

# Resolution 2021-28

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF KOOTENAI COUNTY, IDAHO

IN THE MATTER OF AWARDING A )  
CONTRACT FOR APPRAISAL SERVICES )  
FOR PENDING LITIGATION )

## RESOLUTION

**WHEREAS**, pursuant to the provisions of *Idaho Code* § 31-602, the purchasing power and authority of the County as vested in the Board of Kootenai County Commissioners can only be exercised by the Board of Kootenai County Commissioners, unless such said authority has been otherwise delegated by the Board to another elected official or County employee; and

**WHEREAS**, pursuant to the provisions of *Idaho Code* § 31-604(3), the power and authority to make and enter into contracts and written agreements is vested in the Board of Kootenai County Commissioners, and has not been otherwise delegated by the Board to any another elected official or County employee; and

**WHEREAS**, pursuant to the provisions of *Idaho Code* § 67-2803(4), the procurement of personal or professional services is excluded from the competitive procurement requirements set forth in Idaho Statutes, Title 67, Chapter 28; and

**WHEREAS**, on July 16, 2020, in an Executive Session concerning pending litigation, the Board of Kootenai County Commissioners authorized the Kootenai County Assessor, Bela Kovacs, to enter into negotiations for the procurement of personal services from a commercial fee appraiser to prepare and furnish an appraisal report and to provide expert professional appraisal services and expert witness services in support of said litigation; and

**WHEREAS**, Kootenai County Assessor, Bela Kovacs, has successfully concluded negotiations with Ed Morse CRE, MAI Morse & Company for said personal or professional services, and in correspondence dated March 9, 2021 (attached hereto and incorporated herein by reference), Kootenai County Assessor, Bela Kovacs, respectfully recommends and requests the Board of Kootenai County Commissioners to approve and execute the written Appraisal Engagement Agreement, dated March 9, 2021, with Ed Morse CRE, MAI Morse & Company; and

**WHEREAS**, said Appraisal Engagement Agreement shall be an indefinite delivery, indefinite quantity, (IDIQ) contract for the services contemplated with an estimated contract value of no more than *fifteen-thousand dollars (\$15,000)*; PROVIDED HOWEVER, that the actual value of the Agreement may be more, or less, depending upon extent of services that will be needed for the litigation, counseling, deposition, mediation or expert testimony for services; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Kootenai County Commissioners that:

- (1) Award of a contract for Appraisal Services Engagement Agreement (attached hereto and incorporated herein by reference) is hereby made to Ed Morse CRE, MAI, Morse & Company, as an indefinite delivery, indefinite quantity, (IDIQ) contract with an estimated contract value of no more than *fifteen-thousand dollars (\$15,000)*; PROVIDED HOWEVER, that the actual value of the Agreement may be more, or less, depending upon extent of services that will be needed for the litigation, counseling, deposition, mediation or expert testimony for services; and

- (2) This award is non-exclusive and does not constitute a contract; and
- (3) Each and every recital set forth herein is adopted as a finding of fact in support of this award; and
- (4) The County Assessor, Bela Kovacs (or designee) is authorized to negotiate any documents, extensions, change orders, renewals or modifications to the Appraisal Services Engagement Agreement, subject to final review and approval by the Board of Kootenai County Commissioners; and
- (5) A majority of the Board of County Commissioners, or the Chair acting on behalf of the Board, may execute at other than public meeting, the Appraisal Services Engagement Agreement, along with any and all documents, extensions, change orders, renewals or modifications necessary to implement this award.

PASSED AND ADOPTED this 9<sup>th</sup> day of March, 2021.

**KOOTENAI COUNTY  
BOARD OF COMMISSIONERS**

  
Chris Fillios, Chairman

  
Bill Brooks, Commissioner

  
Leslie Duncan, Commissioner

ATTEST  
  
 Jim Bannon, Auditor  
 By:   
 Deputy Clerk

Date: 3/9/21