

**Minutes of Meeting
Commissioners' Status Update
September 30, 2019
11:00 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 Prosecutor Barry McHugh, Human Resources (HR) Director Sylvia Proud, Civil Deputy Prosecuting Attorney Jamila Holmes, Finance Director Dena Darrow, Parks & Waterways (P&W)/Noxious Weeds Director Nick Snyder, KCSO Lieutenant Ryan Higgins, KCSO Animal Control Officer Sandra Osburn, BOCC Communications Manager Nancy Jones and Deputy Clerk Tina Ginorio. Also present was Kootenai County Resident Gayle Bourne.

- A. Call to Order:** Chairman Chris Fillios called the meeting to order at 11:01 a.m.
- B. Changes to the Agenda (Action):** There were no changes to the agenda.
- C. Business:**

Cattle on Roadways (Discussion)

Kootenai County Resident Gayle Bourne pointed out that the area bordering Highway 95 was considered closed range through Kootenai County but the areas around Highway 3 and Highway 97 were designated open range. He explained that the difference was that in closed range, the owners of animals were responsible for containing them for the safety of the animals and other people. He said that, in open range, it was considered the responsibility of the motor vehicle operator to avoid animals that strayed into the road. He expressed his concern for safety on the two open range sections of highway. He added that the Sheriff's department would not respond to a complaint about straying animals on open range.

KCSO Animal Control Officer Sandra Osburn commented that she had responded to Mr. Bourne's residence multiple times regarding sheep running at large, but his area was designated as open range. She explained that in an open range area horses, mules, asses, cattle, sheep and goats were permitted to run at large and must be fenced out if a landowner does not wish them to come onto the property.

Officer Osburn provided the Commissioners with copies of Idaho Statutes §25-2404, 25-2407 and 25-2401, as well as maps of the area under discussion. She said that, under §25-2401, it was stated that County Commissioners could create herd districts. She called attention to the map showing Highway 3 and noted that part of it was closed range but that it did not extend as far as Mr. Bourne's property. She added that she had received a number of complaints from other people in his area about cattle, sheep and even llamas on the highway and on the trail to Coeur d'Alene.

Commissioner Brooks said he felt the Commissioners should study the submitted information and possibly extend the closed range area.

Chairman Fillios asked Officer Osburn if she could offer a recommendation on designating extended boundaries. She called attention to Idaho Statute §25-2404, which required agreement from landowners owning more than 50% of the land in the proposed herd district before a change could be made.

Chairman Fillios suggested that Officer Osburn sketch a recommended area on the map and the Board would then begin to approach the landowners to see if enough of them were in favor.

Officer Osburn asked if the Board intended to consider both the Highway 3 and the Highway 97 areas. Commissioner Leslie Duncan suggested that the Board begin with the area around Highway 3, since it seemed to be the more urgent of the two for public safety.

The Commissioners expressed general agreement to proceed.

Officer Osburn and Mr. Bourne exited the meeting at 11:16 a.m.

IAC Conference Update (Discussion)

Chairman Fillios reminded those assembled that he had attended the IAC (Idaho Association of Counties) meeting in Boise last week. He said he was particularly impressed with the ethics update offered by Dr. Stephanie Witt of BSU (Boise State University). He commented that he also enjoyed the session offered by the Idaho Public Policy Institute that focused on various demographic trends in the state.

Commissioner Duncan remarked that she found the personnel offerings very useful, as well as the update on actions of the U.S. Supreme Court.

As a point of interest, Chairman Fillios reported that he had learned that Ada County was taking foregone taxes this year of about four and a half million dollars.

MD Live Campaign and Incentives (Action)

Human Resources (HR) Director Sylvia Proud announced that her department had started an MD Live Campaign through Regents. She explained MD Live was the County's telehealth provider and said that one of the incentives for enrollment was to be entered into a drawing for a \$100 Amazon gift card.

Ms. Proud stated that Civil Deputy Prosecuting Attorney Darrin Murphey had reminded her of the County Policy 411 that said it says no employee of the County may accept gifts or favors of substantial value from customers or vendors. She reported that Mr. Murphey had told her the Board had the authority to permit the gift card incentive, if one of the County employees won, and had suggested that they get formal approval from the Board. She added that they would also officially state that Human Resources staff, Commissioners, Attorneys and certain Auditor's Office employees would not be able to enter the drawing.

Commissioner Duncan moved that the Board approve the MD Live campaign incentive award if it were offered to an eligible Kootenai County employee. 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 MOU for Boat Slip with City of Coeur d’Alene (Discussion)

Parks & Waterways (P&W)/Noxious Weeds Director Nick Snyder explained that there was an MOU (Memorandum of Understanding) with the City of Coeur d’Alene for their use of a slip in the P&W boathouse. He said that it included a provision that the agreement could be terminated with a thirty-day notice and the County now needed the slip for a KCSO boat. He added that he needed the Board’s approval before he notified the City that the MOU was going to be terminated.

All three Commissioners agreed and urged Mr. Snyder to proceed as described.

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

Chairman Fillios invited Prosecutor Barry McHugh and Civil Deputy Prosecuting Attorney Jamila Holmes to remain for the Executive Session.

The Board entered into Executive Session at 11:28 a.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 – BOCC Division (Closed Session – Discussion)

Decisions/Direction (Open Meeting – Action Item)

The Board exited Executive Session at 11:40 a.m.

Commissioner Duncan moved that the Board exit Executive Session with staff to proceed as discussed. 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 11:41 a.m.

Respectfully submitted,

JIM BRANNON, CLERK

CHRIS FILLIOS, CHAIRMAN

BY: _____
Tina Ginorio, Deputy Clerk
