

**Jefferson County Commissioner Meeting Minutes
August 13, 2012**

Meeting called to order at 9:00 am. Those present are Chairman Karren, Commissioner Hegsted, Commissioner Raymond, Naysha Foster, and Jim Boulter. Emily Kramer is Clerk of the board. Jim Boulter gave the Pledge of Allegiance and Commissioner Hegsted gave the prayer.

Planning & Zoning – Naysha Foster

- **Resolution for Land Use Map for Comprehensive Plan**

Naysha presents a copy of a resolution to update the land use map of the Jefferson County Comprehensive Plan. She states that this is a current revision of the land use map. The information was taken from the assessor's current data.

Motion by Commissioner Raymond to approve resolution #2012-12 to update the land use map of the Jefferson County Comprehensive Plan. Second by Commissioner Hegsted. Motion passed unanimously.

Probation – Tammy Adkins

- **Quarterly Report**

Tammy distributes her quarterly report for April 1, 2012 to June 30, 2012. Tammy mentions she hired Matt Douglass full time. No classes have changed. Tammy discusses the quarterly caseload and the fees collected. Tammy discusses that they have made a change in urine analysis testing. They collect \$15 for each urine analysis taken or a \$40 monthly drug testing fee if they are on the drug testing program.

Kathy Knutson – Telephonic

- **Homeowner's Exemption**

Introductions are provided. Cody mentions that they received Kathy's 2012 assessment notice returned with a forwarding address for Apex, NC. Cody mentions that a letter addressing HOE was mailed on 6/8/12 based on the address change. The deadline through STC for changes on HOE is 6/25/12. Kathleen phoned the Assessor's Office on 7/2/2012 and informed us that she didn't move out of Idaho until after the 1st of the year 2012. Chairman Karren asks Ms. Knutson to provide evidence that she was living in the county the 1st of the year 2012.

Motion by Commissioner Raymond to reinstate the homeowner's exemption for 2012 on Parcel No. RPA00100020020 and to cancel the tax in the estimate of \$844.17 in excess of the homeowner's exemption contingent on verification of residency for the 1st of 2012 being provided. Second by Commissioner Hegsted. Roll call taken. Hegsted – aye. Raymond – aye. Karren – aye. Motion passed unanimously.

Lisa Peterson – Telephonic

- **Homeowner's Exemption**

Introductions are provided. Cody mentions that they do not have documentation showing why the homeowner's exemption was removed on this property. It was an error. The Assessor's Office recommends that the homeowner's exemption be reinstated.

Motion by Commissioner Raymond to reinstate the homeowner's exemption for 2012 on Parcel No. RP04N38E136255 and to cancel the tax in the estimate of \$848.59 in excess of the homeowner's exemption. Second by Commissioner Hegsted. Roll call taken. Hegsted – aye. Raymond – aye. Karren – aye. Motion passed unanimously.

Social Services – Edidt Ramirez

- **Executive Session 67-2345(D) – Hearing #2012-46**

Motion by Commissioner Raymond to go into executive session at 10:41 a.m. pursuant to Idaho Code 67-2345(D). Second by Commissioner Hegsted. Roll call taken. Hegsted – aye. Raymond – aye. Karren – aye. Motion passed unanimously.

Moved back into open session at 11:13 a.m.

Motion by Commissioner Hegsted to approve indigent case #2012-46 for county assistance. Second by Commissioner Raymond. Roll call taken. Hegsted – aye. Raymond – aye. Karren – aye. Motion passed unanimously.

Social Services – Edidt Ramirez

- **Executive Session 67-2345(D)**

Motion by Commissioner Hegsted to go into executive session at 11:17 a.m. pursuant to Idaho Code 67-2345(D). Second by Commissioner Raymond. Roll call taken. Hegsted – aye. Raymond – aye. Karren – aye. Motion passed unanimously.

Moved back into open session at 11:37 a.m.

Motion by Commissioner Hegsted to approve #2012-67, to deny #2012-69 for lack of information, to approve #2012-66, and to deny #2013-01 for voluntarily unemployed. Second by Commissioner Raymond. Roll call taken. Hegsted – aye. Raymond – aye. Karren – aye. Motion passed unanimously.

