

**Minutes of Meeting  
Commissioners' Debriefing  
May 6, 2013  
2:00 p.m.**

The Kootenai County Board of Commissioners: Chairman Todd Tondee, Commissioner Dan Green and Commissioner Jai Nelson met to discuss the following agenda items. Also present were Clerk Cliff Hayes, Chief Deputy Clerk Pat Raffee, Recording Manager Susette Clements, Civil Deputy Prosecuting Attorney John Cafferty, Civil Deputy Prosecuting Attorney Jamila Holmes, and Deputy Clerk Nancy Jones.

**A. Call to Order:** Chairman Tondee called the meeting to order at 2:02 p.m.

**B. Introductions:** There were no introductions made.

**C. Changes to the Agenda:** Civil Deputy Prosecuting Attorney Jamila Holmes requested an item be added to the agenda to address an issue regarding Noxious Weed Control Agreement verbiage, to ensure a timely citizen response to a request.

Commissioner Green moved to add an agenda item to address the Noxious Weed Control Agreement concern from resident Mary Dingman. Commissioner Nelson seconded the motion. There being no further discussion, Deputy Clerk Jones called the roll:

Commissioner Nelson:       Aye  
Commissioner Green:       Aye  
Chairman Tondee:         Aye

The motion carried.

**D. New Business:**

Chairman Tondee acknowledged a request from Recording Manager Susette Clements, with reference to the recent scanning/digitization contract between Kootenai County (Recorder's Office) and Paperless Digital Solutions (PDS). The Board considered an appeal to allow the existing Performance Bond provision to be waived, to help the project move forward in a timely manner. Civil Deputy Prosecuting Attorney John Cafferty explained the purpose of the Performance Bond, adding that this provision would need to be deleted if the Board agreed to waive the bond, in order to avoid breach of contract. Chief Deputy Clerk Pat Raffee suggested that the bond was superfluous in this situation, as all work will be done onsite, and payments will only be issued to PDS upon verification of work completion. Mr. Cafferty explained the difference between a Bid Bond and a Performance Bond. Commissioner Green inquired as to any obvious liability associated with waiving the bond requirement. The group discussed potential liabilities, considering the specific scope and time limitations of the contract, and the Board ultimately determined that waiving the requirement would result in minimal risk. Chairman Tondee noted that insurance would still be required, per the terms of the contract.

Commissioner Green moved to waive paragraph ten on page four of the Independent Contract Agreement between Kootenai County (Recorder's Office) and Paperless Digital Solutions. Commissioner Nelson seconded the motion. There being no further discussion, Deputy Clerk Jones called the roll:

Commissioner Nelson:       Aye  
Commissioner Green:       Aye  
Chairman Tondee:         Aye

The motion carried.

Civil Deputy Prosecuting Attorney Jamila Holmes asked the Board to consider a request from Kootenai County land owner Mary Dingman. Ms. Dingman submitted a verbiage change to the standard Noxious Weed Control Agreement, adding a hold harmless provision to the document. This would clarify that a land owner would be indemnified in the event that a County employee was injured on their property during the performance of activities in connection with the agreement. Ms. Holmes noted that the agreement already contained language to indemnify the County, and that any worker who was injured would be protected under the provisions of Workman's Compensation.

Commissioner Green moved to amend paragraph nine of the Noxious Weed Control Agreement between Kootenai County (Noxious Weed Control) and the Carlises. Commissioner Nelson seconded the motion. There being no further discussion, Deputy Clerk Jones called the roll:

Commissioner Nelson: Aye

Commissioner Green: Aye

Chairman Tondee: Aye

The motion carried.

Commissioner Green informed the Board that he gave recently gave direction to Mercer Health and Benefits Senior Associate Lois Morris, with reference to insurance contract negotiations. Ms. Morris stated that Blue Cross was not willing to propose a negotiable contract offer to Kootenai County, but had offered an opportunity for the County to submit a baseline request to them. The Board concurred with Commissioner Green's direction to reply that the County will continue to consider other insurance providers until Blue Cross submits a negotiable contract offer for consideration. Commissioner Green commented that Finance Director Dave McDowell will be meeting with Blue Cross representatives in the coming week.

The Board discussed a request from Pappy Boyington Field Museum Director Richard Le Francis, who was requesting museum funding from Kootenai County. While Idaho Code does reference County support guidelines for historical societies and museums, the Board felt that the museum was not eligible as it is a private organization. The Board noted that levied funds are used primarily for mandated expenditures, but that the County already uses some of those funds to support the North Idaho Museum, and therefore does not wish to expend additional tax dollars for the same general purpose. Chairman Tondee agreed to contact Mr. Le Francis to inform him of the Board's decision to decline the request.

**E. Old Business:**

Chairman Tondee shared that Public Defender John Adams and Chief Deputy Public Defender Lynn Nelson have expressed concerns about the performance of two (2) conflict attorneys. Commissioner Green asked if the judges should be contacted for their input, since they approve the list of conflict attorneys. Chairman Tondee stated that any contract may be terminated with written thirty (30) days notice. The Board discussed existing communication issues, performance histories, and options that might exist, other than contract termination. The Board decided to terminate the existing conflict attorney contract with Dennis Houfek at this time.

