



POWER COUNTY BOARD OF COMMISSIONERS

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

Monday, February 14, 2022, 9:00 a.m.

I. CALL TO ORDER

The Board of County Commissioners met in regular session Monday, February 14, 2022, and called the meeting to order at the hour of 9:03 am, in the Commission Chambers of the Power County Courthouse.

II. COMMISSIONERS/STAFF

PRESENT:	Commissioner Ron Funk, Chair (ZOOM)	
	Commissioner Delane Anderson	
	Commissioner Bill Lasley (ZOOM)	
ABSENT:	None	
STAFF:	Sharee Sprague, Clerk	
	Cathy Miles, Deputy Auditor	
	Anson Call, Legal Counsel	
OTHER PARTIES PRESENT:	Assessor Laura Porath	Daniel Moore
	Chief Deputy Clerk Chelsy Fehringer	Launa Snow
	Sheriff Josh Campbell	Michael Morrissey
	Chief Deputy Sheriff Kasey Kendall	Seth Grigg
	Jeff Rankin	

III. AGENDA

A. NOTICES/REPORTS

- Discussion of Legislative Proposals:** Commissioner Lasley reported that Caribou County reached out for discussion regarding HO565 pending legislation to remove transient property without replacement dollars. Clerk Sprague advised that she believed that happened in HO389 last year. IAC Executive Director Seth Grigg joined via ZOOM and advised that in 2021 HO389 Exempted transient property without replacement. They did not anticipate seeing a bill clarifying the descriptors this year. HO565 expands the definitions to specifically include mining ventures as transient property. The first half of HO565 removes reporting requirement if they don't pass the \$250,000 threshold. The definition portion of this bill would impact mining ventures and will impact Caribou county would cause a 9-10% tax shift. Seth advised that he didn't see a significant impact to Power County, but recommended that the Commission confer with their Assessor for confirmation. Commissioner Lasley inquired what Power County should do to be supportive of surrounding counties and the impact of the legislation. Mr. Griggs advised that he will be meeting with the mining lobbyists to negotiate better plan to the descriptions that will better address all parties. Mr. Grigg recommends providing

recommendations to Senator Guthrie of concerns. Commissioner Funk reports that they have moved to a strategy to remove personal property piece by piece instead of a massive and more transparent removal.

2. **Public Defense Services Update:** Public Defender Michael Morrissey appeared before the commission. Mr. Morrissey reports that he has about 50 current clients and maxes out at 212 felonies or equivalent. Commissioner Anderson inquired of the application process. The parties discussed the appointment and conflict process and who should be maintaining the conflict list and doing the appointments. Clerk Sharee Sprague recommends having the attorneys, Judge, Clerk and a Commissioner sit down and talk thru and develop a good policy moving forward. Commissioner Anderson inquired how the first appearance is being covered after Abe Luca resigned. Mr. Morrissey reports that the process is a bit clunky in the absence of another attorney in town available to contract with however, the Court staff will contact a public defender for appearance and Judges are extremely cautious to assure the defendant has representation. Mr. Morrissey advised that he updated conflict contracts for 2022, but have not received signed contracts back yet. Patrick Davis will replace Brendon Taylor from Merrill and Merrill. Mr. Morrissey reports that he has communicated with Manuel Murdock regarding conflict services, however, he will not agree to provide services without paying mileage in addition to getting paid his hourly rate while traveling. Clerk Sharee Sprague reports that she and Oneida County Clerk Colton will be meeting with Michael and Jared Ricks of the public defense commission quarterly and inquired if updates from those meetings presented to the Commission would suffice or if the Board would prefer to move forward with in person meetings with Mr. Morrissey. By consensus, the Board advised that the Clerk provide updates and the Commission would schedule additional meetings with Mr. Morrissey as needed. Upon conclusion, the Commission directed Clerk Sprague to coordinate a meeting with the Judge, Attorneys and Commissioner Lasley or Commissioner Funk.
3. **Assessor Update:** Assessor Laura Porath appeared before the Commission and reported that the county five (5) year plan has been submitted and the State Tax Commission will provide notice of any concerns. Assessor Porath reported that she received the ratio study and based on the information she anticipates there may be a need for indexing again this year. Assessor Porath advised that residential lots or selling above market, which affect the ratio study. Assessor Porath advised that the Idaho Transportation Department (ITD) is working to move all renewals and titles thru Boise and anticipates that it would reduce foot traffic to the counties by 50% with an anticipated \$25,000 negative revenue impact to Power County.
4. **Power County Arena Discussion:** Laura Porath reports that Carolyn Anderson Merritt is still working on grant options, costs and needs. Commissioner Anderson advises that he does not agree with selling advertisement to purchase panels. Laura Porath advises that they are looking at panel options and costs. Laura reports that Carolyn is trying to push forward due to the timing of getting the panels ordered and here due to production costs and timing.

