



ONEIDA COUNTY COMMISSIONERS

Bill Lewis, Chairman – Ken Eliason – Brian Jeppsen

459 South Main St, Malad, ID 83252

Commissioner's Meeting

08 JANUARY 9:00 AM – 1:15 PM *RECORDING 21136*

IN ATTENDANCE: County Commissioners Bill Lewis, Brian Jeppsen, and Ken Eliason

Commissioner Ken Eliason opened the meeting by leading all in the Pledge of Allegiance and offering a prayer.

Commissioner Eliason nominated Commissioner Bill Lewis to continue as the Board Chairman for 2024. Seconded by Commissioner Jeppsen. All ayes. Motion carried.

Commissioner Jeppsen motioned for each commissioner to continue with their assignments from 2023 in 2024. Seconded by Commissioner Eliason. All ayes. Motion carried.

Commissioner Assignments 2024

Commissioner Lewis	Commissioner Eliason	Commissioner Jeppsen
Building / Facilities	Waterways	SICOG
Juvenile Detention	Probation / Court Liaison	Economic Development
Landfill / IDAWY	PDC / SAUSA	Veterans
Hospital	Road & Weed Departments	Senior Citizens
Public / Behavior Health	EISF	Parks & Recreation
Planning & Zoning	Soil Conservation	TV Translator District
Airport	Fair Board	Emergency Services
Extension Office		

Commissioner Lewis motioned to add 4 items to the agenda: "Discussion Open Meeting", "Fair Board & Discussion of Bylaws", "Life Flight Discussion", and "State of County Discussion". Seconded by Ken Eliason. All ayes. Motion carried.

Introduction of Lyle Fuller of Fuller & Fuller in Preston, ID. The firm was contracted to handle legal services for Oneida County through 12/31/2024. The firm consists of Lyle, his uncle Steve (mostly retired), Ethan Rawlings, and Preston Olson. The best way for Oneida County to communicate with Fuller & Fuller is via email & the office phone at 208-852-2680.

Commissioner Eliason motioned to accept the consent agenda, payment of claims, and 12/26/2023 meeting minutes. Seconded by Commissioner Jeppsen. All ayes. Motion carried.

Commissioner Jeppsen motioned to change the name on the Hyllo Drone Agreement from "Oneida County" to "Oneida County Noxious Weeds Department." Seconded by Commissioner Eliason. All ayes. Motion carried.

Oneida County Extension Agent Sawyer Fannesbeck presented information about the 2-year alfalfa study on hay nutrition and hay longevity he is conducting. County funds were used to purchase 12 small 2-string bales of alfalfa to begin the research and the county will be reimbursed by the University of Idaho. Some of the questions Mr. Fannesbeck hopes to answer are, "How long do hay sample results remain valid?" and "How quickly does hay quality degrade?" Mr. Fannesbeck has been unable to find any research available for the state of Idaho. In order to conduct his research, Mr. Fannesbeck obtained grant funding and is testing hay from 3 local producers in 3 different ways:

1. Bare ground / uncovered
2. Tarped / on pallets
3. Hay barn / shed

Mr. Fannesbeck's plan is to test the hay every 4 months over a 2-year period that will end in September 2025. University of Idaho will help with statistics, publication, and fact sheets that will give local producers recommended times to test hay. Mr. Fannesbeck hopes to continue his research at the conclusion of this project and add additional elements to benefit the growers and cattlemen in this region.

Commissioner Jeppsen asked if there are instances where County Commissioners are able to get together to discuss personal or non-county topics. Idaho Code states that an open meeting must be posted if 2 or more commissioners will be present and are discussing anything related to county business. Attorney Lyle Fuller cautioned the commissioners that the public / community might perceive the commissioners as

meeting in an official capacity and advised that it might be best to post an agenda with 0 action items ahead of time to keep everything transparent.

Oneida County Treasurer Leigh Love requested clarification from the commissioners regarding when she is allowed to cancel / amend solid waste charges and when the request would need to be brought before the commissioners. It was decided that once something had been billed / added to the tax bill, it would need commissioner approval. If the request was prior to being added to a tax bill, Treasurer Love is able to handle the request. Treasurer Love presented 3 cancellations/transfers that were deemed appropriate after contacting IDAWY for verification.

Commissioner Eliason motioned to cancel solid waste fees for RP0148700 for \$328, RP0365003 for \$60, and RP0293301 for \$348. Seconded by Commissioner Jeppsen. All ayes. Motion carried.

