

Minutes of Meeting

Intermax

June 24, 2020

1:00 p.m.

The Kootenai County Board of Commissioners: Chairman Chris Fillios, Commissioner Leslie Duncan and Commissioner Bill Brooks met to discuss the following agenda item. Also present were Deputy Finance Director Keith Taylor, Staff Accountant – Budget Michelle Chiaramonte, Staff Accountant – Grants Julina Hildreth, Community Development Director David Callahan, Community Development Planning Manager Mary Shaw, Resource Management Office (RMO) Director Jody Bieze, RMO Senior Program Manager Kimberli Riley, Civil Deputy Prosecuting Attorney Pat Braden, BOCC Senior Business Analyst Nanci Plouffe and Deputy Clerk Tina Ginorio. Also present were Intermax CEO (Chief Executive Officer) Mike Kennedy and Intermax Representatives Caitlin Kling, Pat Whalen and Pete Erbland.

- A. **Call to Order:** Chairman Chris Fillios called the meeting to order at 1:02 p.m.
- B. **Changes to the Agenda (Action):** There were no changes to the agenda.
- C. **Business (Action):**

Kootenai County Rural Broadband Project and Funding

Intermax CEO (Chief Executive Officer) Mike Kennedy stated their goal was to improve distance learning services, telehealth availability and increase options for working from home for people in rural Kootenai County. He explained that, under the CARES (Coronavirus Aid, Relief and Economic Security) Act, the state of Idaho had made \$50 million to expand broadband in rural Idaho. He said the project would also provide economic stimulus.

Mr. Kennedy said Intermax would like Kootenai County to act as the applicant on the grant requests. He noted that they were also asking for help to negotiate the procurement process and permit timelines faster than normal.

Mr. Kennedy offered an overview of broadband services in rural America. He noted that it was typically a capital-intensive endeavor and not usually very profitable.

Mr. Kennedy stated that their primary technology was called “fixed wireless.” He explained it was the most cost effective method and offered the most rapid deployment to the largest number of people. He described the process by which the service was provided.

Mr. Kennedy reported that Intermax could meet the timelines set by the state. He provided maps illustrating the scope of their projects. He asked that the Commissioners recommend that the County act as the applicant for the grants for Intermax. He said he would also ask the BOCC to help expedite the work by speeding up the procurement, permitting and scheduling timelines. He stated that the attorneys representing Intermax,

Pete Whalen and Caitlin Kling, had sent a letter to Civil Deputy Prosecuting Attorney Pat Braden with the essential facts of their requests.

Commissioner Leslie Duncan asked about the specific amount of time grant administration would demand from County employees.

Mr. Kennedy remarked that Chairman Fillios had put him in touch with Resource Management Office (RMO) Director Jody Bieze. He said that he and Ms. Bieze would discuss this by phone with the Department of Commerce this afternoon. He explained that the Department of Commerce was the entity which would be making decisions on the projects that would be funded. He noted that there was also an option for the County to designate Panhandle Area Council (PAC) to administer the grants and reduce the impact on County staff. He added that he had been in contact with PAC and they had expressed willingness to take the project on, if necessary.

Commissioner Bill Brooks asked why Intermax was coming to the Board with such short notice.

Mr. Kennedy replied that Intermax had been looking at the possibilities for about two months, but circumstances had prevented him from coming with a proposal any earlier.

Ms. Bieze reported she had already spoken to the Department of Commerce and confirmed that the grant administration would require minimal effort for her department. She stated that she believed her staff could handle the workload, as it had been currently described.

Chairman Fillios called on Community Development Director David Callahan to speak to the actual processes that would need to be managed to initiate the project.

Mr. Callahan stated that, normally, a review of this type would take five to six months. He added that his Hearing Examiner was fully booked through September 17, 2020. He estimated that the Hearing Examiner would be able to address this request in late September, then the Board would be able to schedule its hearing in late October. He indicated that he would be willing to rearrange scheduled appointments if the Board told him this had to take priority.

Chairman Fillios asked if there were any emergency procedures in existence to speed up the normal CUP (Conditional Use Permit) process.

Mr. Braden indicated that he believed, since there was a previously declared emergency at both the state and county levels, that this would satisfy the "imminent peril to health, safety and welfare" requirement and justify adopting an emergency ordinance under Section 67-6523 of Idaho Code.

Mr. Kennedy said the broadband grant application said that the project had to be submitted and completed before December 15, 2020. He noted that cold weather in north Idaho prevents many such projects from going on during winter. He said if they got

the permits in September or October, they would not be able to do more than a few of their potential projects because they would run out of time.

Mr. Kennedy touched on some of the differences in requirements to erect a forty foot tower, as compared to taller ones. He said much of their service was delivered by line-of-sight technology, so it would be blocked by trees and other obstructions at lower levels.

Ms. Kling pointed out that sole sourcing procurement was allowed under Idaho Code 67-2808 subsection 2. She described the applicable requirements.

Mr. Braden remarked that he had considered the sole source procurement requirements and said that there were requirements that notices be published in the paper before and after, but they did not present a real problem. He said he would prefer an emergency ordinance in addition to simple justification.

Mr. Kennedy confirmed that the deadline for the grant application was July 8, but might be moved to July 10. He said the state would review the applications and accept or reject the projects by the end of the month.

After more discussion of the technical aspects of the proposal, Chairman Fillios asked how the other Commissioners felt.

Commissioner Duncan and Commissioner Brooks agreed that they would like additional information to be presented and suggested the topic be addressed again during the coming Business Meeting. Chairman Fillios agreed.

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): Chairman Fillios adjourned the meeting at 1:57 p.m.

Respectfully submitted,

JIM BRANNON, CLERK

CHRIS FILLIOS, CHAIRMAN

BY: _____
Tina Ginorio, Deputy Clerk
