

Valley County Board of County Commissioners

P.O. Box 1350 • 219 N. Main Street
Cascade, Idaho 83611-1350



Phone 208-382-7100

Fax 208-382-7107

GORDON L. CRUICKSHANK
Chairman of the Board
gcruickshank@co.valley.id.us

RAY MOORE
Commissioner
rmoore@co.valley.id.us

GERALD "JERRY" WINKLE
Commissioner
jwinkle@co.valley.id.us

ARCHIE N. BANBURY
Clerk
abanbury@co.valley.id.us

**IN THE OFFICE OF THE VALLEY COUNTY BOARD OF COMMISSIONERS
CASCADE, IDAHO
February 27, 2012**

**PRESENT: GORDON L. CRUICKSHANK (CHAIRMAN)
GERALD "JERRY" WINKLE (COMMISSIONER)
RAY MOORE, (COMMISSIONER)
ARCHIE BANBURY, CLERK**

Meeting called to order by Chairman Cruickshank at 9:00 a.m. with Clerk Banbury taking minutes.

Commissioner Moore asked to amend the agenda with the addition of approval of a letter regarding waiver of fees for the Whitehawk repeater site. Commissioner Moore moved to approve the agenda as amended, second by Commissioner Winkle and carried.

Concerning claims, Commissioner Moore asked that the Prosecutor's claim for \$487.48 be held. Commissioner Moore moved to approve the claims in the amount of \$97,386.16 and board order claims in the amount of \$2,709.27 with the exception of the Prosecutor's claim noted above. Commissioner Winkle seconded and the motion carried.

Greg Malmen led the pledge of allegiance to the flag of our country.

Use of the credit cards in Valley County was discussed and the topic of interest being charged that keeps accumulating. Clerk Banbury said he had not had time to talk to the bank on the interest charges. Credit cards are issued to the Clerk, Prosecuting Attorney, Court Services and the Sheriff's Department, which has 4 cards. The Commissioners voiced concern about the \$10,000.00 in interest that has accumulated and asked for this issue to be taken care of as we accrue approximately \$135.00 each month in interest.

Chairman Cruickshank noted Greg Malmen's resignation and thanked him for his 9 ½ years of service.

Doug Miller still has 4 juveniles in custody, discussed misdemeanor probation challenges regarding constitutionality concerns recently surfacing and the advice he has received from counsel to continue as in the past. He will continue to communicate with the Prosecutor on that issue.

Doug attended the opening of the "Yellow Couch" which provides a place in McCall for teens to go to be with other teens. This is part of the Myst program in McCall.

Vim Braak appeared and noted his Symposium for the region held here, and is scheduling a second symposium in the future. He has not scheduled a time or site yet.

Vim requested reconsideration of an employee's claim for reimbursement. Clerk Banbury requested the claim from Vim for correction to allow actual expenses for out of state travel as provided by the Employee manual.

Tami Bishop Rhodes appeared and discussed HR matters. She has a single position open, and another being developed for the P. O. T. S. coordinator, (Seasonal). After discussion, Commissioner Moore moved to approve the P. O. T. S. job description and pay rate to be decided by the Board. Second by Commissioner Winkle and carried.

Commissioner Moore asked if there had been resolution to the question of the pay rate for the recorder's position at level 7 vs level 8 on the pay matrix. Tami stated that the rate was changed at the 9/7/10 Commissioner meeting. Commissioner Moore pointed out that the minutes do not reflect that. He then inquired if the position had been offered to anyone. Tami stated that it had been offered at the higher rate of pay last week and it the candidate accepted. Commissioner Moore asked why the position was offered at that rate while a question loomed as to the accuracy of the pay rate. Tami responded that she does not believe there was a question about the pay rate at that time.

A discussion was held on a future workshop to review the pay matrix and how it fits with the current job market.

Greg Malmgren appeared and discussed technical accomplishments in the Sheriff's Office. David is at school this week. He thanked everyone for their support over the past nine and a half years. He will be going to work at Thomas Cuisine, a food service contractor operating in seven different states in the west. He will finish as many projects as he can before he leaves us. He discussed the need for a disaster recovery system to recover our data.

He has pending a request for four multi-media converters at a cost of \$781 each. The Commissioners agreed and authorized the purchase of four such devices.

Cynda Herrick appeared and discussed the County's commitment to make a \$1,000 donation to the Scenic Byway, noting that Boise County had already done so. The funds will come from Cynda's budget. Commissioner Moore moved to contribute the \$1,000 to the Scenic Byway and draw the money from Cynda's budget as noted. Second by Commissioner Winkle and the motion carried.

She requested time for a public hearing concerning the cloud seeding issue, and would like to have it after the first Monday in April. The Board set the date at April 2, 2012 at 10:00 a.m.

Rick Ridenour appeared and presented budget figures as requested. He noted that Cascade's expense is overstated because of an employee being reassigned to Donnelly. There is also a similar error in fuel. These will be corrected.

