

**IN THE OFFICE OF THE VALLEY COUNTY BOARD OF COMMISSIONERS
CASCADE, IDAHO
March 1, 2010**

**PRESENT: GERALD “JERRY” WINKLE) Excused Absence
FRANK W. ELD) COMMISSIONERS
GORDON L. CRUICKSHANK) Vice Chair, Presiding**

ARCHIE N. BANBURY, CLERK

Meeting called to order by Commissioner Cruickshank at 9:00 a.m.

On motion of Commissioner Eld, second by Commissioner Cruickshank, the Proposed Agenda for Monday, March 1, 2010 was adopted. Clerk Banbury is taking the minutes.

Claims were read as follows:

General Fund	\$ 11,818.17
Road and Bridge	\$ 2,795.64
Ambulance	\$ 62,815.50
Magistrate Court	\$ 461.60
Probation	\$ 2,063.51
Indigent and Charity	\$ 2,397.14
Revaluation	\$ 172.99
Solid Waste	\$ 24.99
Veterans Memorial	\$ 4,700.00
Weed Department	\$ 826.43
Snowmobile 43A	\$ 19.95
Snowmobile 43B&C	\$ <u>64.11</u>
Total	\$ <u>88,160.03</u>

On motion of Commissioner Eld, second by Commissioner Cruickshank, payment of the bills was approved. Additionally, a Board Order Claim was presented for payment of the 2nd half of the contribution to the McCall Senior Center. On motion of Commissioner Eld, second by Commissioner Cruickshank, the Board Order Claim was approved.

On motion of Commissioner Eld, second by Commissioner Cruickshank, approved refund of an Alcohol License to Mr. Colafranceschi of McCall issued for 2010 for City Market Courtyard which was closed in December, 2009. The amount to be refunded was \$130.00.

Clerk Banbury requested authority to transfer \$1,737.00 from General Fund Contracts to Economic Development Contingent Account via a Journal Entry. On motion of Commissioner Eld, second by Commissioner Cruickshank, motion carried.

Glenna Young reported, and requested signature of Tax Cancellation No.10, previously approved on February 22, 2009. The Board signed the Tax Cancellation.

Karen Campbell appeared and submitted a negative report.

Rick Ridenour appeared and reported on grooming activities, and provided a listing of vehicles in parking lots to Commissioner Eld. Wolverine study is on going, and they count the cars in our snowmobile parking lots. He will obtain this information as an indicator of the use made of the lots and snowmobiling in general.

The groomer conference went well, with a good number of interested people from out of state. First count was 75 individual groomer operators signed up to take the classes.

Sheriff Bolen appeared and reported that she had met with the Committee on Interoperability. They voted to change our district to a region, with the same membership. On April 14, 2010 at 1:00 p.m., a meeting will be held to discuss and explain UHF/VHF and 700 systems. It will be at the Ada County Sheriff's Office. More information is forthcoming.

Sheriff Bolen inquired about closing the gate between the Jail and the Courthouse during business hours because of several "near misses" by local citizens transiting through the alley. This will be discussed with the City of Cascade Public Works Department.

She suggested during the Fourth of July weekend making Eastside Drive a one lane route from Tamarack Bay to where it intersects with Warren Wagon Road, with parking on one side of the roadway, during the Fourth of July celebration. She is working on the details and will make a public notification as appropriate.

Doug Miller reported three juveniles in the Detention Facility. He has an agreement ready for review by the Prosecutor permitting Washington County to house detainees in the McCall Facility.

He will be offering two Prevention Project TND opportunities, one in March and one in May. He is working with Bev Davenport to develop programs in Cascade as well as McCall.

He is also offering a parenting program to guide parents in controlling children without violence or threats of violence.

He has another position open in his office. He has \$4,000 in grant funds and wants to staff it with a youth tracker position. This person will primarily be involved in youth tutoring. He should follow the procedure of hiring a part-time employee, less than 19 hours per week. Matt suggested contracting for the services as an expedient. He would like to get the program started before April 1st.

