



POWER COUNTY BOARD OF COMMISSIONERS

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

Monday, January 26, 2015, 9:00 a.m.

I. CALL TO ORDER

The Board of County Commissioners met in regular session Monday, on January 26, 2015, at the hour of 9:00 a.m., 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

OTHER PARTIES PRESENT: Ann Wheeler
Carolyn Skenandore
Jim Jeffries
Judge Paul Laggis
Mary Annen
Maureen Schelske
Ryan Petersen

III. AGENDA

A. NOTICES/REPORTS

1. **Escalera/ISU Partnership:** Commissioner Funk reports that Dr. Miller from ISU is seeking \$70,000.00 in funding and they are currently seeking grants to fulfill that need. Commissioner Lasley reports that he understood the additional funding is to get personnel up to full time wages, benefits. Commissioner Anderson inquired of continued connections with Rudy Pena. Rudy Pena was informed of the need for an English component. Maureen Schelske advises that she was not advised that the \$15,000.00 Community Education Line Item in Payment in Lieu of Taxes was set up for Escalera and had been paying everything thru the Community Education Trust account as instructed by Christine Steinlicht. There is \$1,499.18 in the trust account as of today. Presently all payroll and equipment needs have been made through the Power County Clerk's Office. Legal counsel, Ryan Petersen, advised that the funds

should be transferred directly to Escalera, who should manage their funds separately and the County should not be providing administrative duties on behalf of their 501(c)(3). The Clerk shall draft a letter advising Rudy Pena from Escalera of the administrative change and encourage them to work with Dr. Miller at ISU for future development and funding. Commissioner Funk will contact Dr. Miller and advise him of the changes.

2. **Assessor - Employment Development:** Assessor, Mary Annen reports that she advertised for Motor Vehicle personnel, however, current personnel has requested to work that position and now she needs to hire for an Assessor Level 1. Further, she intends on filling a full-time position at this time, followed by a part-time position in a few months, which may develop into another full-time position.
3. **Claims Processing:** Maureen Schelske appeared before the Board seeking clarification on claims processing. By consensus, the Board advised that any change to claims submitted after approval of claims must be requested, corrected at the next Commissioners meeting addressing claims.
4. **Claims Processing:** Maureen Schelske appeared before the Board seeking clarification of a claim submitted by the Seagull Bay Yacht Club. Following discussion of the Board, the requested claim coding line item was affirmed and approved for payment.
5. **Taxation Of Tribal Member Fee Land:** Prosecutor, Ryan Petersen and Assessor, Mary Annen report that a fee land parcel on the reservation was sold to a tribal member and requested a letter to verify that taxes are not charged on the reservation. Mr. Petersen advises that he and Doug Balfour determine that pursuant to the law only the tribe is exempt from paying taxes, however, tribal members are required to pay taxes. A similar issue was before the Commissioners a couple of years ago wherein Bannock Peak was assessed fees as they are a separate entity and not tribal owned. Mr. Petersen advises that the Commissioners would have the authority to exempt the taxes. Based on old law, Mr. Petersen does not believe that the State Tax Commission would violate the County for neglecting to collect the taxes. Assessor Annen reports that all exemptions should be approved by the Commissioners, however, historically such exemptions have not come before the Commissioners. Commissioner Anderson suggests that all exemptions, tribal or otherwise, should have to come before the Commissioners for application review. Assessor Annen reports that the Assessor's Office would need to do a determination of ownership and then complete appraisals on such properties. Assessor Annen reports that Dave Packer, former Bannock County Assessor, shared that individuals owning property have been assessed taxes in Bannock County. Mr. Petersen advises that Bingham County exempts like applications. Mr. Petersen advises that the bases for determination of old exemptions is fee land only. Commissioner Funk inquires if any such change would initiate an immediate legal battle. Mr. Petersen recommends that taxes should be assessed as there is no legal basis that requires the County not to tax the property

and the only other basis we have is based on their nationality which could require an equal protection issue. Assessor Annen agrees that if the property is taxable, then taxes should be assessed. Commissioner Lasley inquired if the land is sovereign or not. Mr. Petersen advises that once the land is sold, it is no longer sovereign and is taxable. Commissioner Funk inquires if the Commission changes policy going forward would they be required to correct the past exemptions. Mr. Petersen questions if the exemptions are valid if they were not actually approved by the Commission. Additionally, exemptions should be reviewed. Assessor Annen concurs that exemptions should be reviewed every year, with the exception of the home owner's exemption. Mr. Petersen suggests that the best practice may be to provide an expiration date for past exemptions approved and move forward from that point and recommends that it begin FY2016.

