Teton County Idaho - Commissioners Meeting Agenda
MONDAY, March 25, 2012
LOCATION: 150 Courthouse Drive, Driggs, ID 83422 *(208-354-8775)*

Individuals addressing the Board will approach the podium and state their name for the record. If you have handouts, please provide the Clerk or staff with that document in advance for copying.

9:00 AM **Meeting Called to Order** – Chairman Park
Pledge of Allegiance & amendments to agenda if any.

"Morning Mic" – Public Q & A

9:30 **DEPARTMENT BUSINESS**

- Public Works – Jay Mazalewski, Engineer
  1. Solid Waste Fees
  2. Road & Bridge
  3. Law Enforcement Center – Arden Smith, Ormond Builders
     a. Bid & Contract Update
     b. Timeline & Future Steps
     c. Board & Staff Roles

- Planning, Building & GIS – Angie Rutherford, Planning Administrator
  1. Department Update
  2. Job Description & Process for Hiring New Planner

12:00 Blanchard Ridge Trail Access – Wade Kaufman

Break

Administrative Business *will be dealt with as time permits*
- Approve Available Minutes
- Discuss Correspondence & Sign Documents
  a. PacifiCorp Tax Refund per Idaho Supreme Court
- Other Business
  a. JPO Travel Request
  b. Recording Public Meetings
- Committee Reports
- Claims

Executive Session per IC § 67-2345(1)(d) indigent, (1)(f) legal counsel & (1)(b) personnel.

Adjourn

Rules for "Morning Mic" & other Public Forums

- EACH SPEAKER DURING THE PUBLIC COMMENT PERIOD WILL BE LIMITED TO 10 MINUTES

- THE BOARD MAY NOT HEAR OR TAKE TESTIMONY REGARDING ANY SITE SPECIFIC PLANNING & ZONING MATTER THAT IS BEFORE THE COUNTY OR IS KNOWN TO BE A LIKELY APPLICATION

- MATTERS THAT HAVE BEEN PREVIOUSLY HEARD AND DECIDED BY THE BOARD MAY BE DETERMINED TO BE NOT APPROPRIATE FOR THE PUBLIC COMMENT PERIOD

- CITIZENS MAY USE THIS TIME TO REQUEST THAT ITEMS BE PLACED ON FUTURE AGENDAS FOR FURTHER DISCUSSION

- THE BOARD CANNOT DISCUSS ISSUES REGARDING THE EVALUATION, DISMISSAL OR DISCIPLINE OF, OR TO HEAR COMPLAINTS OR CHARGES BROUGHT AGAINST COUNTY EMPLOYEES. THESE PERSONNEL MATTERS MUST BE DISCUSSED ONLY IN EXECUTIVE SESSION AND ARE NOT APPROPRIATE IN THE PUBLIC PORTION OF THE MEETING

WK: 208-354-0245
CELL: 208-313-0245

Teton County Engineer
MEMO

150 Courthouse Drive
Driggs, ID 83422

March 20, 2013

TO: Board of County Commissioners
FROM: Jay T. Mazalewski, PE
SUBJECT: Public Works Update

The following items are for your review and discussion at the March 25, 2013 meeting.

SOLID WASTE

1. SW Staff & I attended the spring Idaho Association of Solid Waste meeting last week. The meeting was very educational. Consulting firms, DEQ and other county engineers/supervisors attended from the whole state. Staff is updating our operation plan to apply what we learned and we hope to begin animal mortality composting by June.

2. Landfill Cap Engineering Services: Forsgren is providing me an updated scope and proposal by Friday, March 22. I will ask the board to approve a not to exceed number for the contract on Monday, pending the review and approval of DEQ and our attorney.

3. Solid Waste Fees: I reviewed the Waste User Fees (WUF) with the clerk and assessor. The current SW Budget is $1.2 million, with $625K coming from the WUF *($526K from the Residential WUF and $98K from the commercial WUF*).

   The tipping fee revenue budget is $400K. The revenue generated from tipping fees only covers the costs associated with hauling and disposing of waste at Circular Butte Landfill. Tipping fee revenue does not cover any operational/staff/capital costs at the Transfer Station.

   Option 1-Commercial WUF reduction: Attached is a spreadsheet showing the impacts of reducing the Commercial WUF fee. A reduction in the Commercial WUF fee would require an increase in the tipping fee to offset the revenue loss. This increase could apply to all fees and would also increase the Vorhees rates, which could impact both commercial & residential customers.

   Option 2-Change the Commercial WUF structure: Additional fee categories could be added to the WUF based on the uses of the commercial facility (restaurant, storage, etc). Currently we have no way to track uses or business types for commercial properties, therefore a verification or tracking system would need to be implemented. One option is to require business registration for all commercial businesses. This could be beneficial for economic development as trends and deficiencies in our commercial base could be identified with this information.

   Option 3-Change the WUF waiver form: The County currently has a WUF waiver form & policy. The criteria could be changed to allow additional circumstances. The amount of revenue lost through this option is unknown and would be hard to predict. The criteria would need to be specific.

Fees can only be changed through a noticed public hearing. Changing our fee structure at this time could have an impact on our current budget and may be better implemented after our 2014 budgeting is complete.

ROAD & BRIDGE

1. The R&B has been plowing when needed and opening roads that were closed for the winter. Some of roads are experiencing severe damage due to the freeze thaw events. We hope to begin grading some roads by the 2nd week of April (weather depending). If we grade too soon while the roads are still too wet we can do more damage than good.

2. The Durapatcher tank is due back from warranty repairs this week and Jefferson County will be getting their 1st shipment of oil this week (MOU to follow shortly). Weather depending, we should begin repairing potholes the 2nd week of April. The City of Driggs and City of Victor have expressed interest in having our crews use the Durapatcher within the Cities. Last year we spent three days helping the City of Driggs repair potholes and they reimbursed us for that time. Is the BoCC ok with us offering this service again to each of the cities?

