

**Minutes of Meeting
Commissioners' Debriefing
March 31, 2014
2:00 p.m.**

The Kootenai County Board of Commissioners: Chairman Todd Tondee and Commissioner Dan Green met to discuss the following agenda items. Also present was Deputy Clerk Nancy Jones. Commissioner Jai Nelson was excused.

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: There were no changes to the agenda.

D. New Business

Airport A/R Methods

Commissioner Green explained that the Clerk's Office (Auditor) has been providing follow-up on delinquent Airport lease accounts, and that he felt Board direction was needed on this issue. Commissioner Green suggested that the Auditor's staff is responsible for revenue collection but that arranging payments and contacting clients is beyond the scope of their responsibility. Chairman Tondee agreed with this assessment, but noted that the Auditor will remain responsible for issuing timely aging reports to the Airport staff. Commissioner Green agreed to contact Clerk Jim Brannon and Airport Director Greg Delavan on behalf of the Board to direct that the Airport staff will be responsible for all outreach to their clients, effective immediately.

Lake City Development Corp. (Strategic Planning Invite)

Chairman Tondee advised that Lake City Development Corporation (LCDC) requested the Commissioners' attendance at the upcoming LCDC Strategic Planning Session. Commissioner Green suggested that this might be a good opportunity to share information on the Facility Master Plan and steps that are being taken to determine whether a bond should be brought before the electorate. Chairman Tondee agreed to attend the meeting on behalf of the Board.

Civil Deputy Prosecuting Attorney Jamila Holmes and Parks and Waterways Director Nick Snyder joined the meeting at 2:12 p.m.

Clean Lakes Inc. Letter of Consideration

The attendees considered a letter that was received from Mr. Thomas Moorhouse, Vice President of Clean Lakes, Inc. In his letter, Mr. Moorhouse asked that the Board provide a retraction of a letter dated July 26, 2011, which was written to serve as a notice for breach of contract. Further, Mr. Moorhouse explained the circumstances that resulted in the drafting of that notice, and his argument as to why it was an inappropriate action. He also expressed his concern that the notice was distributed to a competitor, who is using it to disparage and discredit his company. Ms. Holmes shared that she researched the issue and determined that the competitor (Mr. Dave Kluttz of Lakeland Restoration Services) received a copy of the notice on May 9, 2012, as part of a public records request and that no evidence exists that the County has distributed any other copies of that notice. Further, Ms. Holmes opined that the notice was generated in the course of County business and is, therefore, part of the public record. Ms. Holmes acknowledged that a retraction demand is often a condition precedent to a defamation

or libel action. However, it was her opinion that since this action is past the statute of limitations and the notice is part of the public record, litigation is unlikely to follow the retraction request. The Board gave Ms. Holmes direction to draft a letter to Mr. Moorhouse, explaining that the original letter cannot be rescinded and that it was released as part of a public records request. Ms. Holmes agreed to respond on behalf of the Board, with copies to be distributed to the Commissioners, Mr. Snyder, and to Mr. Moorhouse's attorney at the time of the breach, Ms. Staci Anderson.

Engage Letter Discussion (Stephanie Bonney) and Public Hearing Discussion (4/18 Judicial Confirmation)

Commissioner Green stated that he requested this item in order to be proactive in scheduling a Judicial Confirmation hearing regarding the Rocky Mountain Corrections (RMC) Jail Proposal. Commissioner Green advised that RMC is funding legal representation to help provide support to Kootenai County in this matter. RMC has contracted with Ms. Stephanie Bonnie, a Boise attorney who is familiar with the Judicial Confirmation process. Civil Deputy Prosecuting Attorney Darrin Murphey is familiar with the firm and is assigned to review the engagement letter prior to signing. Commissioner Green suggested that Chairman Tondee should be authorized to sign that letter upon legal review in order to expedite this process. The Board discussed the timeline and required steps for Judicial Confirmation, which will include public notification and execution of a public hearing, which is tentatively scheduled for April 18, 2014. The Board determined that the public hearing should be scheduled in the evening hours and that it should be held in the first floor meeting rooms of the Administration Building. Commissioner Green noted that the Board may not hold deliberations about filing a petition to move forward until fourteen (14) days after the Public Hearing. The Board will discuss this process in further detail at a meeting that is scheduled on April 8, 2014.

Commissioner Green moved to proceed with a Public Hearing to pursue the Judicial Confirmation for the Rocky Mountain Corrections Jail Facility Proposal. Chairman Tondee seconded the motion. There being no further discussion, Deputy Clerk Jones called the roll:

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

The motion carried.

Commissioner Green moved to authorize Chairman Tondee to sign the engagement letter allowing Stephanie Bonnie to manage the Judicial Confirmation. Chairman Tondee seconded the motion, noting that there is no cost to the County for this service. There being no further discussion, Deputy Clerk Jones called the roll:

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

The motion carried.

- F. **Staff Reports:** Mr. Snyder shared that Mr. Jim Brady of the Idaho Department of Lands notified him that the vegetation blockage in the Upper Twin Lakes channel has been cleared.
- G. **Public Comment:** This section is reserved for citizens wishing to address the Board regarding a County-related issue. There was no public comment.

Chairman Tondee adjourned the meeting at 2:28 p.m.

Respectfully submitted,

JIM BRANNON, CLERK

TODD TONDEE, CHAIRMAN

BY: _____
Nancy A. Jones, Deputy Clerk
