

## Jefferson County Commissioner Meeting Minutes July 28, 2014

Meeting called to order at 9:00 am. Those present are, Commissioner Farnsworth, Chairman Raymond and Emily Kramer. Chris Boulter clerking the morning and Edidt Ramirez clerking the board in the afternoon. Mitch Whitmill leads in the Pledge of Allegiance; Lori Dye offered the prayer.

### Commissioners- Elected Officials-Department Heads

- **Staff Meeting**

Department heads report.

Scott Herrick discussed the roof leakage in the Sheriff's department. Dow Company came in and fixed what they saw. After the next rain storm the roof opened to more leakage. Hopeful to have this issue resolved within 30 days.

Commissioners discussed the probation building and possibly renting the bottom level. Chairman Raymond discussed the meetings they have just currently attended; Eastern Idaho Regional Health, 5C Detention Center, Rocky Mountain energy summit, Centennial day of service, YAK graduation, community listening, Magistrate juvenile governing, Capital for a day, BLM cooperative meeting, Upper Valley Drug Court, Dist #6 meeting, etc. Post Register referred to the commissioners per exhibit (Jeers).

Commissioner Raymond indicates that bad press has the potential to impact hiring.

Mitch Whitmill reports he is doing a lot of spraying for individuals and participated in Mud Lake days with trailer as well as 4 other projects with other agencies.

Paul Snarr states he is continuing with the blade laying of asphalt and getting ready to chip seal.

Kristine Lund reports that the 16 of August is Early Iron Festival which is geared towards centennial celebrations. There will be awards such as the people's choice, and special centennial award. Kristine asks commissioners if they would like to pick the vehicle, for the Centennial award. Commissioners respond yes. Commissioner Farnsworth will be in charge of this. The donations generated at this festival cover great areas of the county.

One specifically is the Park and Rec. of Rigby this year.

Lori reports that they are gearing up for the fair in Mud Lake then the following week is Rigby Fair and after that is the State Fair.

Tammy reports that probation has an opening for a male probation Tec for drug testing, community service, etc. Paying \$10.00-\$11.00 per hr. no degree required.

Emily presents pay grade and scale. There is discussion held on whether to adopt or implement the pay grade and scale.

**Motion made by Commissioner Farnsworth to adopt the step and grade schedule; motion is seconded by Commissioner Raymond. Roll call taken  
Commissioner Farnsworth-aye, Commissioner Hegsted-aye, Chairman Raymond-aye. Motion passes**

### Treasurer-Kristine Lund

- **2015 Budget Request**

Commissioners review the requested budget. Kristine has requested her salary be the same as the Clerk's and Assessors. Travel is slightly increased per areas of the conferences. Discussed publications, office equipment etc. Treasurer would like a few adjustments made to salaries.

### Probation- Tammy Adkins

- **Quarterly Report**

Quarterly report as given is readable in the exhibit as attached.

- **Mini Grant Question**

Discussion held about the judge's monthly statement requested by commissioners. Tammy is informed she will not have to bring in report per judge, because Judge Crowley no longer needs it. Tammy asks for approval to make a computer purchase through Computer Arts for the cost of \$3,200.00

**Motion made by Commissioner Farnsworth to approve the purchase of two computers from computer Arts. Seconded by Commissioner Raymond. Motion carried. Roll call: Farnsworth, aye Raymond aye. Tammy asking for approval of a few tablets in a mini grant, we have a 10 percent match. Grant provides up to \$1,500 for the tablets. Commissioners ok'd Tammy to write mini grant.**

### Steve Turner

- **Building Permit Request**

Steve Turner hands out property maps. Steve is planning to build, he found out from Devin(P&Z) that based on a study that was performed the lot was not divided properly per a subdivision process; therefore it is not a buildable lot. Steve says if he were permitted to build he would pay property taxes of approx. \$1,000.00, as well as it was sold to him unbeknown. Devin has said it meets all zoning requirements it just wasn't implemented properly because of the illegal lot split. Devin feels maybe a grandfather clause will need to be added for the future. Chairman Raymond asks Devin if this could be taken to the planning and zoning board. Devin agreed it could and will do so. Chairman Raymond asked further questions of property. Commissioners would like this to be taken to P&Z board for recommendation and have this issue resolved with the Planning & Zoning board.