He explained grooming into Warm Lake and went on up Deadwood Summit and observed a number of avalanches had occurred. There were two slides which occurred in front of and behind the groomer and there were no injuries or damage. Conditions were marginal and safety of the operator is of concern and grooming will not be performed unless the avalanche personnel are in concurrence. Commissioners requested to be notified if this should happen again. The avalanche team then checked Deer Creek and decided not to groom that route. Commissioner Moore requested time on a future agenda to discuss grooming practices.

Concerning Weeds, he is working on the NPDS permits. The stimulus funds end on September 30, 2013.

Paula Fodrea appeared on behalf of WICAP. She will be working on poverty simulations with the Horizons Group and the Cascade High School Honor Society. She encouraged the Commissioners to attend. She is considering the first half of April for this effort. She went to McCall and connected with the Girl Scouts who are spreading the word concerning WICAP's effort.

They are going to be receiving a delivery of food in a quantity more than she can handle and will be sharing the food elsewhere about the County with other relief agencies.

She demonstrated the WICAP energy kit, including light bulbs, a filter whistle for electric furnaces which will alert the home owner to change the filter, a refrigerator thermometer, a photo sensitive night light, weather stripping, and written instructional materials.

Assessor June Fullmer appeared and noted the help received from Tami Bishop Rhodes in hiring the new plat clerk. The new employee will start in DMV and be cross trained for other divisions to fill in where needed. Preliminarily, Valley County assessment levels are in compliance with the ratios as determined by the State Tax Commission.

Clerk Banbury noted offering a candidate the Recorder's position and receiving acceptance. She will start work on March 12th. He thanked Tami for her help.

Sheriff Bolen mentioned a need for a memorandum of understanding with Idaho Parks and Recreation to use the Road Department's Gold Dust site for ATV training. Also, she presented a memorandum of understanding with the U. S. Marshall's Office and the Cooperative Frequency Agreement with the U. S. Forest Service for approval. She also provided a letter requesting waiver of fees for cost recovery processing and land use rental at the radio site on Whitehawk Mountain for signature. Commissioner Moore moved for approval of the agreements and Commissioner Winkle seconded his motion. The motion carried.

She also discussed reimbursements to be received and inquired about expending such funds. She received authority to purchase those items approved in grant request from the Commissioners as an exception from the "Capital Expenditure" rule.

The Treasurer's Office has sent letters to all tax payers who have delinquent 2008 taxes which is 696 properties. We are answering those calls and trying to reduce the number prior to starting the Tax Deed process. We are also working on all inactive parcels with past due taxes so they don't just set out there until they come up for tax deed."

Commissioner Moore moved to enter executive session per IC 67-2345(1) (a) The motion was seconded by Commissioner Winkle. Roll call vote, Commissioner Moore, aye, Commissioner Winkle, aye and Chairman Winkle, aye.

Resumed regular session at 11:06 a.m. There was no decision from the executive session.

Closed session for consideration of indigent and charity at 11:08 a.m.

- 12-SH069 County Assistance - Approved
- 12-NP076 County Assistance - Denied
- 12-BR079 County Assistance - Denied
- 12-MW053 Request for Indigent Lien - New Application

Resumed regular session at 11:25 a.m.

Rhonda presented applications for Board of Community Guardian Volunteers which were approved and signed by Chairman Cruickshank and Clerk Banbury.

A discussion of per diem vs. actual expense reimbursement was held. The discussion centered on the inconvenience of keeping records for actual expenses. The issue was tabled for further consideration at a subsequent meeting. Chairman Cruickshank asked the HR Department to look for additional information.

Everette Arter appeared and discussed Lakeshore's recycling costs and their request to modify their contract. He has calculated Lakeshore's break-even costs to be \$5,095 per month, and is paid only \$2,130 per month. He suggested a system whereby they may earn a guaranteed 15% on the recovery price of commodities handled in the recovery process. He is unable to present exact or precise cost figures. He also suggested a system whereby their commodities are recovered and sold and then applied against the cost of the operations.

Chairman Cruickshank read from the Contract as it only addresses wood, steel and tires. Everette wants to cover all commodities, tin, aluminum and so forth. He would like the same deal on all commodities.

Commissioner Moore discussed how things were done in the past. It appears from a review of documentation and meeting minutes that at a minimum in the time period of 2006 to 2009, recycling was considered as a basis for increasing the rate on the overall contract, and either accepted or declined on the basis of one year at a time. At no point has an eight year time frame been contemplated and doing so would appear to go against the terms of the contract.

It appears that Lakeshore has included the recycling costs and revenues in the regular hauling business costs and revenues as well as the recycling. Everette cannot confirm that the two functions are combined in the financial statements as he is unfamiliar with Lakeshore's financials that were provided to the Commissioners. He can confirm that with his controller and have it removed so that the recycling costs/revenues are pure. Commissioner Moore stated that by including the costs in the hauling portion of the financials as well as showing them by themselves created a double rate increase for recycling.