Lunch

Commissioners

- **Searle & Hart Contract**

Motion by Commissioner Hegsted to accept the Searle & Hart contract in the amount of \$27,000 for auditing the basic financial which consist of the governmental activities, each major fund, and the aggregate remaining fund information of Jefferson County as of September 30, 2012 and 2013 and for the years then ended. Second by Commissioner Raymond. Roll call taken. Hegsted – aye. Raymond – aye. Karren – aye. Motion passed unanimously.

- **Compliance Officer**

Discussion on hiring a possible compliance officer is held. The Commissioners mention having a compliance officer under the Sheriff's Office. The Sheriff asks what the job would entail. Job duties to include code enforcement, water on the roadways, animal enforcement, and obstructions in the right-of-way were mentioned. The Sheriff asks who the compliance officer would answer to. The Sheriff explains that a school resource officer answers to the school

administrator, but he hires them. The Sheriff mentions that a lot of counties have animal control officers and they are deputized, but not post certified. They get authority through the Sheriff to cite, but they don't have arrest powers. The Sheriff would like another deputy that could be used for multiple things. Commissioner Raymond mentions that he does not want to hinder one department and he wants to give enough flexibility to cross train to work in other departments. Commissioner Raymond mentions that because of money he was interested in having a floater employee. The Sheriff mentions that if they are looking for someone who is deputized and has arrest powers then he would suggest working up a job description and he would hire him or her to the position and they would be assigned the job. Or the Commissioners can hire a person and the Sheriff will assist when needed. The Sheriff says it depends on what the Commissioners want, but he will work with whatever they want. Commissioner Raymond asks what he can use a non certified deputy for. The Sheriff says non certified deputies assist full time deputies. Naysha mentions that a couple of counties have someone through Planning & Zoning, but they are deputized. Robin mentions he doesn't like to see Planning & Zoning staff out by themselves. The Commissioners would like a job description to be written. Robin says it would be nice to have one person under the Sheriff who is assigned to different positions different days. The Sheriff's personal opinion is to handle it like he does with the school resource officers. The Sheriff would hire someone knowing what the job description entails and then they would be assigned those duties. Job duties to include snow plowed a crossed a roadway, weed enforcement, and the peddler ordinance are thrown in. Commissioner Raymond asks if the Sheriff thinks it's important for the county as a whole. The Sheriff says we do need someone to handle calls and on a scale of 1 to 10 for importance he'd rate it a 9. Robin says it's an important job. Commissioner Hegsted asks what other counties do for a compliance officer. Naysha explains. The Commissioners ask for a job description to be compiled with seasons and hours. Kristine mentions that some counties post warrant of distraint letters on front doors which would be once a year and maybe this person could do that as well. The Commissioners would like this brought up during the August 27th elected official/department head meeting.

- **Drought Declaration**

Commissioner Raymond mentions he may have a potential conflict of interest because he's has water in two of the canals. Commissioner Raymond mentions that the canal companies are asking for a drought declaration to move water between the systems. Chairman Karren asks if there is a down side to declaring a drought emergency. Commissioner Raymond says they don't want to set water right precedent or historical use.

Motion by Commissioner Hegsted to declare a 2012 drought emergency for Jefferson County through IDWR for administrative purposes. Second by Chairman Karren. Motion passed unanimously.

- **Claims**

Motion by Commissioner Hegsted to approve the claims dated July 23, 2012 through August 10, 2012 to total \$387,272.10. Second by Commissioner Raymond. Roll call taken. Hegsted – aye. Raymond – aye. Karren – aye. Motion passed unanimously.

- **Commissioner Meeting Minutes**

Motion by Commissioner Raymond to approve the minutes of July 23, 2012. Second by Commissioner Hegsted. Roll call taken. Hegsted – aye. Raymond – aye. Karren – aye. Motion passed unanimously.

Motion by Commissioner Raymond to approve the minutes of August 1, 2012. Second by Commissioner Hegsted. Roll call taken. Hegsted – aye. Raymond – aye. Karren – aye. Motion passed unanimously.