### Assessor – Cody Taylor

Data: Joyce Briggs (data tec.) and Garn from CAI are present to present. I.T. people will be here 3 times a week verses 2 times a week. At the jail there are 155 PCs plus. Help requests are on the go. Jail doors were discussed. There was only a 1 year warranty on the jail doors. Those PCs are getting new hard drives at \$250.00 to help on cost. The computers are heavy duty, business class. Therefore the estimate is different from the real world. We have a three year rotation. Most computers are ordered in for the basic needs. There are a few exceptions like GIS

etc. Sheriffs jail doors are so old you cannot even buy computer parts. They may have to use keys for a short time.

It is proposed by CAI that we have a change in the call-in conferencing unit. Present is Judge Crowley to add input for the courtroom conferencing etc. CAI would like to change the bridge. It would be like Bingham County. This would expand per TV etc. Crowley is shipping 5C youth as it is so poor from 5C to have conferences. Right now the only way it can work is if people come up to the phone by the judge. This is not safe for the Judge as well. Phone system is now approved however we need to notify Mike that we need Polly coms or another system.

P & Z have decided not to use a CAI program, but they need to still view deeds. They can print off of it as well.

Assessor is asking for a part-time person in the DMV, over loaded. Need to replace van. It is getting really old, and not so reliable.

Revaluation is pretty much the same...just a few ups on the B lines.

## **SOCIAL SERVICES**

**Motion made by Commissioner Farnsworth to go into executive session at 11:44 a.m.; Motion is seconded by Chairman Raymond. Roll Call taken Commissioner Farnsworth-aye, Chairman Raymond-aye. Motion passes**

Open Session at 11:47 p.m.

**Motion made by Commissioner Farnsworth to deny case 2014-29 for lack of cooperation. Deny case 2014-43 for lack of cooperation; motion is seconded by Chairman Raymond. Motion carried. Roll call: Chairman Raymond -aye, Commissioner Farnsworth- aye.**

## **Break for Lunch**

### **Commissioners**

- **Public Defender Proposals**

Sean Bartholic & Jason Rommel are here today to present a proposal. Chairman Raymond informs both present that they will have to work in specialty courts if hired for the Public Defender position. Chairman directs his first question to Sean and Jason. Sean responds by saying he enjoys working with people in need of services in an indigent matter. He feels that it is necessary for a client to feel they are receiving quality services regardless of their financial situations. Jason adds to that saying he has done public defender work in the past and going in as a public defender they don't expect much money but they enjoy the work and are understanding of it. He says he gets a lot of satisfaction out of being a defense attorney trying to make the world a better place. He would like to work Jefferson County because he has worked here before and enjoys court staff and the judges, and staff at prosecutor's office. He states that staff is really helpful and welcoming and willing. Clerk, Chris Boulter adds that the court staff really likes working with Sean as he is timely and professional. The next question asked to the attorneys is if there is any type of crime they would have difficulty defending. The

answer is no from both attorney's. They agree some cases are more difficult than others to defend but from a legal stand point no case is difficult to work with. They don't look at maximizing dollars they like to help the client and county to get cases solved quick but thoroughly. To this Sean adds that when he discovered this position was open he was excited because he enjoys working here because of the atmosphere. He says this county will be made his priority. Jason states that he knows Sean has a great ability to be in court and he has seen this as he has covered him in court over the past few years.

Next attorney present is Troy Rasmussen with his proposal. Troy begins by saying he has worked with Thompson Law Office and has done criminal work. He has a good understanding of the statutes and is familiar with prosecutors. Commissioners direct some questions to Troy. He informs the commissioners he has the time available to be able to handle all cases personally but if he is hired he would hire a secretary. Troy believes that regardless of the financial situation a person is in they need a good defense. Commissioners also ask Troy if there is any case he would have trouble defending. He responds by saying he has no trouble defending any type of case he believes that they deserve a good defense. The next question to Troy is how he would build a trusting relationship with the client. He says he believes it is important to get a hold of the client promptly so they are aware someone is out there for their defense as well as have a good communication level with them so client knows what is going on with the case. To the question of how he would be a good trial advocate. Troy says he believes he is very personable and he doesn't have a hard time speaking in front of a crowd to defend his client. Commissioners verify that he knows that the public defender needs to be present in the specialty courts. Troy responds he is aware and he is fine with it. Troy says he will do the responsibilities that come with the public defender job.