3. Two firms responded to the crack sealing bids. Crack sealing is preventative maintenance that fills the cracks on paved roads. This prevents water from seeping through and causing potholes. This is done in cool weather on roads prior to being chip sealed. The low bidder was Asphalt Maintenance. I recommend we award the bid to Asphalt Maintenance and enter into a contract with them not to exceed $25,000.

Company	Price/pound	Estimated pounds	Estimated Price	
Asphalt Maintenance	1.10	22,590	$ 24,849.00	*Low Price
Imperial Asphalt	1.19	22,590	$ 26,882.10	
Depacto		22,590	0	

4. Bids for crushing gravel & bids for dust abatement will be opened April 4 and the result will be presented to the BoCC on April 9.

5. Greg Adams & I have been working on a grant to fund the purchase of the new 3000W bridge. FEMA requested additional information regarding the grant, which is being compiled and should be sent back this week.

6. Attached is a draft of the updated Highway & Street Guidelines for Design and Construction in Teton County. This is for your review and will be on the next meeting's agenda for approval. I have a copy of the old guidelines available (or on the website) for comparison.

PUBLIC WORKS:

1. I will be taking days off the week of March 25 and will need to leave by 11:45 am on the 25th.

2. I met with representatives from the Fair Board building team and reviewed public works purchasing & contracting requirements. The Fair Board hopes to have the existing fair building extension completed by July 31, 2013. Per our policy I am to be involved with this process.

The Teton County Engineer must supervise all public works construction procurement activities. even those undertaken by a Board or Committee appointed by the County Commissioners. For projects requiring a formal competitive sealed bid. the County Engineer will determine whether the County's best interests will be served by pre-qualifying bidders as allowed by state statute.

3. Teton Creek Construction RFQ: The ranking committee finished ranking the RFQ submitted by contractors. The committee found MD Nursery as the qualified contractor and recommends entering into contract negations with MD Nursery. The rankings are shown below:

4. Law Enforcement Center :
   a. Arden Smith should be here to update the BoCC on Bid/Contracts, timeline, future steps, and cost saving idea (per the BoCC request-also see item c).

   b. The primary design phase of this project is complete and I would like to thank Mary Lou Hansen, Tom Davis, and Valee Wells for the time and effort they dedicated to working on this project.

      Per our contract with Ormond Construction the BoCC needs to designate a representative who will be the primary contact with Ormond:

3. Owner's Responsibilities

3.1 **The Owner shall provide full information regarding its requirements for the Project and shall designate a representative who shall be fully acquainted with the Project and who has authority to issue and approve Owner's Budget Amount, issue and approve Change Orders, render decisions promptly, and furnish information expeditiously. The services, information, surveys, and reports provided by Owner to Construction Manager shall be furnished with reasonable promptness at the Owner's expense and the Construction Manager shall be entitled to rely upon the accuracy and completeness thereof.**

Is this representative going to be a member of the BoCC or a staff member?
What are the BoCC expectations of this person (time commitment, availability)?
How much authority/responsibility does this person have (change orders, $)

   c. Below are some design request changes that were received too late to be included in the final construction drawings. The BoCC has indicated a desire to more involved with this project. How does the BoCC wish to proceed with these requests?

1) Dispatch:
   a. Add a bullet-proof glass viewing/document transfer window in the north wall of the west vestibule, connecting to Dispatch.
   b. Leave the west windows in Dispatch (8' above grade) but reduce the size to less than what would permit entry (approximately 1' tall).
   c. Install an intercom at the north entrance (into the secure holding area) so that the Bail Bondsman can be let in by Dispatch to release a prisoner. A camera is already provided which can view the door.
2) Secure Areas:
   a. Holding Area: Raise the two windows in Holding Area offices (Deputy Stations and Sergeant) to 8' from grade and reduce the size to prevent entry (approximately 1' tall).
   b. Sheriff's Administration Areas (N & E windows, except Driver's License): Make glass more secure. Raising all of the windows to 8' above grade and 1' tall would trigger a design review by the City of Driggs, as would adding bars to the windows in their current location. Suggest upgrading glass to laminated (or any break-in resistant glazing) and have cameras monitoring the exterior of the building. Oftentimes, the building is empty at night except for the Dispatch personnel.
   c. The Weapons Cabinet needs to be moved out of the Holding Area and one should be installed ***outside of the Holding Area*** in the Sallyport and another in the hall to the east of the Holding Area. Each Weapons Cabinet should have three separate, lockable compartments. Each compartment should be big enough to hold a pistol and a taser.
   d. The two interior entry doors into the Secure Areas should have a narrow, frosted side-lite (not a full width upper window).
   e. Plumbing (toilet and sink) can be eliminated from the Juvenile Holding Cell if the short term savings are more important than the long term inconvenience.

3) Misc:
   a. Dawn suggested we should consider water softening (problems from hard water mineral accumulation are already occurring in the new courthouse).
   b. Also, if the Sheriff's Dept can live with a slightly smaller storage area we can make the adjacent Interview/Small Conference Rm big enough to serve as a future office.
   c. Do we want to eliminate the employee shower?
   d. Do we want to consider a residential wall mounted toilet with the tank concealed in the wall? They have a one year warranty and pricing from the internet is +/- $1,675 for the tank/carrier, bowl, and flush actuator. They would reduce long term cleaning costs. Commercial wall mounted toilets are not an option at this time as they would require 2X12 walls and 2"-2 ½" supply lines.