B. MOTIONS:

1. **Agenda:** A motion to approve the agenda for Monday, February 14, 2022, was presented by Commissioner Funk with a second by Commissioner Lasley. Following audible call of the Board, motion unanimously carried.
2. **Approval of Past Meeting Minutes:** A motion to accept minutes as printed for meetings held on January 24, 2022, was presented Commissioner Lasley with a second by Commissioner Funk. Following an audible call of the board, the motion unanimously carried.
3. **Landfill Update:** Landfill Department Head Jeff Rankin appeared before the Commission with the following discussion update points;

- The last payment to D3 is included in the claims today and they have contacted Mr. Rankin for payment as they still owe their vendors and need to pay them off. Mr. Rankin inquired if the payment could be processed as they county is still waiting for the painting to be completed. Following discussion, the Board directed legal counsel Anson Call to draft a letter for work still needing to be completed and discuss with vendor for signature and pick up check. Mr. Rankin will have vendor contact Mr. Call tomorrow after 3:30 pm to meet, discuss and pick up check. Mr. Call recommends that should the vendor refuse to sign the letter for promised work, the payment should proceed and the County could initiate legal action in the future if the vendor fails to complete the work.
- Mr. Rankin reports that his department will be down an employee for the next 6-12 weeks. Mr. Rankin reports that he will rely on himself and part-time employees to cover the shortage and should the weather hold it could be manageable.
- Mr. Rankin expressed concern in having the ability to schedule his employees to use their flex holiday days within thirty (30) days which accrued between the change to schedules and final directive by the Commission. Mr. Rankin reports that as of President's Day, he believes he will owe his staff five (5) floating holidays. The Commission requested a budget impact to pay out the holidays. Chief Deputy Clerk Chelsy Fehringer advises that the budget could sustain the payout, which would total \$1,613.60.
- Anson Call reports that he is working on the fee changes and will finalize fee structure changes and present to the commission at the next meeting for approval to move forward with public notice.

Following discussion, a motion to issue holiday payouts in the amount of \$1,613.60 to be process with the March 4th payroll was presented by Commissioner Anderson with a second by Commissioner Lasley. Following an audible call of the board motion unanimously carried and payouts were issued as follows;

- Fred Garza in the amount of \$564.80
- Elizabeth Tischendorf in the amount of \$524.40
- Joe Workman in the amount of \$524.40

4. **Personnel Updates:** Clerk Sharee Sprague reported on several personnel changes for the county. Chief Deputy Chelsy Fehringer reports that impacted budget lines have been reviewed for sustainability of the requested changes and submitted the following changes;

- The Ambulance District advised they have Lisa Nell who is an observer/Student/EMT volunteer with no budgetary impact.
- The Power County Ambulance hired Katherine McQuain as a full-time Advanced EMT and requests Ms. McQuain receive \$24,336.00 annually or \$13.00 hourly as compensation for completion of assigned job duties.
- The Power County Ambulance hired Rodney Chlarson as a full-time Advanced EMT and requests Mr. Chlarson receive \$24,336.00 annually or \$13.00 hourly as compensation for completion of assigned job duties.
- The Power County Assessor's Office approved a step increase due to the appointment of Flor Cardona as Chief Deputy Assessor and requests the Ms. Cardona receive \$38,220.00 annually or \$21.00 hourly as compensation for completion of assigned job duties.
- The Power County Ambulance hired a paid per call employee, Emilie Davis and request that Emilie receive compensation for calls.

Following discussion a motion to accept personnel updates as submitted was presented by Commissioner Anderson with a second by Commissioner Funk. Following audible call of the Board, motion unanimously carried.

Clerk Sharee Sprague advised that the Commission had previously provided an extension for year end vacation carryover thru February. Clerk Sprague reports that the Commission has discussed the need to provide for an additional extension as the Sheriff' Office is still not fully staffed. Clerk Sprague advised that the Commission has not presented a motion for an additional extension and requests the commission decide and file a motion for the payroll office. Following discussion, a motion to accept personnel updates as submitted was presented by Commissioner Lasley with a second by Commissioner Funk. Following audible call of the Board, motion unanimously carried.

