



# KOOTENAI COUNTY

## BOARD OF COMMISSIONERS

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### **Commissioners' Status Update**

March 15, 2021  
11:00 a.m.

451 N. Government Way, Administration Building, Meeting Room 1A/B

### Agenda

- A. Call to Order
- B. Changes to the Agenda (Action)
- C. Business (Discussion)
  - 1. Kootenai Fire and Rescue (KCFR) Bond Presentation with KCFR Chief Chris Way Leslie Duncan
  - 2. Juvenile Probation Yearly Report for District 1 Leslie Duncan
  - 3. Kootenai County Sheriff's Office (KCSO) Maintenance Bill Brooks
  - 4. Second Amendment Ordinance Leslie Duncan
  - 5. BOCC Liaison Assignments Leslie Duncan
  - 6. Pending Items Status Review – List Attached All
- D. Public Comment (Discussion)
- E. Adjourn

*To allow for proper social distancing and allowing public meetings to be conducted remotely.*

- To watch via YouTube, go to <https://www.youtube.com/kootenaicountyidaho>
- To participate or listen via telephone dial (205) 825-9699
- Please be sure to keep your devices on mute to limit background noise.

## Status Update Pending Items

**March 15, 2021**

<u>Date Started</u>	<u>Project</u>	<u>Chris</u>	<u>Leslie</u>	<u>Bill</u>	<u>Status</u>
1/19/2021	County Form of Government Study Committee			X	1/19 - First draft of bylaws coming by the end of January 1/25 - 4-5 pages coming next week 2/1 - Still working on it 2/8- Preliminary bylaws by Friday 2/12 2/16 - Draft with attorney. Will have draft to BOCC Mon Feb 22 2/22 - Will have draft to commissioners and give a presentation on Mar 1. 3/1 - Line by line revision scheduled for week of Mar 8 3/8 - Mar 9 revision scheduled
12/9/2019	Facilities Expansion	X	X	X	12/21 - LCA to schedule a call w/BOCC to discuss increase in space from the departments 1/4 - Phone meeting with LCA Jan 12 to discuss space and costs 1/19 - Contract coming. Phase I done by mid March, reevaluate building size end of March 1/25 - Meetings Feb 17-18 for layout design 2/22 - LCA next meeting with stakeholders Mar 10 3/8 - Next Meeting March 17.
12/10/2019	PAC Airport Lease		X		12/14 - Wally & Steven trying to coordinate a call 12/21 - Wally considering trading grants for rent 1/25 - Wally working on proposal to trade grants for rent 2/22 - Wally sending proposal to SK this week 3/8 - Steven reviewing proposal by PAC.
12/14/2020	1A/B Audio Upgrade	X	X		12/14 Nancy Jones working with IT and new OnBase software for integration of audio/visual system 12/21 - No update 1/4 - Bring contract forward per BOCC direction 1/19 - Contract with Legal Dept. 2/1 - Out of legal review and ready for a business meeting 2/16 - More information coming regarding new vendor 2/22 - Info coming this week 3/1 - Contract coming forward. Work to be done end of April 3/8 - Contract coming Mar 16, install late April
12/23/2020	Financial Snapshot	X	X	X	12/23 - Updates from Dena 1/4 - First Status Update of the month we'll receive financial updates 2/1 - Update received 2/16 - Next update on March 8 3/8 - Under 40% of budget for spending most E/Os.
2/16/2021	Ballot Bond Language	X	X	X	2/16 - Goal to have language to elections by March 16th 2/22 - Mtg with Zion and Hawley Troxell to be 3/1 - Meeting on Mar 8 3/8 - Bond delayed until Nov election. Meeting w/counsel at 1:00 today.
2/22/2021	Building Financing	X	X	X	2/22 - Two options: General Obligation Bond or Foregone 3/8 - Loan required no matter funding options. Can use URD return if not restricted by legislature.

**ORDINANCE NO. 5**  
**SECOND AMENDMENT SANCTUARY ORDINANCE**

AN ORDINANCE OF KOOTENAI COUNTY, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, RELATING TO THE RIGHT TO KEEP AND BEAR ARMS AS PROVIDED IN THE SECOND AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES; PROVIDING A TITLE, PROVIDING FINDINGS OF THE BOARD OF COUNTY COMMISSIONERS, PROVIDING FOR PROHIBITIONS ON THE INFRINGEMENT OF THE RIGHT TO KEEP AND BEAR ARMS, PROVIDING A DEFINITION OF UNLAWFUL ACTS, PROVIDING FOR A PRIVATE RIGHT OF ACTION AND FOR ENFORCEMENT AND PENALTIES, AND PROVIDING FOR EXEMPTIONS; PROVIDING FOR RENUMBERING OF CERTAIN ENUMERATED SECTIONS OF TITLE 1, KOOTENAI COUNTY CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF KOOTENAI COUNTY, IDAHO AS FOLLOWS:

