Meeting called to order at 9:00. Those present are Commissioner Clark, Commissioner Young, Chairman Hancock, Emergency Management Rebecca Squires, Clerk Colleen Poole; Audrey Moon is clerk of the board. Pledge of Allegiance led by Colleen Poole. Prayer offered by Commissioner Young.

**DUE TO COVID-19 COMMISSIONER MEETING WILL BE HELD IN PERSON OR ON ZOOM.**

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**COMMISSIONERS – SHERIFF STEVE ANDERSON**

- **QUARTERLY JAIL INSPECTION – (ACTION ITEM)**

  9:02:36 AM  Chairman Hancock said they will be doing their quarterly report. Commissioners and Audrey are met at the jail by Sheriff Steve Anderson. Sheriff Anderson leads them into the kitchen area is clean has already been cleaned up from breakfast. Chairman Hancock said that Travis mentioned that the heater was going out. It was going to cost $30,000 to rebuild this or $100,000 to replace. Officer Hansen and Officer Clements are in the control room. Have sixty inmates with forty-eight males and twelve females. Sheriff Anderson said they do not have any COVID in the jail. Have had some employees that went and tested but those have just come back as negative. Deputy Josh Bush joins the group and will get the report completed. Go into the sallyport this is also a clean area have a car and two transport vans. Have had some suicides and homicides within the county. Chairman Hancock asked on the dogs. Sheriff Anderson said that Deputy Cleverly and Deputy Sickinger will be going to Alabama to train and get their dogs soon this will be an eight week trip. Did lose an employee who went to Madison County. Also may see some issues with transfers to the State Police they are offering these as lateral transfers. Go in through Dispatch and the offices. Sheriff Anderson said that Patsy will be retiring at the end of the month. Had 8,106 calls for service for 2020. With Sheriff Wilde retiring from Bonneville County he will now be the Chairman of the Jail Standards. This is a very important role.

  9:40:14 AM  Chairman Hancock said they are back from the jail inspection. Will sign the report. (Exhibit A)

  9:40:14 AM  Prosecutor Paul Butikofer is present. Deputy Prosecutor Weston Davis is on Zoom

**DEPUTY PROSECUTOR – WESTON DAVIS**

- **LEGAL COUNSEL: EXECUTIVE SESSION IC 74-206 FOR PERSONNEL, HIRING CONSIDERATION, EMPLOYEE EVALUATION AND COMPLAINTS (1)(A) & (B), DELIBERATIONS ON LABOR NEGOTIATIONS OR PURCHASE OF PROPERTY (1)(C), TO CONSIDER EXEMPT RECORDS FROM DISCLOSURE (1)(D), TO CONSIDER MATTERS OF TRADE OR COMMERCE (1)(E), OR PENDING LITIGATION (1)(F) – (AS NEEDED)**

  9:40:37 AM  Weston does not have anything.

**COMMISSIONERS**

- **APPROVE COMMISSIONER MEETING MINUTES – (ACTION ITEM)**

  9:43:44 AM  Motion by Commissioner Young to approve commissioner meeting minutes from December 7, 2020 with noted changes. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

  9:44:06 AM  Recess

  Open session 9:46

  9:46:05 AM  Paul said under 10:00 with the resolutions that Dave has Weston asked him to review these since he gives advice to both counties. Would advise the board to accept those resolutions. Paul excuses himself. Weston asked that they restate what Paul stated at the 10:00 timeframe.

  9:46:52 AM  Recess until 10:00

**SOCIAL SERVICES – AMY JOHNSON**

- **EXECUTIVE SESSION 31-874 & 74-206(D) – RECORDS EXEMPT FROM DISCLOSURE**

  10:00:54 AM  Motion by Commissioner Clark to go into executive session 31-874 & 74-206 (D) – Records exempt from disclosure. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

  Open session 10:05

  - **APPROVAL OR DENIAL OF INDIGENCY APPLICATION – (ACTION ITEM)**

  10:06:38 AM  Commissioners set a hearing on February 8 at 10:00
PUBLIC WORKS – DAVE WALRATH

- DONATION OF PTO TO ROAD & BRIDGE EMPLOYEE – (ACTION ITEM)

10:06:55 AM Dave would like to approve the first eighty hour block. Chairman Hancock asked if those donating have to have so much left. Rebecca said they do not have a written policy on donation of leave but it would be unadvisable to drain their leave by donating.

