

COMMISSIONERS MINUTES

APRIL 20, 2018

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

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

Motion by Wootan, second by Hofer, to approve the expenses in the amount of \$233,669.13.

WOOTAN..... -AYE

CORBUS..... -AYE

HOFER..... -AYE

Motion carried and so ordered.

Motion by Wootan, second by Hofer, to approve the certificate of residency application for Sable C. Hart.

WOOTAN..... -AYE

CORBUS..... -AYE

HOFER..... -AYE

Motion carried and so ordered.

The monthly department head meeting was held.

Billy Richey, Military liaison, appeared and reported about the Mountain Home Air Force Base water project. The lease of the Mountain Home Air Force Base Rail. A public scope meeting for establishing urban close air support, air and ground training spaces near MHAFB is on hold. The Gunfighter Skies for 2018 will be on June 2nd and 3rd of this year and the Thunderbirds will be performing. Mr. Richey was retiring as of July this year but the position won't be filled until a new Governor is elected, therefore Mr. Richey stated he would be willing to stay on until January of 2019.

Steve Dye, Juvenile Probation, appeared and discussion followed on our pay schedule and when new employees are hired. Community service was briefly discussed and the number of juvenile on probation. Drug court and recent graduations were reviewed.

Deb Ireland, Landfill Manager, appeared. The backhoe is up and running again.

Tracy Colton, Veterans Service Officer, appeared and reported no grants have been applied for at this time. There are small grants being offered by AARP to improve housing, transportation, public space and other community elements. Ms. Colton is working with the State Purchasing Manager at the Division of Purchasing to schedule training dates for Procurement Workshops this summer. Ms. Colton has 50 compensation claims, 9 pension claims, and 2 Veteran Aid Grants that are being worked on.

Carol Killian, Disaster Services Director, reported she is working on updating her information on the County’s website. Ms. Killian is working on advertising the Alert Sense program for homebound citizens. Commissioner Hofer stated Ms. Killian needed to be added to the Courthouse security committee.

Brad Stokes, Extension Agent, appeared and discussion followed on purchasing a vehicle for the 4-H department. Other activities of the office were reviewed.

Motion by Hofer, second by Corbus, to approve the purchase of a 2018 Ecosport S. for 4-H and trade in the Nitro and Blazer.

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

Motion carried and so ordered.

Motion by Corbus, second by Hofer, to add an independent contractor agreement between the County and Paul Rhoades to conduct studies on bees due to the fact there was not time to get it on the agenda and timing is important.

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

Motion carried and so ordered.

Motion by Corbus, second by Wootan, to approve the independent contractor agreement to conduct studies on bee habits.

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

Motion carried and so ordered.

Julie Lisle, Fair Director and Christy Acord, Glenns Ferry Economic Development Director appeared and different events at the fairgrounds were discussed, specifically vendors and holding a gun show at the fairgrounds. Sheriff Hollinshead was asked for his input and he stated he did not have any comments. The Commissioners discussed what would be allowed at certain events, such as vendors who sell knives, etc.

Brian Chevalier, Pine Ambulance Supervisor, appeared and reported it has been a busy week in the Pine/Featherville area. The agency license is up for renewal and is being worked on. Training is continuing. Grant items were reviewed.

Beth Bresnahan, Land Use and Building Director, appeared and gave her monthly report. Her staff will be attending Code Enforcement class next week.

Motion by Hofer, second by Corbus, to add to the agenda the request from the City of Mountain Home to waive building fees for the City's Water Tank Project as time was not available to get it on the agenda.

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

Motion carried and so ordered.

Motion by Hofer, second by Corbus, to waive the building fees for City's Water Tank 1b Project near the site of the City's current tank off Frontage Road.

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

Motion carried and so ordered.

Sheriff Mike Hollinshead appeared.

Motion by Wootan, second by Hofer, to go into Executive Session pursuant to I.C. 74-206(d) to discuss exempt records. Roll call vote was taken.

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

Motion carried and so ordered.

Regular session resumed. No decisions were made in executive session.

Courtney Lewis appeared and gave an update on Buxton.

Heather Reynolds, Human Resources Manager, gave the Commissioners a review. A new Pest Coordinator has been hired. Colonial Life has spoken to most employees. The draft of the personnel policy was briefly discussed. Compensation and salary increases were also discussed.

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

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

Motion carried and so ordered.

Regular session resumed.

Motion by Wootan, second by Corbus, to go into Executive Session pursuant to I.C. 74-206(d) – 31-874 to hold a Hearing of Reconsideration on case K-12-17-10. Roll call vote was taken.

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

Motion carried and so ordered.

A Hearing of Reconsideration was held on case K-12-17-10. Present at the hearing were Chairman Wes Wootan, Commissioners Bud Corbus and Al Hofer, Civil Attorney Buzz Grant, Clerk Barbara Steele, Social Services Director Deb Marceau and Social Services Assistant Trish McCain. 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-12-17-10 Motion by Wootan, second by Hofer, to continue the hearing to a later date.

