

**IN THE OFFICE OF THE VALLEY COUNTY BOARD OF COMMISSIONERS
CASCADE, IDAHO
July 11, 2011**

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

ARCHIE N. BANBURY, CLERK

Meeting called to order by Chairman Cruickshank at 9:01 a.m. with Clerk Banbury taking minutes.

Motion to approve the agenda as presented by Commissioner Winkle, amendment offered by Commissioner Moore to add 3 minutes for public comment at 9:05 am, accepted by Commissioner Winkle, amended motion seconded by Commissioner Moore and carried.

Motion to approve claims, in the amount of \$378,631.45 by Commissioner Moore, second by Commissioner Winkle, and the motion carried.

Judy Roberts, 328 Westview Road, Cascade, addressed the aerobatics area proposal. She is a retired Assistant District Attorney from Los Angeles County. She had missed the comment period regarding aerobatics area south of Cascade. She expressed some of her generalized concerns, and Chairman Cruickshank explained our prior discussions on the issues and directed Ms. Roberts to visit with Cynda Herrick for additional background.

The Pledge of Allegiance to the Flag of our Country was led by Commissioner Moore.

June Fullmer, Assessor, reported on the need to consider applications for property tax exemptions and that the deadline for decisions is today.

Anne Guarino, Building Department, reported she has nothing new or significant to report.

Archie Banbury, Clerk, reported on the effort to establish a project for fire mitigation as a method of expending funds from Title III SRS funds. He is also working to prepare a resolution for the use of Title III funds. A 2012 "B" Budget draft will be out soon for Departments to review.

Doug Miller, Probation Department, reported on probation matters. The Juvenile Detention Facility is in compliance from a recent inspection. He is working on a PRIA policy to have in place as required by December of 2011. Some concerns over Observe and Assess time period so now this will be done in 24 hours instead of 72 hours. There are 25 cases for Juvenile Probation pending. Diversion program will review all that meet their criteria. He noted the need for attention to the exterior of the Annex as reported by a citizen, primarily wanting to see some flowers planted.

Tami Bishop Rhodes, Human Resource Director, reported on placing/replacing required workplace posters (10 in number) through the County's work places. She inquired as to when the Board would like to revisit PTO policy as well as the I. T. Policy. She has the second meeting for supervisory training scheduled for this Wednesday. Discussion set for 2:00 p.m. on July 25, 2011 for review of PTO and policies.

Greg Malmen reported that he and Capt. John Coombs had met with BHS regarding placement of the microwave antenna. He has a need for approval of a software maintenance contract on the adult probation tracking system. This relates to technical assistance as needed on the existing contract.

On July 18th, Bulberry will be here to implement and train regarding the mapping system.

He has the second camera system up and running for booking at the jail.

Video arraignment is continuing. The Fourth of July crowd of 17 arraignments was successfully accomplished via video, but not without a few minor problems.

When questioned by Commissioner Moore on a claim, Greg advised that the charge on the credit card was for "auto cad" software in the Assessor's mapping area.

Commissioner Moore moved for acceptance of the contract with GBS computer systems, second by Commissioner Winkle and carried. Chairman Cruickshank signed the agreement.

He asked if the website should be shut down as previously discussed about the site used by prior Contract with John Blaye. After discussion with the provider, they agreed to shut it down. A page can be set up on the County's website to provide contact information for questions regarding Economic Development by Valley County.

Cynda Herrick reported nothing new, she is still working on some matters with the Prosecutor and the intent of the wording in the LUDO.

Sheriff Bolen reported continued work on the All-hazard Mitigation Plan. She is working to apply for a Dispatch Grant to advance Valley County to Phase 2 Wireless. The Sheriff's Department is working on 50 cases from the 4th of July weekend. Jail Inspection has been completed and they received an excellent report.

Treasurer Young reported taxes are collected and turned over to the Clerk for distribution to the Taxing Districts. Tax Deeds are at step one, listing in the news media. Several taxpayers have already come in and paid their taxes when they saw their names in the paper. She has 65 left to collect on. Unpaid personal property tax is next via the warrant of distraint process.

Rick Ridenour, Weed Superintendent, reported he is losing a seasonal ARRA employee. He will be seeking a replacement. He has a draft of an agreement with McCall, regarding the use of a UTV for this spray season as previously discussed.

Sampling for West Nile Virus continues, without anything being detected as yet. The new lab for testing mosquitoes is up and running well.

On the Snow side, there is a need for engineering for an addition to the Cascade Groomer Shed. The addition suggested is to house or shelter the drag. It will require engineering by a licensed engineer. Commissioner Moore suggested contacting Mel Mohr, McCall Snowmobile Club, for assistance as Mr. Mohr is a licensed engineer.