TETON COUNTY, IDAHO ENGINEERING 150 Courthouse Drive Driggs, ID 83422	Project: SW user Fees Subject: Comparison Designer: JTM Date: 3/18/2013

OPTION 1 - Commercial Fee Reduction with Increase to ALL Tipping Fees

Solid Waste Revenue	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013 (Budget)	FY 2014 (Budget)	Current Rate ($0.15 Comm)	Proposed Rate ($0.10 Comm)	Proposed Rate ($0.05 Comm)	Proposed Rate ($0.01 Comm)
SWUF - Residential (per Assessor)								526,801	526,801	526,801	526,801
SWUF - Commercial (per Assessor)								98,131	65,421	32,710	6,542
Residential + Commercial SUFA	614,119	650,320	690,563	679,085	705,213	625,000	625,000	624,933	592,222	559,512	533,343
SWUF Interest & Penalties	10,000	10,000	10,533	11,425	13,883	0	0	0	0	0	0
Grand Targhee	8,227	8,227	10,901	10,901	10,901	10,901	10,901	10,901	10,901	10,901	10,901
Alta Solid Waste	27,107	27,107	28,920	28,682	28,787	28,682	28,682	28,682	28,682	28,682	28,682
Franchise Fees (Voorhees)	28,889	29,593	23,955	23,786	23,661	25,000	25,000	25,000	25,000	25,000	25,000
Tipping Fees	606,408	514,992	544,442	406,752	420,491	400,000	400,000	400,000	400,000	400,000	400,000
Salvage & Recycling	0	0	413	130	125,983	34,000	34,000	34,000	34,000	34,000	34,000
Transfers & Misc. revenue	$79,576	$67,194	-$134,531	$11,412	-$236,020	$68,200	$68,201	$68,201	$68,201	$68,201	$68,201
% Raise Tipping Fee to cover lost $$								0%	8%	16%	23%
TOTAL REVENUE	$1,374,326	$1,307,433	$1,175,196	$1,172,173	$1,092,899	$1,191,783	$1,191,784	$1,191,717	$1,159,006	$1,126,296	$1,100,127

		Estimated Collected	87.5%	87.5%	87.5%	87.5%
Estimated Residential Units*	5148	Estimated Residential Charge per Lot	$ 116.95	$ 116.95	$ 116.95	$ 116.95
Estimated Commecial square footage	747667	Commerical Fee per SF	$ 0.15	$ 0.10	$ 0.05	$ 0.01

*Some lots have multiple residences therefore the actual
$ collected per Lot is greater than the actual charged $105

		Current	8%	16%	23%
TIPPING FEE - All other tires (Tractor,Large Equipment)	*Ton*	$ 125.00	$ 135.24	$ 145.47	$ 153.62
TIPPING FEE - Dead Animal Waste	*Ton*	$ 10.00	$ 10.82	$ 11.64	$ 12.29
TIPPING FEE - Household Waste, 150 lbs (6 bags) or more	*Ton*	$ 66.00	$ 71.41	$ 76.81	$ 81.11
TIPPING FEE - Household Waste, up 150 lbs max (or 5 bags)	*Min*	$ 5.00	$ 5.41	$ 5.82	$ 6.14
TIPPING FEE - Large Household Appliances w/Refrigerant	*Each*	$ 10.00	$ 10.82	$ 11.64	$ 12.29
TIPPING FEE - Non-Household Waste Unsorted waste)	*Ton*	$ 105.00	$ 113.60	$ 122.19	$ 129.04
TIPPING FEE - Small Household Appliances	*Ton*	$ 66.00	$ 71.41	$ 76.81	$ 81.11
TIPPING FEE - Sorted Waste, 350 lbs or less		$ -	$ -	$ -	$ -
TIPPING FEE - Sorted Waste, 350 lbs or more	*Ton*	$ 30.00	$ 32.46	$ 34.91	$ 36.87
TIPPING FEE - Tires - Car & Light Truck	*Each*	$ 3.00	$ 3.25	$ 3.49	$ 3.69
TIPPING FEE - Tires - Truck	*Each*	$ 8.00	$ 8.66	$ 9.31	$ 9.83
TIPPING FEE - Tires -- All others & more than 5	*Ton*	$ 125.00	$ 135.24	$ 145.47	$ 153.62

FROM: Planning Staff, Angie Rutherford
TO: Board of County Commissioners
RE: Planning Department Update
DATE: March 20, 2013
MEETING: March 25, 2013

Update: The planning department has been busy reviewing and re-assigning projects that Planner Curt Moore had been assigned. The planning administrator has taken over all projects and has prioritized projects requiring a public hearing. The planning administrator is now answering all day-to-day questions about zoning, liaising with other agencies and working on projects such as one-time-only lot splits and boundary adjustments. Should the Board have questions about the planning department work load, please feel free to ask. There is a public hearing on April 11th. Scheduled are two public hearings for legislative issues.

Planning, Building & GIS Department – Discussion of March 14th continued to the 25th
Topic - Planner Qualifications, Job Description & Hiring Process

Minutes of 3/14/13 of the BOCC:

PLANNING DEPARTMENT

Chairman Park said he had not intended things to turn out the way they had on Monday. He expressed respect for Planner Curt Moore and for his work for the community. He said the county did not need two planners because there was so little building activity.

Clerk Hansen said the county's "Hiring New Employee" policy outlined the procedure that should be followed to replace Mr. Moore. Accordingly, after Monday's meeting, Planning Administrator Angie Rutherford had red-lined the existing Planner job description to include her recommended changes.

Commissioner Kunz said he wasn't certain what process should be followed to hire the new Planner, or what the job description should be. However, he envisions that the new person be hired directly by the Board and work side-by-side with the Planning Administrator. That way both employees could speak their opinions freely to the Board. He thinks the Planning Administrator might retain responsibility for the day-to-day operation of the office while the new person might be responsible for working on ordinances and the Comp Plan. He wondered if the new person could be part time and/or a contract employee.

Planning Administrator Angie Rutherford said she could not envision how the department would function efficiently without having a single person to be ultimately responsible. Commissioner Kunz said the planning department needed to re-prioritize and diversify. He listed five of his priorities for the department:

1. Have fair representation on appointed committees.
2. Do not vacate incomplete subdivisions except at the request of the owner.
3. The Planning Administrator should stop using the phrase, "on direction of the previous Board," and ask the current Board for direction.
4. The planning staff should be friendly and helpful to everyone who walks up to the window.
5. Make sure Teton County is "open for business" by streamlining application processes and providing incentives to encourage business and development.