**SECTION 1.** That Title 1, Chapter 7, Kootenai County Code, shall be, and is hereby repealed.

**SECTION 2.** That Title 1, Kootenai County Code, shall be, and is hereby amended by the addition of a **NEW CHAPTER**, to be designated as Title 1, Chapter 7, Kootenai County Code, and to read as follows:

**1.7.101: TITLE:** The title of this chapter shall be known as the *Second Amendment Sanctuary Ordinance*.

**1.7.102. FINDINGS:** The Board of County Commissioners of Kootenai County, Idaho, hereby finds and declares as follows:

A. Acting through the United States Constitution, the people created government to be their agent in the exercise of a few defined powers, while reserving to the citizens the right to decide on matters which concern their lives, liberty, and property in the ordinary course of affairs;

B. The Second Amendment to the Constitution of the United States of America states, “A well-regulated Militia being necessary to the security of a free State, the right of the People to keep and bear arms, shall not be infringed”;

C. The right of the people to keep and bear arms is further protected from infringement by State and Local Governments under the Ninth, Tenth, and Fourteenth Amendments to the Constitution of the United States of America.

D. The Supreme Court of the United States of America in *District of Columbia v. Heller*, 554 U.S. 570, 128 S.Ct. 2783 (2008), recognized the individual’s right to keep and bear arms, as protected by the Second Amendment of the Constitution of the United States of America. Justice Antonin Scalia’s prevailing opinion in that case stated that the Second Amendment protects an individual’s right to possess a firearm unconnected with service in a militia, and the right to use that firearm for traditionally lawful purposes, such as self-defense within the home;

E. Section 1 of the Fourteenth Amendment to the Constitution of the United States of America states, “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws”;

F. The Supreme Court of the United States recognized in *McDonald v. City of Chicago*, 561 U.S. 742, 130 S.Ct. 3020 (2010), that the Second Amendment to the Constitution was incorporated by the Fourteenth Amendment and thereby made applicable to the States;

G. The right to be free from the commandeering hand of government has been recognized by the United States Supreme Court in *Printz v. United States*, 521 U.S. 898, 117 S.Ct. 2365 (1997). The Court held: “The Federal Government may neither issue directives requiring the States to address particular problems, nor command the States’ officers, or those of their political subdivisions, to administer or enforce a federal regulatory program.” The anti-commandeering principles recognized by the U.S. Supreme Court in *Printz v. United States* are predicated upon the advice of James Madison, who in Federalist #46 advised “a refusal to cooperate with officers of the Union” in response to either unconstitutional federal measures or constitutional but unpopular federal measures;

H. Therefore, the right to keep and bear arms is a fundamental individual right that shall not be infringed; and as such, many state and federal acts, laws, orders, rules or regulations regarding firearms, firearm accessories, and ammunition actually violate the Second Amendment;

I. Local governments have the legal authority to refuse to cooperate with state and federal firearm laws that violate those rights and to proclaim a Second Amendment Sanctuary for law-abiding citizens in their cities and counties;

J. Therefore, through the enactment of this document, Kootenai County, Idaho, is hereby declared a Second Amendment Sanctuary county.

**1.7.103: PROHIBITIONS:** Notwithstanding any other law, regulation, rule or order to the contrary, no agent, department, employee or official Kootenai County, a political subdivision of the State of Idaho, while acting in their official capacity, shall:

A. Knowingly and willingly participate in any way in the enforcement of any Unlawful Act, as defined herein, regarding personal firearms, firearm accessories, or ammunition.

B. Utilize any assets, County funds, or funds allocated by any entity to the County, in whole or in part, to engage in any activity that aids in the enforcement or investigation relating to an Unlawful Act in connection with personal firearms, firearm accessories, or ammunition.

**1.7.104: UNLAWFUL ACTS:**

A. An “Unlawful Act” shall consist of any federal or state act, law, order, rule, or regulation which clearly infringes upon an individual’s constitutional right to keep and bear arms, including any federal or state act, law, order, rule, or regulation which bans or effectively bans, registers or effectively registers, or unreasonably limits the lawful use of firearms, firearm accessories or

ammunition (other than fully automatic firearms which are unlawful under federal law). This definition shall not include any acts permitted under this section or in section 1.7.106 of this chapter.