Commissioner Green moved to cancel the Conflict Attorney Contract with Dennis Houfek. Commissioner Nelson seconded the motion. There being no further discussion, Deputy Clerk Jones called the roll:

Commissioner Nelson: Aye

Commissioner Green: Aye

Chairman Tondee: Aye

The motion carried.

Commissioner Green stated that David Carroll is working on the scope of the Public Defender study, which might include a review of the conflict attorney process. Chairman Tondee shared information on the potential ramifications, and anticipated response, regarding House Bill 148. The Board discussed CASA, possible civil case changes, and extra staff work that additional attorney allowances are creating. Commissioner Nelson agreed to research this issue and determine how juvenile cases are currently being handled. Commissioner Nelson also agreed to speak to Sheriff Wolfinger about the issue of free inmate calls to attorneys from the jail site. Commissioner Nelson suggested a trial period for free calls, to help determine the financial impact of this change, and the Board encouraged her to present this idea to the Sheriff.

Commissioner Green raised the subject of maintenance at the Rose Lake Cemetery. A Sheriff's work release crew was performing maintenance, but there is a question as to whether or not that had been approved by the Board. Commissioner Nelson recalled that Parks and Waterways Director Nick Snyder was given direction to assess the grounds maintenance needs at the cemetery, and determine the work to be done by their staff and by the Sheriff's crew. Recent feedback indicates that the work release crew cleanup work at Rose Lake has been very effective, despite one citizen complaint. Chairman Tondee mentioned that a Parks and Waterways boat is in need of repair, at an estimated cost of \$2950, and that Mr. Snyder has requested approval for this expenditure. The Board determined that the repair may be done, and that any budget over-expenditure of that line item should be dealt with at the close of the budget year.

The Board discussed the FY2014 three percent (3%) budget increase that was requested by the Panhandle Health District (PHD). Chairman Tondee stated that he still had unanswered questions regarding the overall PHD budget proposal, but that he would be supportive of the requested increase. Commissioner Green agreed that the wording of the presentation was ambiguous, but that he would support the request. Chairman Tondee noted that he will not be able to attend the PHD budget meeting on May 23, 2013.

Commissioner Green moved to appoint Commissioner Nelson to represent Kootenai County at the PHD budget meeting on May 23, 2013, and to support the funding request. Commissioner Nelson seconded. There being no further discussion, Deputy Clerk Jones called the roll:

Commissioner Nelson: Aye

Commissioner Green: Aye

Chairman Tondee: Aye

The motion carried.

Commissioner Nelson gave the Board an update on the applicants being considered to replace EMS Chief Officer Lynn Borders. Commissioner Nelson noted that an impressive group of applicants are vying for the position, and that the EMS Board is in the process of reducing the list to move forward with the hiring process. Chairman Tondee noted that the Kootenai County Emergency Medical Services System (KCEMSS) was mentioned at the weekly budget workshop. Coroner Deb Wilkey asked if part of the EMS building might be available for use by her department, which is in need of additional space. Chairman Tondee noted that the EMS building is currently underutilized, but he was not sure it could be shared without a rental cost. Commissioner Nelson agreed to speak with the EMS Board to gain information and gather feedback on this issue.

Commissioner Green explained that he is trying to make contact with Major Neal Robertson, in regard to the electrical grounding issue. Recent updates indicate that the video camera system is up and running, although the grounding issue still exists. Mr. Robertson has obtained two (2) analysis proposals, one in the amount of \$23,000, and the other in the amount of \$4,000, plus charges of \$110 per hour, with an estimated total cost of about \$22,600. The Board acknowledged the potential liability if proper grounding is not in place and someone is injured due to this problem. Commissioner Green will ask Mr. Robertson to begin procuring contracts for review.

Chairman Tondee shared information from the budget workshop that had been held earlier in the day. Chairman Tondee indicated that many questions were raised with regard to mandatory budget item rankings, and that individual Department Heads would be questioned about these items during upcoming meetings. Chairman Tondee stated that ranking requests would only be necessary for items associated with positive, whole-budget increases, per Staff Accountant Randi Bain. Commissioner Nelson and Commissioner Green strongly disagreed, stating that any individual line item increases would require review, per previous instructions from the Auditor's Office. Budget items were also discussed in regard to the proposed Building and Grounds facility, the Airport, and the Coroner's Office. Chairman Tondee explained that the Coroner would like to be performing in-house pathology services, and that Ms. Wilkey would like to make a presentation to the Board on this issue.

- F. **Staff Reports:** There were no staff reports.
- G. **Public Comment:** This section is reserved for citizens wishing to address the Board regarding a County related issue. There was no public comment.

The meeting was adjourned at 3:40 p.m.

Respectfully submitted,

CLIFFORD T. HAYES, CLERK

BY: \_\_\_\_\_  
Nancy A. Jones, Deputy Clerk