Chairman Park added two priorities:

1. Streamline the application process for activities within the city Areas of Impact.
2. Create a one-page explanation or flow chart to help applicants understand the process.

The priorities were discussed. Commissioner Rinaldi reminded the Board that it is their responsibility to appoint the P&Z Commission, not the planning staff. Commissioners Assistant Dawn Felchle was asked to provide information regarding how board appointments are made, along with the current membership, terms and application materials available for current board members. Prosecutor Spitzer said incomplete subdivisions are in breach of their contracts with the county and only one subdivision has been vacated without approval of the owner. Clerk Hansen said prior agendas had included a discussion of planning priorities, but that no discussion had yet been held. Ms. Rutherford asked for specific examples of planning staff not being helpful, but none were provided. She said the staff has been working on ordinance revisions to streamline the planning process. Prosecutor Spitzer said each city has a different Area of Impact agreement with the county. Victor's process is simpler than Driggs.

Commissioner Kunz offered to write his ideas regarding the duties and work schedule of the new Planner position, along with his thoughts about how the new position would be supervised and interact with existing staff. This memo will facilitate the Board's March 25 discussion about the Planner job description and hiring process.

Hiring New Employees

Revision: 2
Date: 10/24/11
Original Issue Date: 9/27/10
Number of Pages: 1
Approved: BOCC

The following steps must be utilized by every Elected Official and Department Head whenever a new employee is hired.

- Vacancies created by the resignation or retirement of a current employee cannot be filled without prior consultation with the County Commissioners to verify that the current Departmental workload has not changed and that the current status of the County budget will allow the vacancy to be filled.

- Review the approved Job Description for the position you need to fill. If the Job Description is no longer accurate, work with the County Clerk to have the Job Description updated by the county's Human Resource consultant.

- Refer to the most current Pay Grade Chart to determine the pay grade for the position you need to fill.

- Refer to the current Salary Schedule to determine the Hiring pay rate for the vacant position (86-90% of the Market Point). In general, the salary for all newly hired employees will be 86% of the Market Point.

- Follow your departmental policies to advertise, interview and select your new employee. The Board recommends that vacancies are advertised in the local newspapers and on the county website.

- A newly-hired employee may not be offered a salary greater than 86% of the Market Point without prior written approval from the Board. If you believe that your new employee should receive a starting salary greater than 86% of the Market Point due to his/her special qualifications, experience, and/or education, you must write a brief explanatory memo to the Board. Your memo will be reviewed and discussed during a regular meeting.

- If your new employee will earn 86% or less of the Market Rate, and if you are certain that your budget includes funding for the position, you may make an offer contingent upon completing the Supervisor's Portion of the Payroll Form and obtaining an approval signature from one of the County Commissioners.

- After an employee accepts a position, deliver the Payroll Form to the Payroll Office within 5 working days so payroll becomes aware that a new employee has been hired and can be prepared on their initial date of employment.

- Be sure your newly hired employee completes all required payroll forms at least 7 days prior to the date of their first paycheck.

Board of County Commissioners

March 25, 2013

Caribou-Targhee National Forest
Teton Basin Ranger District
P.O. Box 777
Driggs, Idaho 83422

Re: Blanchard Ridge Trail

To Whom It May Concern:

This letter is in regards to the Blanchard Ridge Trail located southwest of Victor, Idaho. We are aware that this trail is scheduled to have a complete rebuild done this summer. In the past Blanchard Ridge has been a two-track to allow four-wheelers. This has been a very useful trail for a variety of users. We feel this trail can be part of a great network of trails that the county benefits from on an economic level.

Last year our local search and rescue utilized this trail on two different rescues during the summer. If the Forest Service changes this trail to a single-track motor trail we feel it will impact our ability to provide a public service to those who use this trail. Moreover, forest users will be more at risk because of the Search and Rescue's inability to get sufficient personnel and supplies to those in need. With the Forest Service doing work to this trail this coming summer we would like to see that work done so that it remains a two-track. Whether or not this trail makes a loop it has some great vistas at the top which forest users often take advantage of. Blanchard Ridge has been accepted as a useable trail by the Forest Service in the past and will draw people to the area in a slow economy.

We the county commissioners of Teton County, Idaho would like to see the Forest Service make this trail a two track in order to accommodate four-wheelers along with all users for the reasons above.

