



Idaho Soil & Water Conservation Commission

322 E Front St, Suite 560 • Boise Idaho 83702
Telephone: 208-332-1790 • Fax: 208-332-1799

IDAHO SOIL & WATER CONSERVATION COMMISSION PUBLIC MEETING & TELECONFERENCE

Date and Time:

Tuesday, November 15, 2022
1:11PM – 3:24 PM MT

Location:

Burley Best Western Inn & Convention Center
800 N. Overland Ave., Burley, ID 83318

MINUTES

COMMISSION MEMBERS PRESENT:

Norman Wright (Chair)	Erik Olson (Vice-Chair)
Joan Cloonan	Steve Becker
Karen Sharpnack	Richard Savage

COMMISSION STAFF PRESENT:

Delwyne Trefz	Crystal Rosen
Melonie Ziegler	Loretta Strickland
Joe Peterson	Carolyn Firth
George Hitz	Brenda Charles (Zoom)
Bill Lillibridge (Zoom)	

PARTNERS AND GUESTS PRESENT:

Shane Bell, OAG	Tom Daniel, Boundary SCD/IASCD
Sherry Klaus, Benewah SWCD	Lynn Rasmussen, Nez Perce SWCD
Cassie Olson, Boundary SCD	Kit Tillotson, Portneuf SWCD
Richard Kunau, West Cassia, SWCD/IASCD	Matt Woodard, East Side SWCD/IASCD
Kin Stinson, Latah SWCD (Zoom)	London Boquist, OSC (Zoom)
Clinton Aston, Franklin SWCD (Zoom)	

ITEM #1: WELCOME AND ROLL CALL

Chairman Wright called the meeting to order at 1:11 PM.

Roll call: Chairman Norman Wright, Commissioners Erik Olson, Steve Becker, Joan Cloonan, Karen Sharpnack, and Richard Savage were present. Commissioner Pratt was absent.

ITEM #2: AGENDA REVIEW

Action: None taken

ITEM #3: PARTNER REPORTS

Action: None taken

ITEM #4: REPORTING SUSPICIOUS ACTIVITY

Action: Commissioner Olson made a motion to *adopt Reporting Suspicious Activity Policy as presented by commission staff and legal counsel*. Commissioner Cloonan seconded the motion. Motion carried by unanimous roll call vote.

Prepared Statements Regarding Suspicious Activity Policy from legal counsel:

“Interestingly enough, there aren’t very many examples of policies for Idaho state agencies when it comes to reporting suspicious activity. I looked at a lot of guidelines, policies, and employee handbooks, but couldn’t find anything helpful in Idaho. I was able to find a number of policies from federal and out of state agencies. I also reviewed a number of private policies when I drafted this. The only law cited in this policy is the Protection of Public Employees Act. That law does require that an employer notify employees of their protection and obligations under the Act. The crux of the Act is that it protects employees when they report the waste of public funds, property, or violation of law, rule, or regulation. As you can see in this policy, the AG’s office does play an active role in some circumstances and will be involved in all circumstances. The reason for this is that the AG’s job is to look out for the best interest of this Commission, and we can’t do that if we don’t know what’s going on. That being said, this policy does provide an opportunity for the Commission to determine whether the suspicious activity was the result of mistake or oversight.”

ITEM #5: STATUS OF IDAHO CONSERVATION DISTRICTS

Action: None taken.

Prepared Statements Regarding Classification of Districts from legal counsel:

“Thank you, I’ll just start out by indicating that this is an issue that affects all conservation districts, and for that reason, it is an appropriate issue to be addressed by the Commission. The Commission is required by law to aid conservation district supervisors and secure the cooperation and assistance of state agencies to further the work of the districts. With this requirement in mind, and at the request of the Administrator, I evaluated the status of conservation districts in the context of federal regulations in order to aid districts in furthering their work by hopefully rectifying any discrepancies in classifications across the state of Idaho.

I looked at a number of sources during my research. I spent a substantial amount of time reviewing federal regulation definitions and state law definitions. I couldn’t find a clear answer as to whether conservation districts fell into the “state” category or the “local government” category based on definitions alone. However, I will note that conservation districts are defined by state law as governmental subdivisions of Idaho, and “governmental” is defined as any subdivision, agency, or instrumentality of the state. I next looked at the functions, powers, and relationships of conservation districts. A number of factors weighed in favor of classifying districts as “local governments.” However, in my opinion, those factors were outweighed by other factors indicating that districts are more like “states” for purposes of federal classification.

After obtaining the Administrator’s permission, I spoke with Counsel for OSC and Administrator Edmondson and OSC is aware of the Commission’s classification of districts as “states” per federal regulations. I will note that any preexisting contracts between districts and state agencies that classify districts as “local governments” are outside the scope of the Commission’s duty to secure the cooperation and assistance of agencies. In other words, preexisting individual contracts with individual districts should be addressed by district counsel. But going forward, it is my opinion that districts should be classified as “states” as an instrumentality thereof, under title 2 of the Code of Federal regulations, section 200.1.”

ITEM #6: FISCAL OFFICE REPORT

Action: None Taken.

ITEM #7: ADMINISTRATOR’S REPORT

Action: None taken.

ITEM #8: REPORTS

Action: None taken.

ITEM #8: ENGINEERING REPORT

Action: None taken.

ADJOURN

The meeting was adjourned at 3:24 PM. The next Commission Meeting will be held on January 17, 2022 in Boise.

Respectfully submitted,

Wendy Pratt

Wendy Pratt (Mar 27, 2023 10:59 MDT)

Wendy Pratt, Secretary