

**COMMISSIONERS MINUTES**

**JANUARY 27, 2014**

The Elmore County Commissioners met in regular session on the above date in the Commissioners Room, basement of the Elmore County Courthouse, 150 South 4<sup>th</sup> East, Mountain Home, Idaho.

Present at the meeting were Chairman Al Hofer, Commissioners Bud Corbus and Wes Wootan, Civil Attorney Buzz Grant, Clerk Barbara Steele, and Deputy Clerk Shelley Hooper.

Motion by Hofer, second by Corbus, to approve the minutes for January 21, 2013.

**HOFER** ..... -**AYE**

**CORBUS** ..... -**AYE**

**WOOTAN**..... -**AYE**

**Motion carried and so ordered.**

Assessor Ron Fisher appeared to discuss a personal property tax appeal issue. US Bank National Association leased a helicopter to Air Methods Corporation, the operators of Life Flight, in 2012. The bank listed that helicopter on their “Declaration of Personal Property Leased to Others” form on 2/15/12. The assessor’s office sent an Assessment Notice to US Bank reflecting the valuation of the helicopter. The treasurer’s office sent the tax bill, which included the tax on the helicopter, to the bank on 6/28/12 and the bill, in the amount of \$59,441.59, was paid in full by US Bank on 7/9/12. In December 2013, the assessor’s office received a letter from US Bank requesting a refund of the taxes stating that the helicopter was not in Idaho and should not have been assess as personal property. Assessor Fisher explained that if US Bank felt the assessment was in error, they should have contacted the assessor’s office once they got their assessment notice and before they paid the taxes. He stated that they were past the deadline to appeal the taxes and the request for a refund should not be granted.

The monthly department heads meeting was held.

Mir Seyedbagheri, Extension Office, was unable to appear, but provided the board with a written update for the month.

Allen Roberts, Extrication Department, appeared to update the board of the accidents they had responded to in the past month. He is still working on getting pagers for volunteers in the Pine area. He is applying to be a statewide instructor and asked if the commissioners would give him a letter of recommendation to send in with his application.

Wade Baumgardner, Veteran Service Officer, appeared to give his monthly update. He has been very busy this month and feels the new year has gotten people thinking to start early on applying for disability compensation. He has been for several months on claim applications for the “Atomic Veteran” and is hoping he has included enough supporting data for a successful adjudication of his claim. He is

continuing to work on claims for veterans who were exposed to the “Agent Orange” issue. He has assisted twenty three veterans, spouses and family members with specific VA issues.

Steve Dye, Juvenile Probation Director, appeared along with Jason Stone and Stephanie Phillips. Mr. Dye reviewed his monthly caseload summary and community services summary. There has been a slow and steady decrease of juveniles on probation. Mr. Dye also reviewed new legislation combining substance abuse and mental health into one, now referred to as behavior health. Mr. Stone, of the Idaho Department of Juvenile Corrections, reviewed with the board the 2013 Annual Juvenile Justice report.

Alan Christy, Land Use and Building Department Director, appeared to update the board. Tell Riley, the county’s building inspector attended the annual Idaho Building Officials training January 21<sup>st</sup> through the 24<sup>th</sup>. Five building permits were issued for January 2014. Payment from Owyhee County for December 2013 inspections and permits totaled \$4,591.61. There are two pending building permits for Owyhee County and two pending building permits for Elmore County. The Comprehensive Plan will go out for public comment once the utility map is completed, which he anticipates to be February 1, 2014.

Alan Lawler, RC&D, appeared to update the board. Mr. Lawler discussed the Paradigm Fuel Break Project, which is a proposal by the Bureau of Land Management (BLM) to develop fuel breaks along approximately one hundred eighty seven miles of routes and roadways located east of Boise between Blacks Creek Road and Glens Ferry, which is an area with frequent large wildfires. The BLM will host two open houses to provide interested public an opportunity to discuss and ask questions regarding the project. Mr. Lawler also reviewed grant opportunities he is researching.