Sincerely,

Teton County Idaho Board of County Commissioners

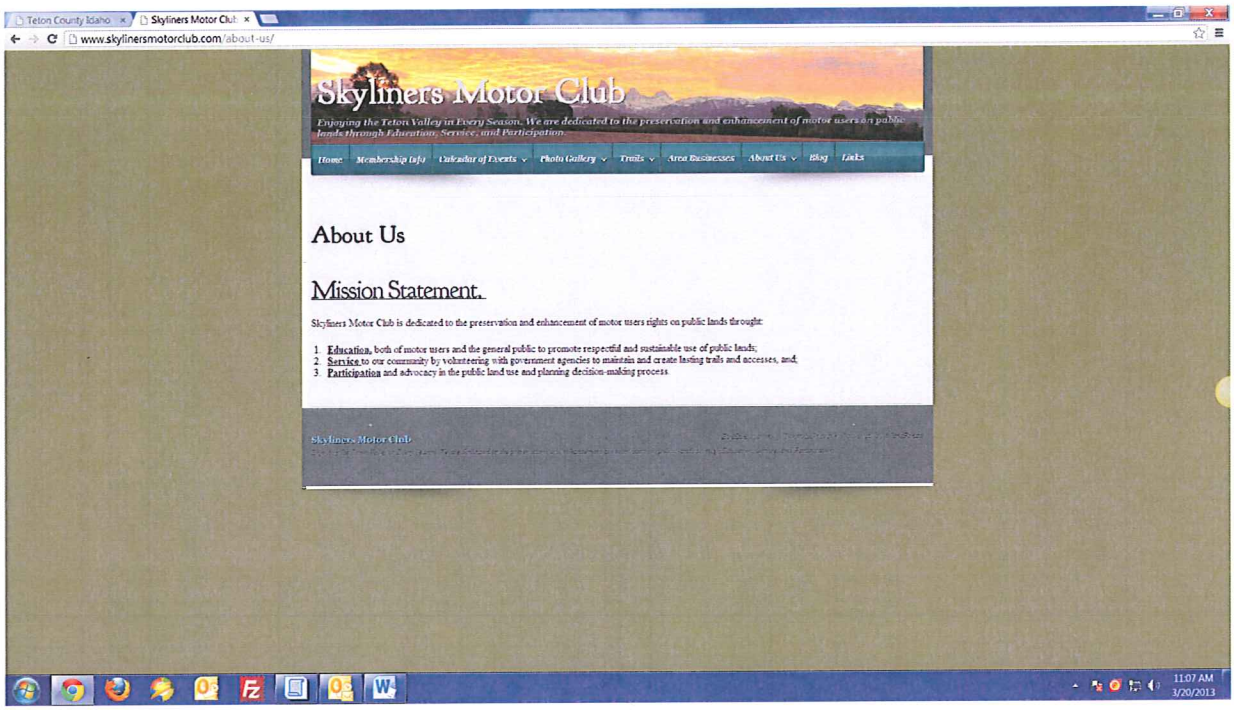
_____

Kelly Park, Chairman

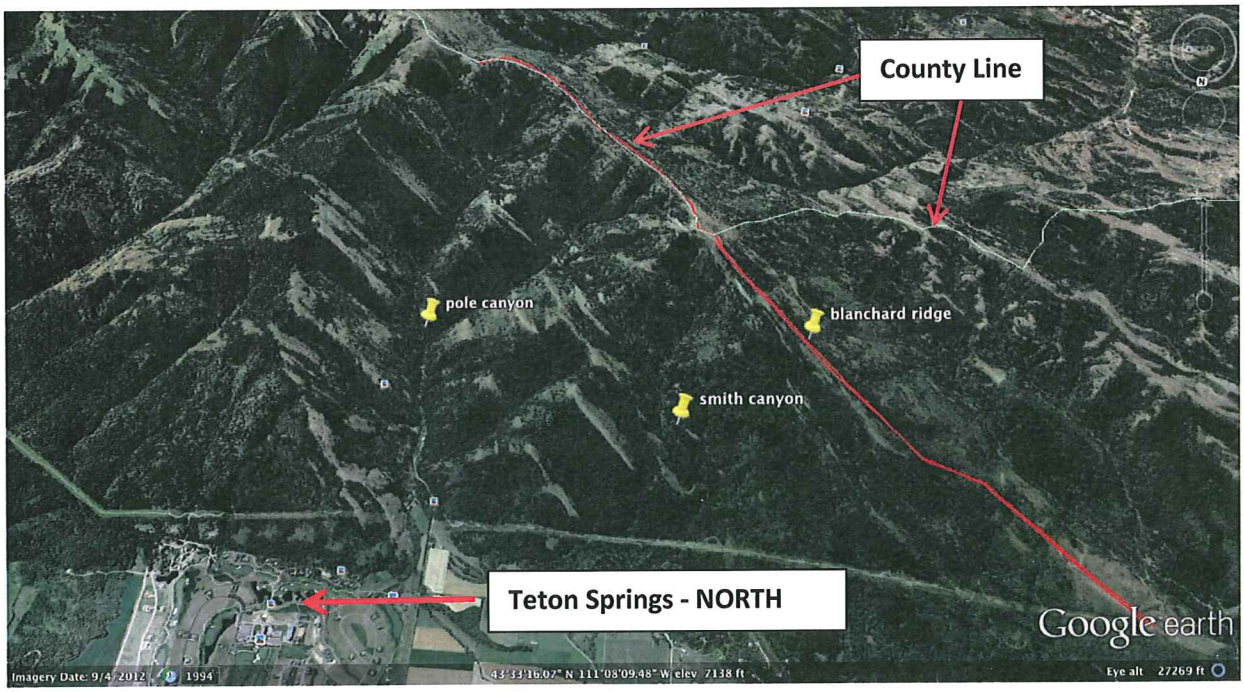
DRAFT

150 Courthouse Drive, Driggs, ID 83422 • Telephone/FAX 208.354.8775
commissioners@co.teton.id.us www.tetoncountyidaho.gov

From Skyliners Motor Club (Wade Kaufman 3/25/2013)
Blanchard Ridge Trail Access – Request for Letter of Support



In the past this trail has been a two-track trail. The USFS is proposing a downgrade to single track, which allows only bicycles, motor bikes, equestrian and foot traffic.



USDA United States Department of Agriculture | Forest Service | Caribou-Targhee National Forest
Teton Basin Ranger District | P.O. Box 777
Driggs, ID 83422
208-354-2312

File Code: 1560/5460
Date: March 21, 2013

Teton County Commissioners
89 N. Main
Driggs, ID 83422

Dear Commissioners:

It is my understanding that you wish to discuss the west side of the Forest Service Pole Canyon Trail 014 during your commission meeting on March 25, 2013. Due to local support from groups in Teton Valley and at the State level, The Teton Basin Ranger District expects to receive a $20,000 grant from the State of Idaho Parks and Recreation program to reroute this motorcycle trail to a more sustainable location. The District plans to do this during the summer of 2013 and possibly 2014. It is my understanding that you have been requested to encourage the Forest Service to consider making this trail a two track. My interpretation is that the request is for the Forest Service to designate this motorcycle trail as an ATV or OHV trail less than 50 inches in width.

