

**COLLEGE OF SOUTHERN IDAHO**

**JUNIOR COLLEGE DISTRICT**

**BOARD OF TRUSTEES MEETING**

**MONDAY, NOVEMBER 16, 1987**

**CSI BOARD ROOM**

**5:30 P.M.**

**A G E N D A**

**MINUTES**

**TREASURER'S REPORT**

**NEW BUSINESS**

**OLD BUSINESS**

**PRESIDENT'S REPORT:** Dr. Lou Bender, Adm. Planning  
Legislative Dinner: CSI Legislative  
Agenda  
Review Outreach Centers  
SIDC

COLLEGE OF SOUTHERN IDAHO  
JUNIOR COLLEGE DISTRICT  
BOARD OF TRUSTEES MEETING  
November 16, 1987

CALL TO ORDER: 5:30 p.m.

PRESIDING: LeRoy Craig

ATTENDING: Trustees: LeRoy Craig, Dr. Charles Lehrman, Bill Babcock, Dr. Thad Scholes, and Bob Blastock

College Administration: Gerald R. Meyerhoeffer, President  
Karl L. Black, Secretary-Treasurer  
Annette Jenkins, Public Information Officer  
Dr. Orval Bradley, Vocational Dean  
Dr. Mike Glenn, Assistant to the President  
Dr. Jerry Beck, Director Continuing Education  
Dr. Joan Edwards, Dean, Planning, Research  
and Development  
Bob McManaman, Director, Physical Plant  
Dr. Roy Strawser, Academic Dean

Visitors: Times-News: Craig Lincoln

MINUTES OF OCTOBER 15, 1987, were approved as written on MOTION by Dr. Scholes. Affirmative vote unanimous.

REVENUE REPORT for October was accepted upon MOTION by Mr. Babcock. Affirmative vote unanimous.

DISBURSEMENTS included vouchers #1 through #309 and #501 through #605 and #701 through #705 totaling \$358,243.97.

October payrolls were:	Regular	\$631,627.62
	Work Study	20,335.37

A MOTION by Dr. Lehrman approved the disbursements and transfer of funds and acknowledged the October payrolls. Affirmative vote unanimous.

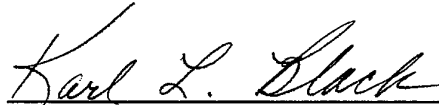
ENERGY RETROFIT: Bob McManaman presented a proposal to the board that we borrow \$100,000 from the Department of Energy at 3 percent interest for retrofit of the dorm and vo-tech center. He also presented a letter from the Attorney General's office giving an opinion that this would be a valid option for the Board of Trustees to take. A MOTION was made by Mr. Blastock that the loan application be filled out subject to review by the college's attorney. Affirmative vote unanimous.

JERRY BECK: Jerry Beck gave a report on Title III activity indicating that the Title III funds had helped with the off-campus centers. He believes that educational services have been made available to about 93 percent of the district's residents now. He reported that in the first year of the grant, 1752 students were enrolled, and during the second year, 2749. This being the third year of the grant, he anticipates the enrollment will increase again by at least 20 percent.

PRESIDENT'S REPORT: President Jerry Meyerhoeffer reported the following.

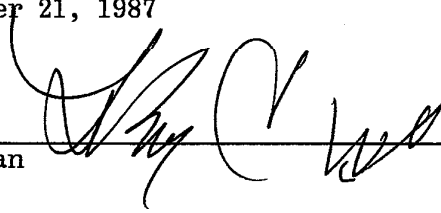
1. Dr. Lou Bender will be here as a consultant for our planning retreat on Thursday and Friday of this week.
2. The legislative dinner has been scheduled for December 1, at 6:30 p.m. in the Taylor Cafeteria. Our agenda with them this year will be to seek 50 percent state funding and approval of the South Central Idaho Development building project.
3. Fran Tanner's forensics group has returned from competition in Powell, Wyoming. With 12 schools participating and one-half of them being four-year schools, our group came in second over all and came home with nine trophies.
4. Ben Stroud returned from Provo with the volleyball team who placed second in the regional tournament. Rick Neill has also returned from the national cross country meet.

ADJOURNMENT was declared at 6:06 p.m.