6. **Treasurer Report/Cancellation of Taxes:** Deputy Treasurer, Teri Kendall, presented Adjustments Cash Slip #2015000002, Adjustments Cash Slip #2015000003, Tax Mater Inquiry Bill No. 43222, Treasurer/Auditor joint Quarterly Report, LGIP Monthly Statement from the Office of the State Treasurer, and Statement of Treasurer's Cash to the Commissioners.
7. **2014 Fiscal Year Financial Report:** Deputy Clerk, Carolyn Skenandore presented a draft of the 2014 Fiscal Year Financial Report. A complete copy is available through the Power County Clerk's Office.
8. **Elected Officials Meeting and Parking clarification:** The Power County Sheriff, Assessor, and Clerk met and updated the Board on projected department developments and goals. The Board of County Commissioners thanked the Elected Officials for their service and suggested all departments conduct evaluations bi-annually or annually as recommended by ICRMP.
9. **Minutes:** By Consensus of the Board, the draft minutes for December 15, 2014 and January 5, 2015, shall be clarified and rescheduled for review on February 9, 2015.
10. **Airport Leases:** Commissioner Anderson inquired of Airport lease and possible violations. Commissioner Funk declares conflict of interest and abstained from the conversation. Ryan Petersen advises that a notice should be sent out advising noncompliance.
11. **Airport Manager:** Commissioner Anderson reported on proposed upgrades at the Airport by the Manager. The Board discussed future possibilities for the facility. The Board determined at this point maintenance issues should continue and all other improvements and/or changes should be presented at the budget hearing by the contracted Airport Manager. Commissioner Anderson reports that return of a courtesy car at the Airport is requested.

Commissioner Anderson suggested that a transfer of the Extension Office van to the airport and optional replacement of the extension office van. Sharee Sprague agreed to share the Clerk vehicle if necessary.

12. **Investment Committee Report on Investments:** On Jan. 7, 2015 the Power County Treasurer withdrew from the State Investment Pool, per instructions from the Investment Committee on Jan. 5, 2015, \$650,000.00. These funds were invested with MBS Multi Bank Securities after permission from Commissioner Funk and Commissioner Wright as follows: FHLMC-H37 in the sum of \$50,000.00 at 3%; FHLMC-YX3 in the sum of \$75,000.00 at 2.5%; FHLB-VL5 in the sum of \$100,000.00 at 1%; FHLB-MT8 in the sum of \$100,00.00 at 1.5%; FHLB-5X5 in the sum of \$200,000.00 at .8% and FFCB-JR6 in the sum of \$125,000.00 at 1.49%. On January 22, 2015, the Power County Treasurer withdrew from the State Investment Pool, per instructions from the Investment Committee on Jan. 5, 2015, the sum of \$150,000.00. These funds were invested with MBS Multi Bank Securities as follows: Fannie Mae #7 in the amount of \$150,000.00 at 2.4% for 7.7 years. The remaining \$200,000.00 of the \$1,000,000.00 will be invested at a later date.
13. **Problem Solving Court Personnel:** Clerk, Sharee Sprague, and Deputy Clerk, Carolyn Skenandore presented a breakdown and timeline of funding to be received by Power County for reimbursement of the Problem Solving Court Coordinator. Clerk Sprague advised that the Coordinator's primary location to complete daily duties would be in Pocatello, Idaho. Judge Laggis explained that service to the Power County Drug Court would continue, which would also require travel from Pocatello to American Falls weekly. Ryan Petersen advised that while this new position is paid thru the County, all funding is replaced, at no burden to the taxpayers of the county. Any provisions related to reimbursement of mileage when required to be in American Falls as it relates to the Personnel Manual could be addressed through the Memorandum of Understanding.
14. **Veterans Service Personnel:** Commissioner Anderson advised that the local branch of the VFW dissolved. Clerk Sprague reported that she invited Ray Henery, Veterans Service Officer, to the January Sixth District Veterans and Service Member Legal Clinic and introduced him to the staff and volunteers that assist with that program. Ray Henery was provided with contact information and flyers to distribute around the county.
15. **Women's advocate program:** Commissioner Funk reports that the city had budgeted to pay the sewer, water, and garbage for the "safe house". The county should be billing city for charges paid. Ann Wheeler advises that the city had not advised the program that the request had been approved. Power County Clerk, Sharee Sprague, will coordinate with American Falls City Clerk, Robyn Herndon, and coordinate the best practice to rectify the situation. The Board advised that billing from October-

January needs to be assessed to the city for reimbursement and then a monthly billings structure should initiated as agreed between the Clerks.