Next is Stevan Thompson & Curtis Smith

Next to present a proposal for the public defender position is Stevan Thompson & Curtis Smith. Stevan is present but Curtis is not available today. Stevan and Curtis work out of the same office. Stevan speaks about he has practiced law for 30 years. He was a prosecutor and a public defender in Bonneville County. He later decided to go into private practice. He is currently a candidate for district judge and doesn't know how this would turn out if elected for the position; he would possibly have someone else in office cover the contract. He doesn't anticipate charging for travel getting to our county. Commissioners direct questions to Stevan and he responds the following. Stevan states he has handled a lot of murder cases while working as an attorney. Curtis has handled some of the conflict work for Jefferson County and has a feel of how Jefferson County works. He thinks staff here does a good job and is able to communicate with them. He believes everybody needs a good defense regardless of their financial situation. He states that sex offense cases are more difficult cases but he has done many of them. He feels that to build a trusting relationship with the client it's important to let them know that they care and try to communicate and meet with them often and when it's necessary. Stevan says a good trial advocate needs to have a good understanding of what happened with their client to assure you know enough of the client's story to inform the judge of it. Commissioners inform him of the specialty courts that are held up and down the valley and a public defender needs to be in the specialty courts as an officer to the court to make

sure there is balance. Stevan says they can be available he thinks they are a necessary thing and would be glad to participate more in them and learn about them as well.

Larren Covert is the last attorney here today to present his proposal to the commissioners. Larren informs the commissioners he worked Bonneville County for a little over 3 years then went out and practiced at Swafford Law Office where he has done a lot of criminal law work. Larren states he has done some work in Jefferson County and enjoys working with the court staff and prosecutor's office. Commissioners direct their questions to Larren. He says he would be good trial advocate because he excels in having a good understanding and knowledge of the discovery. He says he does this because then he feels better with talking to the client. Larren says he has defended about every type of case except murder, he says some cases are harder than others but everybody needs a fair defense. Larren states he doesn't feel he has a certain mold and has met with all kinds of people, regardless of what people look like or their charge they are still subject to the same laws and same public defense. To form a relationship with his clients he lets the client tell their story as he tries to get some of the details and figure out how they got into their situation. Commissioners assure that Mr. Covert is aware of the need of participation of the public defender in specialty courts. Larren says he is willing to participate in this and says he thinks that specialty courts are very important. He says he is presenting himself as an individual and would be covering most work and would have other staff cover the remainder.

Robin is present at 1:29 p.m.

**Motion is made by Chairman Raymond to offer the Public Defender contract to Sean Bartholick; motion is seconded by Commissioner Farnsworth. Roll call taken Commissioner Farnsworth-aye, Chairman Raymond-aye. Motion passes**

**Motion is made by Chairman Raymond to offer the conflict public defender contract to Stevan Thompson and Curtis Smith at the same rate as the public defender; motion is seconded by Commissioner Farnsworth. Roll Call taken Commissioner Farnsworth-aye, Chairman Raymond-aye. Motion passes**

**Motion made by Chairman Raymond to have this effective August 1<sup>st</sup> and start new contract October 1<sup>st</sup> for the public defender; motion is seconded by Commissioner Farnsworth. Roll call taken. Commissioner Farnsworth-aye, Chairman Raymond-aye. Motion passes**

**Motion made by Chairman Raymond to amend the agenda to add an executive session 67-2345 (B) under commissioners at 4:00 p.m.; motion is seconded by Commissioner Farnsworth. Roll call taken Commissioner Farnsworth-aye, Chairman Raymond-aye. Motion passes**

Discussed Personnel issues no decisions were made

Robin Dunn leaves room at 2:21 p.m.

