

STATE BOARD OF EXAMINERS
MINUTES – Subcommittee Meeting
October 10, 2023 – 1:30 p.m.
4th Floor – Syringa Conference Room
700 W. State St., Boise, Idaho

The regular meeting of the Subcommittee to the State Board of Examiners was called to order at 700 W State Street, 4th Floor Syringa Conference Room, Boise, Idaho, at 1:30 p.m. pursuant to Idaho Code §67-2002 and by order of the chair.

The following members were present: Chairman, Jason Martinez, Division of Financial Management; Jason Lehososit, Secretary of State's Office; and Brian Benjamin, Office of the State Controller, as assisting secretary of the subcommittee. Attending virtually was Yvonne Dunbar, Attorney General's Office.

Also present were Rachel Rudishauser, State Controller's Office; and Richard Brien, Department of Administration. Attending virtually were Yolandi Faulkner, Office of Emergency Management; Dena Darpli, Department of Health and Welfare; Kelly Nielsen, Department of Agriculture; L. Knight, Department of Agriculture; Chanel Tewalt, Department of Agriculture; Dustin Miller, Department of Lands; and Michelle Herman, Department of Lands.

CONSENT AGENDA

1. Minutes – Action Item - Approved

Approval of official minutes for the meeting of the Subcommittee to the Board of Examiners on September 12, 2023.

Resolution: Mr. Lehosit moved to approve the minutes from the September 12, 2023 meeting. Ms. Dunbar seconded the motion. The motion carried on a unanimous voice vote.

REGULAR AGENDA

2. Office of Emergency Management – Action Item – Recommend Approval

ID#	Description	Amount	Comments	Date to Board
2023-00131	Diesel	\$141.82	Response to ruptured semi-truck saddle tank, leaking diesel (ADA COUNTY)	10/05/2023
2023-00152	Gasoline	\$1,924.71	Response to gasoline release into Coeur d'Alene Lake (KOOTENAI COUNTY)	10/05/2023
	TOTAL	\$2,066.53		

Discussion: Mr. Benjamin gave some background on the two incidents. The first was a response to a ruptured semi-truck saddle tank approximately 50 gallons were leaked out onto the highway.

Some absorbent pads were utilized for this response. The second item is a response to a fuel leak in Lake Coeur d'Alene at the marina. Absorbent booms were deployed to contain the spill and the rest was cleaned up. Yolandi Faulkner indicated that there are identified responsible parties for each of these incidents and they expect to be able to recover the cost for each of the incidents. There were no questions or further discussion on the item.

Resolution: *Mr. Lehosit moved to place item 2 on the consent agenda. Ms. Dunbar seconded the motion. The motion carried on a unanimous voice vote.*

3. Department of Administration – Action Item – Recommend Approval

- a. Request for recognition of assignment from PUMF, LLC to Steele Memorial Medical Center. A transfer of interest in the real property lease of the State of Idaho, by and through the Idaho Department of Health and Welfare, as “Lessee,” and Lessee’s occupancy of 111 Lillian Street, Salmon, Idaho.
- b. Request for recognition of assignment from Mutual Insurance to Three Dog Ventures, LLC. A transfer of interest in the real property lease of the State of Idaho, by and through the Idaho State Liquor Division, as “Lessee,” and Lessee’s occupancy of 4820 Yellowstone Avenue, Chubbuck, Idaho.
- c. Request for recognition of assignment from Kinzelcorp, LLC to Webster Properties Idaho, LLC. A transfer of interest in the real property lease of the State of Idaho, by and through the Idaho State Liquor Division, as “Lessee,” and Lessee’s occupancy of 195 Caldwell Boulevard, Nampa, Idaho.
- d. Request for recognition of assignment from Riverwalk Center, LLC, an Idaho limited liability company, c/o Rafanelli & Nahas Management Corporation to Marco Meyer. A transfer of interest in the real property lease of the State of Idaho, by and through the Board of Tax Appeals, as “Lessee,” and Lessee’s occupancy of 1673 West Shoreline Drive, Suite 120, Boise, Idaho.

Discussion: *Mr. Benjamin gave an overview of each of the lease assignments. Ms. Dunbar noted that there was a tax ID and Social Security number on the materials that needed to be redacted. There was a typo on the agenda that needs to be corrected before the full meeting from “VSteele” to “Steele”. Ms. Dunbar raised a question as well about the name Mutual Insurance being crossed out on item b and replaced with Steven Steele. She also noted that the name on item c changed from Kinzel Family Trust to Kinzelcorp., LLC. She is not certain if this is the same Tax ID and it is simply a name change but nothing was indicating this in the materials. Mr. Benjamin indicated that he would follow up with the Department of Admin on the parties involved with Items b and c. He indicated that the Subcommittee can move to add these items to the consent agenda on a contingent basis and if he (Mr. Benjamin) finds anything that causes concern in this regard the item can be removed. Ms. Dunbar agreed to this suggestion.*

Resolution: *Ms. Dunbar moved to place item 3 on the consent agenda per the contingency outlined above. Mr. Lehosit seconded the motion. The motion carried on a unanimous voice vote.*

4. Department of Health & Welfare – Action Item – Recommend Approval

Request for \$18,455,000 to be reverted to the State General Fund from FY2023.

Discussion: Mr. Benjamin pointed out the two letters with the second one correcting a calculation error that was present on the first.

