



Cassia County Board of Commissioners EMERGENCY MEETING MINUTES

Thursday, August 24, 2023

Cassia County Courthouse • Commission Chambers
1459 Overland Ave • Room 206 • Burley ID 83318

8:00 AM

The Cassia County Board of Commissioners met today at the place and time as posted by agenda pursuant to Idaho Code § 74-204 for Open Meetings Law.

ACTION AGENDA ITEMS

- 1) 8:01 AM Call to order
- 2) Pledge of Allegiance and prayer
- 3) 8:03 AM Roll call

Roll Call.

Present: Cassia County: Leonard M. Beck - Chair, Kent R. Searle - Member, Bob Kunau - Member, Kerry McMurray - Assistant to Board (Not voting), McCord Larsen - County Attorney (Not voting), Cally Velasquez - Deputy Clerk (Not voting). Also present from Minidoka County: Wayne Schenk - Chair (via phone), Jared Orton - Member (via Zoom), Dan Schaeffer - Member (via Zoom), Tonya Page - Clerk (Not voting).

8:04 AM Prosecutor Larsen recited I.C.74-204, the statutory requirement for a special emergency meeting and the reason for having this one declared.

- a) He reported that an issue at the Public Defender's Office has just come up in which, if not addressed immediately by the Joint Boards, financial loss will likely be sustained through unbudgeted expenditures and loss of funding through noncompliance with PDC guidelines. He further stated litigation would likely be imminent as a consequence of the situation.
- b) He stated his legal opinion that such a matter does meet the criteria under statute and requested both boards enter an executive session to consider personnel matters and the likely litigation that will follow if not addressed.

4) 8:07 AM Executive Session

8:07 AM **Motion and Action:** Enter Executive Session pursuant to Idaho Code § 74-206 (1) (b) to consider personnel issues, and Idaho Code § 74-206 (1) (f) to communicate with legal counsel regarding pending/imminently-likely litigation, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle - Member.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 3).

Yes: Kent R. Searle - Member, Bob Kunau - Member, Leonard M. Beck - Chair.

- a) 8:08 AM Minidoka County's Board also entered into an executive session

8:53 AM Upon exit of Executive Session, the board took the matter under advisement.

- b) Cassia Commissioner Searle departed the meeting during the executive session and rejoined the meeting via Zoom.

CASSIA COUNTY COMMISSION
EMERGENCY SESSION
Thursday, August 24, 2023

Instrument # 2023002750

BURLEY, CASSIA, IDAHO

8-28-2023 03:11:14 PM No. of Pages: 4

Recorded for : CASSIA COUNTY COMMISSIONERS

JOSEPH LARSEN

Fee: 0.00

Ex-Officio Recorder Deputy

Index to: COMMISSIONERS MINUTES

EV

- 5) 8:54 AM Consider staffing compliance matters for Mini-Cassia Public Defender's Office
- a) Minidoka Clerk Page requested that Minidoka County amend their agenda to allow for an emergency action item. Minidoka Commissioner Orton made the requested motion and Minidoka Commissioner Schaeffer seconded. Motion passed unanimously.
 - b) 8:55 AM Minidoka Commissioner Orton motioned: to authorize Mr. Schneider to negotiate salaries with the amount of \$110,000.00 and \$95,000.00 as the maximum amount, and tied to that acceptance a commitment to stay until the State takes over public defense, Schaeffer seconded. Orton amended the motion: to include a stipulation that the employees would not receive a 4.5% COL raise this next fiscal year, Schaeffer seconded. Orton further clarified the motion: that the salaries were to begin immediately, Schaeffer seconded. Motion passed unanimously.

8:58 AM **Motion and Action:** To mirror Minidoka's verbiage in motion, acknowledging that the 4.5% COL was factored into the proposed amounts, and requiring the parties to sign a contract agreeing to stay until September 30, 2024, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle - Member (via zoom).

- c) Chair Beck, in restating the motion to be voted on, defined that \$110,000.00 would be going to Mr. Hurley, up to \$95,000.00 to Mr. Edwards, and up to \$95,000.00 to Ms. Lopez. The maker of the motion accepted the clarification as did the second. Motion passed unanimously.
 - d) Commissioner Orton asked if another motion needed to be made from Minidoka County to include Mr. Edwards' proposed salary increase as that had not been stated earlier.
 - e) 9:03 AM Commissioner Orton motioned: to amend their previous motion to include a raise of up to \$95,000.00 to maintain parity within the office for Mr. Edwards should the office maintain Mr. Hurley and hire Ms. Lopez, Schaeffer seconded. Motion passed unanimously.
 - f) Kunau expressed concern that the offer would be contingent upon both Mr. Hurley staying and Ms. Lopez being hired. He felt it should be an individualized offer to at least do what was needed to keep Mr. Hurley, regardless of Ms. Lopez' acceptance.
 - g) 9:08 AM Commissioner Orton suggested a change in the semantics of their approved motion to reflect an and/or scenario: "retain and hire a new attorney" or "retain without the new hire". Clerk Page said it would be done.
 - h) 9:08 AM Prosecutor Larsen reminded the Cassia Board that Commissioner Searle had also suggested raising Mr. Schneider's salary for parity and in recognition of all the work he has done.
 - i) Kunau said he wanted the board to wait and see what happens with the salary offers to Mr. Hurley and Ms. Lopez before deciding on a salary adjustment for Mr. Schneider.
 - j) Orton agreed with Kunau's advice on Minidoka's behalf.
- 6) 9:10 AM Adjourn

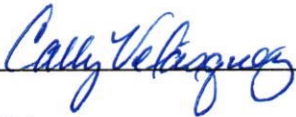
9:10 AM **Motion and Action:** Adjourn, **Moved by** Bob Kunau - Member, **Seconded by** Kent R. Searle - Member (via zoom).
Motion passed unanimously.

APPROVED:



Leonard M. Beck, Chair

DEPUTY CLERK OF THE BOARD:



Cally Velasquez

Cassia County Commissioner Meeting

Attendance Log

Date: 8-24-2023

	NAME (Please Print)	TOWN	REPRESENTING
1.	Deather Millhead Evans	Burley	Auditors
2.	JOE LAIRSEN	Burley	AUDITORS
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