

Minutes of Meeting
Commissioners' Debriefing
March 24, 2014
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 Prosecutor Barry Black, Sheriff Ben Wolfinger, Assessor Mike McDowell and Deputy Clerk Nancy Jones.

A. Call to Order: Chairman Tondee called the meeting to order at 2:06 p.m.

B. Introductions: There were no introductions made.

C. Changes to the Agenda: Commissioner Nelson asked to delete item #6, 2014 Relevant Legislation, as more information was forthcoming that would be pertinent to the discussion. Commissioner Green asked to add an Executive Session under *Idaho Code* §67-2345(1)(a) and (1)(b) in order to discuss immediate staffing changes in the Commissioners' department.

Commissioner Nelson moved to amend the meeting agenda in order to delete item #6, 2014 Relevant Legislation, and to add Executive Sessions under *Idaho Code* §67-2345(1)(a) and (1)(b). Commissioner Green 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

Sheriff Ben Wolfinger explained that costs for heating the Mobile Command Center Building (MCC Building) have been averaging \$252.33 per month (using a sixteen (16) month average), with winter power bills in excess of \$800 per month. Avista Utilities has traced power spikes to the transformer and determined that while it is rated for up to 15,000 watts, the existing electric heaters are pulling more than twice that wattage (at about 28,000, with spikes over 35,000 watts). Due to these issues, Sheriff Wolfinger brought forward a request to have the building insulated and converted to natural gas to lower utility costs. He estimated that the total project would cost just over \$8,000. The Board asked questions about the recommendation to convert the building to natural gas, and the group discussed funding options for this project. After deliberation, the Board directed Sheriff Wolfinger to move forward with insulating the building first, to gauge whether that will be a sufficient upgrade to address the issue. Sheriff Wolfinger agreed to look into potential power company rebates that might be available for this upgrade. The Sheriff's Office budget will be used to fund this project.

Human Resources Director Skye Reynolds joined the meeting at 2:11 p.m.

Sheriff Wolfinger also addressed the Board regarding the resignation of 9-1-1 Director Brad Coughenour, which will be effective on April 21, 2014. Sheriff Wolfinger presented a proposal to assign a lieutenant to that post, which will effectively eliminate the 'Director' position. This change would necessitate a promotion to fill the vacant lieutenant position. The overall cost to the fund the new position would be \$2,963. The Board briefly discussed the advantages and disadvantages of this proposal. It was determined that a separate meeting should be scheduled later in the week, in order to fully evaluate the available options.

Sheriff Wolfinger left the meeting at 2:22 p.m.

Commissioner Nelson shared that she had met with members of the Assessor's Office to discuss the final draft of this year's Board of Equalization (BOE) appeal forms and instructions. The group discussed verbiage changes to the latest draft and situations that would support individual case dismissals. Assessor Mike McDowell expressed concerns about denying claims instead of dismissing them in cases where the appellant has not submitted documentation to support the appeal. The group held significant deliberation regarding appeal processes at both the County and the State levels, and the due process involved.

Civil Deputy Prosecuting Attorney R. David Ferguson joined the meeting at 2:41 p.m.

Mr. Ferguson reviewed the purpose of the BOE form and the changes that were made to the previous draft. The Board asked questions about the difference between denying and dismissing an appeal. Further, the attendees deliberated whether failure (by the appellant) to meet minimum submission standards might allow for case dismissal and possibly mitigate further appeals.

Chief Deputy Clerk Pat Raffee joined the meeting at 2:59 p.m.

Mr. Ferguson agreed to do additional research regarding appellant rights for further appeal to the State Board of Tax Appeals, and to provide an updated draft of the form to Mr. McDowell and the Board, based on those findings.

Ms. Raffee shared that she had joined the meeting to observe or take part in the workforce planning agenda item. Commissioner Nelson explained that the Board had decided to discuss that item under Executive Session.

Ms. Raffee, Mr. Ferguson, and Mr. McDowell left the meeting at 3:08 p.m.

Chairman Tondee expressed concern that the Board had not been providing clear and cohesive information to their Department Heads. Further, he recommended that all written communication between each Department Head and their Board liaison should be copied to the other two (2) Commissioners, to enhance communication and knowledge of individual issues. Commissioner Nelson conveyed serious concerns that this might result in online meetings, in violation of the Idaho Open Meeting Law.

The Commissioners deliberated related concerns, including:

- How to establish whether or not a decision is administrative in nature
- How to use email to promote effective and efficient communication within the boundaries of the Open Meeting Law
- How to clearly delineate between individual Commissioner versus Board direction and encourage Department Heads to clarify directives, as needed
- How to increase confidence and communication between the Board and their Department Heads

Chairman Tondee and Commissioner Green shared that they were comfortable using email to initiate discussions with employees, provided that the information is made available to the entire Board. The Commissioners acknowledged that liaison relationships with the Board were created to increase efficiency, but that the entire Board needs access to comprehensive information in order to make informed decisions. Commissioner Nelson stated that she was not in favor of copying the full Board in email communications, as that could be interpreted as holding online meetings. Chief Deputy Prosecutor Barry Black shared his opinion that the Commissioners' highest responsibility is to work together to guide decisions, and that effective communication is key to that goal. Mr. Black opined that the greatest liability concern should be making uninformed decisions based on lack of information, or in creating a perception that information is not fully and openly shared by the Board. Further, Mr. Black pointed out that the Commissioners each have the ability – and duty – to halt written communication on issues at any time, and to request an open meeting, as necessary. The Board determined that, effective immediately, all Department Heads would be directed to copy the full Board on all correspondence, and that this item should be discussed in detail at the next Department Head meeting.

Mr. Black left the meeting at 4:10 p.m.

The Board discussed a request from a retiring employee to have his accrued vacation transferred into his Voluntary Employee Beneficiary Association (VEBA) account upon separation from the County. Human Resources Director Skye Reynolds determined that this would require a change in County policy. The Board determined that this option would be cost efficient for the County and that it should be presented for consideration at the next meeting of the Elected Officials.

Commissioner Nelson moved that the Board enter Executive Session pursuant to *Idaho Code* §67-2345(1)(a) to consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need, and pursuant to *Idaho Code* §67-2345(1)(b) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member, or individual agent. Commissioner Green 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.

The Board entered Executive Session at 4:30 p.m.

The Board exited Executive Session and Chairman Tondee adjourned the meeting at 5:08 p.m.

Respectfully submitted,

JIM BRANNON, CLERK

TODD TONDEE, CHAIRMAN

BY: _____
Nancy A. Jones, Deputy Clerk