**Weed Department- Mitch Whitmill**

- **2015 Budget Request**

Mitch reports all projections have been exceeded in the weed department. There is a total amount of \$158,874.00 in receivables up to date. He says they will probably see another \$30,000.00 by the end of budget year. Mitch reports that the only issue is when more contracts are being brought in there are a little more expenses. He does have an increase in the wage with a 3% but if this isn't granted in the new budget; last year's numbers will be used again. Mitch says he is aware workmen's comp will be changed with the projected changes. He informs the commissioners there are some projected purchases of vehicles that have been budgeted for. He states that the vehicles being reported are vehicles that need to be used they would like to avoid having vehicles that are not being used. Commissioners review which vehicles they have and the needs for each of them. Mitch asks the commissioners to commit to projected budget adding there is only one salary change he really wishes to have raised.

### **Clerk-Christine Boulter**

- **2015 Budget**

Chris and commissioners hold a short discussion as to when they will have the budget finalized. She updates commissioners of some changes that have been made. One of those changes being the moving of a compliance officer into the sheriff's budget where Sheriff currently had a blank line. Chris reports there are a couple of switches or shifts in the assessor's office. Clerk will calculate numbers into the public defender and conflict public defender budgets.

Recess until 3:30 p.m.

Back in regular session at 3:18 p.m.

Chairman Raymond announces they now have in hand the contract for the public defender and the conflict public defender. These contracts are identical to Freemont County's. Legal counsel Robin Dunn reviews these contracts as well as the two present commissioners. The contract is dated from August 1<sup>st</sup>, 2014 to September 30<sup>th</sup>, 2014.

### **Jerilyn Rindfleisch**

- **Home Owners Exemption-Ryan Rasmussen**

Jerilyn is a real estate agent representing the Rasmussen's property at 320 N., 3823 E. in Rigby. The Rasmussen's lost their home owners exemption, and have moved from the state. They are now selling the home so they did come in to pay the \$863.93 so they could still sell their home. She is asking for forgiveness on the homeowner's exemption on their behalf although they have paid it. Cody Taylor states they were sent a letter in June that homeowner's exemption was going to be removed. Cody reports that staff also called and tried to get a hold of them and assessor's office feels they did everything in their power to notify them of the exemption and when it was going to take place. Cody believes they should meet the dead lines as home owners which is the 4<sup>th</sup> Monday in June

per statute. Cody reports the first letter came back but they mailed the letter again to the new address which is their present address and this letter they did receive. Chairman Raymond refers has been written in statue and there is not a mistake to correct at this point.

### **Sheriff-Blair Olsen**

- **Update on 911 Remodel**

Sheriff Olsen is present today to provide an update. He is asking for an extension on behalf of 3D Decker Construction to August 10<sup>th</sup> for a completion date because there is a hold up on the building permit. They are attempting to complete it by July 31<sup>st</sup>. Sheriff reports says things are a lot further along than what they had anticipated from when the letter was written. He says he thinks project can be done by next week but he does say he is ok with this extension request for August 10<sup>th</sup>. It will still fit Sheriff's office time frame. Mike Miller says the 11<sup>th</sup> of August furniture will be brought in so that will work for them. They report that David Decker has his team doing the work perfectly and is keeping in touch.

**Motion made by Chairman Raymond to grant 3D Decker Construction and extension until August 10<sup>th</sup>, 2014; motion is seconded by Commissioner Farnsworth Roll call taken. Commissioner Farnsworth-aye, Chairman Raymond-aye. Motion passes**

Recess for 8 minutes

### **Commissioners**

- **Approve Claims**

**Motion made by Commissioner Farnsworth to approve claims dated 7-14-14 through 7-25 -14 in the amount of \$295,215.51 Roll call taken. Commissioner Farnsworth-aye, Chairman Raymond-aye. Motion passes**

- **Approve Commissioner Meeting Minutes**

**Motion made by Commissioner Farnsworth to approve meeting minutes dated 7-14-14 as amended; motion is seconded by Chairman Raymond. All in favor. Motion passes**

- **Sign Certificates of Residency**

Certificates are signed

- **Sign City of Rexburg MOU for Durapatcher CRS-2 Oil**

Paul Snarr presents the MOU to the commissioners. Legal counsel reviews MOU as well as the commissioners. MOU is signed.