During the 2008 Bighole Mountain Subsection Summer travel management plan the Forest Service proposed designating this trail as an ATV/OHV route. It was not a designated ATV route prior to 2008. During the NEPA (National Environmental Policy Act) analysis it was determined that this trail was not appropriate for ATV use. The NEPA process involved public notice in the papers of record and over 240 individual, groups, State and Federal agencies including Teton County Idaho. During that analysis this trail was found to be unsustainable and inappropriate for ATV use.

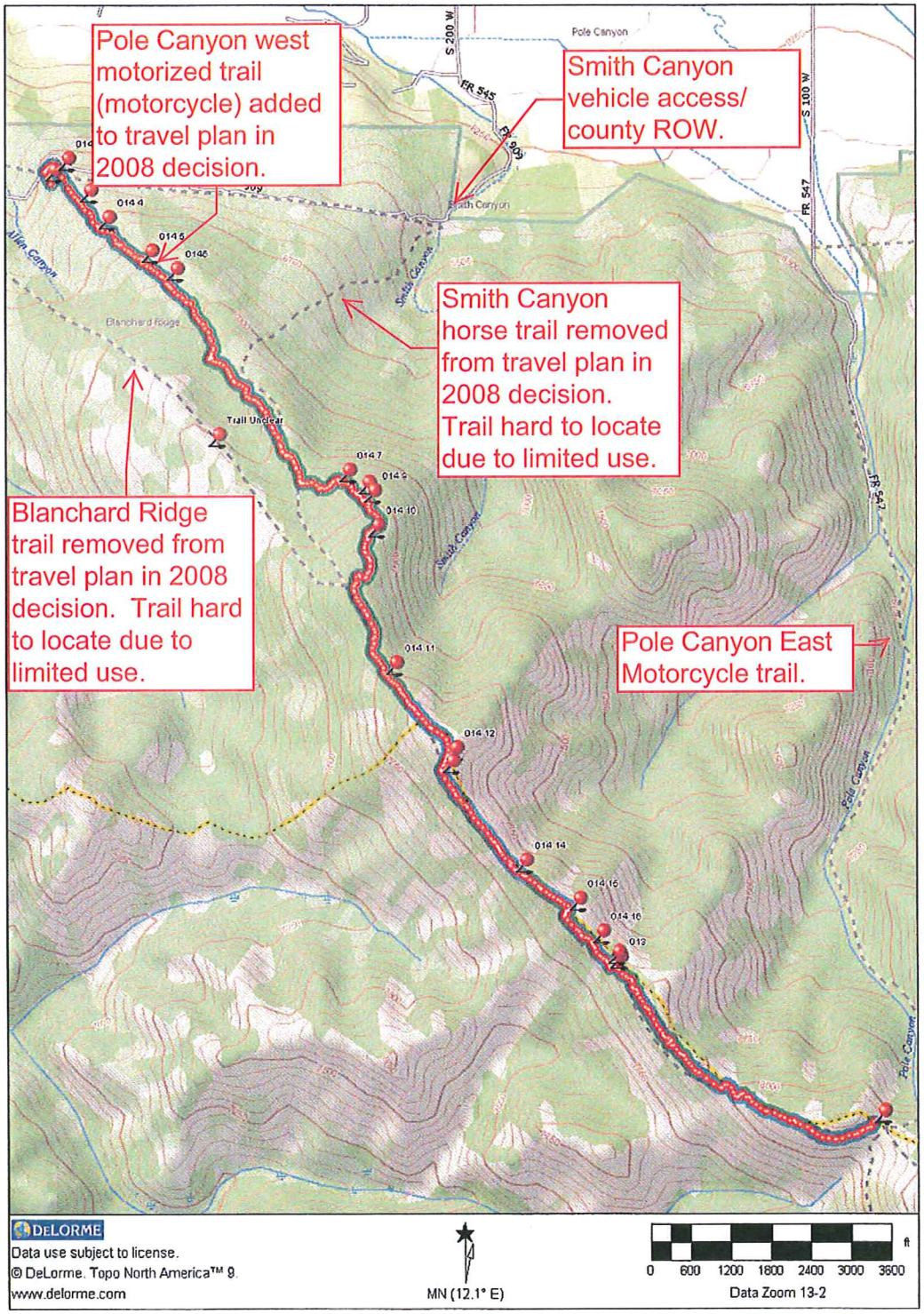
If you are aware of any changes in environmental conditions since 2008 that would change the 2008 analysis and decision I would be interested in them. I understand that the existing unsustainable trail is able to be ridden (illegally) by ATV riders. I also understand that the County has had several search and rescues in this area for ATV riders who were in violation of the Forest Travel Plan. This recent SAR activity specific to ATV riders, who illegally accessed the area, further supports the 2008 decision that this trail and location is inappropriate for ATV use.

I have attached a map of the area to show some of the changes that were made during the 2008 decision in the area pertaining to this trail. Note that the system trails that were dropped during the 2008 process appear to have been old horse trails that were no longer being used by the majority of the public. Since horse riders are permitted cross country travel, it was determined that removing those trails from the system had minimal effect on that user group.

Sincerely,

JAY PENCE
District Ranger

The red line below indicates the current route of the Allen Canyon section of the 014 trail. Each pin indicates an area with unacceptable steep grades, exposed rock, and deep ditching in the trail tread. All of these points represent trail hazards.



208-354-8780
FAX: 208-354-8410

Teton County Clerk

150 Courthouse Drive #208
Driggs, Idaho 83422

March 20, 2013

TO: County Commissioners

FROM: Mary Lou

SUBJECT: PacifiCorp Judgment

The attached information explains the PacifiCorp Judgment and the fact that Teton County taxing districts must repay $222.97 plus interest. PacifiCorp does business as Rocky Mountain Power in Teton County.