10:07:38 AM Motion by Commissioner Clerk to on donation of leave going to employee #608 coming from employee #631 donates twenty hours, employee #596 donates ten hours, employee #136 donates ten hours, employee #565 donates ten hours, employee #817 donates ten hours, employee #603 donates 10 hours and employee #687 donates ten hours for total of eighty hours of donation. Second by Commissioner Young. Roll call taken. Commissioner Clark –aye, Commissioner Young –aye, Chairman Hancock –aye. Motion passed.

- RESOLUTION #2021-04 – (ACTION ITEM)

10:09:15 AM Dave said this resolution is for the crushed cinders for Bonneville County’s chip spreader. Chairman Hancock reads resolution. Joint Resolution and agreement for property exchange. Jefferson County resolution #2021-04. This Agreement and resolution effective on the last date set forth below is entered by and between Bonneville County (hereinafter “Bonneville”) and Jefferson County, Idaho (hereinafter “Jefferson”). Recitals. A. Whereas Bonneville is a political subdivision of the State of Idaho; and B. Whereas Jefferson is a political subdivision of the State of Idaho; and C. Whereas I.C. §§ 31-808(9), 67-2322, and 67-2323, expressly authorize a unit of government such as counties (and where applicable, I.C. §§ 50-1401 and 50-1405 grants such authority to cities) to convey or transfer real or personal property to another unit when doing so is deemed to be in the public’s best interest; and D. Whereas Bonneville owns the following property with the following approximate value: a. Property description: 1997 Geffs Model WBHS Chip Spreader – Serial No. LDS1-9714 b. Value: $15,000.00; and E. Whereas Jefferson owns the following property with the following approximate value: a. Property description: 790 Cubic yards of 5/8 inch crushed cinders. b. Value: $15,000.00; and F. Whereas Bonneville and Jefferson each desire to cooperate in a conveyance and exchange (hereinafter, the “Exchange”) of the foregoing property for their own respective governmental purposes; and G. Whereas Bonneville and Jefferson acknowledge the Exchange shall be a contractual relationship between the parties pursuant to the terms and conditions of this Agreement; and H. Whereas Bonneville and Jefferson each find the property to be exchanged are of approximately equal value; and I. Whereas Bonneville and Jefferson each find this agreement and resolution serves the best interest of the public of each governmental unit; and J. Whereas at least ten days prior to the date of this meeting in which this Agreement and Resolution are approved, the parties to this Agreement published notice of the proposed exchange of the aforementioned property as well as the date of the public meeting in which this exchange of property is proposed to take place in compliance with I.C. § 31-808(9); Now therefore, be it hereby resolved and it is hereby agreed as follows: 1. Recitals part of the agreement: The foregoing recitals are made a part of this Agreement and not mere recitals. There is more sections on the exchange, delivery and other contractual provisions.

10:12:56 AM Motion by Commissioner Clerk to approve joint resolution #2021-04 with Bonneville County for the chip spreader. Second by Commissioner Young. Roll call taken. Commissioner Clark –aye, Commissioner Young –aye, Chairman Hancock –aye. Motion passed.

10:13:38 AM Weston could not hear everything that was said. He drafted these and Paul Butikofer had made some comments in the 9:00 hour. Chairman Hancock said that Mr. Davis is the deputy civil and works for both counties was reviewed by Mr. Butikofer and had recommended they sign these agreements.

- RESOLUTION #2021-06 – (ACTION ITEM)