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

Motion by Wootan, second by Corbus, to go into Executive Session pursuant to I.C. 74-206(d) – 31-874 to discuss indigent applications. Roll call vote was taken.

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

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

K-02-18-05 Motion by Corbus, second by Hofer, to approve with reimbursement order of \$25.00 per month and 50% of State and Federal tax returns for payment.

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

K-02-18-11 Motion by Corbus, second by Hofer, to approve with a reimbursement order of \$200.00 per month and 50% of State and Federal tax returns for payment.

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

K-03-18-02 Motion by Corbus, second by Hofer, to suspend as the applicant has filed for Social Security and is waiting for a decision.

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

K-03-18-09 Motion by Corbus, second by Hofer, to deny as St. Lukes Regional Medical Center withdrew the case because the applicant has private insurance.

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

Motion carried and so ordered.

Motion by Wootan, second by Corbus, to go into Executive Session pursuant to I.C. 74-206(c) to discuss acquiring interest in real property. Roll call vote was taken.

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

Motion carried and so ordered.

Regular session resumed. No decision was made as result of the executive session.

Motion by Wootan, second by Corbus, to go into Executive Session pursuant to I.C. 74-206(d) -31-874 to hold a hearing on case K-12-17-08. Roll call vote was taken.

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

Motion carried and so ordered.

A Hearing of Reconsideration was held on case K-12-17-08. Present at the hearing was Chairman Wes Wootan, Commissioners Al Hofer and Bud Corbus, Civil Attorney Buzz Grant, Social Services Director Debra Marceau, Clerk Barbara Steele, and the applicant. Questions were asked and answered and the hearing was closed.

Regular session resumed. The following decision was made as result of the executive session:

K-12-17-08 Motion by Corbus, second by Hofer, to approve with a reimbursement order of \$25.00 per month with 50% of Federal and State income tax refunds as payment.

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

Motion carried and so ordered.

Motion by Corbus, second by Hofer, to send the documentation regarding the Opioid crisis to the Prosecutor.

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

Motion carried and so ordered.

Motion by Wootan, second by Hofer to suspend the reading of Resolution No. 659-18 and refer to it in title only.

WOOTAN..... -AYE

CORBUS..... -AYE
HOFER..... -AYE

Motion carried and so ordered.

Motion by Corbus, second by Hofer, to adopt and sign Resolution No. 659-18 regarding the Opioid Crisis.

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

Motion carried and so ordered.

ELMORE COUNTY, IDAHO BOARD OF COUNTY COMMISSIONERS

RESOLUTION NO. 659-18

WHEREAS, Elmore County (“County”) is concerned with the recent rapid rise in troubles among County citizens, residents, and visitors in relation to problems arising out of the use, abuse and overuse of opioid medications, which according to certain studies, impacts millions of people across the country; and

WHEREAS, issues and concerns surrounding opioid use, abuse and overuse by citizens, residents and visitors are not unique to County and are, in fact, issues and concerns shared by all other counties in Idaho and, for that matter, states and counties across the country, as has been well documented through various reports and publications, and is commonly referred to as the Opioid Epidemic (“Opioid Epidemic:); and

WHEREAS, the societal costs associated with the Opioid Epidemic are staggering and, according to the Centers for Disease Control and Prevention, amount to over \$75 billion annually; and

WHEREAS, the National Institute for Health has identified the manufacturers of certain of the opioid medications as being directly responsible for the rapid rise of the Opioid Epidemic by virtue of their aggressive and, according to some, unlawful and unethical marketing practices; and

WHEREAS, certain of the opioid manufacturers have faced civil and criminal liability for their actions that relate directly to the rise of the Opioid Epidemic; and

WHEREAS, County has spent tens of thousands if not hundreds of thousands of dollars in unexpected and unbudgeted time and resources in its programs and services related to the Opioid Epidemic; and

WHEREAS, County is responsible for a multitude of programs and services, all of which require County to expend resources generated through state and federal aid, property tax levy, fees and other permissible revenue sources; and

WHEREAS, County’s provision of programs and services becomes more and more difficult every year because the costs associated with providing the Opioid Epidemic programs and services continue to rise, yet County’s ability to generate revenue is limited by strict levy limit caps and stagnant or declining state and federal aid to County; and

WHEREAS, all sums that County expends in addressing, combatting and otherwise dealing with the Opioid Epidemic are sums that cannot be used for other critical programs and services that County provides to County citizens, residents and visitors; and

WHEREAS, County has been informed that numerous counties and states across the country have filed or intend to file lawsuits against certain of the opioid manufacturers in an effort to force the persons and entities responsible for the Opioid Epidemic to assume financial responsibility for the costs associated with addressing, combatting and otherwise dealing with the Opioid Epidemic; and