Commissioner Jeppsen motioned that any solid waste fees needing to be cancelled after being put on the tax bill need commissioner approval to remove. If prior to the tax bill, the Treasurer Love's office can handle without commissioner approval. Seconded by Commissioner Eliason. All ayes. Motion carried.

Planning & Zoning Administrator Rhonda Neal presented a request to purchase an additional iWORQ module that would help the streamline processes and increase efficiency & accuracy in the P&Z office. The annual contract for the \$1,650 module would be in addition to the current iWORQ subscription the county utilizes in other departments. Mrs. Neal stated the module would help with things currently unavailable to her office such as tracking fees, communication, monitoring zoning applications, permit management, GIS mapping, open street mapping, conditional use permits, quarterly parcel uploads, forms templates, and electronically sending fee payments. Data is currently entered by hand. Attorney Lyle Fuller reviewed the contract. There is a clause where the county can keep the data for a fee if the county opted not to contract with iWORQ in the future.

Commissioner Eliason motioned to accept adding the \$1,650 permit planning module for P&Z with an annual contract. Seconded by Commissioner Jeppsen. All ayes. Motion carried.

Federal & State Labor Laws were discussed by Sheriff Arne Jones and Chief Deputy Doug Williams. Their concern is that the county dispatch position may not fall under the Idaho definition of exempt status as described on Fact Sheet 7 on the bottom of page 2 beginning with law enforcement. Sheriff Jones and Chief Deputy Doug Williams are concerned that as non-exempt employees, dispatchers may no longer be able to average their hours over a 2-week period of time. Multiple options were discussed to satisfy the law without impacting pay for the dispatchers. The original intent with how they are currently being paid was to reduce comp-time hours being accrued. Discussion will be continued in a future meeting once additional research can be

completed, Idaho Statute 67-5328 3d may be reviewed, and the impact to the county and employees can be assessed.

TITLE 67
STATE GOVERNMENT AND STATE AFFAIRS
CHAPTER 53
PERSONNEL SYSTEM

67-5328

(3) Cash for overtime and compensatory time shall be paid based on the following criteria:

(d) Classified and non-classified employees who are not designated as executive, administrative or professional as provided in this section and who are not included in the definition of paragraph (a) of this subsection or who are not designated as exempt under any other complete exemption in federal law shall be eligible for cash compensation or compensatory time off from duty for overtime work, subject to the restrictions of applicable federal law. Compensatory time off may be provided in lieu of cash compensation at the discretion of the appointing authority after consultation, in advance, with the employee. Compensatory time off shall be paid at the rate of one and one-half (1 1/2) hours for each overtime hour worked. Compensatory time off that has been earned during any one-half (1/2) fiscal year but not taken by the end of the succeeding one-half (1/2) fiscal year shall be paid in cash on the first payroll following the close of such succeeding one-half (1/2) fiscal year. Compensatory time not taken at the time of transfer to another appointing authority or upon separation from state service shall be liquidated at the time of such transfer or separation by payment in cash.

<https://legislature.idaho.gov/statutesrules/idstat/title67/t67ch53/sect67-5328/>

Discussion from last commissioner meeting regarding the Resource Officer Compensation continued today, led by Sheriff Arne Jones and Chief Deputy Doug Williams. At the last meeting, Commissioner Lewis was assigned to reach out to Oneida County School District Superintendent Jon Abrams regarding the \$40 vs \$50 per hour compensation for having a school resource officer on campus during school hours and at various after-hours school sanctioned activities. The \$50 hourly rate, the commissioners felt, would cover the officer's wage and any additional expenses such as equipment usage and withholdings, etc. Commissioner Lewis reported that Superintendent Abrams was amenable to the \$50 hourly rate being billed. Clarification on the Reserve Officer wages was given as well. The \$40 hourly flat rate was intended for officer pay (and not have the officers paid at time and a half their normal wages, as discussed at the last commissioner meeting).

Commissioner Jeppsen made a motion for the Resource Officers working in Oneida County Schools be paid at \$40-hour flat rate and that all wage withholdings, etc. would be taken from the remainder of the \$50 hourly rate being paid by the school district. Seconded by Commissioner Eliason. All ayes. Motion carried.

Sheriff Arne Jones and Chief Deputy Doug Williams reviewed the FMLA policies and noted that the posters and signage displayed in county offices could be out of date. Sheriff Jones and Chief Deputy Williams suggested obtaining updated copies to display as well as reviewing and updating the Oneida County Personnel Policy.

