

**Minutes of Meeting  
Commissioners' Debriefing  
June 11, 2018  
2:30 p.m.**

The Kootenai County Board of Commissioners: Chairman Marc Eberlein, Commissioner Chris Fillios and Commissioner Bob Bingham met to discuss the following agenda items. Also present were Chief Deputy Clerk Jennifer Locke, Finance Director Dena Darrow, Financial Performance & Compliance Senior Manager Kimberli Riley, Buildings & Grounds (B&G) Director Shawn Riley, B&G Assistant Manager Tom Reed, Grants Management Office (GMO)/Transit Director Jody Bieze, Parks & Waterways (P&W)/Noxious Weeds Director Nick Snyder, Public Defender (PD) Anne C. Taylor, PD Administrative Supervisor II Jamie Woods, Community Development Director David Callahan, Human Resources (HR) Director Skye Reynolds, HR Generalist – Compliance Cecilia Sweet, Probation Supervisor Melissa Miller, Civil Deputy Prosecuting Attorney Jamila Holmes, BOCC Senior Business Analyst Nanci Plouffe and Deputy Clerk Tina Ginorio. Also present was Fair Board Chairman Jerry Johnson.

- A. Call to Order:** Chairman Marc Eberlein called the meeting to order at 2:30 p.m.

Fair Board Member Linda Rider entered the meeting at 2:31 p.m.

- B. Changes to the Agenda:** There were no changes to the agenda, however Chairman Eberlein stated the Board would handle item eight on the agenda first, and group the two types of Executive Sessions together at the end.
- C. Action:**

**Building Permits**

Chairman Eberlein requested that Community Development Director David Callahan consider the changes to the wording of building permits as he had suggested. Chairman Eberlein explained his concern is that many home-building projects take more than a year or two to finish. He said he wishes to avoid people being inconvenienced by having a permit expire and then having trouble getting it renewed. He recommended that Civil Deputy Prosecuting Attorney Pat Braden draft something appropriate which would cover both his own and Mr. Callahan's concerns. Mr. Callahan agreed.

**Project Update**

Buildings & Grounds (B&G) Director Shawn Riley told the Board he had met with the Coeur d'Alene City Administrator, the Parks Director and a representative of Diamond Parking to discuss the ongoing sharing of parking lots. He said he would be able to issue County employees parking permits each year that would allow them to park in any one of the three shared lots for the entire year. He stated that arrangements have been made to accommodate people serving jury duty as well.

Commissioner Bob Bingham inquired how many additional spaces would result when the lot at the Administrative Campus is completed. Mr. Riley said there should be about

thirty additional parking spaces and the lot should be done around July 9, 2018. He explained that the light poles would not be installed at that time; he will close the lot for a single day late in July to allow Avista to put in the poles.

Mr. Riley informed the Commissioners that the engineers at the Jail Expansion had misjudged the size of the driers to be put into the new laundry room. He said the driers are too large to bring in through the doorway and there are no alternative methods of getting them into the room. Mr. Riley said that they would have to enlarge the doorway and install a custom-made detention door of larger dimensions. He added that he does not know the exact cost of this but a change order would be presented to the Board as soon as it was available.

Mr. Riley stated that the ADA (Americans with Disabilities Act) project with the Department of Justice is nearly completed. He said he has not heard anything more about requests to remove the lift from Courtroom One. He remarked that, once that project is done, he expects that they will be able to begin on the upgrades of the men's bathrooms in the Administrative Building.

Mr. Riley told the Board that the Evidence Room Remodel is about two thirds completed; they are just waiting for the transfer lockers. He added that once the transfer lockers are installed, they would be able to finish off the basement.

#### **Courtroom ADA Budget**

Chairman Eberlein inquired about the Buildings & Grounds Courtroom ADA Budget. Mr. Riley explained that unforeseen circumstances have led to expenses that B & G has had to cover, depleting resources from at least two funds by a total of about \$61,091. Mr. Riley said another problem facing his department is the updated process by which overages will be handled, which would require seeking a Board motion and vote for every item over Budget. He remarked he could envision himself needing to be in every Debriefing meeting for weeks unless a better process could be created.

Financial Performance & Compliance Senior Manager Kimberli Riley inquired if all the additional expenses were related to the ADA Court Facilities Project. She explained that the County had only accessed \$400,000 of a possible \$600,000 for that project and could draw additional money from the restricted fund if it was appropriate. She pointed out that the accounts Mr. Riley drew from could be made whole in this way, as long as the expenses fit the required restrictions. She added that the Board would have to direct the Auditor's Office to proceed on this path.

Commissioner Bingham suggested that B&G compile a list of potential transactions for approval. Mr. Riley agreed to meet with Finance Director Dena Darrow and Ms. Riley to examine each item and determine what could be included under the restricted fund.

#### **American Legion Discussion**

Mr. Riley informed the Board that American Legion Post 149 had asked to have the flagpole in front of the unoccupied Armory building. Chairman Eberlein stated that bids

for the Armory will be opened in the upcoming Business Meeting; it would be up to the new owner whether the flag pole is made available or not. Mr. Riley agreed to follow up on this question.

### **RV Park/Avista Electric Service Agreement**

Mr. Riley said the Fairgrounds has submitted the Avista Electric Service Agreement to Legal and it is ready to be signed. He asked, since the RV Park is County property, who should sign it: the BOCC or the Fair Board. Commissioner Fillios asked whether a legal opinion was needed. Civil Deputy Prosecuting Attorney Jamila Holmes stated she believed a representative of the BOCC needed to sign the agreement, because the Fairgrounds represented real property that was owned by the County. She explained that the electrical services, conduits, etc. remain the property of Avista but the County is the real property titleholder, so the Board of County Commissioners should sign the agreement.