5. **Claims:** Deputy Auditor Cathy Miles appeared and presented claims to the Commission. Commissioner Lasley inquired why the Treasurer purchased a Christmas gift for a vendor. Clerk Sharee Sprague contacted Chief Deputy Treasurer Teri Kendall who reports that the Bank of Commerce went above and beyond to protect the County from fraudulent access to the County account by immediate notification, closure and reopening of new accounts and tracking of pending authorized charges, therefore, Treasurer Deanna Curry want to recognize the same. Commissioner Ron Funk advises the issue of purchases like this as well as employee recognition, retirement funerals etc. routinely comes up and should be specified for all parties in a policy. Clerk Sprague and Prosecutor Anson Call suggest the issue be addressed in the County Financial Policy currently under draft. Following discussion, a motion to change the description on the Bank of Commerce claim to reflect in recognition of protecting the county from fraud and then approve the claims approval report in the amount of \$286,957.67 was presented by Commissioner Lasley with a second by Commissioner Anderson. Following an audible call of the board, the motion unanimously carried. Upon approval of the Board, the summary of claims paid are as follows;

FUND	Paid
0001 GENERAL FUND (CURRENT EXPENSE)	\$ 30,431.39
0003 FAIR BOARD	\$ 250.00
0004 POWER COUNTY AMBULANCE DIST.	\$ 5,368.54
0005 POWER COUNTY ABATEMENT DIST.	\$ 16,060.00
0006 DISTRICT COURT	\$ 2,179.61
0008 JUSTICE FUND	\$ 8,347.64
0009 DRUG COURT	\$ 180.00
0010 ENHANCED 911 SERVICES	\$ 5,297.83
0011 HEALTH DISTRICT	\$ 745.56
0015 ELECTIONS	\$ 988.32
0016 INDIGENT	\$ 4,011.50
0020 REVALUATION	\$ 10,764.82
0023 SOLID WASTE (LANDFILL)	\$ 30,011.71
0027 WEEDS	\$ 88.37
0038 WATERWAYS	\$ 613.96
0050 PAYMENT IN LIEU OF TAXES	\$ 23,023.42
0051 BOND - WATER RIGHTS	\$ 148,595.00
Total Amount Paid	\$ 286,957.67

6. **Certificate of Residency Application for Junior College Tuition I.C. §33-2110:** A motion pursuant to I.C. §33-2110 to approve the Application for Certificate of Residency for Junior

College Tuition assistance filed by Brenda Cardona to the College of Southern Idaho 2022 Spring Semester was presented by Commissioner Lasley with a second by Commissioner Funk. Following an audible call of the board, the motion unanimously carried.

7. **Rocky Mountain Engagement Letter:** Legal Counsel Anson Call presented the Rocky Mountain Engagement Letter to provide a second opinion on water modeling for the County water rights. Mr. Call advises that the letter would provide that the County pay a \$5,000.00 retainer fee which would be applied toward services. A motion to pay the retainer fee from 01-05-480-00 was presented by Commissioner Anderson with a second by Commissioner Lasley. Clerk Sharee Sprague expressed concern that the fees should be paid thru the water fund, however, there is not a budget line in that fund presently. Commissioner Anderson advises that we don't know how much we are going to need and would also need to create a line in the next fiscal year as well. Commissioner Anderson advises that we should do a motion toward the end of the fiscal year when we know the exact amounts to move the funding thru a budget correction resolution. Upon conclusion, Commissioners Anderson and Lasley report the motion should stand as presented and pressed for a call. Following audible call of the Board, motion unanimously carried.
8. **Agenda Amended and Approved:** A motion to amend the agenda for Monday, February 14, 2022, to include "Discussion of Legislative Proposals" as an action item, based on an emergency need to amend the agenda due to the late disclosure of the information about the proposed bill to Power County, and the significant financial impact that could result to Power County and surrounding counties and said items necessitate action prior to the next regular scheduled meeting and then approve the agenda was presented by Commissioner Anderson with a second by Commissioner Lasley. Following audible call of the Board, motion unanimously carried.
9. **Building and Grounds:** Clerk Sharee Sprague presented the updated estimate from Digital Technologies and reported that she was able to determine that the update for the Commission Chambers will be subject to RFP and bidding.
Clerk Sprague reports that the shelves have been installed in the garage for storage of records for destruction, however, she has been unable to meet with Chester Taylor for review and final set-up.
Clerk Sharee Sprague and Deputy Clerk Cathy Miles report that the contract with Term Group Management has expired and requests directive moving forward. Commissioner Lasley advises that the fair board would recommend renewal of the contract with Term Group Management under the same terms. Commissioner Anderson inquired if the property use had been changed. Commissioner Lasley reports that they purchased hand lines to water and until such time as a pivot can be purchased, and no other change to the property has been initiated at this time.
Following discussion, a motion to renew the contract with Term Group Management and continue with payments retroactive to January 1, 2022, was presented by Commissioner Lasley with a second by Commissioner Anderson. Following audible call of the Board, motion unanimously carried.
10. **Sheriff's Office Updates:** Sheriff Josh Campbell and Chief Deputy Sheriff Kasey Kendall appeared before the Commission and provided updates as follows;
 - The Commission inquired if the Sheriff was supportive of having the front door monitored by a staff employee in the building and coordinating in person contact with the building Bailiff. Sheriff Campbell advises that he is amenable to that scenario and/or working through some other options. Discussion was had regarding feasibility and conference abilities on site and off. The Commission discussed the protocols needed for the front entrance should include x-ray type scanning and dual door