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Karl L. Black, Secretary-Treasurer

APPROVED December 21, 1987

  
\_\_\_\_\_  
Chairman

COLLEGE OF SOUTHERN IDAHO  
JUNIOR COLLEGE DISTRICT

DATE October 1987

REGULAR PAYROLL SUMMARY

GROSS	\$ <u>631,627.62</u>
FEDERAL W/H	<u>61,298.35</u>
STATE W/H	<u>19,825.76</u>
FICA	<u>44,297.74</u>
FIXED DEDUCTIONS	<u>74,337.67</u>
NET PAYROLL	<u>431,868.10</u>

WORKSTUDY PAYROLL SUMMARY

GROSS	\$ <u>20,335.37</u>
FEDERAL W/H	<u>316.45</u>
STATE W/H	<u>3.06</u>
FIXED DEDUCTIONS	<u>150.00</u>
NET PAYROLL	<u>19,865.86</u>



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NOV 29 1986

Department of Water Resources

STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

BOISE 83720

TELEPHONE  
12081 334-2400

JIM JONES  
ATTORNEY GENERAL

November 26, 1986

A. Kenneth Dunn  
Director  
Department of Water Resources  
450 W. State St.  
Boise, ID 83720  
STATEHOUSE MAIL

THIS CORRESPONDENCE IS A LEGAL GUIDELINE OF THE  
ATTORNEY GENERAL SUBMITTED FOR YOUR GUIDANCE

Re: Debt Limitations on Municipalities

Dear Mr. Dunn:

In your letter of October 6, 1986, you refer to the issue of debt limitation on municipalities. Specifically:

Do loans by municipalities for energy conservation measures on buildings or facilities [owned by municipalities] come within the "ordinary and necessary" expense exception to Article 8, Section 3 of the Idaho Constitution, allowing the indebtedness to extend over a period of years without approval by the electorate?

In this reply, I assume that the program is structured in conformity with applicable federal rules and regulations, and address only its compliance with Idaho law.

Article 8, § 3 of the Idaho Constitution provides in essence that no local government entity may incur any indebtedness which will exceed its revenue in any given year without a vote of the people. The only exceptions are those obligations which are found to be "ordinary and necessary"

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Director, Department of Water Resources  
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expenses or those which fall within the "special fund" classification, i.e., those paid solely out of revenues from the operation of the facility or works.

~~An expense is "ordinary" if in the ordinary course of the~~ transaction of municipal business, or the maintenance of municipal property, it may be and is likely to become necessary. Hanson v. City of Idaho Falls, 92 Idaho 512, 446 P.2d 634 (1968); Thomas v. Glindeman, 33 Idaho 394, 195 P. 92 (1921). "Ordinary" means "regular; usual; normal; common; often recurring; . . . not characterized by peculiar or unusual circumstances"; "necessary" means "indispensable"; an expense may be "ordinary and necessary" even though it does not arise frequently and at regular intervals. City of Pocatello v. Peterson, 93 Idaho 774, 778, 473 P.2d 644 (1970). An expenditure need not be required by law to be ordinary and necessary. Board of County Commissioners v. Idaho Health Facilities Authority, 96 Idaho 498, 531 P.2d 588 (1975).

. . . It is one of the incidents of the ownership of property that it must be kept in repair . . . if the property is to be useful and serve its purpose. The making of repairs may, however, only occur at infrequent intervals, and still be an ordinary and necessary expense.

Hickey v. City of Nampa, 22 Idaho 41, 45-46, 124 P.280 (1912).

Based upon these interpretations, it is likely that our court would find that energy conservation measures on public buildings or facilities would meet the ordinary and necessary expense exception of Art. 8, § 3 of the Idaho Constitution; i.e., no election is necessary to authorize such expenses even if they constitute an "indebtedness or liability" of the municipality. Hanson v. City of Idaho Falls, 92 Idaho at 514, 446 P.2d at 636.

Although not addressed in your letter, you have also asked whether a city or municipality is authorized to act as a lending agent of Exxon case funds (for energy conservation measures) to private individuals. We do not have sufficient information to provide a detailed analysis of this program and must again assume that it complies with applicable federal rules and regulations. If the municipal corporation acts as a guarantor of energy conservation loans to private individuals, it is quite likely that a court would strike down the arrangement as a violation of Art. 12, § 4 of the Idaho Constitution which

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prohibits a municipal corporation from lending or donating its credit to private entities. Engleking v. Investment Board, 93 Idaho 217, 458 P.2d 213 (1969); Nelson v. Marshall, 94 Idaho 726, 497 P.2d 47 (1972). However, if the city is merely a ~~pass-through~~ agency, not required to guarantee the loans, then it is unclear what a court would do if faced with a challenge to the city's conduct.

If our office can be of further assistance, please let us know.

Sincerely,

*Daniel G. Chadwick*

DANIEL G. CHADWICK  
Deputy Attorney General  
Intergovernmental Affairs

DGC/mkf