10:14:55 AM Dave said this is for the sale of the motor grader to the City of Rigby. Would like to sell this for $30,000. Chairman Hancock reads first page of resolution. “Joint Resolution and agreement for property exchange. Jefferson County resolution #2021-06. This Agreement and resolution effective on the last date set forth below is entered by and between City of Rigby (hereinafter “Rigby”) and Jefferson County, Idaho (hereinafter “Jefferson”). Recitals. A. Whereas Rigby is a municipal corporation of the State of Idaho; and B. Whereas Jefferson is a political subdivision of the State of Idaho; and C. Whereas I.C. §§ 31-808(9), 67-2322, and 67-2323, expressly authorize a unit of government such as counties (and where applicable, I.C. §§ 50-1401 and 50-1405 grants such authority to cities) to convey or transfer real or personal property to another unit when doing so is deemed to be in the public’s best interest; and D. Whereas Rigby owns the following property with the following approximate value: a. Property description: 2003 Volvo G720B Road Grader – Serial No. 1405 Serial No. LDS1 b. Value: $30,000.00; and E. Whereas Jefferson owns the following property with the following approximate value: a. Property description: 2003 Volvo G720B Road Grader – Serial No. 63210 b. Value: $30,000.00; and F. Whereas Rigby and Jefferson each desire to cooperate in a conveyance and exchange (hereinafter, the “Exchange”) of the foregoing property for their own respective governmental purposes; and G. Whereas Rigby and Jefferson acknowledge the Exchange shall be a contractual relationship between the parties pursuant to the terms and conditions of this Agreement; and H. Whereas Rigby and Jefferson each find the property to be exchanged are of approximately equal value; and I. Whereas Rigby and Jefferson each find this agreement and resolution serves the best interest of the public of each governmental unit; and J. Whereas at least ten days prior to the date of this meeting in which this Agreement and Resolution are approved, the parties to this Agreement published notice of the proposed exchange of the aforementioned property as well as the date of the public meeting in which this exchange of property is proposed to take place in compliance with I.C. § 31-808(9); Now therefore, be it hereby resolved and it is hereby agreed as follows: 1. Recitals part of the agreement: The foregoing recitals are made a part of this Agreement and not mere recitals; 2. Exchange: The property of Rigby and Jefferson referenced herein shall be conveyed and exchanged to the other governmental unit in exchange for the property of the other, which constitutes good and valuable considering the sufficiency of which is hereby acknowledged." Chairman Hancock said this continues for delivery and other contractual provisions.

10:21:03 AM Motion by Commissioner Young to approve joint resolution #2021-06 with City of Rigby for Property Exchange. Second by Commissioner Clerk. Roll call taken. Commissioner Clark –aye, Commissioner Young –aye, Chairman Hancock –aye. Motion passed.

Commissioner Meeting Minutes

January 4, 2021
January 4, 2021

Commissioner Meeting Minutes

[Document content]

PLANNING & ZONING – JENNY KERR – TYSON SCHWARTZ

- UPDATE

10:24:56 AM Jenny said they are working on the numbers. Do have a public hearing on Thursday.

- MERRITT SUBDIVISION 1ST AMENDED PLAT - WRITTEN DECISION – (ACTION ITEM)

10:25:29 AM Jenny has the written decision to be signed. (Exhibit B) Commissioner Clark and Commissioner Young have both read through these.

10:25:53 AM Motion by Commissioner Clark to approve the written decision for the Merritt Subdivision 1st amended plat. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

- SALVAGE PERMIT LICENSE RENEWALS – (ACTION ITEM)

10:26:38 AM Tyson said they have four active salvage yards. Each year they conduct an inspection and renew their licenses. Have the certificates which require a signature from the county commissioners. No problem with any of the reviews they are all in compliance with storage of materials. Did not see any problems three out of the four do not have as much business so has not been much change over the last years.


10:28:41 AM Motion by Commissioner Young to approve salvage permit license for Market Lake Salvage. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

10:28:59 AM Motion by Commissioner Clark to approve salvage permit license for Petersen Boys LLC. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

10:29:13 AM Motion by Commissioner Clark to approve salvage permit license for Valley Auto Salvage. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

10:31:20 AM Recess until 11:00

Open session 11:02

HUMAN RESOURCES – REBECCA SQUIRES

- PERSONNEL POLICY AMENDMENT – (ACTION ITEM)

11:02:43 AM Rebecca would like Weston’s input on the changes to the introduction. Legal recommended the following: Each elected official who has reviewed this policy and accents to its use for every county employee except as otherwise governed by an adopted written policy by a county office. Would prefer the county personnel policy prevail over any other policy because the employees are employed by Jefferson County not the separate offices. Would like to hear from Weston why this change was recommended. Weston said this was sent two weeks ago. Rebecca said it may have been farther back than that. Chairman Hancock said she would rather it fall back on county policy. Weston does not have a problem with that. The reason this is there is they do not have policy manuals in place for each office. This is to remind people where they work for an elected official their employment status is that of the county. Believes that is why they had elected officials also review this. Thinks there is a statement at the end that they have reviewed the policy. Rebecca would like to see sentence two in paragraph two would like the clause stricken except as otherwise governed by an adopted written policy by a county office. If an office wants to change PTO schedules cannot have more than one PTO. Most often they will find in addition to county policy the Sheriff’s Office will have their own. Believes elected officials can have different policy or than what is contained in the county policy. Generally speaking they do not. They do not want to go through the process to adopt their own policy when the general policy covers these. Any elected official could do their own policy. Would need to look at the inconvenience and task of doing so when most workplace issues have already been vetted through this policy. Any policy still had to be run through legal and would get the same answer. Usually in law enforcement they have their own internal policies that dictate their standards. Most of the time these do not conflict and can be read right along with this policy.

