

Minutes of Meeting
Business Meeting
March 31, 2020
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 KCSO Undersheriff Dan Mattos, KCSO Captain Stuart Miller, Human Resources (HR) Director Sylvia Proud, Finance Director Dena Darrow, Civil Deputy Prosecuting Attorneys Darrin Murphey, Pat Braden and R. David Ferguson, Assessor's Office Administrative Manager Reba Grytness, Buildings & Grounds (B&G) Administrative Secretary Kristi Koehn, BOCC Administrative Secretary Teri Johnston and Deputy Clerk Tina Ginorio. Also present was Contractor Shawn Riley. Commissioner Bill Brooks, Ms. Proud, Ms. Koehn, Mr. Murphey, Mr. Braden, Mr. Riley, Undersheriff Mattos and Captain Miller attended via teleconference.

- A. Call to Order:** Chairman Chris Fillios called the meeting to order at 2:02 p.m.
- B. Pledge of Allegiance:** Assessor's Office Administrative Manager Reba Grytness led the Pledge of Allegiance.
- C. Consent Calendar (items to be approved listed below):**
 - Minutes of Meetings:**
 - 02/13/2020 Public Hearing/MSP18-0002/Lake Club Estates/Community Development
 - 03/02/2020 Commissioners' Status Update
 - 03/04/2020 Requests for Cancellation of Taxes
 - 03/17/2020 Office of Emergency Management
 - 03/17/2020 County Board of Canvassers: Elections
 - 03/17/2020 Business Meeting
 - 03/17/2020 North Idaho Fair Board Quarterly Update
 - 03/18/2020 Elected Officials
 - 03/24/2020 Indigent Appeal 2012-380
 - 03/24/2020 Indigent Appeal 2013-700 & 2013-985

Board Actions:

Resolution 2020-22/Authorizing the Director of Community Development to Approve Requests for Waiver of Fees
Resolution 2020-23/Authorizing the Director of Community Development to Approve Warranties and Subdivision Completion and Warranty Agreements
VPN Licensing/Kinsey/Information Technology
Approval/Engagement for Legal Services/Kaplan Kirsch & Rockwell LLP/Airport
Human Resources: Extension of Temp Appointment/Likkel/Solid Waste: Payroll Position Conversion/Auditor; Request Exception to Policy/Administrative Leave with Pay/Public Defender; New Hire/Veterans Services; Parks & Waterways Position Analysis; Request to Convert AT2 Position to 2 Temp/Part-time Positions/Prosecuting Attorney's Office; 2020 Parks & Waterways/Noxious Weed Control Director Reclassification
Approval: Admin Leave/Sahm/Morris/Bailiff
PAF/SCF Report: BOCC Review: PP07/Human Resources
BOCC Signatures for Indigent Cases: 3/19/20 through 3/25/20

Commissioner Leslie Duncan moved that the Board approve the Consent Calendar as it appeared on the agenda. Commissioner Bill 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. Payables List (Action):

Commissioner Duncan moved that the Board accept the Payables List for the week of March 23, 2020 through March 27, 2020 in the amount of \$420,010.48, with no jury payments. 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.

E. Changes to the Agenda (Action): There were no changes to the agenda.

F. Action Items:

FY19 Equitable Sharing Agreement and Certification/North Idaho Violent Crimes Task Force (NIVCTF)/KCSO

KCSO Captain Stuart Miller explained this was for the FY19 task force account which needed to be closed out. He reported that it had been looked over by the Auditor's Office.

Commissioner Duncan moved that the Board approve the FY19 Equitable Sharing Agreement and Certification for the North Idaho Violent Crimes Task Force. 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.

