

**Minutes of Meeting**  
**Judicial Confirmation Discussion**  
**April 10, 2014**  
**3:30 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 Prosecutor Barry McHugh, Civil Deputy Prosecuting Attorney Darrin Murphey, Major Neal Robertson, and Deputy Clerk Brandie Bradley.

**A. Call to Order:** Chairman Tondee called the meeting to order at 3:35 p.m.

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

**C. Changes to the Agenda:** There were no changes made to the agenda.

**D. Old Business:** There was no old business discussed.

**E. New Business:**

The attendees met to discuss the process of obtaining judicial confirmation for the jail facility as proposed by Rocky Mountain Corrections. Civil Deputy Prosecuting Attorney Darrin Murphey advised the Board that he has reviewed the engagement letter between Kootenai County (Board of County Commissioners) and Attorney Stephanie Bonney. Mr. Murphey recommended that two (2) changes be made to the engagement letter which included: replacing the word *lease* with *rental agreement* throughout the document, and clarifying that Fundamental Advisors is responsible for legal costs should another party challenge the confirmation and prevail.

Mr. Murphey advised that two (2) items within the Rental Agreement also needed additional clarification. Mr. Murphey recommended that language be added to Section 5.04, which defines that the developer is responsible for the completion of all necessary warranty work. The attendees also discussed that Section 8.01 needs further clarification to outline the differences between structural integrity as opposed to normal maintenance and the responsible party for these items. All parties agreed that they expect the building to be functional at the time the County takes occupancy. Mr. Murphey noted that the location of the facility and the rental amount are yet to be determined.

Ms. Bonney joined the meeting by telephone at 3:57 p.m.

The attendees discussed with Ms. Bonney the requirements for the Public Hearing and the information that will be discussed. Ms. Bonney advised that a draft copy of the rental agreement will need to be available for the public hearing and that the public should be made aware that changes may be made to the document, excepting non-appropriation and termination language. Ms. Bonney stated that her role is to review the non-appropriation and termination language in the agreement and to assure the court that this language is valid and that no material changes are made to these terms during the process. All other items that are being negotiated can be left blank or changed, provided that they do not materially change the two (2) items she is validating.

A discussion was held by the attendees about the Public Notice that was published in the *Coeur d'Alene Press*. Ms. Bonney advised that the publisher has acknowledged that they published an erroneous date and will not charge for the publication of the corrected notice. The attendees negotiated dates for the Public Hearing and agreed on Wednesday, May 12, 2014. Ms. Bonney will prepare the Public Notice and arrange for publication. The public hearing will be structured to include a presentation of the project, a forum for questions from the public, a legal presentation, public testimony, and an opportunity for public questions to be addressed. The attendees agreed to ask Sheriff Ben Wolfinger to present the project.

Ms. Bonney exited the meeting at 4:26 p.m.

The Board asked Mr. Murphey to finalize the engagement letter for signature and to provide a draft copy of the rental agreement to the Board for review.

- 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 4:42 p.m.

Respectfully submitted,

JIM BRANNON, CLERK

TODD TONDEE, CHAIRMAN

BY: \_\_\_\_\_  
Brandie Bradley, Deputy Clerk

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