Post Academy for misdemeanor probation officers is still a possibility.

Cynda Herrick reported and presented a letter from the City of McCall. The letter was accepted for additional study, legal comment, and development of an appropriate response. Matt will assist with research, negotiation and drafting a response.

Matt Williams appeared and reported a busy schedule, including a hearing at 2:00 p.m. Matt met with the jail personnel to discuss fees charged to defendants. He intends to retain Attorney Chris Myers concerning Road Development Agreements.

Steve Brown appeared and discussed the failure of a snow cover at Smith's Ferry.

As to the lead paint issue, he has information assembled and it is available to the public.

Greg Malmen appeared, and reported nothing new. He will be working with Ken Postma on using our audio system to listen to the minutes. Ken is listening to the full statements made by the Commissioners and by the Forest Service on Wildlife Conservation Strategy for the Boise National Forest. This will involve the use of our recorder and software.

Decision was made to send out the minutes watermarked as a draft on each page to be reviewed on the following Commissioner's meeting.

On motion of Commissioner Eld and second by Commissioner Cruickshank, convened Executive Session to discuss two (2) separate parcels of real property as provided in Idaho Code Title 67, Section 2345(c). Commissioner Eld vote "yes" and Commissioner Cruickshank voted "yes" in roll call vote requested by Clerk Banbury. Matt Williams was present and provided guidance of a legal nature. Matt requested further discussion on March 22, 2010 on this topic.

On motion of Commissioner Eld, second by Commissioner Cruickshank, and carried to resume Regular Session at 11:00 a.m. Matt requested further discussion on March 22, 2010 in Executive Session as above, and further, that the property acquisition be included on the agenda.

Carol McCoy-Brown, District Ranger, Cascade Ranger District, U.S. Forest Service appeared for the purpose of discussing a proposal for the Southwest Idaho RAC Title II grant. Clayton Nalder discussed the matter; it involves six separate crossings of Mormon Creek. Mormon Creek is a significant salmon/steelhead and bull trout habitat. Current structures are smaller culverts; larger ones are need to provide better stream flows and cooler temperatures.

No roads will be closed, except as necessary for construction. Project costs are planned at \$930,000. Funding committed is \$870,000 leaving a shortage of \$60,000 which is requested from Title II Funds. If the project comes in under budget, refunds will be prorated to the contributors including the Southwest Idaho RAC, if possible. There will be three separate contracts. One is for four crossings, then separate contracts for the other two crossings. Commissioner Cruickshank asked for signage to alert visitors of the planned road closures during the projects. He added that he was inclined to support the project because of its beneficial aspects.

Commissioner Eld moved to support the Mormon Creek Project as stated, second by Commissioner Cruickshank and carried.

After review of a written proposal by the New Meadows Ranger District for signage on the Goose Lake and Brundage Mountain areas to assist the winter users who are not familiar with the area, Commissioner Eld moved to provide a letter of support for the project and Commissioner Cruickshank seconded. Motion carried.

Recessed for Lunch at 11:56 a.m.

Reconvene at 1:06 p.m.

Commissioner Cruickshank invited comment considering the rule on County employees who may run against their incumbent Elected Officials.

Deb Weeks, a 14 year veteran recounted several instances of such campaigns and asked that the rule not be repealed. It was, according to her, ugly. It is hard to work under those circumstances. Employees should receive combat pay from the filing date until the election. She notes that the State forbids people from running for election, citing Truxel.

Todd Hatfield, 14070 Deerfield Rd, McCall, Idaho. Suggested this violates Sections 1, 2 and 9 of the Idaho Constitution.

Glenna Young, Treasurer recounts two occasions of deputies running against the incumbent. She recounts her appointment to the office and finding an untrained office, no manuals. She had to go to other Treasurers for assistance to put the office on a solid footing. This was the aftermath of the disruptions caused by the incumbent/challenger campaign acrimony.