Bill Rice introduced himself in his role as the new Cascade District Ranger. He did have the campgrounds full over the 4th weekend. He intends to visit us once each month in the future.

Paula Fodrea, WICAP, mentioned the free clinic for uninsured adults. A fund raiser is being planned to get things started. Providers will support it, and it will be available on a once a month basis for chronic illnesses. Children are excluded as they are covered by Medicaid. The WICAP meeting this month will be in Valley County on the July 28, 2011.

On motion of Commissioner Moore, second by Commissioner Winkle, meeting minutes of June 27th and July 5th, as well as those of the Board of Equalization for July 5th and 6th, 2011 were approved.

Chairman Cruickshank reiterated, for clarification of the direction given by the Commissioners from the July 5th meeting, that the Fair Board would manage the arena and adopt a policy to ensure that all use would be in accordance with risk management recommendations.

Discussion of use of the Fair Grounds Rodeo arena, as concerns liability for use by citizens, proceeded. The issue involved is the terms of use for the arena. Perhaps there could be an open time each day for use, under supervision. Who will deal with the liability issue? The Fair is in a week and a half or so. Nathan Hines is vacillating on what he wants. Commissioner Winkle hasn't talked to him about his apparent inconsistent positions. Commissioner Moore

believes we should be following the advice of our insurer and legal counsel. Chairman Cruickshank believes we should have a sign-in system and a disclaimer signed.

Commissioner Winkle said he had received 14 to 15 calls. Nate had called and said he was ready to quit. "Traveling 50 miles a day in order to lock and unlock the arena as you wanted" was costing him too much in time and fuel.....Commissioner Winkle had visited with Lee Heinrich, former Clerk and said Mr. Heinrich said locking the arena was "Ludicrous" and the arena had been open for 50 years. Having authorization forms per Mr. Heinrich had "no value". Commissioner Winkle had information from Payette County, however he wanted to discuss after the Fair this year. He has also contacted three other counties and had not heard anything back. He has contacted ICRMP and they said we didn't need to lock as it was similar to having a park. He reiterated he was going to visit with Prosecuting Attorney Matt Williams after the Fair. He found out that Chairman Cruickshank and Commissioner Moore had directed Nate to lock the arena. Commissioner Winkle has names and numbers of parents who are concerned about use. He would like to continue to work on the issue and wanted to get a response from Matt, which he has not received.

Chairman Cruickshank requested from Commissioner Winkle who he had contacted at ICRMP? Commissioner Winkle said he would refer to his notes at home and provide that information.

Commissioner Moore commented that Nate seems to have changed his mind from what he requested from the Commissioners on July 5th. We were told there were user issues and conflicts on who was using it and cleanup of the arena was not being done by prior users. He appreciated Mr. Heinrich's comments, but a decision needs to be made after the issue has been brought to us. Gem County, he understands, locks their gates. There is more litigation today than 50 years in the past. Valley County needs to limit our liability. It is reasonable to ask people to schedule their time and to sign a liability release. This is not an attempt to lock people out but instead to reduce conflict and liability.

Commissioner Winkle asked to visit at a later date. Commissioner Moore responded "Let's get it on the record right now". Commissioner Winkle said "Nate changed his mind". Commissioner Moore asked "If we remove the lock, who's liable if something happens?" Commissioner Winkle said we will "Probably be sued in court." Are we going to ask everyone to sign waivers? Chairman Cruickshank said this has now been brought to our attention increasing our chances of liability.

Commissioner Winkle changed the topic to an issue with the accounting by the Fair Board and sat down with Nate and Ryan and straightened it out.

Lori Hunter – Parent of a 4-H child said she understands the reasons why arena is locked and she is willing to sign the waiver. Scheduling is needed for when arena can be used. Commissioner Winkle made comment that the taxpayers pay for the arena to be there and it should be open. Commissioner Moore stated other county buildings are taxpayer supported, should we unlock the courthouse and leave it unlocked? The final decision rests with the Board of County Commissioners.

Commissioner Moore moved to table the BOE discussions until 1:00 p.m., second by Commissioner Winkle and carried.

11:05 Closed Session for Indigent and Charity.

11-JB061	Approved for County Assistance
11-SH077	Notice of Lien/New Application for County Assistance
11-MB084	Notice of Lien/New Application for County Assistance
04-H027	Indigent Lien Release

11:12 Resumed Regular Session.

Matt Williams informed the Board that he had received an e-mail from Terry Campbell of CBI concerning the additional conditions. Matt was concerned about the intercession of the State Tax Refunds being affected by that provision. Terry's e-mail therefore, could be inserted into the contract, and permit the County to continue the present practice of intercepting State Tax Refunds. Matt points out that we can continue to control which cases they handle for us by establishment of criteria in the Clerk's Office for referral of cases to CBI.

