

**Minutes of Meeting  
Commissioners' Debriefing  
December 4, 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 Chief Deputy Clerk Pat Raffee, FTA Grant Administrator Christine Fueston, Kootenai Metropolitan Planning Organization Executive Director Glenn Miles, Civil Deputy Prosecuting Attorneys Pat Braden and John Cafferty, and Deputy Clerk Nancy Jones.

**A. Call to Order:** Chairman Tondee called the meeting to order at 2:35 p.m.

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

**C. Changes to the Agenda:**

Chairman Tondee noted that a request was made to add an item to the agenda, in order to discuss juror fee donations. Chief Deputy Clerk Pat Raffee explained that this item was time sensitive as it related to the County payables reporting, and may require additional Board action at the next Business Meeting. Chairman Tondee also requested that an item be added in order to discuss the Sheriff's paving project, which was timely due to interest accruals that were associated with payments being withheld, pending Board action. Commissioner Nelson stated that Item 6, Management Training, could be removed from the agenda, as discussion was not necessary at this time.

Commissioner Green moved to remove Item 6, Management Training, from the agenda and to add items to discuss juror fee donations and the Sheriff's facility paving project. 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. Old Business:** There was no old business discussed.

**E. New Business:**

**Transit Center Project**

Federal Transit Administration (FTA) Administrator Christine Fueston distributed handouts related to the proposed Citylink Transit Center Project. Ms. Fueston explained that the Coeur d'Alene Tribe (Tribe) has requested a change to the original Memorandum of Understanding (MOU), which was signed in July 2013. This change would decrease the number of project phases from three (3) to two (2), as it would change the property acquisition parameters for two (2) land parcels, which are to be purchased to facilitate the project. Originally, the MOU allowed for the land purchase to be completed as separate transactions/phases; however, the Tribe has since requested that both lots be purchased prior to moving forward with the balance of the project. Ms. Fueston reviewed options for moving forward with the project, as a whole, should the Board decide to approve this change. Further, Ms. Fueston explained that this would require \$570,000 in Service Transportation Program (STP) funds, which had been slated for Phase I construction, to be diverted for property acquisition, instead. This change would also affect the ownership of the property. Previously, the parties had agreed that the Tribe would purchase and maintain ownership of the two (2) lots being utilized for the transit center. Pursuant to the new terms, Kootenai County and the Tribe would hold joint title to lot one (1) and the Tribe would purchase and

hold sole ownership of lot two (2). The Board asked questions regarding applicable FTA guidelines, as well as the effort and time that will be necessary to implement this change. The Board gave Ms. Fueston authorization to work with the Tribe and the FTA, in order to bring forward an amended MOU, including changes in scope and timing; however, they clarified that the County would only be interested in a joint purchase resulting in proportional ownership of the property, and that no funds would be donated to the Tribe, to facilitate separate property acquisition. Ms. Fueston stated that she would present the Board's decision to the Tribe. If the Chief is in agreement to move forward in this manner, Ms. Fueston will then verify that these changes adhere to FTA guidelines and will move forward with the MOU amendments, which will be brought back to the Board for final approval.

Ms. Fueston and Kootenai Metropolitan Planning Organization Executive Director Glenn Miles left the meeting at 3:12 p.m.

Chief Deputy Clerk Pat Raffee explained that, about eighteen (18) months ago, the District Court bailiffs began offering jurors the option of donating their juror fees to the Dirne Clinic/Heritage Health. To date, these donations from jurors have amounted to about \$25,000 per year, and are in addition to the community donation from Kootenai County (which totals about \$70,000 per year). Ms. Raffee wanted to verify that the Board was aware of, and in support of, this practice. The Board discussed the administrative burden related to the process, and whether other entities should be included as possible donation recipients. The Board indicated support in continuing the practice, and authorized Civil Deputy Prosecuting Attorney John Cafferty to work with Ms. Raffee to draft a Resolution that would ratify this decision. In closing, Ms. Raffee explained that, historically, juror payments (including donations) have not been included on the County payables report; however, they will be included in the future, which will result in the report being substantially larger. The Board indicated that this information may be submitted on a separate spreadsheet, if that simplifies the process.

Ms. Raffee and Mr. Cafferty left the meeting at 3:22 p.m.

Commissioner Green moved that the Board enter Executive Session pursuant to *Idaho Code* §67-2345(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, with regard to the Boyd code enforcement matter. Commissioner Nelson seconded the motion. There being no discussion, Deputy Clerk Jones called the roll:

Commissioner Nelson: Aye

Commissioner Green: Aye

Chairman Tondee: Aye

The motion carried.

Civil Deputy Prosecuting Attorney Pat Braden joined the Board in the Executive Session.

Executive Session was entered into at 3:25 p.m.

The Board exited Executive Session and resumed the Commissioners' Debriefing at 3:31 p.m. Mr. Braden left the meeting at this time.

The Board held a discussion regarding the CASA (Court Appointed Special Advocates) attorney contract and conflict process. Commissioner Nelson explained that she had spoken to Judge Haynes about clarifying the terms of conflict attorney contracts in order to specifically address CASA cases. Recent legislative mandates dictate that juveniles over the age of twelve (12) have a right of representation by a public defender, which may dramatically increase the number of these cases in the court system.

Commissioner Nelson went on to explain that North Idaho CASA is no longer providing an advocate for these cases, because their volunteer base is not large enough to meet current demand. Therefore, it is necessary to create terms and conditions for these juvenile cases, which are not criminal cases and require separate protocols. Judge Haynes recommended that it should be the responsibility of the assigned judge to appoint conflict attorneys for juvenile representation in these cases, and that the rate for these cases should be set at \$60 per hour. Commissioner Nelson will continue to work with Judge Haynes to adapt the contract terms, in order to establish which cases fall under this recommendation and define the procedures that are to be followed.

Commissioner Nelson asked the Board to consider a request from Information Systems Director James Martin, which would allow employee Jack Duffield to carry over his vacation time into 2014. Due to ongoing projects, Mr. Duffield will be unable to schedule vacation until late winter or early spring of next year. The Board considered alternative options, but ultimately chose to approve the rollover for a period of one (1) year only.

Chairman Tondee explained that the amount for the Sheriff's paving project has increased from the original bid of \$218,126 to actual construction costs of \$219,961. Further, Chairman Tondee explained that the reason for the overage was because more asphalt was poured than originally anticipated. The contract was written to provide for this possibility and to allow the contractor to use the materials needed to complete the project in a timely manner, due to the nature of the work. In total, paving project expenditures will total \$5,015.44 over the original budgeted amount. A change order for this material overage will be brought forward for Board approval at an upcoming Business Meeting.

**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 4:11 p.m.

Respectfully submitted,

CLIFFORD T. HAYES, CLERK

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