- **Solid Waste Fee Options**

Chairman Raymond leads in the subject he says he would like to go to the public with a recommendation to bond for the courthouse payment option. To deliberately move for a full time prosecuting attorney and purchase a prosecuting attorney's office, for the courthouse payment, and a probation office. As an alternative present to public the raising of household fee from \$46.00 to \$100.00 which should generate enough revenue to operate the landfill and make the courthouse payment; if any revenue was left over the

revenue go towards the building of a transfer station or recycling station with an unspecified location. Chairman Raymond opens this to discussion. Commissioner Farnsworth says he was also thinking about raising the household fee. Commissioner Hegsted is present telephonically for this subject. Discussion is held between the commissioners in regards to these options.

**Motion is made by Chairman Raymond to hold public hearing about implement a \$100.00 household landfill fee subject to formula being used now and have out of county tonnage fees pay the courthouse payment; motion is seconded by Commissioner Farnsworth. Roll call taken. Commissioner Farnsworth-aye, Commissioner Hegsted-aye, Chairman Raymond-aye. Motion passes**  
Discussion held between commissioners as for purposes of the public hearing.

**Motion by Commissioner Farnsworth to present a bond idea at the public hearing; motion is seconded by Chairman Raymond. Roll call taken. Commissioner Farnsworth-aye, Commissioner Hegsted-aye, Chairman Raymond-aye. Motion passes.**

- **Key Access Policy**

There was a correction to the key access policy to edit one word. Other than normal working hours changed to other than working hours to include scheduled meetings.

**Motion is made by Chairman Raymond to accept the changes to the key access policy; motion is seconded by Commissioner Hegsted. Roll call taken Commissioner Farnsworth-aye, Commissioner Hegsted-aye, Chairman Raymond-aye.**

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

**Motion to go into executive session 67-2345 (F) at 5:18 p.m. made by Commissioner Farnsworth; motion is seconded by Commissioner Hegsted. Roll call taken Commissioner Farnsworth-aye, Commissioner Hegsted-aye, Chairman Raymond-aye. Motion passes**

Open session at 5:26 p.m.

Discussed potential legal issues on bidding requirements

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

**Motion to go into Executive Session 67-2345(B) at 5:27 p.m. by Commissioner Farnsworth at motion is seconded by Commissioner Hegsted. Roll call taken. Commissioner Farnsworth-aye, Commissioner Hegsted-aye, Chairman Raymond-aye. Motion passes**

Open Session at 6:12 p.m.

Discussed personnel issues directed prosecuting attorney to proceed.

- **Prosecutor Reimbursement**

Commissioner Farnsworth speaks about a check that was written to the county on April 30<sup>th</sup> 2014. Commissioner Farnsworth asks other commissioners if they knew at the time this payment was turned in, both commissioners answer no. He asks why he didn't he or anyone else know about this payment being turned in. Emily responds that she would have given this information to commissioners if she was asked for it. When Chairman Raymond found out he called their legal counsel (Mick Ohman) and he came in to advise them. Commissioner Farnsworth says he is wondering why there was a \$2,000.00 shortage. Robin Dunn answers that he hasn't been involved in the law suit and is not affiliated with this and has hired his own attorney. The amount that was reimbursed was

for his services in complete subject to legal interpretation. He did not pay materials and stuff that the county usually pays and explains what he didn't pay. Robin expresses that commissioners were advised to not talk about this but however this was brought out publicly. Robin is acting as advised by his attorney. Commissioner Farnsworth says he has informed those who have called him to ask why payment was short that he was assuming that they were expenses that don't usually run on the prosecutors account. If news media would have made public records request of the AC they would have had it that day.

**Attorney-Robin Dunn**

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

No exec session for lack of discussion on this subject

**Motion to adjourn made by Commissioner Farnsworth at 6:14 p.m.; motion seconded by Chairman Raymond. All in favor. Motion passes**

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*Chairman of the Board*

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*Clerk of the Board*

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*County Clerk*