

**MINUTES OF THE REGULAR MEETING OF THE BOARD
OF COUNTY COMMISSIONERS
CLARK COUNTY, IDAHO**

DECEMBER 11, 1995

The Board met this day in regular session. Presents were Commissioners: Charles R. Vadnais, Steven R. Gilger and Charles E. Wilson, Prosecuting Attorney Craig Simpson and Clerk JoAnn S. Tavenner.

APPROVAL OF MINUTES

Motion by Commissioner Wilson , seconded by Commissioner Gilger unanimous that the minutes for the month of November 13, 1995 are hereby approved as written.

REVISION OF ORDINANCE

Harold Wilson, Chairperson of the Planning and Zoning Commission, and the elected officials of the City of Dubois, and Ted Edwards, Mayor of Spencer met with the Commission on revision of the Planning and Zoning Ordinance. Wilson informed the group he has put in for a grant to help fund the revision of the Planning & Zoning Ordinance but in order to get a grant the cities have to be included He is finding it hard to obtain a grant where the cities do not have an ordinance. The group discussed additional cost of changing the ordinance to including the cities. Wilson said they would be looking at \$28,000 to \$29,000 in comparison to \$23,000 for the county alone. After some discussion Wilson was asked what the Cities would have to do to be brought up to date or have an ordinance for the city. Wilson said Nellis stated that it would cost the city around \$10,000 if they went on their own. He said Nellis also said that there is a lot of the county ordinance that does not need changed, but the parts that do need changed, should be changed now. Nellis would like to start in February of 1996, but Wilson he said would not be able to get grant money in less than six months. The group discussed applications issued on which jobs have not been completed. Wilson said state law states that we are re-doing our ordinances and it applies to everyone even if they have a pending application. After much discussion both cities agree that they should be included in the new ordinance and would like to have a public meeting with Nellis present. Wilson stressed this ordinance is only for the Planning & Zoning Ordinance and would have nothing to do with the economical impact study, which in order to get a grant for the revision will have to tie back to economical development.

The group discussed the local bank and difficulty in getting local loans. After some discussion and it have been indicated that the Bank of Eastern Idaho has an interest in the community. It was unanimous that the Bank of Eastern Idaho should be invited to open a branch in the Community. The group feels that the Bank of Commerce does not have any competition and that is why it is so hard for citizens to get financing through the bank.

REQUEST TO PURCHASE DUMP SITE

Jim Tarpley met with the Commission to discuss what they are going to do with the old dumpsite west of town. He said he would be interested in purchasing that property and the thirty acres next to it for a nine hole golf course. Tarpley was informed that in order for the county to sell property it would have to be put up for bid at public auction. No decision made at this time.

OVERPASS BY PROCESSING PLANT

Blaine Larsen and Jan Nel met with the commission and said they are adding two more big drums at the processing plant. Larsen said that at shift change old 91 is real crowded from the plant south through Clark-Jefferson counties and he was wondering if it is politically possible and what could be done to get an overpass in that area. Larsen was informed he would need pressure from both Jefferson and Clark Counties for the overpass if it's to work. Support from Clark County alone will not work. After a lengthy discussion it was decided Commissioner Gilger will make a call tomorrow and see how to approach this request and to get things started. Gilger suggested that it would be much easier if the overpass was in line with the plant. Larsen also requested support from the Commission on a trade he is doing with BLM and said that the expansion to the plant has to do with Tract 2 of this trade. Larsen said that he could not see a problem with this trade as he will be developing the ground so it would be more of a benefit to Clark County. He said the building project at the plant will cost over ten million dollars within ten years time. He indicated a decision on this exchange by July 1, 1996, would be helpful. The Commission will write a letter in support of the trade with BLM on tract 2 with a request for a decision to be reached as soon as possible.

Larsen said that he pays taxes in three counties and his taxes in Clark County went down while the other two counties went up. Larsen was informed that decrease is due to courthouse bond being paid off and the new tax law allows counties to hold a reserve if not need for the current budget year to be use at a later time and sale of garbage to Snake River Satiation.