- **Executive Session 67-2345(B)**

Motion by Commissioner Raymond to go into executive session at 1:48 p.m. pursuant to Idaho Code 67-2345(B). Second by Commissioner Hegsted. Roll call taken. Hegsted – aye. Raymond – aye. Karren – aye. Motion passed unanimously.

Moved into open session at 1:56 p.m.

The public defender's contract was reviewed. The Commissioners would like civil verbiage added to the contract and if the public defender won't sign, then it be put out to bid.

William Phillips

- **Executive Session 67-2345(B)**

Motion by Commissioner Hegsted to go into executive session at 2:04 p.m. pursuant to Idaho Code 67-2345(B). Second by Commissioner Raymond. Roll call taken. Hegsted – aye. Raymond – aye. Karren – aye. Motion passed unanimously.

Moved into open session at 2:13 p.m.

Discussion had on town gossip.

Zions Bank - Telephonic

- **Bond Re-Financing Sale**

Alan mentions that the purpose of the refinancing was to allow the county to afford making the annual payment, eliminating the balloon payment, and lowering the interest rate. Zion's Bank distributes a 2012 refunding analysis for the commissioners to review. Commissioner Raymond asks as we were going through this process we were going to have a net savings of \$17,000 or so, but the day we went to the bond bank we ended up with a loss of about \$303,278.

Commissioner Raymond wants to know why that happened. Alan says the second graph shows the interest rates going up and when they went to the bond bank about \$150,000 of the loss was interest rate adjustment. One of the things they did not anticipate was the cost of the call provision on the bonds which would be the difference of about \$150,000. Commissioner Raymond explains that the fluctuation in interest rates is easy to explain, but the call provision isn't. Alan says the initial analysis should have showed a loss of \$150,000 instead of a plus of \$17,000. They apologize for not showing the cost of the call provision.

Clerk – Christine Boulter

- **2013 Budget Review**

Chris distributes the 2013 budget. Chris mentions that there are \$347,000 of levied dollars that need to be cut. Farrell and Chris have a discrepancy and need to meet to discuss the numbers. Chris mentions that in indigent they haven't levied, but this year there is a levy. Chris mentions the reason we come up short is because of solid waste. Commissioner Raymond discusses looking at solid waste fees. The budget will be reviewed again on August 27th.

Carl Hancock & Chris Campbell

- **Petition**

Chairman Karren asks Carl and Chris to begin. Chris provides a statement that he reads to the group. His statement is as follows:

There is a feeling of mistrust in this county stemmed from previous financial scandals and a lack of open transparency among our elected officials. In the last decade, our county has lost literally hundreds of thousands of dollars by common and good men, men who were looked up to in this county but men who were left unchecked and unaudited and believed they were doing what was right at the expense of the rest of the county taxpayers. Our hope today is that we can begin to put an end to this season of mistrust and help to heal the county. Most of you know me and several of the people here that today I am representing. We are made up of grass roots citizens that are concerned with several of the policies and fiscal dealings of this county. We have organized a formal petition asking you as commissioners to take action to help rebuild the trust in this community and put to rest all of the rumors and incorrect actions that have been taking place. On a personal note, I have been asked by dozens of people why my wife and I are supporting this petition and why we have become a part of this grass roots investigation. Our answer to that question comes from the first part of our Declaration of Independence which reads:...This petition was founded based on the following areas that I and others have personally researched and found questionable results. I have most of the evidence here but will refrain from sharing it as this is not an executive session. The following 8 items are the basis for the petition:

1. Several reimbursable expenses charged by the sheriff's office that show no reimbursements on record. Please refer to the statement in your packet from the clerk's office indicating that they have no reimbursements on record for several expenditures. (see front cover of your packet).
2. We have obtained thousands of dollars worth of reimbursement warrants from the Idaho Controllars office that should have been returned back to the county for county reimbursement but the county has no record of. This is thousands of dollars the county should have been reimbursed back but never saw. (see section A of your packet)
3. The sheriff's office currently has two accounts that we are aware of that are not auditable by the county. These accounts we have been told have had bills paid out of them, and have been used as a slush fund to make payments on bills. One account is the "N" fund or "Narc fund" which is an account at the Bank of Commerce in Ririe in the Sheriff's name. The other is an "Inmate or Commissary Fund" which is also in the sheriff's name and is a separate account at Zion's bank. We don't know a lot about these funds, but our research indicates that these accounts are illegal in nature because they cannot be audited. Did you as commissioners know that these accounts existed? Did you know that these accounts are not auditable and are illegal in nature? Why have we not done something about them? (see section B of your packet)