WHEREAS, County has engaged in discussions with representatives of the law firms of Crueger Dickinson LLC and Simmons Hanly Conroy LLC (the “Law Firms”) related to the potential for County to pursue certain legal claims against certain opioid manufacturers; and

WHEREAS, County has been informed that the Law Firms have the requisite skill, experience and wherewithal to prosecute legal claims against certain of the opioid manufacturers on behalf of public entities seeking to hold them responsible for the Opioid Epidemic; and

WHEREAS, the Law Firms have proposed that County engage the Law Firms to prosecute the aforementioned claims on a contingent fee basis whereby the Law Firms would not be compensated unless County receives a financial benefit as a result of the proposed claims and the Law Firms would advance all claim-related costs and expenses associated with the claims; and

WHEREAS, all of the costs and expenses associated with the claims against certain of the opioid manufacturers would be borne by the Law Firms; and

WHEREAS, the Law Firms have prepared an engagement letter, which is submitted as part of this Resolution (“Engagement Letter”) specifying the terms and conditions under which the Law Firms would provide legal services to County and otherwise consistent with the terms of this Resolution; and

WHEREAS, County would participate in the prosecution of the claim(s) contemplated in this Resolution and the Engagement Letter by providing information and materials to the Law Firms as needed; and

WHEREAS, County believes it to be in the best interest of County, its citizens, residents, visitors and taxpayers to join with other counties in and outside Idaho in pursuit of claims against certain of the opioid manufacturers, all upon the terms and conditions set forth in the Engagement Letter; and

WHEREAS, County prosecuting attorney has reviewed this resolution and deemed it and the litigation in the best interest of County; and

WHEREAS, by pursuing the claims against certain of the opioid manufacturers, County is attempting to hold those persons and entities that had a significant role in the creation of the Opioid Epidemic responsible for the financial costs assumed by County and other public agencies across the country in dealing with the Opioid Epidemic.

NOW, THEREFORE, BE IT RESOLVED: County authorizes, and agrees to be bound by, the Engagement Letter and hereby directs the appropriate officer of the County to execute the Engagement Letter on behalf of the County; and

BE IT FURTHER RESOLVED: County shall endeavor to faithfully perform all actions required of County in relation to the claims contemplated herein and in the Engagement Letter and hereby directs all County personnel to cooperate with and assist the Law Firms in relation thereto.

ADOPTED this 20th day of April, 2018.

ELMORE COUNTY COMMISSIONERS

/S/ WESLEY R. WOOTAN, Chairman

/S/ FRANKLIN L. CORBUS, Commissioner

/S/ ALBERT HOFER, Commissioner

ATTEST: /S/ BARBARA STEELE, Clerk

Two applications for property tax exemptions from the Glens Ferry Health Center, Inc. parcel no. RPA3S07E304060A and the Glens Ferry Area Rural Health Clinic, Inc. parcel no. RPB0070036007AA were reviewed. Assessor Ron Fisher reviewed the decision that was made from last year by the Board of Tax Appeals regarding this same property tax exemption. Ms. Ferguson, representing the clinics spoke as to the reasons she felt the exemption should be approved. Commissioner Corbus stated due to the State Tax Commission's decision last year this was a difficult decision. Assessor Fisher spoke regarding the decision made by the Idaho Board of Tax Appeals. Discussion followed. Attorney Grant told Ms. Ferguson that another option would be to talk to the representative at the State level to get the rules changed. Discussion followed that other counties in Idaho do grant these exemptions for these types of clinics.

Motion by Hofer, second by Corbus, to approve the applications for tax exemptions from the Glenns Ferry Health Center, Inc. parcel No. RPA3S07E304060A and Glenns Ferry Area Rural Health Clinic, Inc. parcel No. RPB0070036007AA.

WOOTAN..... -NAY
CORBUS..... -AYE
HOFER..... -AYE

Motion carried and so ordered.

Motion by Corbus, second by Wootan, to ratify and approve the engagement of Holland and Hart to assist in the legal matters pertaining to Cat Creek Energy, LLC and for advanced Human Resources legal assistance on an as needed basis, and request that the County Prosecutor execute an engagement letter.

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

Motion carried and so ordered.

Attorney Grant reviewed the Idaho Waste Systems, Inc. settlement agreement.

Motion by Wootan, second by Corbus, to approve and sign the Idaho Waste Systems Settlement Agreement, the Memorandum of Mitigation Agreement, the Sixth Amendment to the Mitigation Agreement and the Seventh Amendment to the Mitigation Agreement in connection with the Elmore County and Idaho Waste Systems litigation matter.

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

Motion carried and so ordered.

Motion by Wootan, second by Corbus, to go into Executive Session pursuant to 74-206(c) to discuss acquiring interest in real property. Roll call vote was taken.

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

Motion carried and so ordered.

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

Motion by Wootan, second by Corbus, to adjourn.

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

Motion carried and so ordered.

/S/ WESLEY R. WOOTAN, Chairman
ATTEST: /S/ BARBARA STEELE, Clerk