Carol Killian, Disaster Services Coordinator, appeared. She attended a table top workshop regarding mass fatalities, along with Central District Health, St. Luke’s Elmore and ten additional counties. She feels our county is well prepared. Clerk Steele and Ms. Killian discussed an issue they are having with time sheets submitted for roadblocks during last year’s fires. There was a time sheet submitted to the Forest Service everyday with the amount of hours worked and a separate time sheet submitted to the county to get paid. Ms. Killian is working with the Forest Service regarding reimbursement to the county for the hours the county paid employees for working at the roadblocks. She was informed that many of the hours on the time sheets submitted to the Forest Service do not match the hours submitted on the county time sheets. Precise record keeping, such as time sheets and mileage, is very important in the reimbursement process after a disaster and Ms. Killian is still running into problems with these records. The board would like to see a plan drawn up and a meeting held with all appropriate county personnel present to discuss the importance of the record keeping in the event of another disaster. It was also suggested that designating one or two individuals to be responsible for nothing else during the disaster but keeping track of all mileage and hours worked may be needed. Sheriff Layher joined the discussion and was updated of the issue regarding the roadblock time sheets. He will meet with Ms. Killian later today to review the time sheets.

Motion by Wootan, second by Corbus, to approve the Pest Abatement District Expenses in the amount of \$37.69, payable to Centurylink.

**HOFER** ..... -**AYE**  
**CORBUS** ..... -**AYE**  
**WOOTAN** ..... -**AYE**

**Motion carried and so ordered.**

Motion by Wootan, second by Corbus, to approve the Ambulance District Expenses in the amount of \$102,480.31, Elmore Medical Center \$102,341.31 and RTI \$139.00.

**HOFER** ..... -**AYE**  
**CORBUS** ..... -**AYE**  
**WOOTAN** ..... -**AYE**

**Motion carried and so ordered.**

The monthly elected officials meeting was held.

Assessor Ron Fisher appeared and stated that his office is still working on casualty loss exemptions from last year’s wildfire. His appraisers just finished checking new structures against the building permits. They are getting several applications for homeowners exemptions and have been advertising for the circuit breaker tax reductions.

Treasurer Rose Plympton updated the board. Her office is continuing to work on the tax deed properties, and will be sending out eight nine notice of pending issues today. The National Day of Prayer will be held on May 1<sup>st</sup> on the front stairs of the courthouse.

Clerk Steele stated her office is getting ready for the upcoming school levy election to be held on March 11, 2014.

Motion by Hofer, second by Corbus, to go into Executive Session pursuant to I.C. 67-2345(b) to discuss a personnel issue. Roll call vote was taken.

**HOFER** ..... -**AYE**  
**CORBUS** ..... -**AYE**  
**WOOTAN** ..... -**AYE**

**Motion carried and so ordered.**

Regular session resumed. No decision was made as a result of the Executive Session.

Sheriff Layher discussed the salary increases he had requested at the last commissioner meeting. Clerk Steele reviewed the increases and how they will affect the sheriff’s budget. She also reviewed the vacant salary line items that are currently in the sheriff’s budget. Chairman Hofer asked for clarification on the salary for the position in Pine. In the last budget, the board approved an additional 1% increase plus \$600.00 per month to cover rental expenses, but the 1% is no longer in the salary and Chairman Hofer wondered why the salary was decreased. Sheriff Layher will look into the decrease. He has hired two

new officers for the Pine area last week. They will be doing a fifteen week detail in Mountain Home, and then they will need to go to POST before being full time in Pine. Until then, the officer currently covering the Pine area will stay in place. Sheriff Layher stated that he is now going to be short a vehicle for the Pine area, as the officer currently working there will end up keeping that vehicle, so he will need to add another vehicle to his next budget. He asked if the board was ok with the salary increases that he requested. Clerk Steele explained that the increases would leave him short in the current line items, but there is room to take the overage out of the extra help or overtime line items, depending on if the board decides to approve the increases. Sheriff Layher explained that the increases have to do with each position and their responsibilities. He will have a sergeant retiring in September and right now he sees no need to keep that sergeant position, so that position will probably revert back to a patrol position. He has no intention of moving someone into that position as those duties can be absorbed by other officers. It was suggested that the overage from that salary can be used to cover the salary shortages that were discussed earlier. Sheriff Layher stated that he will be meeting with the auditor next week regarding the jail commander and civil process server taking home a county vehicle and if they will be subject to tax.

Motion by Wootan, second by Hofer, to adjourn for lunch.

**HOFER** ..... -**AYE**  
**CORBUS** ..... -**AYE**  
**WOOTAN** ..... -**AYE**

**Motion carried and so ordered.**

Regular session resumed.

Randy Avery, Idaho Waste Systems and Marty Jones, Central District Health Department, appeared and discussed the possibility of accepting solid waste at the Bennett Road Landfill from licensed commercial haulers during the hours when the transfer site is not opened to the general public. The fees for the Bennett Road Transfer Station were discussed. Mr. Jones discussed operating fees for landfills. Mr. Jones also discussed the King Hill Collection Site. He has received complaints that the collection site is not being well kept and has trash everywhere. Mr. Jones visited the site on two separate occasions and took pictures to document that the collection site is well maintained and clean of trash, outside of a minimal amount of windblown trash.