Sheriff Arne Jones and Chief Deputy Doug Williams discussed Oneida County's Random Drug Testing Policy and their concern that random urinalysis drug testing be performed in all departments, not just the Sheriff's office and Road & Bridge. This discussion was tabled until further information can be obtained.

An update on the SHSP grant for the Event Center generator was given. Oneida County Building Inspector Tory Richardson is still following up and it appears that moving to Plan B for the generator might be necessary with the upcoming deadline on 1/15/24. Plan "B" would enlist the services of Doug Moyle with D&T Electric who says he can obtain a comparable generator under a different brand (possibly Cummins) and it could be here much sooner than the Generac.

Clerk Colton contacted Ben Naylor for a date to reschedule the public hearing and Mr. Naylor chose February 15th. A notice will be placed in the newspaper in accordance with Idaho Code (15-day notice), as well as being posted in the court house, at the event center, and on the property. Attorney Lyle Fuller will look into the necessity of notifying neighbors or if Idaho Code is satisfied with the 15-day notice in the paper.

Commissioner Lewis motioned to set the Ben Naylor Rezone hearing for 6:00pm on February 15, 2024 at the Oneida County Event Center. Seconded by Commissioner Jeppsen. All ayes. Motion carried.

The Stone Garbage Dump, formerly named C&D (Construction & Demo Equipment) was briefly discussed. It was turned over to IDAWY in the past and DEQ will not allow grazing.

The Indigent Defense Expenditure Report was presented by County Clerk Lon Colton along with an approved additional amount of \$1,985 documented with an official change-form that was completed and signed. The total is \$86,255.23 and awaits commissioner signature. The state will be assuming some expenses in the future, but Clerk Colton is unsure which expenses or when it will happen.

Commissioner Eliason motioned to accept the 2023 Indigent Defense Expenditure Report as presented. Seconded by Commissioner Jeppsen. All ayes. Motion carried.

ARPA Funds Balance – Elevator Project update. ARPA funds paid Oneida County a total of \$880,000 in two installments. Originally, the rules for using the money were quite stringent but later they were relaxed for smaller entities, like Oneida County. This was the impetus for Oneida County using ARPA funds vs PILT money for the elevator project. Remaining funds are \$26,402 and must be used by the end of December 2024. Commissioner Lewis will review retainage and when it needs to be paid. Clerk Lon Colton will look into being able to use the ARPA money for the ADA compliant upgrades in the courthouse (counters, carpeting, lobby updates) and whether signage outside needs to be updated to let people know there is a ramp and elevator available on the east side of the building. Discussion to be continued at a future date.

A bulk gas tank for county fuel was discussed. Commissioner Eliason is obtaining bids from 3 companies for a 10,000-gallon double-walled, horizontal tank. Each company offers different fuel management systems and reporting. Commissioner Eliason is still waiting for the last bid to come in. Commissioners would like to do more research and due diligence to find out which company would best suit the needs of Oneida County and if it would be more cost effective to purchase the tank vs lease.

An email from Tonya Dodge was received this morning that provides more information about funds associated with the Oneida County Annual Vessel Fund. The resolution explaining how Oneida County plans to spend the funds is due 1/31/2024. The Vessel Funds are from the state. They are earmarked for anything to do with waterways (except for privately owned reservoirs) and are collected from things such as boat stickers. Discussion centered around the best way to allocate the \$17,319 available to Oneida County. Discussion will continue at the next commissioner meeting.

The commissioners agreed not to pursue the Disaster Preparedness Grant at this time after reviewing information presented at the last few commissioner meetings and after hearing from Lisa Baker and Dianna Dredge with Road & Bridge, who expressed their concern that it was not worth what it would cost the county (to meet the requirements of the grant) and the deadline is on 1/15.

First Responder Counseling agreement for last year was originally approved at the rate of \$125 per session, to be reduced to \$100 per session if more than 70 sessions were used. Because the rate was exceeded, that rate was calculated at \$100 with the county paying a total of \$7,900 and with additional counseling sessions scheduled. Moving forward, the counselor would prefer to charge a flat fee and has sent Oneida County a proposal to do unlimited sessions for first responders. Commissioners would like more information and clarification before deciding. They will speak with Chief Deputy Doug Williams, confirm the verbiage and intent of “unlimited” sessions with the counselor, and have Attorney Lyle Fuller review the contract.

