Osborn assured the Commissioners that any testing will be done at the expense of DEQ and that a certificate of compliance/closure will be forthcoming. The Commissioners instructed Mr. Osborn to

contact Power County Sheriff Jim Jeffries directly and arrange a time to obtain a water sample.

POWER COUNTY SHERIFF – IDAHO SHERIFF'S ASSOCIATION (JAIL STANDARDS): Power County Sheriff Jim Jeffries appeared before the Commissioners to report that he attended the Idaho Sheriffs' Association meeting on December 2<sup>nd</sup>, 2009, to discuss Idaho Jail Standards, and particularly minimum staffing requirements, which call for two officers to be on duty 24 hours per day, seven days per week. Sheriff Jeffries then reported that he has implemented the most cost effective option in order to comply with the Idaho Jail Standards, and will supplement jail personnel with his administrative staff, a new part-time jail technician and road officers to ensure double coverage during most shifts.

POWER COUNTY SHERIFF – QUARTERLY JAIL INSPECTIONS (I.C. #20-622): Power County Sheriff Jim Jeffries appeared before the Commissioners to report that the Idaho Sheriffs' Association is preparing new forms for jail inspections conducted by the Board of Commissioners pursuant to I.C. #20-622. Following discussion, the Commissioners agreed that Commissioner Estep will perform the final quarterly jail inspection for 2009 on Friday, December 18<sup>th</sup>, 2009; however, beginning January 1<sup>st</sup>, 2010, all jail inspections conducted pursuant to I.C. #20-622 will be done by the full board during a regular business meeting of the Board of Power County Commissioners.

POWER COUNTY SHERIFF – JAIL REPAIRS (WINDOWS): Power County Sheriff Jim Jeffries appeared before the Commissioner to report that one of windows in the jail area of the Power County Sheriff's Office is damaged and needs repaired; however, Sheriff Jeffries would like to replace all of the outdated, inefficient jail windows. Following discussion, the Commissioners agreed to immediately repair the damaged window, and suggested that Sheriff Jeffries contact Keven Shreeve at Forsgren and Associates to inquire whether the proposed window replacement would qualify for payment under U.S. Department of Energy's Energy Efficiency and Conservation Block Grant (EECBG) to enhance energy efficiency of County buildings.

POWER COUNTY SHERIFF – HOMELAND SECURITY GRANTS (COMMUNICATIONS/POINT OF CONTACT): Power County Sheriff Jim Jeffries appeared before the Commissioners to discuss the Commissioners recent change to Power County's "Point of Contact" on Homeland Security Grants. Following discussion, the Commissioners agreed that on October 5<sup>th</sup>, 2009, Power County Sheriff Jim Jeffries was officially appointed as Power County's "Point of Contact" for purposes of communications and/or interoperability projects; however, Power County Disaster Services Director Di Jones will continue to schedule and oversee all education and/or training sessions required under the Homeland Security Grants. Commissioner Estep agreed to contact Idaho Bureau of Disaster Services Regional Director Ken Fagnet to clarify the changes in Power County's "Point of Contact".

MOUNTAIN STATES TRANSMISSION INTERTIE (MSTI) – TRANSMISSION CORRIDOR: Commissioner Funk reported that he attended Mountain States

Transmission Intertie (MSTI) public information meetings on November 24<sup>th</sup> and December 3<sup>rd</sup>, 2009. Commissioner Funk indicated that several options for the placement of a transmission lines through the Pleasant Valley area were presented; however, the landowners in the area are adamant that private property should not be considered as corridors. Commissioner Funk further reported that Tom Pankratz of Northwest Energy is committed to push the landowners' proposal to by-pass private property; with the understanding that time constraints and/or deadlock may require further negotiation.

POWER COUNTY ASSESSOR - RURAL SUBDIVISION/AGRICULTURAL EXEMPTION (ADJUSTED VALUES): Power County Deputy Assessor Donna Thornton appeared before the Commissioners to report that the 2009 market values on South Bay Subdivision were calculated at the higher "rural subdivision" rather than "agricultural" rate, which a rural subdivision is allowed to maintain under I.C. #63-602(k) until the initial improvement of building or infrastructure is commenced. Following discussion, the Commissioners agreed that the 18 affected parcels, resulting in a total tax cancellation of \$31,411.86, should be included on the Power County Treasurer's next Order for Cancellation of Taxes as an "erroneous assessment".

CLAIMS: Moved by Commissioner Estep, seconded by Commissioner Meadows, to approve the claims as presented, amended and supplemented. Carried.

Current Expense	\$ 25,944.57
Ambulance District	5,370.00
Mosquito Abatement District	16,558.33
District Court	5,871.88
Justice Fund	53,495.78
Misdemeanor Probation/Drug Court	2,103.36
Enhanced 911 Services	1,149.50
Indigent Services	13,739.74
Revaluation	671.00
Solid Waste	34,614.62
Tort	1,000.00
Weeds	2,797.71
Waterways	21.96
PILT	5,581.99

POWER COUNTY TREASURER - ORDER FOR CANCELLATION OF TAXES: Moved by Commissioner Meadows, seconded by Commissioner Funk, to approve the Order for Cancellation of Taxes in the amount of \$3,107.79 presented by Power County Treasurer Bobbie Mauch. Carried.