The simplest solution would be to use contingency funds to repay the funds owed. Or I could contact each taxing district and ask them to send me their amount due. I have calculated the 5.25% interest from the date of the District Court Judgment (Oct. 19, 2010) and the amounts due are shown below:

	Tax	Interest (30 months)	Total
County	106.73	14.01	120.74
School	97.57	12.81	110.38
Haden Cemetery	1.53	.20	1.73
Library	4.22	.55	4.77
Ambulance	12.92	1.70	14.62
TOTAL	$222.97	$29.27	$252.24

Please let me know how you would like to make this payment.

0.914008343

District							
TETON COUNTY							
Distribution mileage		661,134					
	District Totals:		**661,134**	604281.99	56,852	0.001716817	$97.60
TETON SCHOOL #401							
Distribution mileage		661,134					
	District Totals:		**661,134**	604281.99	56,852	0.00171618	$97.57
TETON COUNTY ROAD & BRIDGE							
Distribution mileage		661,134					
	District Totals:		**661,134**	604281.99	56,852	0.000160657	$9.13
HADEN CEMETERY							
Distribution mileage		226,335					
	District Totals:		**226,335**	206872.08	19,463	0.000078846	$1.53
VALLEY OF TETONS LIBRARY							
Distribution mileage		661,134					
	District Totals:		**661,134**	604281.99	56,852	0.000074292	$4.22
TETON COUNTY AMBULANCE SERVICE DISTRICT							
Distribution mileage		661,134					
	District Totals:		**661,134**	604281.99	56,852	0.000227293	$12.92
	County Totals:		**661,134.00**	604281.992	56,852.01		~~$222.99~~
							$222.97

41 - TETON

District	amount
TETON COUNTY	**$97.60**
TETON SCHOOL #401	**$97.57**
TETON COUNTY ROAD & BRIDGE	**$9.13**
HADEN CEMETERY	**$1.53**
VALLEY OF TETONS LIBRARY	**$4.22**
TETON COUNTY AMBULANCE SERVICE DISTRICT	**$12.92**
total	~~**$222.99**~~ $ 222.97

RECEIVED
MAR 07 2013
BY: Bocc-DF

STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

LAWRENCE G. WASDEN

February 28, 2013

Board of County Commissioners, of the following counties affected by the PacifiCorp 2008 Centrally Assessed Property Tax Judgment: Ada, Bannock, Bear Lake, Bingham, Bonneville, Butte, Canyon, Caribou, Clark, Elmore, Franklin, Fremont, Gooding, Jefferson, Jerome, Lemhi, Madison, Oneida, Owyhee, Power, Teton, and Twin Falls

Re: *PacifiCorp v. Idaho State Tax Commission*
Idaho Supreme Court Case No. 38307-2010
Court Judgment

Dear Counties:

This letter addresses the attached Judgment issued by the Court in the above entitled matter. As you are all aware, PacifiCorp appealed their January 1, 2008, centrally assessed tax valuation to the State Board of Equalization/Idaho State Tax Commission (Tax Commission). After a formal hearing the Tax Commission set a value for PacifiCorp. PacifiCorp filed a petition with the district court. PacifiCorp asked the district court to review the value set by the Tax Commission. PacifiCorp prevailed in district court as well as on appeal to the Idaho Supreme Court. Due to PacifiCorp prevailing in their appeal from the State Board of Equalization for tax year 2008 the Court issued the attached Judgment.

Pursuant to the attached Judgment the Tax Commission was "directed to reallocate the $230,680,003 Estimated Idaho Valuation among the affected counties and to communicate that amount to the affected counties." The Tax Commission has reallocated the values among the affected counties. Per the reallocated values, the Tax Commission encloses as guidance the amount of taxes the Tax Commission computed for each county and each taxing district within that county.

The District Court in this matter ordered that "the refund or credit shall include interest at the statutory rate." The Tax Commission is without authority to direct the counties further on the issue of refunds, credits, and interest. The Tax Commission does not impose or collect property taxes. The Tax Commission establishes and equalizes values for operating properties. The Tax Commission does not have the authority to bind local government regarding refunds, credits, and interest.

Civil Litigation Division - State Tax Commission
800 Park Blvd., Plaza IV, Boise, ID 83712. P.O. Box 36, Boise, ID 83722-0410
Telephone: (208) 334-7530, FAX: (208) 334-7844

The Judgment entered by the District Court set forth the system value and Idaho value of the operating property. Once the values are certified by the court, the matter is in the hands of the Boards of County Commissioners of the counties in which the company operates.

The Tax Commission will send a follow up letter addressing budgeting and levying issues on the topic. If you have questions or concerns please call me at the phone number below or Steve Fiscus at (208) 334-7730, or Alan Dornfest at (208) 334-7742.

Sincerely,

Erick M. Shaner
Deputy Attorney General
(208) 334-7535

cc: Steve Fiscus, Tax Division Administrator, County Support, ISTC
Alan Dornfest, Property Tax Policy Bureau Chief, ISTC
David J. Crapo, Attorney for PacifiCorp
County Clerks
Idaho State Tax Commissioners

Mary Lou Hansen

From: Kathy Spitzer
Sent: Monday, March 04, 2013 3:07 PM
To: Mary Lou Hansen
Subject: RE: PacifiCorp tax refund

I believe the statutory interest rate is 5.250% in Idaho in 2013. The court is basically saying we have to pay it back with interest at the going rate, which is whatever the treasurer's office posts I believe. This is the first I've heard about the judgment, no prosecutors have mentioned it. I agree that getting $95 from each of the districts may be silly, but that is up to the BOCC. Since it is a small amount they all probably wouldn't have trouble turning it over ...

Kathy Spitzer
Teton County Prosecuting Attorney
89 N. Main St.
Driggs Idaho 83422
Ph: 208-354-2990
kspitzer@co.teton.id.us

This e-mail message from the Teton County Prosecutor's Office is intended only for named recipients. It contains information that may be confidential, privileged, attorney work product, or otherwise exempt from disclosure under applicable law. If you have received this message in error, are not a named recipient, or are not the employee or agent responsible for delivering this message to a named recipient, be advised that any review, disclosure, use, dissemination, distribution, or reproduction of this message or its contents is strictly prohibited. Please notify us immediately at 208.354-2990 if you have received this message in error, and delete the message.

