

Minutes of Meeting
Board of Community Guardians
April 15, 2019
10:00 a.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 Civil Deputy Prosecuting Attorney R. David Ferguson, BOCC Communications Manager Nancy Jones and Deputy Clerk Tina Ginorio. Also present were Kootenai County Board of Community Guardians Chair Peggy Fairfield, Members Trudy Elliott and David Levine, and Case Manager Emily Jakubek.

- A. **Call to Order:** Chairman Chris Fillios called the meeting to order at 10:01 a.m.
- B. **Changes to the Agenda (Action):** There were no changes to the agenda.
- C. **Business:**

Chair Peggy Fairfield and other members of the board will give an overview of the roles and responsibilities of their group, a recap of activities for this year, and a review of the annual report as required by I.C. 15-5-603 (Action)

Kootenai County Board of Community Guardians Chair Peggy Fairfield described the purpose of the Board of Community Guardians. She explained the Board had been created to deal with complicated issues of guardianship for those residents of the County who had no relatives or significant other interested in becoming a guardian after they were deemed legally incapacitated. She said they were the guardians of last resort and all other ways to meet a person's needs were explored before a case was accepted. Ms. Fairfield stated that as guardians or conservators, they handled any issues an adult child would for a parent. She specified that the Board itself acted as the guardian, not any one individual and made decisions regarding housing, medical care and treatment, end of life issues and all financial matters. When necessary, she said the Board also cleaned out homes or storage units and handled the sale of belongings. Ms. Fairfield noted that all their wards lived in nursing homes or assisted living facilities, whose employees provided daily care. She added that their Board retained the services of a case manager through Kootenai Health Social Services Department. She said that the Board met each month, to get updates on current wards and handle decisions needed in their lives, receive referrals and determine whether referred persons are to be accepted as wards.

Ms. Fairfield called the Board's attention to the 2018 Annual Report and the 2017-18 Fiscal Year End Report they were provided. She noted that their Case Manager Emily Jakubek drafted the Annual Report that provided data on the number of wards and requests for service.

Ms. Fairfield stated that they had fourteen wards at this time and had recently recruited two new volunteers with excellent skill sets: one had been a protection worker; the other had been a social worker for many years.

Ms. Fairfield announced that they had recently completed updating their rules and had gotten them approved in December 2018.

Chairman Fillios asked about the funding request for this year. Ms. Fairfield said it was the same as last year, \$20,000. Ms. Jakubek said each client was billed by Kootenai Health for case management services, according to their individual abilities to pay.

How Idaho Public Records Law applies to the Board of Community Guardians (Discussion)

Ms. Fairfield explained that her questions related to the requirement made of County Boards under the Freedom of Information Act for everything that they generated to be copied to an email address at the County for record retention purposes. She pointed out that HIPAA (Health Insurance Portability and Accountability Act of 1996) protected information would be included and questioned whether the County wished to be responsible for that. She said she would not want to be held liable for releasing information and having it stored on a County email address without consulting an attorney who understood the guardianship law and the Freedom of Information Act before proceeding.

BOCC Communications Manager Nancy Jones said that County Legal had examined the Open Meeting Law a few years ago and had determined that the Board of Community Guardians was not truly an advisory board; it was a service board and did not have to follow regular Open Meeting Law. She stated that they were not obligated to make minutes and postings available in the same way. Ms. Jones said that there had been an increasing number of records requests for emails from Advisory Boards. She reported that when the last Board had considered assigning County email addresses to all Advisory Board Members, it was found to be too expensive. She explained that one email had been created for each Advisory Board and all members were asked to forward copies of all their Board related items to that account. She said the emails were then housed in the servers. Ms. Jones noted that an Open Meeting/Public Record training had recently been offered and that was when the question of how these rules applied to the Board of Community Guardians had come up.

Commissioner Leslie Duncan moved that the Board enter Executive Session pursuant to Idaho Code §74-206(1)(d). 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.

Chairman Fillios invited Civil Deputy Prosecuting Attorney R. David Ferguson to remain for the Executive Session.

The Board entered into Executive Session at 10:13 a.m.

Executive Session pursuant to Idaho Code §74-206(1)(d) to consider records that are exempt from disclosure as provided by law. (Closed Session – Discussion)

Decisions/Direction (Open Session – Action)

The Board exited Executive Session at 10:37 a.m.

Commissioner Duncan moved that the Board exit Executive Session, with no decisions made and no direction for staff. 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 10:37 a.m.

Respectfully submitted,

JIM BRANNON, CLERK

CHRIS FILLIOS, CHAIRMAN

BY: _____
Tina Ginorio, Deputy Clerk