Resolution: Ms. Dunbar moved to place item 4 on the consent agenda. Mr. Lehosit seconded the motion. The motion carried on a unanimous voice vote.

5. Department of Agriculture – Action Item – Recommend Approval

Request for approval for deficiency warrant spending authority as authorized under Section 22-2019, Idaho Code for invasive species costs related to the quagga mussel veliger confirmation in the Magic Valley area.

Discussion: Mr. Benjamin reviewed the item. Ms. Tewalt indicated that she is happy to answer any questions on this item. Mr. Martinez asked if they had been in contact with their DFM analyst on getting reimbursements for some of these costs. Ms. Tewalt indicated that they have. They have had sufficient funding initially to respond, their second tier would be to look for access to available emergency funding, and this deficiency warrant would be their third-tier funding resort if needed. Mr. Benjamin indicated that the SCO has set up project codes to help track all expenses associated with this response regardless of the responding agency. Ms. Tewalt stated they are in the middle of doing active treatment of miles of the Snake River until Oct 13. They will then enter a phase of decontamination stations set up in conjunction with the county involved. Ms. Dunbar asked a question about the technical aspects of making this motion if the statutory limits needed to be mentioned in her motion. Mr. Benjamin indicated that this will be controlled at the SCO level and it is not needed in the language of the motion.

Resolution: Ms. Dunbar moved to place item 5 on the consent agenda. Mr. Lehosit seconded the motion. The motion carried on a unanimous voice vote.

6. Department of Lands – Action Item – Recommend Approval

Request for continued approval allowing IDL to pay its employees for overtime work while engaged in fire suppression activities. Further, request that any approval be ongoing for future years unless and until withdrawn or otherwise modified by the Board.

Discussion: Mr. Benjamin indicated that this is an item he recommended the Department of Lands bring to the Board of Examiners. This a renewal request to seek approval to pay overtime to Firefighters who respond to wildfires. It was recommended to bring to the Board as the last authorization dated to 1994. Mr. Miller confirmed that the last approval was from 1994 and that the department would like to get a renewed authorization for this activity to load in conjunction with the FLSA S code into the new Luma ERP system. Mr. Martinez asked for verification that this is just a renewal of authorization and not a policy change. Mr. Benjamin indicated that this is correct.

Resolution: Mr. Lehosit moved to place item 6 on the consent agenda. Ms. Dunbar seconded the motion. The motion carried on a unanimous voice vote.

7. State Controller's Office – Action Item – Withdrawn

Revisions to State Travel Policy and Procedures regarding meals and refreshments for state appointed volunteers.

Discussion: Mr. Benjamin indicated that this is the result of the request from the Superintendent of Public Instruction's request from July. He then recapped the elements from the July meeting and indicated that it was apparent that there was a gap in how the existing travel policy identified Volunteers. A workgroup was convened to review the policy. Mr. Martinez was on the workgroup as well as a representative from the Department of Education, Patrick Hodges, and Mr. Benjamin. A definition section was added to define State Appointed Volunteer. Mr. Benjamin then reviewed the redline of the policy. It was then noticed that the version that was attached was not a complete version of the document. Mr. Lehosit asked about this starting with refreshments and now meals are being discussed. Mr. Benjamin responded that if volunteers were at events where a meal was being provided this then allows for the volunteers to also be a part of that. Mr. Lehosit indicated that he had not had an opportunity to review this with his primary. He asked if we could table this, get our materials cleaned up, and readdress this next month. Mr Benjamin agreed. Ms. Dunbar asked a clarifying question on the number of attendees if that was volunteers only or if that would include staff as well. Mr Benjamin indicated that the number also includes staff.

Resolution: The committee agreed to table this item, remove it from the regular meeting agenda, and bring it back next month.

INFORMATIONAL AGENDA

8. State Controller's Office

Reports of overtime paid on FLSA-exempt employees on the Luma project team, which was approved by the Board of Examiners. State Controller's Office – Exemption End Date - December 31, 2023

Discussion: Mr. Benjamin indicated that this does expire in December.

9. Idaho State Police

Law enforcement overtime grants and agreements expenditures for FY2023.

Discussion: Mr. Benjamin noted that this item was approved in a prior month's BOE meeting and this is a report on those activities.

10. Office of the Attorney General

Report of Special Deputy Appointments July through September 2023

Discussion: Ms. Dunbar noted that these appointments are due to coverage for risk management and child welfare claims.

11. State Insurance Fund

- a. Estimate of the State Insurance Fund expenses to be paid by sight drafts for the month of September 2023.

Estimated expenditure for workers compensation claim costs, dividends, and premium refunds	\$20,000,000.00
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Funds Expended in June 2023:

Workers Compensation Claim Costs	\$12,031,087.94
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Dividends	\$0
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Commission	\$0
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<u>Policy Refunds</u>	<u>\$478,034.02</u>
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Total	\$12,509,121.96
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- b. Estimate of the Idaho Petroleum Clean Water Trust Fund expenses to be paid by sight drafts for the month of September 2023.

Estimated expenditure for Idaho Petroleum Clean Water Trust Fund	\$750,000.00
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Funds Expended in June 2023:

Payroll	\$66,982.00
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Operations	\$9,233.00
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<u>Claim Costs</u>	<u>\$47,294.83</u>
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Total	\$123,509.83
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Mr. Lehosit moved to adjourn the meeting. Mr. Martinez seconded the motion. The meeting adjourned at 2:05 p.m.