ROAD/ BRIDGE UP-DATE

Rod Belcher met with the Commission to up-date them on happenings in his departments. The group discussed the drug/alcohol testing and policy that is being required for CDL drivers.

Motion by Commissioner Gilger seconded by Commissioner Wilson, unanimous that this Board do now adopt the following Drug/Alcohol Testing Policy:

Clark County Drug / Alcohol Testing Policy

Policy Statement

In recognition of the harmful effects that the use of illegal drugs and the misuse of alcohol can have on drivers engaged in the transportation industry, **Clark County Road & Bridge** has a responsibility to its drivers, and the public at large, to see that its commercial vehicle operators are both drug and alcohol free while on duty. This responsibility comes in light of recent studies showing that drivers who are under the influence of drugs or alcohol while on duty are more likely to cause accidents and injuries, both to themselves and co-workers, as well as the public at large.

Therefore, **Clark County Road & Bridge** is implementing this Drug and Alcohol Free Workplace Policy that includes within its provisions those regulations contained within the Department of Transportation (DOT) Controlled Substances and Alcohol Use and Testing, as contained in 49 CFR Part 382.

Implementation Schedule

This policy is effective December 1, 1995, and will apply to all prospective and current drivers of this county who are required to obtain a commercial drivers license (CDL) in order to operate a commercial vehicle for this county (hereafter referred to as "drivers").

Questions Regarding This Policy

The county hereby designated the Road Supervisor as the person responsible for answering drivers questions relating to the provisions of this policy.

Drivers' Use of Alcohol

The county is committed to ensuring that all drivers do not operate a commercial vehicle while under the influence of alcohol. Therefore, drivers of this county are not to consume alcohol within four (4) hours of reporting to work. Drivers are not to report to work or remain at work while having an alcohol concentration of .02 or greater. Drivers are prohibited from using or possessing alcohol while they are on duty.

Drivers' Use of Illegal Drugs

This county has an absolute prohibition against a driver's use of illegal drugs, or the illegal use or misuse of prescription medication, This prohibition extends to such use both on and off the job. Evidence that a driver has tested positive for the presence of illegal drugs pursuant to a test given under the terms if this policy will be proof sufficient to establish the drivers violation of this provision.

Drug and Alcohol Testing of Prospective and Current Drivers

All prospective drivers will be tested for the presence of illegal drugs prior to driving a commercial vehicle for this county. Furthermore, all prospective drivers must disclose to the county all previous employers for whom they have worked as a CDL driver within the past two (2) years. The county will then request from those employers information regarding any incidents where the prospective driver has tested positive for illegal drugs or alcohol, or refused to test within the last two (2) years. In the event the county receives information from a past employer that the prospective driver has tested positive for drugs or alcohol with the last year, that prospective driver will not be offered employment, or their conditional employment will be terminated with the county. Drivers will be required to sign a consent form authorizing the county to conduct a check of each employer the driver has been employed with during the past two (2) years as a CDL driver to determine if the driver has tested positive for illegal drugs or alcohol.

Any driver that is found to have previously tested positive for illegal drugs or alcohol and who is hired by the county must show that they have been evaluated by a Substance Abuse Professional and were found to be non drug or alcohol dependent. It will be county's responsibility to ensure that any required follow-up test of such drivers are conducted as required by DOT regulations.

Random Testing

All drivers will be subject to random drug and alcohol testing. Random testing selections shall be made by a scientifically valid method that will result in each driver having an equal chance of being tested each time selections are made. Random testing for alcohol will take place just prior to, during, or just after a driver's duty time.

Post-Accident

A driver operating a commercial vehicle for the county that is involved in a reportable accident will be tested for both illegal drugs and alcohol as soon as practical. For terms of this policy a reportable accident means an accident that results in a fatality, or where someone involved requires medical treatment away from the scene, or if one of the vehicle is towed away, **and** there is a citation issued to the driver in connection with the accident. Alcohol testing must be administered within two (2) hours of the accident where possible but in no case later than eight (8) hours. Drug testing must be administered within 32 hours of the accident.