Steve Brown questioned whether or not a copy was available. Where is the policy?

Glenna notes it is an addendum to the policy, has not been physically incorporated.

Kimberly Gossi, Chief Deputy Assessor, added that if this policy is revoked the probable outcome is animosity.

Terry Gestrin, former Valley County Commissioner. He wants elections kept out of the workplace, but still would like to permit employees to run against their incumbent Elected Officials.

Valley County Clerk, Archie Banbury provided history of the rule, and explained the rule.

Matt Williams advised the constitutional argument is not valid. He cited Mr. Truxel, who had to resign from his State of Idaho employment so that he might run for Valley County Sheriff. By removing the policy you are not protecting anybody. Strictly a political decision.

For those who work for the Commissioners, the disruption argument would be difficult because of the three Commissioners and requirement for a majority to find a reasonable prediction of disruption.

With the policy, Matt feels we have less potential liability than without it, but it is a political decision.

The constitutional claim is unlikely to incur liability. A finding without the policy for a wrongful termination would likely cause liability. An action, without the policy, is messier, and could continue on into the future after the election. He cites the re-assignment of an employment to avoid a lawsuit in the past. That may not always be an option.

Commissioner Eld commented that he remembers when the policy was adopted. He said it was presented to them as “recommended” by ICRMP.

When the policy was raised, again, constitutionality was raised. He spoke to Jim McNall who told him that it was not ICRMP’s recommendation that they adopt it, nor was it ICRMP’s recommendation that all Counties adopt it.

Commissioner Eld said, all the other Counties rejected it, because they thought it was unfair, limiting some of the most qualified individuals. He thought there might be an appeal process, and there is none.

Commissioner Cruickshank added government is stepping into the way of the private rights of an individual or an employee. “Possible inclusion” is not a recommendation by ICRMP. With the policy in place, we are elected by the people. Everybody should have the right to campaign. Are we not suppressing our employees?

We need to figure out some other way to do this. He thinks we are doing a disservice to our employees and the people of Valley County.

Commissioner Eld added, what’s legal may not be right, what’s right may not be legal. It automatically disqualifies anyone who is a subordinate in an office in Valley County.

Commissioner Cruickshank moved to repeal the policy and work toward a better policy. Second by Commissioner Eld and carried.

The stimulus budget was discussed. Rick Ridenour, Weed Superintendent appeared to provide information. There will be a lead person for an indeterminate period of time after September 30, but until then, at \$16.00 per hour with full benefits. Also there will be 4 sprayers at \$13.00 per hour who are to be seasonal employees to start on May 1st and work until approximately August 27, 2010. Also, Rick will provide the Clerk with other expenditure information as soon as possible.

Closed Session for Indigent & Charity.

Case #10-TC0063-2 Approved for County Medical Assistance

Case #10-VD052 Denied for County Medical Assistance

Road Department. Vehicle costs, based on depreciation on 150,000 miles of useful life. Basis without insurance, the average cost is 54.5 cents per mile.

Ralph McKenzie spoke of the spring cleanup with free trash pickup.

He provided a listing of governmental entities from which solid waste fees are not billed nor collected. This amounts to 1,340 tons at \$105 per ton. He would like to calculate the costs for residential vs. commercial customers.

He also discussed the report of the Valley County office of Central District Health.

Commissioner Eld moved, and Commissioner Cruickshank seconded approval of two (2) position descriptions for Weed Stimulus employees, one requiring a minor change to be incorporated by Glenna Young, and authorize the acting Chairman to sign the same. These position descriptions are for the \$13.00 per hour sprayers and \$16.00 per hour lead person.

Commissioner Eld moved and Commissioner Cruickshank seconded approval of the minutes of the February 22, 2010 meeting of the Board of County Commissioners. Motion carried.

Adjourn 4:35 p.m.

GERALD "JERRY" WINKLE, CHAIRMAN

ATTEST:

ARCHIE N. BANBURY, CLERK

AB/te 3-18-10