Commissioner Bingham inquired who paid the Fairgrounds electric bill. Fair Board Chairman Jerry Johnson said the Fair paid the electric bill out of funds they generated. He specified these funds are separate from money the County gives to them.

Ms. Holmes said the document would be presented in the upcoming Business Meeting.

### **Personnel Policy Manual**

Human Resources (HR) Director Skye Reynolds presented the Board with a list of the latest updates of the Personnel Policy Manual. Commissioner Bingham suggested these be routed to the other Elected Officials before being finalized. Ms. Reynolds agreed.

Civil Deputy Prosecuting Attorney Darrin Murphey entered the meeting at 2:58 p.m.

Parks & Waterways (P&W)/Noxious Weeds Director Nick Snyder exited the meeting at 2:58 p.m.

Grants Management Office (GMO)/Transit Director Jody Bieze, Human Resources (HR) Generalist – Compliance Cecilia Sweet, Mr. Riley and B&G Assistant Manager Tom Reed exited the meeting at 2:59 p.m.

### **Overview of IACC**

Chairman Eberlein offered a brief overview of the items covered in the recent IACC (Idaho Association of Commissioners and Clerks) meeting. He said some changes were made to the formatting of meeting agendas and provided a sample copy, based on ICRMP (Idaho Counties Risk Management Program) recommendations. He explained that each item to be considered will apparently in the future need to be labeled “action” individually and new items will not be permitted to be added to the agenda as in the past. Commissioner Chris Fillios asked if this applied even to time sensitive items. Chairman Eberlein said the rules made allowances for “emergencies” but did not give a definition of an emergency, which left the issue questionable.

He said the second topic covered was Juvenile Probation and Probation in general. He inquired if Probation Supervisor Melissa Miller had any questions on the materials provided. Ms. Miller said she has not yet had a chance to examine the materials. Chairman Eberlein asked her to bring any comments or questions to the Board at a later date.

Chairman Eberlein said there was also discussion related to the Public Defender. He said more unfunded mandates might be sent to the Counties soon, related to the Public Defender's Office.

**Lease Amendment No. Three**

Ms. Holmes offered to speak regarding this item. She said this was the lease amendment that extends the State's lease of the County's Post Falls building for Veteran's Services for one additional year with no changes or increase in rate. Chairman Eberlein asked if the County was renting the building to the State of Idaho for \$500 a month. Ms. Holmes confirmed this. Commissioner Fillios remarked that the State also pays for some of the equipment there and he thought they paid for one of the employees as well. Chairman Eberlein stated he was agreeable to renewing the lease but felt the County should find out the real value of the property. Ms. Holmes said there was a representation in the lease of the value per square foot, but she did not recall the exact figure. Chairman Eberlein pointed out that the rent has not gone up in the past several years, but property values had increased substantially. Ms. Holmes said the lease would be brought before the Board at the Business Meeting on June 12, 2018. Chairman Eberlein asked whom the Board should consult to get an updated valuation of the property. Ms. Holmes suggested asking Chief Deputy Assessor Rich Houser. Commissioner Fillios offered to speak with Mr. Houser and, if necessary, to contact a commercial real estate office.

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

Commissioner Bingham:       Aye  
Commissioner Fillios:        Aye  
Chairman Eberlein:           Aye  
The motion carried.

Chairman Eberlein invited Mr. Murphey to remain for the Executive Session

The Board entered into Executive Session at 3:05 p.m.

**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 (Closed Meeting)**

The Board exited Executive Session at 3:20 p.m.

Commissioner Fillios moved that the Board exit Executive Session with no decisions made or directions given. Commissioner Bingham seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Bingham: Aye  
Commissioner Fillios: Aye  
Chairman Eberlein: Aye

The motion carried.

Commissioner Bingham stated that the second of the three proposed Executive Session items under Idaho Code §74-206(1)(f) had been removed, the first and third items remained.

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

Commissioner Bingham: Aye  
Commissioner Fillios: Aye  
Chairman Eberlein: Aye

The motion carried.

Chairman Eberlein requested Civil Deputy Prosecuting Attorney Jamila Holmes and Civil Deputy Prosecuting Attorney R. David Ferguson attend the Executive Session.

The Board entered Executive Session at 3:21 p.m.

BOCC Administrative Supervisor Nancy Jones entered the Executive Session at 3:33 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)**

- Potential Litigation – D. Ferguson
- ~~Potential Litigation – D. Murphey~~ – This item was not covered in this meeting.
- Potential Litigation – J. Holmes

Ms. Jones exited Executive Session at 3:48 p.m.

The Board exited Executive Session at 4:06 p.m.

Chairman Eberlein stated that Ms. Holmes exited the Executive Session at 3:40 p.m. and Mr. Ferguson exited the Executive Session at 4:05 p.m.

Commissioner Fillios moved that the Board exit Executive Session with no additional decisions to be made or directions to be given. Commissioner Bingham seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Bingham: Aye  
Commissioner Fillios: Aye

Chairman Eberlein:                   Aye  
The motion carried.

**D.       Decisions/Direction (Open Meeting)**

No additional decisions were made or directions given.

**E.       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 was no public comment.

**F.       Adjourn**

Chairman Eberlein adjourned the meeting at 4:06 a.m.

Respectfully submitted,

JIM BRANNON, CLERK

MARC EBERLEIN, CHAIRMAN

BY: \_\_\_\_\_  
Tina Ginorio, Deputy Clerk

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