

**Minutes of Meeting
Commissioners' Debriefing
October 15, 2018
2:30 p.m.**

The Kootenai County Board of Commissioners: Chairman Marc Eberlein and Commissioner Chris Fillios met to discuss the following agenda items. Also present were Public Defender Anne C. Taylor, Chief Deputy Assessor Rich Houser, Parks & Waterways (P&W)/Noxious Weeds Director Nick Snyder, Office of Emergency Management (OEM) Director Sandy Von Behren, Finance Director Dena Darrow, Staff Accountant Melissa Merrifield, Staff Accountant – Fixed Assets Isaac Ohm, Civil Deputy Prosecuting Attorney Jamila Holmes, BOCC Communications Manager Nancy Jones, BOCC Senior Business Analyst Nanci Plouffe and Deputy Clerk Tina Ginorio. Also present was North Idaho CASA (Court Appointed Special Advocates) CEO K. J. Brant. Commissioner Bob Bingham was excused.

A. Call to Order: Chairman Marc Eberlein called the meeting to order at 2:31 p.m.

B. Changes to the Agenda (Action):

Chairman Eberlein suggested that item number four and item number three on the agenda be handled in reverse order.

Parks & Waterways (P&W)/Noxious Weeds Director Nick Snyder asked the Board to add an item to the agenda on an emergency basis. Civil Deputy Prosecuting Attorney Jamila Holmes requested that Mr. Snyder fully explain why the item should be considered emergency in nature.

Mr. Snyder explained that P & W is replacing the log boom on the Hayden Lake Dam, an important safety feature for the public and a shield for the structure itself. He said that he had received a demand from the head of the Dalton Irrigation District to stop work on the project. Mr. Snyder asked the Board to consider this item urgent because any delay could prevent them from finishing the project before weather and water levels made it impossible to complete before the spring high water period when the log boom was most critical.

Chairman Eberlein confirmed this could be considered an emergency according to statute because delaying the project would cause “an immediate financial loss.” He agreed that this project is dependent on the weather and water levels, which reinforces its time sensitive nature.

Chairman Eberlein moved that the proposed item related to the Hayden Lake log boom be considered emergency in nature and that the Board add it to the agenda. Commissioner Chris Fillios seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Bingham: Excused

Commissioner Fillios: Aye

Chairman Eberlein: Aye

The motion carried.

Grants Management Office (GMO)/Transit Director Jody Bieze and GMO/Transit Program Manager Kimberly Riley entered the meeting at 2:34 p.m.

C. Business:

RFQ Materials Testing, Inspections, and QA/QC (Action)

Ms. Bieze informed the Commissioners that the RFQ's (Request for Qualifications) for the materials testing, inspections, quality assurance and quality control entity would be delivered today and will be on the agenda of the October 16, 2018 Business Meeting. She added that this is for the Riverstone Transit Center.

Assessor's Office Equipment Purchase (Action)

Chief Deputy Assessor Rich Houser reminded the Commissioners that his department needed to replace the ATV (All-Terrain Vehicle). He reported he found one for sale for \$7,200 but an employee of the Assessor's Office was selling it. He said he checked with Legal and was assured this transaction was acceptable. Mr. Houser said he had researched the price and was satisfied. He added that the Forrester and the County Surveyor were very pleased with this ATV of which they would be the primary users.

Chairman Eberlein asked how much an equivalent ATV would cost new. Mr. Houser said he thought it would be around \$8,000 to \$9,000, which was more than he had in his Budget for the item. Commissioner Fillios said, based on his own recent purchase, that an equivalent new ATV would be closer to \$12,000.

Chairman Eberlein suggested moving on to item four, the CASA Contract, but BOCC Communications Manager Nancy Jones advised him that this item would need to be coupled with the scheduled Executive Session.

Noxious Weed Control Cost Share Program (Action)

Mr. Snyder reminded the Commissioners about the discussion they had on October 4, 2018 about retiring the Noxious Weed Control Cost Share Program by paying the participating entities 70% of the allotted funds for the 2019 Fiscal Year, then ending the program entirely in 2020. He said that this would save the County some money in FY2019 and about \$45,000 in FY2020.

Commissioner Fillios moved that the Board approve the recommendation to end the program for Cost Sharing with the highway districts, with a reimbursement for FY19 of 70% of the three-year average, or \$28,327.09. Chairman Eberlein seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Bingham: Excused

Commissioner Fillios: Aye

Chairman Eberlein: Aye

The motion carried.

Mr. Houser exited the meeting at 2:45 p.m.

Hayden Lake Log Boom Project

Mr. Snyder informed the Board that the Supervisor of the Dalton Irrigation District, Robert Wuest, had recently contacted him and demanded that work on the Hayden log boom cease. Mr. Snyder said that Mr. Wuest declined to give a reason for this and further that Mr. Wuerst said he had not been aware of the project previously. Mr. Snyder admitted to some confusion regarding these statements because he had been in contact with Mr. Wuerst and the Dalton Irrigation District about the project for some time. Mr. Snyder requested guidance from the Board on how to proceed. He voiced his concern that the boom replacement would not be completed before weather conditions made it impossible to continue work and explained that the boom protects the spillway from debris and is a safety feature intended to protect the public from harm at the site. Mr. Snyder said he had contacted the Idaho Department of Lands and they agreed the boom was needed.

Ms. Bieze and GMO/Transit Program Manager Kimberli Riley exited the meeting at 2:48 p.m.

Office of Emergency Management (OEM) Director Sandy Von Behren reported that she had spoken to the Army Corps of Engineers and was told that the Hayden Lake Levee is considered a dam. She said they told her that all dams have log booms for safety purposes. Ms. Von Behren added that the County is contractually required to maintain the spillway, which would be endangered if the boom were not repaired.

Civil Deputy Prosecuting Attorney Jamila Holmes said she views this as an issue of “apparent authority.” She said she questions whether, when Mr. Wuest contacted Mr. Snyder, he was acting “on behalf and at the direction of the Dalton Irrigation District Board.” She suggested that the project be held for a day or two for someone to contact them and ask about their position, making it clear to them that they need to respond immediately.

Chairman Eberlein suggested that Mr. Snyder send an email to the members of the Dalton Irrigation Board immediately and that they be given until 7 a.m. on Tuesday, October 16, 2018 to respond. He stated that if there is no response, Mr. Snyder should allow the contractors to proceed with the work. Commissioner Fillios voiced his agreement.

CASA Contract

Ms. Jones suggested that the Board enter into Executive Session to discuss this item.

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

Commissioner Bingham: Excused

Commissioner Fillios: Aye

Chairman Eberlein: Aye

The motion carried.

Chairman Eberlein invited Ms. Holmes to remain for the Executive Session.

The Board entered into Executive Session at 3:00 p.m.

Executive Session pursuant to Idaho Code §74-206(1)(a) to consider hiring a public officer, employee, staff member or individual agent. (Closed Session – Discussion)

The Board exited Executive Session at 3:33 p.m.

Commissioner Fillios moved that the Board exit Executive Session with staff to draft a contract and proceed with Alicia Moss to represent CASA as discussed. Chairman Eberlein seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Bingham: Excused

Commissioner Fillios: Aye

Chairman Eberlein: Aye

The motion carried.

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 was no public comment.

E. Adjournment (Action): Chairman Eberlein adjourned the meeting at 3:34 p.m.

Respectfully submitted,

JIM BRANNON, CLERK

MARC EBERLEIN, CHAIRMAN

BY: _____
Tina Ginorio, Deputy Clerk
