

**Minutes of Meeting
Human Resources
February 28, 2023
10:00 a.m.**

The Kootenai County Board of Commissioners: Chair Leslie Duncan, Commissioner Bruce Mattare and Commissioner Bill Brooks met to discuss the following agenda items. Also present were Chief Deputy Treasurer Jill Smith, Treasurer’s Office Specialist Supervisor DeeAnn Reed, Treasurer’s Office Specialist Accountant Teresa Mallery, Treasurer’s Office Specialist II Anna Engels, Solid Waste (SW) Director John (JP) Phillips, SW Business & Finance Manager Angela Burgeson, Finance Director Brandi Falcon, KCSO Lieutenant William Klinkefus, Civil Deputy Prosecuting Attorney Darrin Murphey, Community Development Certified Building Official Christina Garland, Community Development Administrative Manager Reba Grytness, Human Resources (HR) Generalist – Employee Relations Dorothy Cross, BOCC Communications Coordinator Jonathan Gillham and Deputy Clerk Tina Ginorio. Also present was Coeur d’Alene Press Reporter Kaye Thornbrugh. Commissioner Brooks was present via teleconference.

- A. Call to Order:** Chair Leslie Duncan called the meeting to order at 10:00 a.m.
- B. Changes to the Agenda (Action):** There were no changes to the agenda.
- C. Business:**

Approval of Separation & Release Agreement – Sheriff’s Office

KCSO Lieutenant William Klinkefus requested the Board’s approval of a Separation and Release Agreement for the Sheriff’s Office.

It was generally agreed that the Board did not need to discuss the details of the agreement, so no Executive Session was required.

Commissioner Bruce Mattare moved that the Board approve the Separation and Release Agreement for the Sheriff’s Office. Commissioner Bill Brooks seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye
Commissioner Mattare: Aye
Chair Duncan: Aye

The motion carried.

Executive Session pursuant to Idaho Code §74-206(1)(b) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent. – Sheriff’s Division (Closed Session – Discussion)

Decisions/Direction (Open Meeting – Action)

No information requiring an Executive Session was submitted.

Civil Deputy Prosecuting Attorney R. David Ferguson entered the meeting at 10:02 a.m.

Request for Step Increase due to Certification – Community Development

Community Development Certified Building Official Christina Garland reported that one of their staff had completed all requirements to become a Certified Permit Technician. She asked the Board to approve an increase in pay from Step 4 Grade 5 to Step 5 Grade 5.

Chair Duncan remarked that this change would be budget neutral for FY23, since they had salary savings to cover the increase.

Human Resources (HR) Generalist – Employee Relations Dorothy Cross confirmed that this change had not been built into the FY23 budget.

In response to a question from Commissioner Mattare, Ms. Garland reported that possession of the certificate was not a prerequisite for hire, but it was stated that the certification had to be acquired within a certain time after hire. She remarked that they had difficulty filling positions.

After some discussion of including probable certifications resulting in increases in the budget process, it was generally agreed to approve the request. However, the Commissioners urged that all departments that might experience similar circumstances include them in their yearly budgets.

Commissioner Mattare moved that the Board approve the Step increase due to certification for Community Development. Commissioner Brooks seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye
Commissioner Mattare: Aye
Chair Duncan: Aye

The motion carried.

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Decisions/Direction (Open Meeting – Action)

No information requiring an Executive Session was submitted.

Ms. Garland agreed that similar changes would be included in their future budget planning.

Request for Seasonal Employment Increase in Pay – Solid Waste (Action)

Solid Waste (SW) Director John (JP) Phillips requested the Board’s approval to increase the salary for Seasonal Spotters from \$15 per hour to \$17 per hour and for Seasonal Landfill Laborer from \$15 per hour to \$18 per hour. He explained that he was having trouble filling positions at the lower rates. He noted that there would be no issues of compression created.

SW Business & Finance Manager Angela Burgeson remarked that seven full-time seasonal positions were available, but they mostly had applicants for part-time.

Commissioner Mattare moved that the Board approve the request for seasonal employment increase in pay for Solid Waste. Commissioner Brooks seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye
Commissioner Mattare: Aye
Chair Duncan: Aye
The motion carried.

Mr. Phillips and Ms. Burgeson exited the meeting at 10:13 a.m.