Families First Coronavirus Response Act (FFCRA) Policy/Human Resources

Human Resources (HR) Director Sylvia Proud explained the provisions of the Families First Coronavirus Response Act, which would become effective April 1, 2020. She said the Emergency Family and Medical Leave Expansion Act temporarily amended the Family and Medical Leave Act (FMLA) to provide employees who had been on the job for at least thirty days with the right to take up to twelve weeks of job-protected leave for Public Health Emergency Leave. She noted that the six additional reasons that impacted employees due to the COVID-19 pandemic included:

1. The employee was subject to federal, state, or local quarantine or isolation orders related to COVID-19.

2. The employee had been advised by a healthcare provider to self-quarantine related to COVID-19.
3. The employee was experiencing symptoms of COVID-19 and was seeking a medical diagnosis.
4. The employee was caring for an individual subject to an order described in the first item, or self-quarantine as described in the second item.
5. The employee was caring for a child whose school or place of care was closed (or child care provider was unavailable) for reasons related to COVID-19.
6. The employee was experiencing substantially similar conditions as specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

Ms. Proud further explained the duration of any leave allowed:

- For reasons 1 - 4 and reason 6 listed above, a full time employee would be eligible for up to 80 hours of leave, and a part-time employee would be eligible for the number of hours of leave that the employee worked on average over a two-week period.
- For reason 5, a full time employee would be eligible for up to twelve weeks of leave at forty hours a week, and a part-time employee would be eligible for the number of hours that the employee was normally scheduled to work over that period.
- For employees that needed additional time off for reasons 1 – 4 and 6, the County’s FMLA Policy 324 might apply. Employees on traditional FMLA leave would be required to use their accrued paid leave (compensatory time, sick and vacation, usually in that order), unless the employee was concurrently on paid Worker’s Compensation leave.

Ms. Proud explained that pay would be calculated as followed:

- For leave reasons 1, 2 or 3, employees that took leave would be paid at either their regular rate or the applicable minimum wage, whichever was higher (over a two week period).
- For leave reasons 4 or 6, the employees that took leave would be paid at 2/3 of their regular rates or 2/3 the applicable minimum wage, whichever was higher (over a two week period). Employees would be allowed to use their earned accrued leave time to receive full compensation.
- For leave reason 5, the employees who took leave would be paid at 2/3 their regular rate or 2/3 the applicable minimum wage, whoever was higher (over a twelve week period – two weeks of paid leave followed by up to ten weeks of paid expanded family and medical leave). Employees would be allowed to use their earned accrued leave time to receive full compensation.

Ms. Proud noted that, at the minimum, Kootenai County would comply with Families First Coronavirus Response Act (FFCRA) related to COVID-19, and provide employees who were unable to work or telework with two weeks of paid leave, using the employee’s regular rate of pay, due to “Employees Impacted by COVID-19” as listed in County Policy.

She added that the County reserved the right to provide benefits for its employees in excess of minimums established elsewhere and that employees would be immediately eligible for leave with any waiting period.

Commissioner Duncan moved that the Board approve the Families First Coronavirus Response Act Policy as requested by Human Resources. 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.

Construction Change Directive/Storage Building/MillerStauffer Architects/Riley/KCSO

Contractor Shawn Riley requested the Board's approval of a construction change directive. He explained that, when the architect bid on the project, he did not have a landscaper under contract. He said it would be at no cost to the County and might even save about \$6,000 on the project.

Commissioner Brooks momentarily lost phone contact with the meeting at 2:10 p.m.

Commissioner Duncan moved that the Board approve the construction change directive for the 911 Storage Building with MillerStauffer Architects. Chairman Fillios seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Excused

Commissioner Duncan: Aye

Chairman Fillios: Aye

The motion carried.

Revised/RTU Replacement Proposal/Jail Housing/McKinstry/Riley/KCSO

Mr. Riley explained that they had gotten behind on replacing some items on the Five Year Plan, such as the Roof Top Units (RTU) on the Jail. He asked the Board's approval to spend \$98,400 from the Five Year Plan to get caught up on this. He said he could bring the service agreement to the Board at next week's meeting, if they approved.

Mr. Riley further explained that doing all nine units at once had not been included in the FY2020 budget, but the provider had made a very attractive offer, which would save the County about \$20,000 to \$30,000 for buying all the units at once.

Commissioner Brooks regained phone contact with the meeting at 2:13 p.m.

Commissioner Duncan moved that the Board approve the Roof Top Unit replacement proposal for the Jail with McKinstry, as described. 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.