B. Any such Unlawful Act is invalid in Kootenai County and shall not be recognized by Kootenai County, is specifically rejected by the citizens of Kootenai County, and shall be considered null, and void and of no effect in Kootenai County, Idaho.

C. Unlawful Acts shall include, but are not be limited to, the following:

1. Any tax, levy, fee, or stamp imposed on firearms, firearm accessories, or ammunition which has the effect of prohibiting or severely restricting the purchase or use of such items by citizens.
2. Any registration or tracking of firearms, firearm accessories, or ammunition.
3. Any registration or tracking of the owners of firearms, firearm accessories, or ammunition.
4. Any act forbidding the possession, ownership, or use or transfer of any type of firearm, firearm accessory, or ammunition by citizens of the legal age of eighteen years and over, other than pursuant to background check requirements for transfers or purchases of firearms through federally licensed dealers under federal law.
5. Any act ordering the confiscation of firearms, firearm accessories, or ammunition from citizens.
6. Any prohibition, regulation, and/or use restriction related to ownership or the constitutionally guaranteed lawful use or carry of non-fully automatic firearms, except as recognized in this subsection or section 1.7.106 of this chapter, or as permitted in Article I, Section 11 of the Idaho Constitution.
7. Any prohibition, regulation, and/or use restriction limiting hand grips, stocks, flash suppressors, bayonet mounts, magazine capacity, clip capacity, internal capacity, bump stocks, suppressors, or types of ammunition available for sale, possession or use by citizens.

#### **1.7.105: RIGHT OF ACTION, ENFORCEMENT, AND PENALTIES:**

A. Private Right of Action. Anyone within the jurisdiction of Kootenai County, Idaho, accused to be in violation of this chapter may be sued in the district court of the state of Idaho for declaratory and injunctive relief, damages, and attorneys' fees. Neither sovereign nor official or qualified immunity shall be an affirmative defense in cases pursuant to this section.

B. Enforcement. Any peace office may enforce this ordinance.

C. Penalty. Any violation of this chapter shall be a misdemeanor punishable as set forth in section 1.4.101 of this title.

**1.7.106: EXCEPTIONS:**

A. The protections provided to citizens by this ordinance do not apply to persons who have been convicted of felony crimes, or who are prohibited from possessing firearms under federal or state law.

B. This ordinance is not intended to prohibit or affect in any way the prosecution of any crime for which the use of, or possession of, a firearm is an aggravating factor or enhancement to an otherwise independent crime.

C. This ordinance does not permit or otherwise allow the possession of firearms in Federal buildings.

D. This ordinance does not prohibit individuals in Kootenai County from voluntarily participating in assisting in permitting, licensing, registration or other processing of applications for concealed carry permits, or other firearm, firearm accessory, or ammunition licensing or registration processes that may be required by law, so long as such individuals conscientiously believe that such activities are lawful and constitutional and such activities have not been found under clearly established law to be unlawful or unconstitutional.

**SECTION 3.** The following sections of Title 1, Kootenai County Code, shall be, and are hereby renumbered as follows:

FROM	TO	FROM	TO	FROM	TO	FROM	TO
1-1-1	1-1-101	1-2-2	1-2-102	1-4-1	1-4-101	1-9-3	1-9-103
1-1-2	1-1-102	1-2-3	1-2-103	1-4-2	1-4-102	1-9-4	1-9-104
1-1-3	1-1-103	1-2-4	1-2-104	1-4-3	1-4-103	1-10-1	1-10-101
1-1-4	1-1-104	1-3-1	1-3-101	1-5-1	1-5-101	1-10-2	1-10-102
1-1-5	1-1-105	1-3-2	1-3-102	1-9-1	1-9-101		
1-2-1	1-2-101	1-3-3	1-3-103	1-9-2	1-9-102		

All references to the above-renumbered sections occurring anywhere within the Kootenai County Code shall also be changed to reflect the renumbering set forth herein.

**SECTION 4.** The provisions of this Ordinance are hereby declared to be severable, and if any provision of this Ordinance or the application of any provision of this Ordinance to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 5.** This Ordinance shall be effective immediately upon approval and publication of notice of adoption in the *Coeur d'Alene Press*.

ADOPTED this \_\_\_\_\_ of \_\_\_\_\_, 2021.

**KOOTENAI COUNTY  
BOARD OF COMMISSIONERS**

**ATTEST:  
JIM BRANNON, CLERK**

\_\_\_\_\_  
Chris Fillios, Chairman

By: \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Leslie Duncan, Commissioner

\_\_\_\_\_  
Bill Brooks, Commissioner

C: Sheriff, Prosecuting Attorney (Civil and Criminal Divisions), Ordinance File

DRAFT