Motion by Hofer, second by Wootan, to go into Executive Session pursuant to I.C. 67-2345(d) – 31-874 to hold a Hearing of Continuation on case K-03-13-01 & K-04-13-04. Roll call vote was taken.

**HOFER** ..... -**AYE**  
**CORBUS** ..... -**AYE**  
**WOOTAN** ..... -**AYE**

**Motion carried and so ordered.**

A Hearing of Continuation was held on case K-03-13-01 & K-04-13-04. Present at the hearing were Chairman Al Hofer, Commissioners Bud Corbus and Wes Wootan, Civil Attorney Buzz Grant, Clerk Barbara Steele, Deputy Clerk Shelley Hooper, Social Services Director Marianne Bate Social Services

Assistant Candi Hinton and the applicant. Questions were asked and answered and the hearing was closed.

Regular session resumed. The following decision was made as a result of the Executive Session:

K-03-13-01 & K-04-13-04 Motion by Corbus, second by Wootan, to continue the hearing for both cases until February 10, 2014.

**HOFER ..... -AYE**  
**CORBUS ..... -AYE**  
**WOOTAN ..... -AYE** **Motion carried and so ordered.**

Motion by Hofer, second by Corbus, to go into Executive Session pursuant to I.C. 67-2345(d) – 31-874 to discuss indigent applications. Roll call vote was taken.

**HOFER ..... -AYE**  
**CORBUS ..... -AYE**  
**WOOTAN ..... -AYE** **Motion carried and so ordered.**

Regular session resumed. The following decisions were made as a result of the Executive Session:

NM-01-14-04 Motion by Corbus, second by Wootan, to deny as not indigent.

**HOFER ..... -AYE**  
**CORBUS ..... -AYE**  
**WOOTAN ..... -AYE** **Motion carried and so ordered.**

K-12-13-09 Motion by Wootan, second by Corbus, to deny as applicant is not indigent per Idaho Code. The applicant has ten times the discretionary income to pay the medical bills over five years.

**HOFER ..... -AYE**  
**CORBUS ..... -AYE**  
**WOOTAN ..... -AYE** **Motion carried and so ordered.**

K-12-13-10 Motion by Wootan, second by Corbus, to approve with no reimbursement order. The billing will be added to the previous case K-01-13-13.

**HOFER ..... -AYE**  
**CORBUS ..... -AYE**  
**WOOTAN ..... -AYE** **Motion carried and so ordered.**

The county burn ban was discussed.

Motion by Hofer, second by Corbus, to approve Tax Cancellation No. 1236 Wesley G. and Betty L. Davis - \$665.31 and No. 1237 Marcene Sievers - \$2,366.16



**RESOLUTION NO. 542-14**

**AT A MEETING OF THE BOARD OF ELMORE COUNTY COMMISSIONERS, STATE OF IDAHO, ON THE 27<sup>th</sup> DAY OF JANUARY 2014, THE FOLLOWING RESOLUTION WAS ADOPTED, TO WIT;**

WHEREAS, Elmore County (the “County”), acting through its Board of Commissioners (“Board”), pursuant to Idaho Code §§ 31-601 and 31-604 has the authority to effectively carry out the duties imposed by the provisions of the Idaho Code and Constitution; and

WHEREAS, the Board has the power and authority to perform the duties of the chief executive of the County pursuant to Idaho Code § 31-828; and

WHEREAS, under certain emergency weather conditions or other emergency circumstances, the Board may need to close non-emergency offices (excluding the Courts which shall be under the authority of the Administrative Judge for the County) of the County upon short notice and as a result the Board desires to appoint the Chairman, or the Vice-Chairman, if any, to make the decision on behalf of the Board to close the non-emergency offices of the County upon on the happening or the reasonable anticipation of emergency weather conditions or other emergency circumstances and to communicate such actions to the County Clerk for further dissemination to the non-emergency offices and employees; and

WHEREAS, those non-emergency and emergency offices of the County are listed on **Exhibit A**, which exhibit is attached hereto and made a part hereof; and

WHEREAS, nothing herein shall require the Chairman or Vice-Chairman to act upon such weather or other emergency and such commissioner may elect to defer the action until a regular, special or emergency meeting of the Board; and

WHEREAS, emergency operations for the County Courts and County employees supporting such Courts shall be subject to those rules and directives promulgated by the County Administrative Judge, pursuant to Idaho Court Administrative Rule 48; and

WHEREAS, the Board desires to amend and restate in its entirety Resolution No. 541-14 with this resolution, and after the date hereof, Resolution No 541-14 shall be of no further force and effect.