Ann Wheeler reports that the phone has been paid through the Sheriff's budget. Ryan Petersen advises that this situation is a landlord/tenant relationship rather than a donation type process and therefore, it is appropriate for the government entities to process the matter between the two.

16. **EISF Board Meeting:** Commissioner Funk reported that he attended the Eastern Idaho State Fair Board Meeting. The County budget need of \$2258.00 would be the same as last year. The Board is putting together a committee to examine replacement of animal barns. The Board has 1.9 million in reserve, however it is needed to cover expenses prior to the fair, therefore, they are investigating avenues to fund the barns. Commissioner Funk submitted the county's copies of the Eastern Idaho State Fair District and Affiliate Blackfoot, Idaho Consolidated Financial Statements and Supplementary Information with Independent Auditor's Report and the Management Report for the year ended October 31, 2014. Reports are available in the Clerk's Office for review.

B. MOTIONS:

1. **Motion to Amend Agenda:** A Motion to Amend the Agenda to include Eastern Idaho State Fair Board Meeting was made by Commissioner Funk with a Second by Commissioner Anderson. Following call of the Board, Motion carried.
2. **Motion to Transfer Funds:** A Motion to transfer \$15,000.00 out of Payment in Lieu of Taxes Community Education Fund to the Community Education Trust Fund was made by Commissioner Anderson with a second by Commissioner Lasley. Following call of the Board, Motion carried.
3. **Motion to Amend Claims Report:** A Motion to amend the claims report to include a payment to Escalera in the amount of \$16,499.18 to be paid out of Community Education Trust Fund was made by Commissioner Lasley with a second by Commissioner Anderson. Following call of the Board, Motion carried.
4. **Motion on Property Tax Exemptions:** A Motion that all property tax exemptions other than homeowner's exemptions require annual review and that the applicant further apply for the same before the Board of County Commissioners was made by Commissioner Funk with a second by Commissioner Lasley. Following call of the Board, Motion carried.
5. **Motion on Property Tax Exemptions:** A Motion that all new property tax exemption applications requested under tribal member regulations shall personally appear before the Board of Commissioners for decision was made by Commissioner

Anderson, with a second by Commissioner Lasley. Following call of the Board, Motion carried.

6. **Motion on Property Tax Exemptions:** A Motion that the Prosecutor and the Assessor conduct an investigation on appropriate parcels for taxation, develop a plan for implementation and present to the Board for approval was made by Commissioner Lasley with a second by Commissioner Funk. Following call of the Board, Motion carried.
7. **Treasurer's Report:** A Motion to accept the Treasurer's Report was made by Commissioner Funk with a second by Commissioner Lasley. Following call of the Board, Motion carried.
8. **Cancellation of Taxes:** A Motion to approve the tax cancelation of RPD1710-00 in the amount of \$8.43 was made by Commissioner Funk with a second by Commissioner Lasley. Following call of the Board, Motion carried.
9. **Cancellation of Taxes:** A Motion to approve the tax cancelation of RPA0619-00 in the amount of \$9.41 was made by Commissioner Funk with a second by Commissioner Lasley. Following call of the Board, Motion carried.
10. **Cancellation of Taxes:** A Motion to approve the tax cancelation of RPD0322-00 in the amount of \$7.37 was made by Commissioner Funk with a second by Commissioner Lasley. Following call of the Board, Motion carried.
11. **2014 Fiscal Year Financial Report:** A Motion to accept Financial report as presented was made by Commissioner Lasley with a second by Commissioner Anderson. Following call of the board, motion carried.
12. **Claims:** A Motion to accept the Claims Report as amended was made by Commissioner Lasley with a second by Commissioner Funk. Following an audible call of the board, the motion carried. The following claims were examined, approved, and ordered paid. A detailed report is available through the Clerk's Office.

