

## POWER COUNTY COMMISSIONER MINUTES

The Board of Power County Commissioner met in special session on Thursday, April 28<sup>th</sup>, 2011. Present were Commissioners Vicki Meadows, Chairman, Ron Funk and Delane Anderson. Also present were Power County Clerk Christine Steinlicht and Power County Prosecuting Attorney F. Randall Kline.

COMMISSIONER AGENDA (I.C. #67-2343): Following a review of I.C. #67-2343, and good cause appearing therefore, it was moved by Commissioner Meadows, seconded by Commissioner Funk, to amend the April 28<sup>th</sup>, 2011, Commissioner Agenda to include the following items:

Power County Communications – Table Mountain Repeater Site

Carried.

POWER COUNTY COMMUNICATIONS – TABLE MOUNTAIN REPEATER SITE: Don Haskins of the Power County Highway District appeared before the Commissioners to present a map depicting, in detail, the proposed ingress and egress route to the Table Mountain Repeater Site, including GPS coordinates. Also present was former Power County Commissioner Ken Estep. Mr. Haskins reported that on Monday, May 2<sup>nd</sup>, 2011, representatives of Idaho Power will personally inspect the proposed route. Mr. Haskins further reported that he will be providing the Bureau of Land Management with a copy of the maps and written notice of the construction plans, after which an on-site BLM inspection will be performed. Following discussion, the Commissioners agreed to make funds available to assist the Power County Highway District with equipment costs and wages to construct the access road.

POWER COUNTY PROSECUTING ATTORNEY/COMMISSIONERS – SETTLEMENT AGREEMENT: Power County Prosecuting Attorney Randy Kline appeared before the Commissioners to review the Settlement Agreement executed by the parties following mediation on January 24<sup>th</sup>, 2011. Following Commissioner discussions with the Idaho Association of Counties and a review of the Idaho Supreme Court's 1983 decision in the case of LaBrosse vs. Boundary County Board of Commissioners (105 Idaho 730; 672 P 2<sup>nd</sup> 1060), it was moved by Commissioner Anderson, seconded by Commissioner Meadows, to approve the Settlement Agreement as amended at paragraph #6 by interlineations and initialed by the parties, and more specifically with the following understanding:

- That the settlement payment to the Prosecuting Attorney as set forth in said Agreement shall be increased by \$1,200 rather than remediated.
- That the entire amount paid to the Prosecuting Attorney under said Agreement in the amount of \$8,612 shall be considered a "litigation

settlement" paid on a one-time basis rather than ongoing compensation, which was calculated as follows:

Negotiated Settlement Amount	\$ 7,500.00
Less District Court Filing Fee	- 88.00
Plus Increased Compensation	+ 1,200.00
<b>TOTAL:</b>	<b><u>\$ 8,612.00</u></b>

- That the maximum salary for the secretarial position will be transferred to the Power County Prosecuting Attorney's budget.
- That the Commissioners retain their right to hire outside, independent legal counsel and the Prosecuting Attorney retains his right to challenge those Commissioner decisions.

Carried.

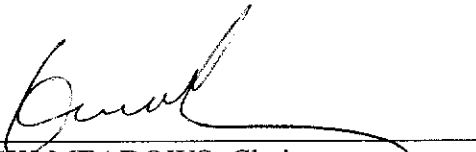
Power County Clerk Chris Steinlicht then presented the Commissioners with a copy of proposed Power County Resolution #2011-02, which is a resolution to open Power County's fiscal year 2011 budget to satisfy the budgetary provisions of the aforementioned Settlement Agreement. Following discussion, the Commissioners instructed Clerk Steinlicht to publish Notice of Public Hearing and proposed Power County Resolution #2011-02 in the May 11<sup>th</sup> and 18<sup>th</sup>, 2011, editions of the Power County Press, with Public Hearing scheduled for Monday, May 23<sup>rd</sup>, 2011, at 10:00 a.m. The Commissioners and Prosecutor Kline then reviewed the following proposed Resolutions:

- Power County Resolution #2011-03, a Resolution to employ outside counsel, Douglas J. Balfour, Chartered, for the purpose of representing Power County in all civil jurisdictional dealings, relations and matters with the Shoshone-Bannock Tribes.
- Power County Resolution #2011-04, a Resolution to employ outside counsel, Douglas J. Balfour, Chartered, for the purpose of representing Power County in all aspects pertaining to the Mountain States Transmission Intertie Project, which creates a transmission line that goes from Montana, through Power County, Idaho, and west to the Midpoint Substation near Jerome.
- Power County Resolution #2011-05, a Resolution to employ outside counsel, Douglas J. Balfour, Chartered, for the Gateway West Transmission Line Project, which creates a transmission line starting in eastern Wyoming, through Power County and Cassia Counties in Idaho, and terminating in western Oregon.
- Power County Resolution #2011-06, a Resolution to employ outside counsel, Douglas J. Balfour, Chartered, for the Southeast Idaho Energy Coal Gasification Project pending before the Power County Planning & Zoning Commission.

- Power County Resolution #2011-07, a Resolution to employ Douglas J. Balfour, Chartered, for the Ridgeline Wind Farm Project pending before the Power County Planning & Zoning Commission.
- Power County Resolution #2011-08, A Resolution to employ Douglas J. Balfour, Chartered, for the Windland Wind Farm Project pending before the Power County Planning & Zoning Commission.
- Power County Resolution #2011-09, A Resolution to employ Douglas J. Balfour, Chartered, for the LS Power Project, which is one transmission line that follows the Gateway route, connects to a pre-existing LS Power corridor coming up from Las Vegas, and then continues on to the Midpoint Substation near Jerome, and another transmission line that comes out of Montana and would likely parallel the Mountain States line and continues on to Midpoint or Borah.

Following discussion, the Commissioners and Prosecuting Attorney Kline agreed on several changes that would need to be made to the proposed Resolutions, and further consideration of these Resolutions was tabled until May 3<sup>rd</sup>, 2011.

Adjourned.

  
VICKI MEADOWS, Chairman

  
CHRISTINE STEINLICHT, Clerk