NOW THEREFORE, BE IT THEREFORE RESOLVED, the Board of Elmore County Commissioners hereby appoints the Chairman of the Board or in his absence, the Vice-Chairman, if any, individually, to act on behalf of the Board for the sole purpose of determining if the County Offices for non-emergency operations shall be closed due to inclement weather or emergency, and for how long such non-emergency operations shall be closed.

It shall be further resolved, in the event of any closure of the County offices for non-emergency operations, the employees shall receive their regular pay for such period of time during the employees’ normal working hours that the County offices are closed. For those employees working in emergency operations during the period that the County offices are closed for an emergency and the County offices are closed for such emergency, such employees shall be treated as if they worked during a holiday for such time as they actually worked and for such time as the County offices were closed due to such emergency. The foregoing shall not

apply to any employee that is out of the office on sick or medical leave, vacation or travel for county purposes,

Approved as a Resolution of the Elmore County Board of Commissioners effective on this 27<sup>th</sup> day of January 2014.

**ELMORE COUNTY COMMISSIONERS**

**/S/ ALBERT HOFER, Chairman**

**/S/ FRANKLIN L. CORBUS, Commissioner**

**/S/ WESLEY R. WOOTAN, Commissioner**

**ATTEST: /S/ BARBARA STEELE, Clerk**

**EXHIBIT A**

**Elmore County non-emergency offices:**

- Assessor's Office, including license plates
- Clerk's Office
- Treasurer's Office
- Extension Office
- Fair Board and Fair Staff
- Land Use and Building Department
- E-911
- Weed and Pest Employees
- Civil Sheriff's Office employees
- Driver's Licenses
- Misdemeanor Probation

**Elmore County emergency offices:**

- Sheriff and Chief Deputy
- Dispatch
- Detectives
- Patrol offices
- Jail officers and staff
- Marine officers
- Other Sheriff's Department staff as directed by the Sheriff
- Courthouse Security
- Maintenance staff
- Ambulance and EMS staff
- Extrication
- Search and Rescue
- Juvenile Probation

**Elmore County Court Judges and Employees**

- The judges and court employees of the Elmore County Courts are not governed by this Resolution.
- Prosecutor's Office shall work based upon the County Court's schedule.

The personal property tax appeal request from US Bank was revisited and a lengthy discussion followed as to whether the helicopter was registered in Idaho at the time in question. Assessor Fisher reviewed his office's investigation into the matter and feels that they did their due diligence on the matter and it was the bank's responsibility to make sure the information they gave to the assessor's office was correct. As mentioned earlier, US Bank paid the taxes in the amount of \$59,441.59 on 7/9/12 and those funds were then disbursed to the appropriate taxing districts. If a refund were to be approved, those monies would have to be taken back from those taxing districts. Clerk Steele explained that she was supposed to send out current funds to the taxing districts last Friday, but held the payments in case the board approved the refund request. Assessor Fisher again stressed that US Bank missed the deadline to appeal the taxes and the request for a refund should not be granted.

Motion by Wootan, to not hold the distribution of funds to the taxing districts, deny the request by US Bank for a refund of taxes and to contact US Bank to notify them of the decision and the reasoning behind the decision. Discussion followed regarding the possibility of granting a refund. Motion dies for a lack of a second.

Assessor Fisher again stressed the fact that his office called US Bank several times requesting more information about the helicopter. US Bank received their assessment notice and had ample time to call and discuss the assessment on the helicopter if they felt there was an error and file an appeal, but they paid the full amount of the taxes without question. Just as county residents are responsible for making sure their assessments are correct, so are businesses and all tax payers are required to follow the guidelines of the appeal process and deadlines. US Bank's request for a refund was past the appeal deadline and should not be granted.

Motion by Wootan, second by Corbus, to reject the request from US Bank for a refund for the taxes, and distribute the current funds to the taxing districts.

**HOFER** ..... -**AYE**  
**CORBUS** ..... -**AYE**  
**WOOTAN** ..... -**AYE**

**Motion carried and so ordered.**

Motion by Hofer, second by Corbus, to adjourn.

**HOFER** ..... -**AYE**  
**CORBUS** ..... -**AYE**  
**WOOTAN** ..... -**AYE**

**Motion carried and so ordered.**

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**ALBERT HOFER, Chairman**

**ATTEST:**

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**BARBARA STEELE, Clerk**