11:09:32 AM Rebecca said specific policies she understands. To her this sentence says if they have something different in another policy they can go with that policy. Would rather they stay with the county policy. Weston said some of this dialogue should have been had beforehand. He gives advice that is not intended to be public record. If they have concerns need to call beforehand. Even pulling this language out does not trump policies in the Sheriff's office. Understands the existing language does not trump those internal policies that have been adopted. Chairman Hancock said he would just stop after every county employee. Commissioner Clark asked if another office sets up policies do these still have to come to the board. Rebecca said an example is the courts have found that shifting the work week fits their business practice better they did not have to come before them. It is an internal process. If they say another office wants to give them paid sick leave this affects the whole system so this would have to be decided by the board.

11:15:22 AM Weston said he has an 11:00 hearing. Is doing his very best to juggle between the two right now. His understanding is all the elected officials have been through this change. Rebecca said that they have not been through this as of yet. Could table this discussion and send this out to the elected officials. The changes are in the introduction, page twenty-seven with military leave and page twenty-nine with military leave. Will then schedule this for the future.

Commissioner Meeting Minutes
• EMERGENCY SICK LEAVE POLICY – (ACTION ITEM)

11:17:30 AM Rebecca had provided the commissioners a report. Much of this is specific to employees and is not releasable to the public. Does give a summary of how much sick leave was used. Chairman Hancock said they had 2,391 hours that was accounted for with all departments in the county. Rebecca said this was significant how much they used. Colleen asked what the timeframe is. Rebecca said from when this started in April through the end of the year. Weston said he needs to jump off to attend a court hearing.

11:19:48 AM Rebecca said this is not an act will change that. When reviewing the usage although there were several employees out it was not very often they were out at the same time. Because employees were able to be home it prevented office wide outbreaks. Have not had an entire shift or office out with the virus. That is a massive win. The Family First Coronavirus Leave expired on December 31, 2020. This pay was reimbursed but this has not been extended by Congress. In discussing this at the last meeting they were looking at five days. This policy reflects the five days. The county is not obligated to provide any pay leave. Looking at having this as a tool that elected officials and department heads can use. This is out of step with Eastern Idaho Public Health’s recommendations. Would love to see ten days but understands this is the county’s bill. This will not cost them more as these hours are all budgeted. Chairman Hancock said they went fewer days hoping they will see less usage with a vaccine. Believes that they had looked at only doing this for six months and then revisiting.

11:24:11 AM Rebecca said when looking at the time taken by employees was between eight to ten days. They still do not want employees at work if they are being quarantined. Now there will be less incentive on giving them this information. Chairman Hancock said they talked about doing this thinks they can do this for six months and maybe look at this again. Commissioner Young agrees. Commissioner Clark would like to be able to keep everyone healthy, Rebecca would prefer ten days but where they do not have to do this at all she will take the five days.

11:26:47 AM Weston said he logged back in. Proposal for the commissioners on the emergency sick leave. Chairman Hancock said they had discussed doing this on a six month basis put an end date of June 30, 2021. Weston said there was some discussion on five and ten days. Was looking into whether or not they can require them to take leave. Rebecca said she was on the phone earlier with Weston asking if she has to quarantine and Public Health says fourteen days and they only offer five days so they are forcing them to take leave. Asked to make sure they can do that. Weston said there is no prohibition that they offer time then ask them to take this at a specific time. Need to look into non-exempt employees. Might be something they look into over the next couple of days. Could adopt this and will see what happens over the next week with his review. Chairman Hancock said they need to move forward.

11:30:21 AM Sadie said from a hospital standpoint they have to be tested and then retested before they can go back to work.

11:31:41 AM Motion by Commissioner Young to add the emergency paid sick leave to their standard operating procedures from January 2021 to June 2021. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.

• JOB RECLASSIFICATION – (ACTION ITEM)

11:32:13 AM Rebecca said this was presented last week. The issue is the same and the question remains the same. If the commissioners are able to propose a funding source. The remainder has been added for the rest of this year. Chairman Hancock said $3,587 for the remaining. Does this include benefits? Chairman Hancock said they would have to pay a higher rate to PERSI and taxes. Rebecca said the average increase is 28%.