Any driver required to be tested under this section must remain readily available for such testing and such a driver may not consume alcohol within eight (8) hours of the accident or until they have been tested for alcohol. A driver involved in an accident requiring a drug and alcohol test must notify the county contact of the accident as quickly as possible and comply with those instructions given them relative to their taking a drug and alcohol test.

Reasonable Cause

The county may require a driver to be tested for illegal drugs or alcohol when there is a reasonable suspicion to believe a driver is under the influence of illegal drugs or alcohol while at work.

Baseline Testing

In initiating the provision of this drug free workplace policy, the county will require all drivers to submit to testing for the presence of illegal drugs as soon after the effective date of this policy as is deemed necessary.

Specimen Collection Procedures and Test Result Notification

Adulteration or Submission of a Concealed Specimen

If, during the collection procedure, the collection monitor detects an effort by a driver to adulterate or substitute a specimen, a second specimen will be immediately requested. If a second specimen is provided, that specimen will be tested. If the request for a second specimen is refused, the collection monitor will inform the county contact of the driver's refusal to submit a true specimen. Such conduct by the driver will be considered as a refusal to provide a true specimen for testing.

In the event that a prospective or current driver submits a specimen that the laboratory later identifies as a diluted specimen, the county will advise the driver of that result and request that the driver submit a second specimen. Such donors will be advised by the county not to drink any fluids prior to the test.

Drug / Alcohol Specimen Collection Procedures

All testing for illegal drugs will be done by the testing of a driver's urine specimen. All such testing will utilize the split specimen collection procedure. Under that procedure, each driver will have his/her urine specimen sealed in two separate containers and both sent to a SAMHSA certified laboratory for testing.

If a driver's first specimen tests positive, that driver may request, within three (3) days of the positive notification, that the other specimen be tested at another SAMHSA laboratory. This second test will be done at the driver's expense unless the second test comes back negative. During the time the second specimen is being tested, the driver may be suspended without pay. Any driver who has a test come back negative on test of their split specimen will be given back pay for the time of suspension and will be paid for the cost of the retest.

All specimen collection will be conducted by personnel that have been instructed and trained in collection procedures set by the DOT. All testing for alcohol will be done by the use of DOT approved alcohol testing procedures conducted by trained and qualified alcohol testing technicians.

Notification of Test Results

This county has arranged that all test results, both drug and alcohol, will be forwarded to the county contact through Minert & Associates, Inc., as the representative of the county, and as the representative of the Medical Review Officer (MRO).

Prior to the county being informed that a prospective or current driver has tested positive for illegal drugs, the driver will be offered an opportunity to personally discuss the positive drug test with the MRO or his representative. The MRO will follow up on such information as is appropriate. Any driver who is taking a prescription drug that may have been the cause of a positive test result will be asked to provide the name of the medication and the identity of the prescribing physician for verification. If this is verified, the driver's test result will be reported as negative. If, after consideration of the matter the MRO finds no reason to doubt the validity of the positive test, that result will be conveyed to the county contact, as well as the identity of the drug.

If the driver cannot be located, the MRO, or his representative, may request that the county contact arrange for the driver to contact the MRO as soon as possible to discuss the results of the positive test. The MRO will communicate a positive result to the county without discussing the result with the driver if the driver expressly declines the opportunity to discuss the results of the test, or the driver is instructed by the county to contact the MRO but fails to do so within five (5) days.

Refusal

A driver operating a commercial vehicle for this county may not refuse to take a drug or alcohol test when requested to do so consistent with the terms of this policy. Such a refusal will be considered equivalent to testing positive for illegal drugs or alcohol. A driver will be considered as refusing to test if he/she expressly refuses to take a test when so requested, or otherwise fails to provide an adequate breath, saliva, or urine sample without a valid medical explanation. Additionally, a driver will be considered as refusing to test if he/she engages in conduct that clearly obstructs the testing process.