Request for Admin Higher Duty Pay – Airport

Commissioner Mattare reminded those present that a person was leaving the Airport’s staff, so the immediate subordinate would be taking over the position temporarily. He asked the Board to approve the request for an increase until the two positions were stabilized. He explained that positions would be backfilled, leaving an opening at the entry level.

Commissioner Brooks said he would approve this as long as there was a thorough search for a replacement.

Commissioner Mattare moved that the Board approve the request for Admin higher duty pay at the Airport. Commissioner Brooks seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye
Commissioner Mattare: Aye
Chair Duncan: Aye
The motion carried.

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Decisions/Direction (Open Meeting – Action)

No information requiring an Executive Session was submitted.

Chair Duncan asked that the Board move to item 6 on the agenda, then return to item 5.

Request for Temporary Employee – Airport (Action)

Commissioner Mattare asked that the Board approve use of a temporary employee to fill the open entry-level slot at the Airport until the staffing issues were resolved. He said that Express Personnel would be approached for applicants.

Finance Director Brandi Falcon confirmed that about \$57,000 was left in the BOCC Temp Pool.

Chair Duncan said that she would recommend that the funding be taken from the Airport’s “A” (Personnel) budget.

Ms. Falcon pointed out that use of Express Personnel would actually be a “B” (Operations) Budget expense, not an “A.” She added that she was not sure the Airport would have funds to cover the expense because their overtime hours had been so over-budget.

Ms. Cross stated that the rate charged for the temp would be related to what the County agreed to pay the person. She said that the agency had recommended that the County offer no less than \$12.50 to \$13.50 per hour.

Chair Duncan said she thought they would have to offer at least \$16 per hour in order to get people interested.

Commissioner Mattare suggested that the cost be taken from the BOCC Temp Pool funds.

Commissioner Brooks said he would like to know exactly how much the temp agency charges for their services.

Chair Duncan replied that HR would let the Board know, once they had the information.

Commissioner Mattare moved that the Board approve the request for a temporary employee at the Airport, to be paid for from the BOCC Temp Pool Budget. Commissioner Brooks seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye

Commissioner Mattare: Aye

Chair Duncan: Aye

The motion carried.

Chair Duncan said the Board would return to item 5 from the agenda.

Request for Ops Supervisor Higher Duty Pay – Airport

Commissioner Mattare asked the Board’s approval of a temporary adjustment to the Ops Supervisor’s pay during the period in which an Interim Director would be in place. He explained this would reflect the additional help the Ops Supervisor would be giving the Interim Director.

Commissioner Brooks again voiced his desire to see a legitimate search conducted for a permanent Director.

Commissioner Mattare moved that the Board approve the request for higher duty pay, from a Step 5 to a Step 7 for the Operations Supervisor until a permanent Airport Director was hired. Commissioner Brooks seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye

Commissioner Mattare: Aye

Chair Duncan: Aye

The motion carried.

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No information requiring an Executive Session was submitted.

In response to a question from Ms. Cross, the Commissioners confirmed that Gaston Patterson’s effective date for this adjustment would be the current pay period.

Chair Duncan asked that the meeting be placed in recess until Assessor Bela Kovacs could be located and asked to join them.

The meeting went into recess at 10:22 a.m.

Assessor Kovacs entered the meeting at 10:33 a.m.

The meeting was reconvened at 10:33 a.m.

Elected Assessor Operating Outside BOCC Procedure for Adverse Employment Action and \$20,000 Deductible – BOCC

Chair Duncan stated that it had come to the Board’s attention that a person in the Assessor’s Office had been placed on Administrative Leave, but the appropriate procedures had not been followed. She said she did not feel that the individual involved needed to be discussed in this meeting; she felt the issue today was that the Board approved operating procedures did not allow for ongoing Administrative Leave pay without an investigation involving HR and Legal.

Assessor Kovacs stated that HR and Legal were involved. He complained about the phrasing of the item on the agenda, saying he felt it was presumptive to say the Assessor “was operating outside of the boundaries.” He said he was working on getting back to HR and that no decision had been made without first involving HR.

In response to Chair Duncan's question, Assessor Kovacs stated that he did not recall the precise date on which HR had been informed but it had been done "before action was taken."

Ms. Cross stated that HR had been notified on February 13, 2023.

Assessor Kovacs said that the person had been placed on Administrative Leave later that same day.