opening prohibition. The Commission directed Clerk Sprague to coordinate a meeting with M2, the Commission and Sheriff for determination of the details.

- Sheriff Campbell advised that he has a couple of employees are looking to other agencies for employment and they have one out for medical.
- Sheriff Campbell reports that they have tried to get the gas turned back on at the boat shed, but Intermountain Gas advises that they will not connect to the current heater. Sheriff Campbell reports that he secured a bid from Sierra Heating and Cooling to replace the heater for \$2,880.00. A motion to purchase the heater from account 50-00-526-00 was presented by Commissioner Lasley with a second by Commissioner Anderson. Following audible call of the Board, motion unanimously carried.
- Sheriff Campbell advised that the Guardian monitoring program. Sheriff Campbell reports that the initial cost to purchase the system would be \$18,418 the first year, followed by two annual payments of \$3,639 of which ICRMP would reimburse us \$9,100.00 toward the initial purchase of the program and we would qualify for a discount in our ICRMP insurance. Sheriff Campbell reports that there is also a leasing option and either option would incur ongoing annual fees. Sheriff Campbell reports that they are awaiting confirmation on if they could legally use their commissary funds to cover the ongoing annual fees. Clerk Sprague advised if they would forward the Statute authorizing use of commissary funds she would forward to the Auditor for an opinion.
- Sheriff Campbell reports that on Thursday, they will be doing security training with all the courthouse personnel. Sheriff Campbell reports that they will be doing 2 separate trainings to allow all offices to split up and attend.

Sheriff Campbell reports that the marine patrol money received from the IDPR Coast Guard has been received, however it was \$3,000.00 less than last year. Sheriff Campbell reports that last year was higher than usual, and this year's amount is reflective of previous years. Following discussion, a motion to enter in an agreement with Idaho Department of Parks and Recreation for the Marine Grant was presented by Commissioner Anderson with a second by Commissioner Lasley Following audible call of the Board, motion unanimously carried.

11. **Guardianship Board Appointments:** A motion to re-appoint Melanie Campbell and Debra Wynn on the Guardianship Board, leaving 1 position vacant, and sign a letter of authority recognizing all currently appointed members and their term expiration dates was presented by Commissioner Lasley with a second by Commissioner Funk. Following audible call of the Board, motion unanimously carried and the Board terms are as follows;

Name	Term Expires
Annette Colton	January, 2024
Melanie Campbell	January, 2026
Kim Olson	January, 2025
Barbie Workman	January, 2023
Teri Kendall	January, 2024
Debra Wynn	January, 2026
Tom Mortimer	January, 2024
Valerie Montelongo	January, 2025
Luis Perez	January, 2023
Kathy Robertson	January, 2023
Sherri Mortimer	January, 2024

12. **Fair Board Appointment:** Commissioner Lasley advised that the Power County Fair Board has appointed Edith Kopp as the chair of the Board. Commissioner Lasley reports that the Fair Board received interest from 3 parties to fill the vacancy created by the resignation of Bill Schroeder and recommended Andrew Porath be appointed to that vacancy. Upon conclusion, a motion to appoint Andrew Porath to the Fair Board for a four (4) year term was presented by Commissioner Lasley with a second by Commissioner Anderson. Following audible call of the Board, motion unanimously carried and the Board terms are as follows;