11:34:27 AM Colleen talked with both the auditor and IAC. Nothing says they cannot go over salary lines in the budget. They do frown upon this. This was an oversight at budget time they need to be cautious about setting a precedence on this. Chairman Hancock said they do not want to lose employees with all of the training either. Colleen has had employees come to her and they have to wait until budget time. Chairman Hancock said they need to do some more research need to talk to their employees. Rebecca comes up with around $6,500 for wages and benefits. Colleen said they do not have to open the budget for this. Rebecca asked if this should be moved to the next meeting. Chairman Hancock said maybe have an executive session so they can speak with the employees.

11:37:06 AM Recess until 1:00

Open session 1:00

1:00:57 PM Rebecca said what is chatted is not public testimony unless they request to speak.

PUBLIC WORKS – DAVE WALRATH

• PUBLIC HEARING – 2100 E ROAD VALIDATION HEARING – (ACTION ITEM)

1:01:21 PM Chairman Hancock said this is a public hearing on the validation on 2100 E. Purpose of this validation is they are in the process of taking care of a Federal Grant to pave four miles and rebuild this road. Part of Department of Commerce requirements is to do a validation hearing. Has Mr. Dave Walrath here. Asks him to present an overview.

1:02:34 PM Dave said this is four miles of road from the Bonneville County/Jefferson County line to 400 N. Has a couple of signed statements from the longest tenured employees that he can read.

1:03:05 PM “To whom it may concern. I have worked for Jefferson County Road & Bridge for 34+ years and the county has maintained 2100 East from County Line to 400 North since before I started working here. Signed Jerry Romrell Shop Foreman.” Is in the audience. (Exhibit C)

1:03:23 PM “To whom it may concern. I have worked for Jefferson County Road & Bridge for 28 years and have maintained 2100 E between 400 N and County Line during that time. Signed Jerry Ramirez.” Is also in the audience. (Exhibit D)

1:03:39 PM Dave has gathered timesheets from 2012 to 2019 showing different operators working on 2100 E. There are various work codes. Have eight years of documented maintenance by county employees. This hearing falls under Title 40 Chapter 2 Section 203 A for Validation of County or Highway District System Highway or Public Right-of-way. (Exhibit E)

1:04:42 PM Weston said his role is not to testify as of use is not a witness in this case. Will set forth the standard they need to look at. Idaho Code 40-202 subsection 3 all highways used for a period of five years, provided they have been worked and kept up at the expense of the public are
highways. The statute says if they make a finding that there has been public maintenance then it is a highway. Without that maintenance it is not a public road. Need to find five years of use and maintenance. That is what is being presented to them today.

Chairman Hancock asked Rebecca to check the sign-up sheet. (Exhibit F) There is not anyone signed up for any comments. Do have Kettle Butte Dairy who is out in this area over Zoom does not see if there are any comments per Zoom.

Alex Ander 117 N 2100 E lives a mile and a half past the dairy. Works for the dairy and is in favor of paving the road. When the water runs off the road has been washed over with water. Made this difficult. The dust is the concern with the trucks that come down that road creates low visibility. In favor of paving Countyline to 400 N.

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Chairman Hancock asked if there is anything else they need to do. Weston said to make a written decision and to record this with the Recorder’s office. This would create a sufficient finding that the property is validated. Chairman Hancock would like to know what the legal description is. Ben with Horrocks said they can define this by a center line and offset. Chairman Hancock thinks that would work. Ben said the survey is done. Did get the section quarters so they split what they thought was the edge of the road and alignment and offset this twenty-five feet and that is how that has been defined. Chairman Hancock said this would be fine and they would include this. Weston said they established the general course. The legal description is not required. Has a legal description that has been put together from an engineering standpoint. Simply recording a map is not enough need to have substantial findings.

Ben Burke with Horrocks Engineers who is working on this design. Can provide what they have taken in from the survey. Took the existing edge of road and that is the center line. They then offset twenty-five feet for the rights-of-way. Colleen asked who would write the decision. Weston said the commissioners sign the decision and he usually writes these. Will need to have the exhibits sent to him.

Weston said in light of Mr. Burke’s comments nothing was exceeding the notice. Chairman Hancock said they will proceed with a written decision. Closes the public hearing. Thanks everyone that has participated.

Motion by Commissioner Young to adjourn at 1:20. Second by Commissioner Clark. All in favor – aye. Motion passed.