

Minutes of Meeting
District Court Procedures for Buildings and Grounds Contact
October 29, 2014
9:30 a.m.

The Kootenai County Board of Commissioners: Chairman Todd Tondee and Commissioner Jai Nelson met to discuss the following agenda items. Also present were Buildings and Grounds Operations Manager Shawn Riley, Administrative District Judge, The Honorable Lansing Haynes, Trial Court Administrator Karlene Behringer, and Deputy Clerk Daniel Robertson. Citizen Tina Kunishige was also present. Commissioner Dan Green was excused.

A. Call to Order: Chairman Tondee called the meeting to order at 9:30 a.m.

B. Introductions: There were no introductions made.

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

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

E. New Business:

Trial Court Administrator Karlene Behringer expressed her frustration at recent attempts to get a chamber re-painted for a new Judge, the Honorable Anna Eckhart, who took the bench on September 1, 2014. Ms. Behringer stated that she had multiple e-mails from Buildings and Grounds Operations Manager Shawn Riley, confirming and then changing dates for painting. She said that it had taken too long for the chamber to be painted, and that Judge Eckhart and her husband had decided to paint the chambers themselves rather than wait for Buildings and Grounds staff to become available. Ms. Behringer also expressed her concerns that Mr. Riley had requested to be informed when the Judge or her husband were in the chambers to work on painting. She stated that the Judge should not need approval of Buildings and Grounds to allow her family members into her chambers. Ms. Behringer also said that she had not been included in some of the emails between Mr. Riley and Court staff, making it difficult for her to facilitate completion of this project, and requested to be included in all future emails between Buildings and Grounds and Court staff and judges.

Commissioner Nelson inquired whether the painting of the chambers was complete. Ms. Behringer stated that it was painted, but had been informed by Judge Eckhart that there was a problem with the paint. Mr. Riley stated that this was an effect of the shadows, as the chamber was windowless. He said he had discussed this with Judge Eckhart. The attendees discussed options for hiding these effects, such as changing the lighting or using a different finish on the paint.

Chairman Tondee stated that Mr. Riley is responsible for modifications to all the County buildings, and that he had requested to be alerted when Judge and Mr. Eckhart would be in the chambers for this reason. Chairman Tondee also said the Board had approved certain paint colors, and was not in favor of allowing judges or their families to paint their own chambers with their own color choices. Chairman Tondee also said that this instance seemed to be an anomaly, as Buildings and Grounds were normally very good at getting work completed in a timely manner, but that they had been moving to their new location at the time of Judge Eckhart's arrival.

Commissioner Nelson expressed concerns with the possible liability of allowing judges and their families to paint the chambers. She stated that Ms. Behringer could have continued to work with Mr. Riley to get the work completed. Ms. Behringer replied that she had made the efforts to work with Mr. Riley, but that it had taken too long. Chairman Tondee stated that Ms. Behringer could have brought her concerns to the Board, who could have done something to resolve these conflicts. He also said that there was likely to be a difference in the quality of workmanship when done by individuals rather than Mr. Riley's professional staff. Mr. Riley confirmed that this was an issue with Judge Eckhart's chambers.

Administrative District Judge, The Honorable Lansing Haynes, said that Buildings and Grounds had refused to move personal furniture for different judges when they took the bench, and that Mr. Riley had cited liability as the reason for refusal. Judge Haynes said that this seemed to be inconsistent with Commissioner Nelson's concerns about the liability of allowing judges to paint their chambers. He stated that injury was more likely to occur with judges and their families moving their personal furniture than with a simple painting job. Commissioner Nelson suggested that the judges could opt to hire a moving crew to handle their personal furniture rather than risk injury. Mr. Riley stated that he had been concerned about the possible liability of damaging the antique furniture that his crew had been asked to move. Chairman Tondee stated that he would direct Legal to draft a liability waiver for any damage caused to personal furniture by Buildings and Grounds staff. Mr. Riley agreed that a liability waiver would resolve his concerns about moving personal furniture.

Mr. Riley said that he had notified Ms. Behringer that Buildings and Grounds would not be able complete this paint project until after they had finished moving to their new location. Mr. Riley admitted he had made a mistake in scheduling the work for a date when he and much of his staff would be unavailable, and that he had contacted Ms. Behringer to correct this error as soon as he realized it. Prior to this incident, Mr. Riley had made it clear to Ms. Behringer that his staff would not be available until October.

Judge Haynes stated that there had seemed to be an acrimonious tone to some of the emails exchanged regarding this issue, and that it was easy for a recipient of emails to interpret a tone that was not intended by the sender. He suggested that communicating by phone may have resulted in less friction between the parties involved. The attendees agreed with his conclusion, and Commissioner Nelson suggested that email could still be used to confirm appointments or agreements made by phone.

The Board directed Mr. Riley to include Ms. Behringer in emails and conversations with judges, and to contact her rather than other Court staff for scheduling all future Buildings and Grounds work to be done in the Courthouse.

F. 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 10:17 a.m.

Respectfully submitted,

JIM BRANNON, CLERK

TODD TONDEE, CHAIRMAN

BY: _____
Daniel Robertson, Deputy Clerk