SAFETY AWARD - STATE INSURANCE FUND: Power County Clerk Chris Steinlicht reported that Power County will receive a dividend from the State Insurance Fund in the approximate amount of \$4,800.00. Following discussion, it was moved by Commissioner Meadows, seconded by Commissioner Funk, to grant the Power County

employees a safety award of \$70 for elected officials and full-time employees and \$30 for part-time employees. Carried.

EXECUTIVE SESSION (I.C. #67-2345): Moved by Commissioner Estep, seconded by Commissioner Meadows, to move into executive session pursuant to I.C. #67-2345, to consider records that are exempt from disclosure pursuant to Chapter 3, Title 9, Idaho Code, specifically indigent medical applications. Upon a call for the question, the following roll call vote was taken:

Commissioner Meadows – Aye  
Commissioner Estep – Aye  
Commissioner Funk – Aye

Carried.

INDIGENT CASE #2010-12-I: Moved by Commissioner Meadows, seconded by Commissioner Funk, to deny indigent medical application #2010-12-I, since the application was processed as incomplete pursuant to I.C. #31-3505A. Carried.

EXECUTIVE SESSION (I.C. #67-2345): At the request of Power County Planning & Zoning Attorney Douglas J. Balfour, it was moved by Commissioner Funk, seconded by Commissioner Estep, to move into executive session pursuant to I.C. #67-2345 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. Upon a call for the question, the following roll call vote was taken:

Commissioner Meadows – Aye  
Commissioner Estep – Aye  
Commissioner Funk – Aye

Carried.

POWER COUNTY PLANNING & ZONING – SHOSHONE BANNOCK TRIBES (IDAHO OPEN MEETING ACT COMPLAINT): Power County Planning & Zoning Attorney Douglas J. Balfour appeared before the Commissioners to further discuss the written complaint, prepared by EchoHawk Law Office, that Power County may have violated the Idaho Open Meeting Act. Also present were Mark EchoHawk of EchoHawk Law Office and Alonzo Coby of the Fort Hall Business Council. Following discussion, it was moved by Commissioner Meadows, seconded by Commissioner Funk, to instruct Power County Planning & Zoning Attorney Doug Balfour to prepare the Commissioners written response to EchoHawk Law Office's letter of complaint dated November 29<sup>th</sup>, 2009. Carried. Following further discussion, it was moved by Commissioner Estep, seconded by Commissioner Funk, to instruct Power County Planning & Zoning Attorney Doug Balfour to prepare and submit a transmittal to the Shoshone-Bannock Tribes to accompany Power County's 12 comments to the Tribe's proposed Land Use Plan, which

comments are dated February 24<sup>th</sup>, 2003, through December 14<sup>th</sup>, 2009. Carried. Paul EchoHawk then requested that the Commissioners consider a response to the November 29<sup>th</sup>, 2009, complaint consistent with Bannock County's recent resolution.

POWER COUNTY JUVENILE PROBATION – POST TRAINING: Power County Juvenile Probation Office Supervisor Connie Shepherd appeared before the Commissioners to report that the State POST Academy will be offering a Probation Supervisor certification program in March, 2010. Following discussion, the Commissioners and Ms. Shepherd agreed that certification would be beneficial.

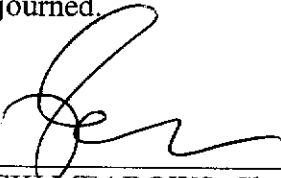
EXECUTIVE SESSION (I.C. #67-2345): Moved by Commissioner Meadows, seconded by Commissioner Funk, to move into executive session pursuant to I.C. #67-2345 to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against a public officer, employee, staff member or individual agent. Upon a call for the question, the following roll call vote was taken:

Commissioner Meadows – Aye  
Commissioner Estep – Aye  
Commissioner Funk – Aye

Carried.

AMERICAN FALLS SCHOOL DISTRICT #381 – GRADUATION EQUIVALENT DIPLOMA (GED) PROGRAM – SPANISH: Rudy Pena and Kay Jones of the American Falls School District #381 appeared before the Commissioners to report that the Spanish GED class, which has functioned in Power County since 2000 and has been funded and administered by Boise State University through funds provided by the US Department of Education's High School Equivalency Program, will be discontinued due to lack of funding, leaving approximately 20 current adult students without any options to further their education and obtain GED certification. Mr. Pena and Ms. Jones requested that a program promoting literacy and GED certification for the Hispanic community be adopted and supported locally. Following discussion, the Commissioners agreed to table further consideration of this matter until December 28<sup>th</sup>, 2009, at 11:00 a.m.

Adjourned.

  
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VICKI MEADOWS, Chairman

  
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CHRISTINE STEINLICHT, Clerk