4. Several extravagant travel and training expenses expensed by the sheriff's office that have exceeded the expense amount allowed by the state. (An example of this would be several stays at Boise's Owyhee Plaza). Where you as commissioners aware that these types of extravagant travel expenses were occurring while tax payers here in the county are struggling to just pay their taxes? Further were you aware that the very few times in which reimbursements have been submitted back to the county by the sheriff's office, only a partial amount was reimbursed and the tax payer had to pick up the tab for the rest of the travel expenses? (see section C of your packet)
5. In the past, the sheriff's office has ignored allegations of drug abuse by county employees in which they refused to investigate. Further, the sheriff's office is currently being sued because they will not serve garnishment paperwork to specific individuals in the county. These law suits cause the county added expenses, but the real question is, why is the sheriff's department refusing to do their job in these cases?
6. Idaho code spells out that all police officers must be POST certified within 1 year of hiring. As of last month, there were 3 officers working full time in positions that would require POST certification but are not certified. This leaves the county open for additional legal action to be taken against it.
7. Gag order – The Sheriff's office issued a gag order on all employees shortly after the cell phone issue came to light. This adds to the mistrust and lack of transparency in this county. Why issue a gag order if you have nothing to hide?
8. And finally, cell phone records indicating the use of county funds for a cell phone not used by county employees. This issue has been recently brought to light by the media and is still a concern among county residents.

Additionally in our digging, we have found other suspicious activities that bleed outside the bounds of the sheriff's office and may implicate other elected officials and employees within the county. I will not expound on these because we do not have full proof of them but only allegations and partial facts at this point. We feel it would be in the best interest of the county and the commissioners to call for an audit to restore county trust and put to rest the rumors that are circulating in this county.

In closing, let me reiterate, this audit or investigation needs to be an independent, non-partial, forensics audit. It cannot have interference from the sheriff, his department, the prosecuting attorney's office, or other elected officials. We are confident that an audit will reveal much more than we have been able to find and will provide protection for those who wish to come forward with additional information or evidence. I for one am ready for this chapter to be over and a new chapter to begin. We have government and elected officials to help protect the rights of the people. I would urge you as commissioners to assist us in making the right decision today and move past the hurt and hate that has recently diseased our county. Help us in the process of healing the open wounds and restoring a county government that can be trusted and revered. I will give you each a few minutes to look through the packets I have provided in order to make a decision. Keep in mind, these packets contain only a small sampling of what we have found via our limited public records requests. I will now address any questions you may have.

Statement ends.