Effect of Testing Positive for Drugs or Alcohol

Any prospective driver that tests positive for the presence of illegal drugs will not be hired. Any current driver that tests positive for the presence of illegal drugs or alcohol may be terminated from employment with the county, at the discretion of the county commissioner's and the road and bridge supervisor.

For purposes of this policy, a driver tests positive for alcohol when that driver's blood alcohol concentration (BAC) is .04 or above. If a driver tests between .02 and .039 BAC, that driver will not be allowed to operate a commercial vehicle for this county for 24 hours from the time of the test. A driver that twice tests between .02 and .039 BAC in a year's time will be treated as the equivalent of testing positive for alcohol. This last provision is done as a matter of county policy and is not as required by the DOT.

Charles R. Naduin
Clark County Representative

12-11-95
Date

SUPPORT FOR NEW BUSINESS

Gary Snowder met with the Commission and informed them that he and his brother have plans to put in a 40 to 50 unit motel west of I-15 but they are having problems getting the water, electricity and sewer. He said that the division of environmental quality has advised them that it would be foolish to drill a well in that area due to the old dump site joining the property he is buying. Gary said that they would start with a motel and then add a fast food franchise later. They figure the motel in addition service station would employ 14 people. But they will need the county and cities support. Snowder was informed that the County has no objection to the new business and the county can use more tax base. He said that he would have to keep the water and sewer line 3 feet apart if they take and connect on to the city system. He said they would like to be set up in the fall of 1997. Snowder requested that he be tax exempt for a period of two years and that he needs a letter of support from the commissioners that would show the two year tax exemption. Snowder said the city of Idaho Falls has given business a tax break. Snowder was informed that if he was asking for a tax break until you open that is one thing but if he was asking for more they would have to look at it from all sides and see what other communities are doing before they could make a decision. Snowder said they could build at Lima, Montana a lot cheaper if things do not turn around soon. No decision made at this time.

AMBULANCE BILLING

Mary Hurst met with the Commission concerning her ambulance bill which Medicare turned down saying that she could have traveled by car instead of ambulance and they refused to pay. Hurst said that where she is on a fixed income she can just barely pay her current bills and medication let alone the increase in the ambulance runs, sewer, garbage and what Medicare doesn't pay. After some discussion it was moved by Commissioner Gilger, seconded by Commissioner Wilson unanimous that this ambulance bill is hereby canceled or considered null and void.

DIRECTOR TO RETIRE

Donald W. Shenton, Civil Defense Director, met with the Commission and informed them that he is going to retire the end of March and they need to be thinking of a replacement. Shenton said he needs to get away from the pressures for health reasons. He said that he holds two state offices in this field and he will be involved in a couple of meetings in Boise during March and then he would like to turn his job over to someone else. No decision at this time.

APPROVAL OF SUB-ROLL

The Board met at this time as a Board of Equalization. There being no persons protesting their values Motion by Commissioner Gilger seconded by Commissioner Wilson unanimous that this roll is approved with a value of \$380,365.

APPROVAL OF LIQUOR LICENSES

The Commission at this time reviewed the following applications for county liquor and beer licenses:

Spencer Bar	Beer/ Liquor
Lone Pine Enterprise	Beer
Sage Bar	Beer/ Liquor
Good Times Tavern	Beer/Liquor

Motion by Commissioner Wilson seconded by Commissioner Gilger unanimous that the above applications are approved and licenses be issued.

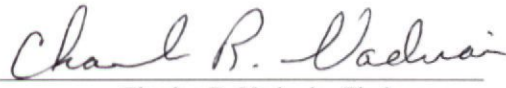
APPROVAL OF CLAIMS

The following claims for the current month were examined and approved unanimously by the Commission:

General	\$29,648.29
Road & Bridge	68,423.80
Ambulance	430.26
District Court	2,169.14
Health	1,855.00
Indigent	542.21
Solid Waste	94.83
Weeds	13.88
Watermaster	3,759.86
Indigent	685.65
Total	\$107,622.92

ORDERED THAT THIS BOARD IS NOW ADJOURNED:


Jo Ann S. Tavenner, Clerk


Charles R. Vadnais, Chairman