

**Minutes of Meeting**  
**Jail Proposal Public Hearing**  
**May 12, 2014**  
**6:00 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 Sheriff Ben Wolfinger, Major Neal Robertson, Major Dan Mattos, Captain Kim Edmondson, Civil Deputy Prosecuting Attorney Darrin Murphey, Moore Smith Buxton & Turcke Attorney Stephanie Bonney, Administrative Assistant Nancy Jones and Deputy Clerk Pamela Bogaert.

**A. Call to Order:** Chairman Tondee called the meeting to order at 6:02 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:**

Chairman Tondee advised that Staff Reports and Public Comments would be heard first and then the Public Hearing would be held. Chairman Tondee explained that the Public Hearing comments would be limited to the issue of Judicial Confirmation, not the Jail Proposal, and each person would be limited to three minutes.

Sheriff Ben Wolfinger gave a brief outline of the history of jails in Kootenai County since the 1970s and explained that jails were previously built to a specified dollar amount, rather than the projected need of the years to come. Further Sheriff Wolfinger advised that, today, more than 70% of offenders that are housed are felons. Sheriff Wolfinger explained that the jail facility proposed by Rocky Mountain Corrections will not be a private jail but will be built to the County's specifications and be staffed by County employees. Sheriff Wolfinger listed the costs and savings expected should the current proposal be implemented and discussed various revenue source options. In closing, Sheriff Wolfinger noted that this proposal will allow for future growth as well as a revenue stream to help local taxpayers pay for the operation of the jail.

Chairman Tondee gave the public the opportunity to question the Sheriff in regard to Rocky Mountain Correction's Jail Proposal.

Mr. Frank Davis, a Kootenai County resident, listed his opposition to the proposal, citing:

- The lack of a feasibility study by the County on this issue
- The proposal includes an agreement to maintain a minimum occupancy which, in his opinion, was incurring debt
- His opinion that the Board failed to follow Idaho's Open Access to Work Act

- That renting bed space to other local, state and federal jurisdictions creates a liability for the County
- The current Work Release Center is unused
- That Kootenai County is housing inmates for the Coeur d'Alene Tribe
- The difficulty of bonding out inmates who are housed in a facility out of the County
- The facility should be built on County owned land

Sheriff Wolfinger addressed Mr. Davis' issues and agreed that it is difficult to bond out inmates when they are housed out of the County and explained that the Sheriff's Office primarily houses only convicted inmates out of the County. Sheriff Wolfinger also explained that the number of Work Release prisoners has dropped by 90% in recent years and because that number is in the single digits, the prisoners are held at the jail. Chairman Tondee advised that a leased facility may not be built on County owned land.

Resident Bob Bingham noted that, according to the County's budget numbers, the cost to house an inmate is eighty-four (\$84) dollars per day. However, if built, the new facility would charge other jurisdictions only forty (\$40) to forty-five (\$45) dollars per day, not breaking even. Also, Mr. Bingham asked that, if the facility is built, the Board consider spending the taxpayer's dollars in Idaho. Finally, Mr. Bingham felt that a much more thorough analysis of the proposal is required.

Sheriff Wolfinger agreed that the forty-five (\$45) dollar per day inmate fee was low, however, advised that the dollar amount is set by statute. Commissioner Green noted that the Rental Agreement is for only one (1) year at a time and may be cancelled at any time. Chairman Tondee agreed that in the future, the County may be able to issue a bond and purchase the facility.

Resident Maria Davis voiced her concern that, if the old jail is rented out, the Board would be unable to evict lessees.

Commissioner Green advised that the old jail building may be used for administration services.

Toni Meyer, Freedom by Toni Bail Bonds, asked why Kootenai County was currently housing Coeur d'Alene Tribe inmates.

Sheriff Wolfinger noted that only one (1) member of the Coeur d'Alene Tribe is currently being held at the jail.

Moore Smith Buxton & Turcke Attorney Stephanie Bonney briefly outlined her background as Bond Counsel and explained the Judicial Confirmation process. Ms. Bonney advised that the proposed lease does not create a liability or a debt for Kootenai County and is year-to-year and may be terminated at any time. Further, she advised that the risk belongs to the company that builds the facility.

At 7:08 p.m. Chairman Tondee opened the Public Hearing for the Judicial Confirmation of the Jail Proposal and noted that Commissioner Nelson and Commissioner Green were also present.

Ms. Bonney advised the attendees that this hearing was limited to whether or not Kootenai County should proceed with Judicial Confirmation of the Jail Proposal and explained that a Judge would determine if the proposal incurs a debt or liability beyond the fiscal year. Ms. Bonney asked for comments from the public.

Mr. Frank Davis declined to speak at this time.

Mr. Russell McHenry, 5433 North Government Way, chose not to speak at this time.

Mr. Bob Bingham, PO Box 540, Athol, Idaho wondered if Judicial Confirmation was received, would Rocky Mountain Corrections begin the acquisition of property without a signed lease?

Mr. Chris Skinner, 8523 Brookside Drive, pointed out that once the move is made into the facility it would only be common sense that it would not be vacated. However, in regard to the bond, why would the increased expense of having to move out of the facility if the lease were not maintained not cause a default of the bond?

Commissioner Green moved to close the public testimony on the jail confirmation hearing. Commissioner Nelson seconded the motion. There being no further discussion, Deputy Clerk Bogaert called the roll:

Commissioner Nelson: Aye

Commissioner Green: Aye

Chairman Tondee: Aye

The motion carried.

**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 7:17 p.m.

Respectfully submitted,

JIM BRANNON, CLERK

TODD TONDEE, CHAIRMAN

BY: \_\_\_\_\_  
Pamela B. Bogaert, Deputy Clerk

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