Cancellation of Contract/Marine Pole Building/Ginno Construction/Riley/KCSO

Mr. Riley reported that he had talked to Legal and, per Article 14.4 in the contract for the Marine Pole Building with Ginno Construction, it stated that the County could terminate the contract at any time, without cause, for the convenience of the owner. He stated that the County was currently paid up to Ginno Construction for services rendered. He asked the Board to terminate the contract, due to changes requested that would increase the cost of the project more than \$30,000 beyond the bid amount. He suggested the project be examined during the budget process and put back out to bid.

Commissioner Duncan moved that the Board cancel the contract for the Marine Pole Building with Ginno Construction as allowed for by Article 14.4. 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.

Advisory Board Appointment/Komberec/Airport Advisory Board

Commissioner Duncan reported that Mr. Komberec's term would be April 1, 2020 through December 31, 2020. She said he would take the place of Sholeh Patrick, who had resigned.

Commissioner Duncan moved that the Board appoint Tim Komberec to the Airport Advisory Board. 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.

Hayden Area Regional Sewer Board (HARSB) Joint Powers Agreement/Board of Commissioners

Commissioner Duncan stated this represented the fourth amendment to the Joint Powers Agreement. She said it represented a change to 172.5 gallons per day allowance for the waste water units. She explained this would change the amount from the original amount of 200 gallons per day. She added that the City of Hayden had already signed it.

Commissioner Duncan moved that the Board approve the fourth amendment to the Hayden Area Regional Sewer Board Joint Powers Agreement. 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.

Updated/County Meeting Rooms Use Policy/Buildings & Grounds

Buildings & Grounds (B&G) Administrative Secretary Kristi Koehn reported that she had finished her update of the County Meeting Rooms Use Policy. She requested the Board's approval of the draft. She confirmed that Legal had reviewed the draft and voiced no objections.

Commissioner Duncan moved that the Board approve the updated County Meeting Rooms Use Policy. 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.

Resolution 2020-30/FY20 Surplus Fund Balance Allocation/Auditor

Finance Director Dena Darrow requested the Board's approval of Resolution 2020-30 for the FY20 Surplus Fund Balance Allocation.

Commissioner Duncan moved that the Board approve Resolution 2020-30 for the FY20 Surplus Fund Balance Allocation. 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.

Resolution 2020-34/Acknowledging and Accepting Portion of the Boundary of the West Rathdrum Revenue Allocation Area/Board of Commissioners

Civil Deputy Prosecuting Attorney Pat Braden requested the Board's approval of Resolution 2020-34, to acknowledge and accept two portions of Greensferry Road that were within the Rathdrum URD (Urban Renewal District), within the West Rathdrum Revenue Allocation Area. He noted that both were under the jurisdiction of the Highway District and were exempt from taxes, including URD fees. He explained this was an acknowledgement that the two sections of road were within the Revenue Allocation Area.

Commissioner Duncan moved that the Board approve Resolution 2020-34, an acknowledgement and acceptance of the portion of the boundary of the West Rathdrum Revenue Allocation Area. 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.

Discussion/Romer Building Bushes/Signs/Board of Commissioners

Chairman Fillios stated that Julianne Dance had asked to post signs related to fundraising for the Music Conservatory’s project. He said that both Mr. Braden and the City of Coeur d’Alene had said this was acceptable.

Mr. Riley reminded the Board that a precedent had been set by prior Boards not to allow signs on County property. He asked if the Commissioners wished to consider this aspect before giving permission to Ms. Dance.

Commissioner Duncan suggested looking at the question on a case by case basis, with allowance made for prior approval of the appearance of the signs and the signs’ purpose for fundraising to support the project.

Chairman Fillios voiced his support for Commissioner Duncan’s point.

Commissioner Brooks stated he would not be in favor of allowing signs on County property.

Discussion/Capital and Other Purchases Related to COVID-19/Board of Commissioners

Commissioner Duncan reported that department heads had come to her to ask about procedures, since they had not budgeted for the extra cleaning supplies related to the COVID-19 situation.

Ms. Darrow explained how to notate the expenses for appropriate tracking by the Auditor’s office and possible reimbursement.

G. 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 were no public comments.

H. Adjournment (Action): Chairman Fillios adjourned the meeting at 2:29 p.m.

Respectfully submitted,

JIM BRANNON, CLERK

CHRIS FILLIOS, CHAIRMAN

BY: _____
Tina Ginorio, Deputy Clerk