Chairman Cruickshank would like a specific proposal based upon just the recycle costs before the commissioners can make any decision.

Ralph McKenzie added that the last rate increase, 2%, was predicated on a breakdown of the various functions. The increase was in three different categories, but did not consider recycling. Ralph thinks he can produce the records.

Mr. Arter agrees he will not reduce services as long as we are negotiating for a new rate in good faith. He pointed out that he believes he has improved services and done so at a cost to Lakeshore.

Commissioner Moore moved to deny Lakeshore's proposal to modify the terms of the contract. Commissioner Winkle seconded the motion. Motion carried.

Adjourn at 12:28 p.m.

Reconvene at 1:15 p.m.

Commissioner Moore moved to amend the agenda to include a Board Order Claim which had been overlooked this morning. Second by Commissioner Winkle and carried.

Commissioner Moore moved to approve the Board Order claim so overlooked and approve the payment to Public Defender Scott Ereksen in the amount of \$12,123.00. Second by Commissioner Winkle and carried.

The concept of employees donating sick leave to other employees who had exhausted their sick leave was introduced by Commissioner Winkle. Commissioner Moore noted that he did not believe that such a program was not without cost to the County as Commissioner Winkle had previously represented. He said that this proposal could result in an employee being absent from work for a period totaling 8 ½ months with full pay and benefits. Another version of such a program was discussed by Chairman Cruickshank and is known as a sick leave bank upon which employees having no sick could draw on donations of sick leave by others and in far less quantities than those proposed by Commissioner Winkle. Situations involving such needs are rare in his experience. He did not support approval of such a program that was presented at this time.

Commissioner Moore moved to enter executive session concerning inmate's medical issues which are protected from disclosure by Title 9 Section 340A in conjunction with Title 67 Section 2345 (1) (d). Commissioner Winkle seconded the motion. Roll call vote: Commissioner Moore, aye, Commissioner Winkle aye, and Chairman Cruickshank aye.

Out of Executive session at 1:56PM

No decision resulted from the discussion which centered on costs and responsibilities.

Chairman Cruickshank left the meeting for a conference call on the Secure Rural Schools program.

Commissioner Moore moved and Commissioner Winkle seconded convening executive session per I. C. 2345 (1)(c) as concerns consideration of purchasing real property. Roll call vote: Commissioner Moore, aye, Commissioner Winkle, aye.

Out of Executive session.

A decision was reached not to purchase the property at 512 S. Front Street, Cascade.

Commissioner Moore moved and Commissioner Winkle seconded convening executive session per I.C. 2345 (1)(?) as concerns to a prior boards confidential document. Roll call vote: Commissioner Moore, aye and Commissioner Winkle, aye.

No decision from executive session.

Chairman Cruickshank returned to the meeting at 2:35 p.m.

Commissioner Moore moved to approve the meeting minutes of February 13th, 2012 as corrected. Second by Commissioner Winkle and motion carried.

Commissioner Moore moved to approve a letter of appreciation for Jerry Lundgren. Second by Commissioner Winkle and motion carried.

Elfriede Gabbert and Mark de Jong appeared and discussed progress on the Heartland Hunger structure, and presented architectural drawings of the proposed facility. Also presented was a draft agreement for the structure to be placed on Valley County property. Cynda will work on the review of the draft and bring back to the commissioners.

Jerry Robinson appeared as scheduled and stated he had no Road Department business to discuss

Ralph McKenzie did not appear and had stated in an email he had no new business to discuss.

Executive session scheduled for 3:30 p.m. has a printing error and is corrected to say Payette National Forest Travel Plan. Commissioner Moore moved to convene executive session regarding pending litigation as provided in Idaho Code 67-2345 (1)(F) and Commissioner Winkle seconded the motion. Roll call vote: Commissioner Moore, "aye", Commissioner Winkle, "aye" and Chairman Cruickshank, "aye". Convened executive session at 3:35 p.m.

Resume regular session at 4:06 p.m.

Discussion was held with legal counsel on the status of the pending lawsuit.

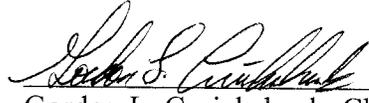
Commissioner Moore moved to convene executive session regarding pending litigation as provided by Idaho Code 67-2345(1) (b) and (1) (f) and Commissioner Winkle seconded the motion. Roll call vote: Commissioner Moore "aye", Commissioner Winkle "aye" and Chairman Cruickshank "aye".

Convened executive session at 4:08 p.m.

Resume regular session at 4:54 p.m.

No decision made during executive session.

Meeting adjourned at 4:55 p.m.



Gordon L. Cruickshank, Chairman

Attest:


Archie N. Banbury, Clerk

AB/tmc 3-12-12