

Minutes of Meeting
Kootenai County Sheriff's Office
April 11, 2019
2:00 p.m.

The Kootenai County Board of Commissioners: Chairman Chris Fillios and Commissioner Leslie Duncan met to discuss the following agenda items. Also present were KCSO Sheriff Ben Wolfinger, Civil Deputy Prosecuting Attorney R. David Ferguson, Civil Deputy Prosecuting Attorney Darrin Murphey and Deputy Clerk Tina Ginorio. Also present were Attorneys John Magnuson and Scot Nass and Kootenai County Residents Joe Andrews, Chris Wunder, Matt Mayo, Terry Vulles and Tim Vulles. Commissioner Bill Brooks was excused.

- 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:**

Review of the Kootenai County Sheriff's Towing Contract (Action)

Chairman Fillios explained that discussions held under a prior Board had covered a proposed central dispatch system that would allocate towing assignments to all participating members of a group composed of all qualified and interested towing entities.

Attorney John Magnuson pointed out that there had previously only been one towing company serving the County, towing County vehicles at no cost. He stated his clients disputed whether the arrangement had been made in accordance with public bidding statutes and claimed they were attempting to bring about a resolution that would make the process fair and equitable by allowing all qualified towing providers who offered the same conditions to participate through a rotating dispatch system. He noted that KCSO Sheriff Ben Wolfinger had declined to be responsible for the dispatch system or its management. Mr. Magnuson explained that they had suggested the establishment of an Idaho non-profit entity that would be responsible for engaging a dispatch service, with the members sharing the costs. He stated that they had created drafts of the articles of incorporation, bylaws and required standards.

Sheriff Wolfinger said that Mr. Magnuson and his clients had addressed all of KCSO concerns in their draft documents.

Terry Vulles from Schaffer's Towing pointed out that his company had not been included in any of these discussions or negotiations. He stated that Schaffer's Towing had fulfilled all its obligations during the years they had served the County and had received only praise for their efforts from KCSO.

Commissioner Leslie Duncan inquired why Schaffer's Towing had not been included and whether the nonprofit would be open to any qualified participant or if it would be by

invitation only. Mr. Magnuson affirmed that the nonprofit would be open to any towing entity that met the Sheriff's standards.

Sheriff Wolfinger reported that the KCSO had tried to implement a rotation system in the past but it had not worked out in a satisfactory manner. He stated that, before they settled an agreement with Schaffer's Towing, they had sent out an RFP (Request for Proposals), reviewed the plan with Legal and had been advised that they did not have to offer a bid process since the County was not paying for the services. He confirmed that the current arrangement had worked well.

Commissioner Duncan requested a copy of the documents described by Mr. Magnuson.

Civil Deputy Prosecuting Attorney Darrin Murphey confirmed that Legal had approved the original arrangement, but noted that Mr. Magnuson was free to disagree with their findings.

Tim Vulles from Schaffer's Towing confirmed that his company had not been contacted at any point during the process. Terry Vulles pointed out that neither of the two companies currently working with Mr. Magnuson had been present when the original proposal had been approved. He stated that they should have participated in the process at that time, if they were interested and noted that two other local towing companies and one from Texas had been involved.

Mr. Murphey said that Mr. Magnuson and his clients were ready to ask the Board to approve their proposal. Mr. Murphey said that it was the Board's choice to either continue with Schaffer's Towing, choose another sole vendor or shift to a contract with the nonprofit.

Commissioner Duncan voiced her opinion that, since KCSO had been satisfied with the service they had received and Legal had stated there was no problem with the arrangement, things should remain as they were. Chairman Fillios voiced his support for the rotating dispatch proposal. Since Commissioner Bill Brooks was not present, Chairman Fillios suggested reconvening at another time to vote on the question.

Civil Deputy Prosecuting Attorney R. David Ferguson pointed out that the prior Board, when Mr. Magnuson had brought the issue to their attention, had not formally agreed to anything. He added that a vote should take place at a regular Business Meeting and stated that Legal needed some additional time to study and comment on the topic.

Chairman Fillios and Commissioner Duncan agreed to take the proposal up again in the Business Meeting on April 30, 2019. Mr. Magnuson voiced his agreement as well.

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 2:35 p.m.

Respectfully submitted,

JIM BRANNON, CLERK

CHRIS FILLIOS, CHAIRMAN

BY: _____
Tina Ginorio, Deputy Clerk