Commissioner Lewis motioned to delay the decision on counseling until more information is gathered. Seconded by Commissioner Eliason. All ayes. Motion carried.

Fair Board bylaws have been requested by a concerned citizen who spoke with Commissioner Eliason. Commissioner Eliason spoke with Fair Board Administrator Diane Skidmore who was able to find bylaws from about 15 years ago, but they were unsigned. She will send those bylaws to Attorney Lyle Fuller for review. Idaho Code Section 22 was referred to in the discussion.

TITLE 22
AGRICULTURE AND HORTICULTURE
CHAPTER 2
COUNTY FAIR BOARDS

22-202A. DESIGNATION OF COUNTY FAIR BOARD AS ADVISORY BODY. In counties with a population of two hundred thousand (200,000) persons or more, the board of county commissioners may provide by ordinance that the county fair board shall function as an advisory board to the board of county commissioners. If such an ordinance is adopted, the board of county commissioners shall retain and may exercise the powers, duties, and responsibilities otherwise charged to the county fair board by the provisions of this chapter. Any such ordinance shall set forth the powers, duties, responsibilities, compensation, and terms of office of the county fair board and may provide for any such other rules and regulations under which the county fair board shall advise the board of county commissioners and conduct its operations. Any such ordinance may be repealed at any time, and if repealed, the provisions of this chapter shall apply as if no such ordinance had been adopted. The provisions of this section shall not be applicable to fair districts in two (2) or more counties organized pursuant to chapter 3, title 22, Idaho Code.

History:

[22-202A, added 1989, ch. 234, sec. 1, p. 571; am. 1993, ch. 210, sec. 1, p. 571.]

Commissioner Lewis contacted local Life Flight pilot Chesley Lewis to get more information on how things work, with regards to the Life Flight Group plan the county currently has. Mr. Lewis explained that there is a "no surprise act" where life flight would have to accept whatever the insurance company would pay. He also explained to Commissioner Lewis that there are 2 helicopter companies that are covered by that act (Logan, UT – Intermountain and Pocatello Classic). Mr. Lewis further explained that the Life Flight we are currently contracted with only covers about 20% of the fly-ins to Malad but both Classic and Intermountain would accept what the insurance would pay. Discussion will continue after Commissioner Lewis obtains more information on The Surprise Act (see below)

Key NSA Requirements for Insured Patients

- **Air ambulance** - out-of-network air ambulance providers cannot balance bill patients who receive air ambulance services.

For items and services for which the NSA applies, **patients are only responsible for their applicable in-network deductibles, co-**

insurance, and co-pays. Any additional amount due for the above types of claims is to be resolved between the provider and health plan. If the provider and health plan cannot agree on the final claim payment amount, either the health care provider or the health plan may open a **30 business day** negotiation period to resolve any disputes. If negotiation fails, either party can initiate an independent dispute resolution (IDR) process through CMS.

For complete info on the Surprise Act:

<https://doi.idaho.gov/consumers/health-insurance/nosurprises/nosurprises-act-resources-for-health-care-providers/>

Nearly all of the county departments have submitted their "State of the County" reports to the newspaper, as reported by Brandon Hall from The Enterprise.

The regular meeting adjourned and Commissioner Lewis motioned to open an Executive Session per Idaho Code 74-206-1B*. Seconded by Commissioner Eliason. Roll Call: Ayes from Bill Lewis, Brian Jeppsen, and Ken Eliason. Motion carried.

***TITLE 74**

TRANSPARENT AND ETHICAL GOVERNMENT

**CHAPTER 2
OPEN MEETINGS LAW**

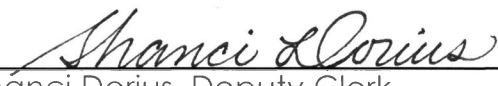
74-206. EXECUTIVE SESSIONS -- WHEN AUTHORIZED. [EFFECTIVE UNTIL JULY 1, 2020] (1) An executive session at which members of the public are excluded may be held, but only for the purposes and only in the manner set forth in this section. The motion to go into executive session shall identify the specific subsections of this section that authorize the executive session. There shall be a roll call vote on the motion and the vote shall be recorded in the minutes. An executive session shall be authorized by a two-thirds (2/3) vote of the governing body. An executive session may be held:

(b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public-school student;

*** Regular Meeting adjourned just before 1:15 pm***



Bill Lewis, Chairman



Shanci Dorius, Deputy Clerk