

Minutes of Meeting
Airport
February 20, 2019
2:00 p.m.

The Kootenai County Board of Commissioners: Chairman Chris Fillios, Commissioner Leslie Duncan and Commissioner Bill Brooks met to discuss the following agenda items. Also present were Airport Director Steven Kjergaard and Deputy Clerk Tina Ginorio. Also present was Kootenai County Resident Jolene Compton.

- A. Call to Order:** Chairman Chris Fillios called the meeting to order at 2:01 p.m.
- B. Changes to the Agenda (Action):** There were no changes to the agenda.
- C. Business:**

Airport Lease & Part 13 (Action)

Airport Director Steven Kjergaard reminded the Commissioners that this topic had been discussed previously. He explained that the Board had given a directive regarding insurance provisions in Airport leases that had turned out not to be feasible. He said Legal had previously asked that all leases contain a provision requiring insurance coverage for damage to rented premises. Mr. Kjergaard stated that many Airport clients have Travelers Insurance plans but Travelers does not offer this particular coverage.

Civil Deputy Prosecuting Attorney R. David Ferguson entered the meeting at 2:02 p.m.

General Manager of Resort Aviation Joe Rossetti entered the meeting at 2:02 p.m.

Mr. Kjergaard asked the Board how they wanted him to proceed. He remarked that the only damage to rented premises he could imagine would be damage to the actual ground of the parcels. He said the sewer and utility hookups do not belong to the County so they would not be considered covered by this provision.

Mr. Ferguson said that he saw this as a business decision that needed to be made by the Board. He noted that, if the tenants said they were not able to get the coverage at a reasonable rate, and it would make the difference between leasing a property and not leasing it, the BOCC has to decide if they will require it or not.

Commissioner Leslie Duncan asked Mr. Kjergaard how often, in his past professional experience, he had encountered an injury of this type. Mr. Kjergaard said he had never encountered such a situation. He added that he had experienced fuel spills, but the facility affected generally pursued the individual or entity that caused the spill. He said this most often involved an FBO (Fixed Base Operator) but that FBO's were required to carry different insurance than individual hangar renters anyway.

Mr. Ferguson pointed out that an insurance policy was only a contractual stand-in for the person liable for an expense; lack of coverage did not negate liability.

Commissioner Bill Brooks asked whether an inequity would be created if such coverage were required of FBOs but not required for private operators. Mr. Ferguson replied that he was not aware if there was an FAA (Federal Aviation Administration) requirement on that, but aside from that, he felt it would not be an issue. Mr. Kjergaard said that as long as everyone within a given category was treated equally, it was not a problem.

Commissioner Duncan asked whether a person who could not get the specific insurance to satisfy the clause, could be asked to sign an additional statement recognizing personality liability should such circumstances arise. Mr. Ferguson stated he did not see any barrier to that. Mr. Kjergaard said an addendum to a lease with that language could be added as needed; he just needed direction from the Board saying this was acceptable.

The Commissioners agreed that the damage to rented premises clause would be removed and the language of Airport leases would be further modified to reflect the Board’s direction. Mr. Ferguson advised the Commissioners that a motion was not needed at this time; as the modified leases were signed, they would come to the Board for approval and this would be adequate.

Commissioner Duncan moved that the Board enter into Executive Session pursuant to Idaho Code §74-206(1)(f). Commissioner Brooks seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye
Commissioner Duncan: Aye
Chairman Fillios: Aye
The motion carried.

Chairman Fillios invited Mr. Ferguson to remain for the Executive Session.

The Board entered into Executive Session at 2:18 p.m.

Executive Session pursuant to Idaho Code §74-206(1)(f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated (threatened or pending litigation) (Closed Session – Discussion)

Decision/Direction (Open Meeting – Action Item)

The Board exited Executive Session at 2:40 p.m.

Commissioner Duncan moved that the Board exit Executive Session with no decisions made and direction given for staff to bring forward the Minimum Standards for approval at a Business Meeting. Commissioner Brooks seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye
Commissioner Duncan: Aye
Chairman Fillios: Aye

The motion carried.

D. Public Comment (Discussion): This section is reserved for citizens wishing to address the Board regarding a County-related issue. Idaho Law prohibits Board action on items brought under this section except in an emergency circumstance. Comments related to future public hearings should be held for that public hearing. There was no public comment.

E. Adjournment (Action): Chairman Fillios adjourned the meeting at 2:41 p.m.

Respectfully submitted,

JIM BRANNON, CLERK

CHRIS FILLIOS, CHAIRMAN

BY: _____
Tina Ginorio, Deputy Clerk
