

Prosecutor says Chmelik did nothing wrong

MacGregor: Commissioner was within his rights when he voted to send money to Coalition of Counties

Kathy Hedberg/Lewiston Tribune

GRANGEVILLE - Idaho County Prosecutor Kirk A. MacGregor said County Commission Chairman Jim Chmelik did nothing wrong by voting to set aside money for an organization he formed to fight the federal government over control of public lands.

MacGregor said Chmelik was within his rights when he voted, along with the other two commissioners this week, to bank \$5,000 for future payment to the Coalition of Counties - an organization Chmelik formed to challenge federal ownership of public lands in Western states.

MacGregor said he has reviewed the law and does not believe there is any conflict of interest.

"The commissioners are voted in by the public, and they can contribute money to whatever organization they deem appropriate," MacGregor said. "So that's what I determined, and I don't feel there's a conflict."

MacGregor noted a Cottonwood man filed suit against the commissioners three years ago, claiming their donations to the American Lands Council were illegal.

That case was reviewed by Magistrate Stephen Calhoun of Nezperce and dismissed.

In Calhoun's opinion, MacGregor said, "the public votes these commissioners in by majority vote, and they give them the authority to join whatever are appropriate organizations. ... The law that I saw was pretty broad; they have a lot of discretion on what county funds contribute to these different organizations."

Officials from the Idaho Attorney General's Office and the Idaho Association of Counties declined comment when asked whether they thought there was any conflict of interest or ethical breach on Chmelik's part. They deferred, instead, to MacGregor.

On Tuesday, the commissioners voted to set aside \$5,000 that had originally been designated for the Utah-based American Lands Council. The commissioners paid \$5,000 in each 2013 and 2014 to support the council's challenge of federal ownership of public lands in Western states.

Chmelik explained that because of an oversight, the check was never mailed. Instead, the commissioners voted unanimously to set that money aside for Chmelik's group, the Coalition of Counties.

Chmelik defended the commissioners' move, saying it was no different from the county financially supporting groups such as the National Association of Counties or the Idaho Association of Counties. In those instances, he noted, the county pays for his expenses whenever he travels for special meetings.

When it comes to the Coalition of Counties, he said, he has taken no money from the counties for any of his expenses. In fact, no money on behalf of the coalition has yet changed hands, he said. Thirteen counties in three states have pledged financial support to the organization, but Chmelik said no money will be collected or action taken until commitments are gathered from 50 counties.

"If we get 50 counties on board, we feel that's a good number," Chmelik said Thursday. "It will show action on the part of the Coalition of Counties and hopefully get other counties involved."

The goal is to sue the federal government over the lands issue.

Although Chmelik has not taken money for the Coalition of Counties, he has set up a separate private fund called the Western Landmark Foundation for people to donate toward his expenses when he travels on behalf of the coalition.

The foundation was registered with the Idaho Secretary of State in 2015 and Chmelik is listed as its manager. No financial records are available online and Chmelik declined to say how much money he has collected for the foundation, although he said it is "quite a bit of money."

Chmelik set up the foundation, he said, so people who want to donate to his cause can deduct it from their taxes.

No paperwork has been filed with the secretary of state's office on behalf of the Coalition of Counties. Chmelik said when the 50 counties get on board, the coalition will then become an auxiliary of the Citizens for Balanced Use in Gateway, Mont., a nonprofit organization designed for the same purposes.

"The coalition will utilize the balance sheet of (the Montana group) to carry out these objectives but with our own governing board," Chmelik said.

"The goal is still the same. We feel we have legitimate grounds to take the federal government (to court) on the issue of the health, safety and welfare and economic viability because we cannot function as a county," Chmelik said. "We have become so dependent on those dollars from the (Secure Rural Schools) fund," which goes to counties with non-taxable federal lands and is meant to compensate for a decline in timber harvest.

Hedberg may be contacted at kathyhedberg@gmail.com (208) 983-2326.