Commissioner Moore moved to accept the collection assignment with CBI with inclusion of language permitting the continuation of the State Tax Refund Interception by Valley County, second by Commissioner Winkle and the motion carried.

Tim Marks of the Gem Plan reported on Valley County's health insurance results. We will not receive an increase this year. A discussion of claims and reserves followed, and there is concern for the "Obama-plan" and its "grandfather" provisions which essentially forbid changing our present level of coverage without exposing our present plan to change or cancellation in 2015. Commissioner Moore asked for loss information on large claims for Fiscal Years 2010 and 2009, having received Fiscal Year 2011 information through May, 2011. Commissioner Moore also expressed concern that Valley County is ranked very high amongst Idaho Counties in benefits costs and that Gem Plan was able to add over \$2,000,000 in reserves/profits last year yet was unwilling to offer 20 participating counties a rate decrease.

On motion of Commissioner Moore and second by Commissioner Winkle, the Board convened as the Board of Equalization to consider tax exemptions for non profits. There are two exemptions which need further consideration and Assessor Fullmer asked for a two week extension to complete a determination on them. The remaining thirteen were granted exemption on motion of Commissioner Moore, second by Commissioner Winkle. Chairman Cruickshank adjourned BOE and will sign the remaining two at a later date when asked by the Assessor.

Katie Durfee provided a risk management update and introduced Doug Colwell to join her in the discussion of her reviews. She provided listings of items of interest found in the buildings reviewed that will help reduce loss potential. Mr. Colwell provided an insurance summary. Katie will provide a notice to departments to show where corrections are needed.

Dwight Jividen appeared and discussed the portico grant for the Senior Center. They would like to put the meals-on-wheels van inside the portico during the winter months. They await only the award of the grant and a building permit.

Cynda Herrick appeared and discussed the revocation of obsolete and inoperative provisions in our Ordinances. She provided proposed Ordinance No.11-8 to rescind these provisions. On motion of Commissioner Moore, second by Commissioner Winkle and carried to authorize the Chairman to sign the Ordinance. Chairman Cruickshank signed the ordinance and it will be published forthwith.

Commissioner Moore moved to enter Executive Session per I.C. 67-2345 (1)(f), pending litigation. Roll Call Vote: Commissioner Moore, “aye”, Commissioner Winkle “aye”, and Chairman Cruickshank “aye”.

Entered into Executive Session at 2:00 p.m.

Resumed Regular Session at 2:45 p.m.

Commissioner Moore moved to ask Matt Williams to offer settlement in accordance with the discussion in Executive Session. Second by Commissioner Winkle and carried. Mr. Williams will prepare a letter for clearance by the Board and send it to the litigants.

Rick Ridenour appeared and discussed the enforcement issues for weeds. He anticipates that he may encounter difficulties with some home/landowners that are not resident here. He was directed to attempt to correspond with the taxpayers, not affecting contact that way, to spray the weeds and send the owner a bill. He will work with the landowners to avoid this harsh treatment if possible. However, time is of the essence before the weeds go to seed and spread to a larger problem in the following year. He also commented that Idaho Department of Lands has requested to enter into a contract for 2012 for spraying on their lands. Commissioner Moore commented that the amount of the contract would be needed soon to get it into the 2012 Budget.

Ralph McKenzie reported on Solid Waste. He has 4-5 bidders on the concrete for the building. He may have 12-20 by closing. He wants to start construction by August first. It should be poured by the 15th of August, building framed in early September. He discussed a possible change to the Gate Keepers Shack with a portable office trailer. After the end of June they are charging again for brush dumping.

Jerry Robinson reported on road matters. After further review of the Right-of-Way on Heinrich Lane, there is only a 50 foot wide ROW. He is still working on opening back country roads to access the Big Creek area. If all goes well, the road will be open by the week's end.

He needs an extension for the contractor on the Elk Creek project. If bonding requirements are not fulfilled then we will need to award to the second highest bidder.

A discussion centered upon considering road development agreements for the future, possibly with just a Planned Unit Development bearing the charges. It may also be a good idea to work toward changing the present law. It may be possible to explore the possibility with impact fees.

He is meeting with Federal Highways on Friday to discuss Warren Wagon Road. We are at the top of the list to get funding for Lake Fork Creek, which will be contracted and administered by ITD. We should be starting on four back-country bridges soon. There is ERFA money available.

Commissioner Moore moved, and Commissioner Winkle seconded cancellation of the regularly scheduled meeting July 18th, 2011 and carried. Clerk will publish the cancellation.

Adjourned at 5:10 p.m.

Gordon L. Cruickshank, Chairman

Archie N. Banbury, Clerk

AB/tme 7-19-11