

**COMMISSIONERS MINUTES**

**OCTOBER 28, 2016**

The Elmore County Commissioners met in special 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 Bud Corbus, Commissioner Al Hofer, Civil Attorney Buzz Grant, Prosecuting Attorney Tina Schindele, Clerk Barbara Steele, and Deputy Clerk Shelley Essl. Commissioner Wootan was absent.

The purpose of the special session was to discuss an issue with the Blue Cross of Idaho employee insurance and to meet with Idaho Waste Systems to discuss landfill issues.

Terrell Howard, Blue Cross rep appeared to review the insurance issue. There was a miscommunication regarding the premium increase for the year and the increase of the employee deductible. Mr. Howard did some further research regarding the deductible and co-pays on prescriptions which he reviewed with the board.

Motion by Hofer, second by Corbus, to approve and authorize Chairman Corbus to sign the amended Blue Cross of Idaho employee insurance plan.

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

A short recess was taken. Regular session resumed.

Motion by Corbus, second by Hofer, to go into Executive Session pursuant to I.C. 74-206(b) to discuss pending litigation. Roll call vote was taken.

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

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

Jack Yarbrough and Tom Knight, Idaho Waste Systems (IWS), appeared to discuss accounting issues. Mr. Yarbrough stated that he was also prepared to discuss litigation issues between IWS and Elmore County. Prosecuting Attorney Schindele stated that since Mr. Yarbrough and Mr. Knight appeared without any legal counsel that litigation issues would not be discussed and that the discussion would need to be limited to accounting issues. She also stated that since Mr. Yarbrough’s legal counsel was not present, that she and Attorney Grant would not be involved in the discussion and they left the meeting. Mr. Yarbrough stated that his goal today is to work things out to a point where the commissioners are

comfortable with IWS and make sure that IWS can afford to do the things that the board is asking of them. He stated that if the commissioners decide that they can't work things out then the IWS board has decided that they will close the Simco Road landfill. He feels that some of the issues the commissioner have are not valid and some are not, but they will try to work through them. A lengthy discussion followed regarding monthly site activity reports, monthly billing statements and how IWS comes up with the figures for the host fees that are paid to the county per the mitigation agreement. Clerk Steele has been spending several hours breaking down the monthly billing statements to show the totals that should be paid monthly to the county for the host fees, so the commissioners told Mr. Yarbrough that they want the monthly billing statements broken down before being sent to Clerk Steele, as it is the responsibility of IWS to provide proper documentation of the host fees. The definition of household waste and commercial waste was also discussed. Mr. Yarbrough explained how they charge for waste dumped directly at Simco Road, even if it is brought straight there by a county resident. The commissioners reminded Mr. Yarbrough that according to the mitigation agreement, IWS is supposed to accept up to 120 tons of county residential waste at no charge whether it comes from the Bennett Road Transfer Station or taken directly to Simco Road. The commissioners asked how Mr. Yarbrough distinguished the waste if it is taken directly to Simco Road. He stated that what comes out to Simco Road is usually commercial or construction waste and that residential waste is supposed to go to Bennett Road so he is unaware of any residential waste coming to Simco Road. Clerk Steele pointed out on the monthly billing statement that Republic Services makes two or three daily trips to Simco Road from the Air Force Base and they are being charge to dump every load. Mr. Yarbrough stated that it must be commercial waste. The commissioners feel that it is mostly residential waste and should not be charged for. Mr. Yarbrough stated that Republic can choose to haul those loads to Bennett Road and that would be fine, but if they direct haul them to Simco Road, IWS is not obligated to take those loads. The commissioners stated that yes, he is obligated to take those loads at no charge, since it is county residential waste. Chairman Corbus stated that if the county were to take over the operation of the Bennett Road transfer station and start hauling it to Simco Road, IWS would have to accept it at no charge. Mr. Yarbrough stated that if the county were to take over Bennett Road and would no longer be paying IWS to operate the transfer station, then IWS would close Simco Road, it's that simple. He stated that IWS cannot afford to take anymore losses at this point. Further discussion was held regarding the monthly billing statements. Mr. Yarbrough also discussed a proposal for IWS to continue to operate the Bennett Road transfer station. The commissioners stated that they cannot make any decision regarding the proposal until after legal counsel is consulted. Mr. Yarbrough will send his written proposal to Clerk Steele for review by legal counsel. Commissioner Hofer told Mr. Yarbrough that there are several maintenance issues at Bennett Road that need to be addressed. Mr. Yarbrough stated that he was unaware of these issues and that he will stop by Bennett Road once he leaves the meeting, make note of the issues and get them taken care of.

A short recess was taken. Regular session resumed.

Motion by Corbus, second by Hofer, to go into Executive Session pursuant to I.C. 74-206(b) to discuss pending litigation. Roll call vote was taken.

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

**Motion carried and so ordered.**

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

Motion by Hofer, second by Corbus, to adjourn.

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

**Motion carried and so ordered.**

**/S/ FRANKLIN L. CORBUS, Chairman**  
**ATTEST: /S/ BARBARA STEELE, Clerk**