Name	Term Expires
Edith Kopp	January, 2025
Rod Colton	January, 2025
Brett Leyshon	January, 2024
Bryan Woodworth	January, 2024
Andrew Porath	January, 2026
Bonnie Anderson	January, 2026
Shane Bolgen	Ex. Officio
Stan Gortsema	Ex. Officio

13. **Idaho Military Division Agreement:** Sheriff Josh Campbell presented the Idaho Military Division Renewal Agreement. Following discussion, a motion to sign the Renewal Agreement was presented Commissioner Lasley with a second by Commissioner Funk. Commissioner Anderson inquired if Day Wireless had reported back to be compliant with the towers and Papse Mountain. Sheriff Campbell reported that he will contact Dan Argyle with Day Wireless. Sheriff Campbell reports that initial review. Following an audible call of the board, the motion unanimously carried.

C. POINTS OF ORDER:

1. **Snow Properties Airport House Propane tank:** Launa Snow advises that the tenants at the Airport house do not trust the propane heat and have not been using the tank, therefore, the propane rental vendor wants to remove the tank. The Commission discussed options to either buy the tank or transfer the remainder of the fuel to the adjacent hanger. Launa will get a price to purchase the tank.
Ms. Snow provided an updated proposal for rental rates and recommendation to update to the market. Commissioner Funk reports that we pay the property management business to manage the rentals and the rates assessed. Commissioner Lasley concurs. Launa advises that her contract expires in June and needs to be renewed.
2. **Enterprise Fleet Management:** Clerk Sharee Sprague advised that Mr. Dillon emailed advising that he is sick and requested a continuance. By consensus the Board tabled the discussion to February 28, 2022 and directed Clerk Sprague to send out an updated calendar invite.
3. **EXECUTIVE SESSION - Security Service Contract Review:** Following executive session, the Board directed Clerk Sprague to coordinate a meeting with M2 Security Services to review the contract services promised and provided and proposal on future needs.

IV. EXECUTIVE SESSION:

1. **Executive Legal Advice Session pursuant to I.C. §74-206(1)(f) 11:18 am:** 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 Lasley with a second by Commissioner Anderson. Clerk Sharee Sprague conducted roll call on the motion;

- Commissioner Funk, AYE
- Commissioner Lasley, AYE
- Commissioner Anderson, AYE

Following roll call of the Board, motion unanimously carried. Upon conclusion of discussion, Commissioner Funk declared the meeting open at 11:40 am.

2. **Executive Legal Advice Session pursuant to I.C. §74-206(1)(f) 12:45 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 Lasley. Clerk Sharee Sprague conducted roll call on the motion;
 - Commissioner Funk, AYE
 - Commissioner Lasley, AYE
 - Commissioner Anderson, AYEFollowing roll call of the Board, motion unanimously carried. Upon conclusion of discussion, Commissioner Funk declared the meeting open at 12:53 pm.
3. **Executive Legal Advice Session pursuant to I.C. §74-206(1)(f) 1:55 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 Lasley. Clerk Sharee Sprague conducted roll call on the motion;
 - Commissioner Funk, AYE
 - Commissioner Lasley, AYE
 - Commissioner Anderson, AYEFollowing roll call of the Board, motion unanimously carried. Upon conclusion of discussion, Commissioner Funk declared the meeting open at 2:35 pm.
4. **Executive Legal Advice Session pursuant to I.C. §74-206(1)(f) 2:45 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 Lasley. Clerk Sharee Sprague conducted roll call on the motion;
 - Commissioner Funk, AYE
 - Commissioner Lasley, AYE
 - Commissioner Anderson, AYEFollowing roll call of the Board, motion unanimously carried. Upon conclusion of discussion, Commissioner Funk declared the meeting open at 3:10 pm.

V. ASSESSMENTS/CONCLUSIONS:

1. **Next Meeting:** The next regular session for the board to meet is slated for February 28, 2022
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. Commissioner Lasley absent. Following audible call of the Board, motion carried and the meeting was adjourned at 4:50 pm.

The foregoing minutes were approved by the Board of County Commissioners during the Regular Board Meeting held February 28, 2022.

ATTEST:



SHAREE SPRAGUE, Clerk



COMMISSIONER FUNK, Chairman