Chair Duncan repeated that their purpose today was not to discuss the individual in question but to offer a reminder of the approved County procedures and that, if the procedures were not followed, the County would be charged a \$20,000 deductible from ICRMP (Idaho Counties Risk Management Program).

Assessor Kovacs stated he was aware of that and that he had discussed this with ICRMP.

Chair Duncan asked if he had worked through the County's attorney or if he had gone directly to ICRMP himself.

Assessor Kovacs stated he met first with HR and then contacted ICRMP.

Commissioner Mattare asked Assessor Kovacs whether he felt he was a good communicator.

Assessor Kovacs said he did, but he did not feel this was relevant to the discussion.

Commissioner Mattare asked if he believed in the chain of command.

Assessor Kovacs indicated he did not feel that was relevant either.

Commissioner Mattare asked if he had made it a point to be sure his staff knew the policies and procedures in his office.

Assessor Kovacs said that he was reviewing all his office's processes, procedures and policies.

Commissioner Mattare asked how many people directly reported to the Assessor.

Assessor Kovacs replied that the managers reported directly to him and that he employed "an open door policy" for all staff.

Commissioner Mattare asked him to describe the steps involved in the discipline of an employee, such as verbal warning, written warning, personal improvement plan or administrative leave.

Assessor Kovacs replied that he did not have the policy committed to memory, but he did refer to it as needed.

Commissioner Mattare asked whether staff were always notified of the reasons behind any disciplinary action.

Assessor Kovacs stated that he was in the process of an investigation and that it was not appropriate to discuss it further.

Commissioner Mattare asked whether Assessor Kovacs notified any staff member subject to disciplinary action about what was being investigated.

Assessor Kovacs remarked that there had not been a great number of such cases.

Mr. Ferguson pointed out that the item on the agenda specifically related to the \$20,000 deductible and not the general processes or procedures of the Assessor's Office.

Commissioner Mattare asked specifically whether, if a person were put on administrative leave, notice of the reason was given.

Assessor Kovacs stated that such a person would be told the reason. He said he had spoken to HR and followed HR's instructions.

Commissioner Mattare said his concern was that the person involved in this case said that there had been no notification given.

Chair Duncan reviewed the general procedure for disciplinary cases for the record. She expressed concern regarding Assessor Kovacs speaking to ICRMP without going through HR.

Assessor Kovacs stated that he did go through HR.

Chair Duncan asked whether HR had told him to call ICRMP.

Assessor Kovacs replied that he had spoken with Civil Deputy Prosecuting Attorney Darrin Murphey and HR in December 2022.

Chair Duncan asked whether this person's incident had happened in December.

Assessor Kovacs said that there had been multiple issues which required investigation and that he had been working with HR and Legal. He stated that, in a prior conversation or email with Mr. Murphey, he had been cleared to communicate with ICRMP.

Mr. Murphey stated he did not recall any such conversations and suggested that, if any privileged communications were to be discussed, they enter Executive Session.

Commissioner Brooks remarked that he felt Commissioner Mattare had asked very good questions. He said he would also like to know why the Assessor was not initially present at the meeting when he was clearly included on the agenda.

Assessor Kovacs said that he did not monitor the Commissioners' calendar and did not receive a special notice of the meeting, so he had not planned on attending.

Chair Duncan said the calendar clearly showed that Assessor Kovacs had been sent notice.

Assessor Kovacs indicated that he did not feel he had received notice.

Chair Duncan said that an email invitation function was used to notify department heads of such meetings.

Assessor Kovacs stated he had not received such an invitation.

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

Commissioner Brooks: Aye

Commissioner Mattare: Aye

Chair Duncan: Aye

The motion carried.

Chair Duncan noted that Mr. Ferguson and Mr. Murphey would remain for the Executive Session.

The Board entered into Executive Session at 10:45 a.m.

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Decisions/Direction (Open Meeting – Action)

The Board exited Executive Session at 11:20 a.m.

Commissioner Mattare moved that the Board exit Executive Session with staff to proceed as discussed. Commissioner Brooks seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye

Commissioner Mattare: Aye

Chair Duncan: Aye

The motion carried.

- D. Public Comment:** 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 were no public comments.

E. Adjournment (Action): Chair Duncan adjourned the meeting at 11:20 a.m.

Respectfully submitted,

JENNIFER LOCKE, CLERK

BOCC SIGNATURE

BY: _____
Tina Ginorio, Deputy Clerk