Chris asks the Commissioners to take the time to review their packets of information. Chris mentions there are ten checks that have not been reimbursed. Commissioner Raymond asks if in their findings they have debits of travel expenses that should be resubmitted to county. Chris says there are ten checks that are not accountable. Commissioner Raymond mentions that when a person travels they use their own personal travel expenses. Chris agrees that there is no facts in exhibit A (which is #1 and #2 of items stated), but there is enough suspicious activity here to warrant an audit. Chris has not solved all the pieces to the puzzle. The Commissioners mention that the auditor audited the two accounts that Chris mentions in #3. Chris asks if those funds stay in the Sheriff's Office or if they are re-circulated. Jerald mentions that question could be asked to the auditor if needed. Chris asks if those two funds are illegal in nature. Chairman Karren says the auditor made some comments in the audit to change accounts. Carl and Chris request a copy of the audit. Jerald makes a comment that most of us have been drawn into this issue emotional. Jerald says he's a little concerned about the second sentence in the statement. Jerald says he thinks that is a reckless statement unless it's founded. Jerald says he thinks most of this can be cleared up by talking to the Sheriff. \$50,000 to \$75,000 would be the cost of an internal audit. Jerald would be the first one to raise his hand if there is a problem. Jerald asks what it will take to get to the bottom of this. Chris says an investigation through the AG's Office. Chris says he is not out for the Sheriff, but feels like there are some policies and accountability that we do need to step up, change, fix.... Chris would be content and happy if the audit produced no results, but he doesn't think it will. Chris wants to proactively cure the county. By stepping up and making a request to the Ag's Office. Chris says if we have to spend 50,000 to 100,000 they are okay with that, they want to get it cleared up. Chairman Karren asks if Chris would talk to the Department Head they are accusing. Chris says they would like the Commissioners to take care of it. Chairman Karren says they did step up on the cell phone. Chairman Karren asks Robin to speak. Robin says the county issued a policy. Robin says he emailed to the AG's Office questions on the cell phone issue. Chairman Karren mentions that nothing else has been mentioned before today. Robin explains that he gives civil advice, but they do not have to take it. If there were an issue of impropriety, Robin does not personally do that. He would hire a special prosecutor from outside the area. Robin says the bookkeeping measures are done by the Clerk, the independent auditor, and the Commissioners. Robin mentions he never review claims and the prosecutor's role is to advise elected officials. Robin mentions that there was not a cell phone policy prior and we can only go forward. Robin mentions that the commissioners asked for anyone with factual evidence to come forward on the agenda a while ago but no one came forth. Robin mentions objectivity is hopefully what the Commissioners will look for. Robin mentions that we have a fractured community. Robin says he encourages the Commissioners to cure the community. Chris does not want to incriminate any person. Chris would like the Commissioners to add to the AG's letter the issues they have brought forth. Chris speaking for himself says if the investigations come back with nothing he's fine with that. Commissioner Raymond mentions that if this comes back squeaky clean he will be tickled to death. Commissioner Raymond says they have done as much as possible. Commissioner Raymond says that the rumors that they are aware of are false and that they have been looked into. Commissioner Raymond says the bottom line is that the people do not trust the commissioners to review rumors and they want an audit. Commissioner Raymond asks do they want an audit or investigation. Chris says an impartial audit would satisfy most. Chris asks if it is legally possible to add the issues they brought to the AG's letter. Chairman Karren says she is disappointed that no one has gone to the person they are accusing and at least asked the

questions. Commissioner Hegsted would like Chris to bring forth the information on the second sentence of the statement. Chairman Karren says she appreciates that people are watching out but she does not appreciate rumors. The Commissioners will take this under advisement. Chairman Karren says they will meet with the group against an investigation hopefully on the 27th. Commissioner Raymond says thanks for coming and says this is how we resolve it, not on the streets. Chris asks to be contacted for a time to meet in executive session on the 27th after the other group.

(No petition is left.)

Jay Clark

- **Justice Department**

Mr. Clark would like to make a comment on the previous meeting. Mr. Clark states they should look at the audit before they come in. Mr. Clark says he's been a resident for 30 years (?). Mr. Clark says he's not an auditor, but he feels that their timing is a witch hunt. Mr. Clark states the times he's been involved with the Justice Department he's been happy with them. They have been cost conscious. Mr. Clark says it's hard to keep up with technical policies like cell phones. Managers should not be micromanagers. Mr. Clark says that all of us need to be careful with the media. The media is after controversy so they can keep things going. Mr. Clark says the County Commissioners have done a good job. If there are any mistakes, the audits that have been done should be looked at. Mr. Clark appreciates the commissioners. Mr. Clark appreciates the animal abuse cases being handle by the Justice Department.

Commissioner Raymond asks Chris Campbell for a copy of the petition. Chris says that he is unable to provide a copy because some people who signed are in fear of retaliation. He offers to show the Commissioners the petition at the next meeting. The Commissioners stated that a petition that is not part of the record is of no value.

Attorney – Robin Dunn

- **Executive Session 67-2345(F)**

Motion by Commissioner Raymond to go into executive session at 4:55 p.m. pursuant to Idaho Code 67-2345(F). Second by Commissioner Hegsted. Roll call taken. Hegsted – aye. Raymond – aye. Karren – aye. Motion passed unanimously.

Moved back into open session at 5:22 p.m.

Discussion had on pending litigation.

Meeting adjourned at 5:45 pm.

County Clerk

Chairman of the Board

Clerk of the Board