From: Mary Lou Hansen
Sent: Monday, March 04, 2013 2:52 PM
To: Kathy Spitzer
Subject: PacifiCorp tax refund

Kathy: Just received this from the Tax Commission & need your advice about how to handle the fund, includi "interest at the statutory rate." Is this something you prosecutors have discussed?

We could ask each taxing district to refund their share of the money, but since it's such a small amount think it would be simplest to ask BOCC to authorize the re-payment to come from the contingency fund.

I'm looking forward to your guidance!

Mary Lou

Mary Lou Hansen
Teton County Clerk
208-354-8771
150 Courthouse Drive #208
Driggs, ID 83422
FAX: 354-8410

NO. _____ FILED
A.M. _____ P.M. 4:52

OCT 19 2010

J. DAVID NAVARRO, Clerk
By K. JOHNSON
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH DISTRICT

OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

PACIFICORP, Petitioner, v. IDAHO STATE TAX COMMISSION, Respondent.	))))))))))	***JUDGMENT*** Case No. CV OC 08 18158 Judge George D. Carey

On September 16, 2010, this Court filed its *Memorandum of Findings of Fact and Conclusions of Law* ("*Memorandum*"). In accordance with its *Memorandum*, the Court hereby enters judgment in favor of Petitioner PacifiCorp and against the Idaho State Tax Commission as follows:

IT IS ORDERED that Petitioner PacifiCorp be awarded judgment against Respondent Idaho State Tax Commission. The January 1, 2008 Estimated Idaho Valuation of $252,382,819

set forth in the Tax Commission's September 2, 2008 Decision is erroneous. The Court hereby orders that the correct January 1, 2008 Estimated Idaho Valuation of PacifiCorp's operating property is $230,680,003 as more fully explained in the Court's *Memorandum*.

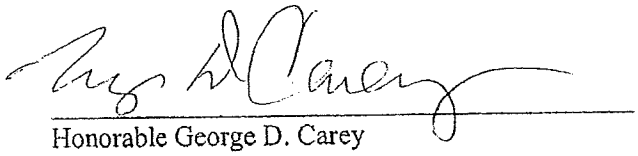
PacifiCorp is entitled to receive a refund of any property taxes it may have paid on a valuation of its operating property that was in excess of $230,680,003. The Tax Commission is directed to reallocate the $230,680,003 Estimated Idaho Valuation among the affected counties and to communicate that amount to the affected counties.

PacifiCorp may then obtain a refund from each affected county for any property taxes it paid to such county that is in excess of its tax obligation for the respective allocable portion of the $230,680,003 allocated to such county. Pursuant to Idaho Code § 63-1305, the affected counties may pay PacifiCorp a refund of the taxes, credit the amount of the refund against taxes due in the following year, or use a combination of a payment and a credit. Regardless of the method used by the Counties to effectuate the payment, the refund or credit shall include interest at the statutory rate.

The Tax Commission is also ordered to pay PacifiCorp an amount equal to the costs PacifiCorp incurred to secure this judgment to the extent allowed by statute or rule. (GDC) The amount of such costs shall be established by the timely (GDC) filing of a cost memorandum and in accordance with the appropriate procedures set forth in Rule 54 of the Idaho Rules of Civil Procedure.

DATED this 19th day of October, 2010.

BY THE COURT:



Honorable George D. Carey
Fourth District Court

TETON COUNTY JUVENILE PROBATION

89 N MAIN Ste 4 • DRIGGS ID 83422 • P208-354-3862 • F208-354-2994

BRITTANY CAMPBELL
Chief Juvenile Probation Officer

Date: 3-19-13

To: Board of County Commissioners
From: Brittany Campbell Juvenile Probation
Subject: ICADD Training

The 2013 ICADD training will be held in Boise Idaho from May 14th to May 16th. This training provides juvenile probation officer the opportunity to see the newest and latest in treatment, best practice models, and drug trends. The mission of ICADD is "to provide education and training for substance abuse and dependence professional and educators in behavioral health care, criminal justice and recovery support." As a new probation officer I feel that this would be very beneficial and informative. Through talking with other chief juvenile probation officers in the area they highly recommend this training and are planning on attending themselves. I have laid out two options as far as funding goes.

Cost of ICADD training:

Option 1: This would be the ideal option; I have applied for an ICADD scholarship through benchmark, this scholarship would cover most or all of the cost of the training. I would still need to use the county car, but the county would not reimburse me for gas the scholarship would.

Option 2: The cost of the training would come out of the Juvenile probation department's budget. I have talked with Mary Lou and we can possibly work something out to make this work.
Training: $155.00 (I would be able to receive the student discount which saves us $105.00)
Food: > $90.00
Vehicle: Riding with Fremont County
Hotel: 3 nights @ $95.00= $285.00
Total= an estimate of $530.00

Early registration ends April 2nd, which means that prices go up after April 2nd. I will know more about the scholarship status by the very end of March. Thank you for taking this into consideration.

Please feel free to contact me with any further questions.

3/25 Administrative Business – Old Business
Topic: Discussion re: Recording All Public Meetings

MORNING MIC Minutes of 3/11/13

Marie Tyler said she had to miss the March 25 meeting and asked the Board to record meetings so members of the public could listen to the recording and hear accurately what happened. She said such recordings would be a great service to the public.

#1 – Yes or NO

#2 – if Yes, than considerations:

- Record and make available after the meeting
- Record Live + make available for a period of time online
- How long do we want to make recordings available online without staff assistance?
  - 30, 60 or 90 days; 6- months; 1-year
  - *There will be minimum of 4 meetings per month avg. 18 – 20 hours*
- Public Records Retention of Digital Recordings is 2 years