FUND DESCRIPTION	EXPENSES
GENERAL FUND	\$ 6,497.63
POWER COUNTY AMBULANCE DIST.	\$ 3,496.42
DISTRICT COURT	\$ 4,421.68
JUSTICE FUND	\$ 9,533.69
ENHANCED 911 SERVICES	\$ 210.06
ELECTIONS	\$ 478.07
INDIGENT	\$ 641.76
REVALUATION	\$ 11,413.00
SOLID WASTE (LANDFILL)	\$ 14,662.80
WEEDS	\$ 423.55
WATERWAYS	\$ 6,078.59

PAYMENT IN LIEU OF TAXES

\$ 41,221.85
TOTAL \$ 99,079.10

13. **Indigent Case #20015-01**: A Motion to deny Indigent Case #20015-01 was made by Commissioner Funk with a second by Commissioner Lasley. Following an audible call of the board, the motion carried.
14. **Indigent Case #20015-10**: A Motion to deny Indigent Case #20015-10 was made by Commissioner Funk with a second by Commissioner Lasley. Following an audible call of the board, the motion carried.
15. **Minutes for December 01, 2014**: A Motion to accept minutes for December 01, 2014, as presented was made by Commissioner Funk with a second by Commissioner Anderson. Following an audible call of the board, the motion carried.
16. **Minutes for December 29, 2014**: A Motion to accept minutes for December 29, 2014, as presented was made by Commissioner Funk with a second by Commissioner Anderson. Following an audible call of the board, the motion carried.
17. **Airport Lease**: A Motion to give written notice to cure violation of the Airport lease within 30 days was made by Commissioner Anderson, with a Second by Commissioner Lasley. Commissioner Funk declared a conflict and declined to vote. Following a call from the Board, the Motion passed. The Board directed Mr. Petersen to send written notice of noncompliance and report results thereof back to the Board.
18. **Idaho Military Division Renewal**: Ryan Petersen advises that the Renewal Memorandum of Understanding (MOU) for the Idaho Military Division has been reviewed and approves the same for execution. A motion to execute the Renewal Memorandum of Understanding (MOU) for Idaho Military Division was made by Commissioner Lasley with a Second by Commissioner Anderson. Following a call from the Board, the Motion passed.
19. **A.F. Chamber of Commerce**: A Motion to renew American Falls Chamber of Commerce Membership for \$50.00 was made by Commissioner Anderson with a Second by Commissioner Funk. Following a call from the Board, the Motion passed.
20. **Investments**: A Motion to approve the Investment Committee Report on Investments as presented was made by Commissioner Funk, with a Second by Commissioner Anderson. Following a call from the Board, the Motion passed.

IV. EXECUTIVE SESSION:

1. **I.C. §67-2345(1)(a) 9:26 am**: A Motion to enter into executive session pursuant to I.C. §67-2345(1)(a) to consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need, was made by Commissioner Anderson

with a second by Commissioner Lasley. Following an audible call of the board, the motion carried.

2. **I.C. §67-2345(1)(a) 10:17 am**: A Motion to exit executive session pursuant to I.C. §67-2345(1)(a) was made by Commissioner Lasley with a second by Commissioner Funk. Following an audible call of the board, the motion carried.
3. **I.C. §67-2345 3:59 pm**: A Motion to enter into executive session pursuant to I.C. §67-2345, to consider records that are exempt from disclosure under Chapter 3, Title 9, Idaho Code, specifically indigent medical applications was made by Commissioner Funk with a second by Commissioner Lasley. Following an audible call of the board, the motion carried.
4. **I.C. §67-2345 4:05 pm**: A Motion to exit executive session pursuant to I.C. 67-2345 was made by Commissioner Funk with a second by Commissioner Lasley. Following an audible call of the board, the motion carried.

V. ASSESSMENTS/CONCLUSIONS:

1. **Offsite Meetings**: Commissioner Anderson, Commissioner Lasley, Assessor Annen, Treasurer Curry and Clerk Sprague will be attending the IAC Mid-Winter Legislative Conference in Boise, Idaho from February 2-4, 2015. Clerk Sprague will also be attending Newly Elected Clerks meeting in Boise, Idaho on Thursday, February 5, 2015.
2. **Next Meeting**: The next regular session for the board to meet is slated for February 9, 2015.
3. **Adjourn**: Having no further business to come before the Board, the meeting was adjourned at 5:26 pm.

The foregoing minutes were approved by the Board of County Commissioners during the Regular Board Meeting held February 23, 2015.



COMMISSIONER FUNK, Chairman

ATTEST:



SHAREE SPRAGUE, Clerk