

**Minutes of Meeting**  
**Airport Advisory Board – Hiring Process Discussion**  
**November 4, 2014**  
**4:00 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 Clerk Jim Brannon, Airport Advisory Board President John Adams and members Jerry Rose, Jim Thorpe, Brian Simpson, Joan Genter, John Parmann, and Wally Meyer; and Kootenai County Deputy Clerks Courtney McKinnie and Daniel Robertson. Also present were citizens Rodney Genter, Gene Baper, Ricia Lasso, William Grant Nixon, Greg Delavan, Ellen Delavan, Jack Delavan, Jesse Delavan, Doug Easter, Armond C. Frasca II, Burt Rutan, Tonya Rutan, Mike Teater, Fred Miller, Helen Miller, Mike Henkoski, Murdo Cameron, John A. MacPhee, Robin Shaw, Shanon Eberle, Rob Eachon, David Stewart, Marc Eberlein, Jeff Selle, Don Pischner, Buff Kobs, Jim Warren, Walter Bender, Jim Coleman, Bob Kirkwood, Judith Kirkwood, George Barnhart, Bill McCrory, Lisa McCrory, Gary Ingram, Elizabeth A. Rose, Jerry Shriner, Gary Nystrom, Hallen Peterson, Mike Zaidlicz, Charles Branch, Richard Le Francis, John Bateman, Shelden Patrick, Randy Ortken, Bob Bingham, Brent Regan, and Duane Rasmussen.

- A. Call to Order:** Chairman Tondee called the meeting to order at 4:01 p.m.
- B. Introductions:** Chairman Tondee asked the Airport Advisory Board members to introduce themselves.
- C. Changes to the Agenda:** There were no changes to the agenda.
- D. Old Business:** There was no old business discussed.
- E. New Business:**

Commissioner Nelson requested that the Board of County Commissioners (BOCC) review the dismissal of former Airport Director Greg Delavan. She stated that she had not been aware of a document Mr. Delavan had been asked to sign. She also stated that, because the dismissal of Mr. Delavan had been made within Executive Session, she did not believe the decision had been made in accordance with *Idaho Code* §67-2345(1)(4), which states: “No Executive Session may be held for the purpose of taking any final action or making any final decision.”

Commissioner Nelson further asked the BOCC to consider reinstating Mr. Delavan. She stated that she had received many emails and phone calls in support of Mr. Delavan from concerned citizens and airport stakeholders. If the other Commissioners were unwilling to reinstate Mr. Delavan, she asked that they consider slowing down the hiring process, allowing the Airport Advisory Board to take the lead in the decision, and to leave the final decision to the new Board of Commissioners who take office in January, 2015. Commissioner Nelson said that the decision to reinstate Mr. Delavan or the selection of a new Director should be responsive to the concerns of the citizens and community.

Commissioner Nelson read an email from Daryl Foreman into the record:

“As a building owner and tenant at the Coeur d’Alene Airport, I have a vested interest in how the airport operates. I have no complaints, only compliments, as to the overall operation of the airport. Further, I want a strong proponent for the viability and best interests of the airport. Greg is that person. The Advisory Board is that entity, along with the Coeur d’Alene Airport Association. The County has much at stake financially to ensure that the airport is the best it can be. That includes appropriate expansion for the future needs and requirements of a growing community. We can’t let encroachment along the airport’s borders spell ultimate doom of its viability at its current location. Kootenai County has only one possible location for one of its most valuable assets. Greg Delavan should be reinstated immediately.”

Chairman Tondee asked if Commissioner Nelson’s position was a change in direction from her prior statements, as he recalled that she had wanted to “fast track” the hiring process. Commissioner Nelson said that this was not a change in direction, that she had not supported fast tracking the pace, but she had not supported terminating Mr. Delavan.

Commissioner Green stated that this was an administrative decision that had been made by the BOCC in accordance with the process that had been used for similar decisions in the past, including with the participation of Commissioner Nelson. He said that he did not believe the process was incorrect.

Chairman Tondee indicated that the agenda calls only for discussion of the process for hiring a new Airport Director, and that the BOCC should not be discussing reinstating the former Director under this agenda. He once again offered the opportunity for either Commissioner to make a motion for changes to the agenda. No such motion was made.

Airport Advisory Board President John Adams stated that the Advisory Board unanimously supports the performance and reinstatement of Mr. Delavan. He said that if the Commissioners did not chose to reinstate Mr. Delavan, that the Advisory Board requested that they have two (2) seats on the selection committee to hire a new director, and that this committee include Interim Airport Director Phil Cummings. Mr. Adams said that he had read in the newspaper that the Airport Advisory Board would not have any seats on the committee. He asked if this information was correct; Chairman Tondee replied that this was incorrect information.

Commissioner Green asked if Mr. Adams expected these two seats and Mr. Cummings to have a vote in the decision, or if they would act in an advisory role only. Airport Advisory Board Member Jim Thorpe said he recalled that all Advisory Board members had a vote when Mr. Delavan had been hired as Airport Director. Chairman Tondee replied that Mr. Cummings recalled not having a vote in the prior hiring decision. Mr. Adams stated his opinion that the final decision should lie with the Commissioners, as the Airport Director’s immediate supervisors.

Mr. Adams echoed Commissioner Nelson’s request to move the selection timetable back so that the future Board of Commissioners could make the final decision. There was discussion about the ability to get quality applicants given print lead time for aviation magazines.

Mr. Adams, on behalf of the Advisory Board, said Mr. Delavan had done his job well, had met all of the requirements of his “second boss” the Federal Aviation Administration, and that he had protected the Airport from encroachment by other jurisdictions, noting the Kootenai Metropolitan Planning Organization and the City of Hayden as two examples. Chairman Tondee reiterated that a majority of the Commissioners had already terminated Mr. Delavan, and that his reinstatement was not on the agenda for this meeting.

Airport Advisory Board member Brian Simpson expressed frustration about not being able to discuss the reinstatement of Mr. Delavan because of a procedural issue. Chairman Tondee indicated that it was not merely a procedure, but instead was a legal requirement of the Idaho Open Meeting Law. Commissioner Nelson stated her opinion that the agenda does allow for discussion of reinstatement. Chairman Tondee asked Commissioner Green if he agreed with Commissioner Nelson’s assessment. Commissioner Green agreed with Chairman Tondee that reinstatement was a separate topic from the hiring process, and both concurred that Chairman Tondee had offered Commissioners the opportunity to change the agenda twice, and Commissioner Nelson had not done so, twice.

Airport Advisory Board member Jerry Rose asked if the BOCC would consider changing its decision to terminate Mr. Delavan. Chairman Tondee and Commissioner Green emphasized that the public did not have all of the facts regarding Mr. Delavan’s performance, that those facts were considered over a very long time, and had been discussed under Executive Session. They both agreed that they would not change their decisions given the facts, noting that government employment decisions carry extra liability. Commissioner Green said the Board expected to improve the quality service provided by a newly hired Airport Director.

Airport Advisory Board members again asked the Commissioners if they would consider extending the application deadline. If they did not receive quality applicants before the deadline, the Commissioners were open to this suggestion. The Commissioners noted that there were several very important projects underway at the airport now, and it would not be in the County’s best interest to delay for long.

Mr. Rose inquired whether progressive discipline measures had been followed in the termination of Mr. Delavan. Commissioner Green replied that the County has an at-will employment policy. Chairman Tondee said that no one has been terminated without many meetings and discussions, and that there was not just one issue involved.

The Commissioners and Advisory Board members discussed hiring committee makeup, developing screening criteria for applications, and input on interview questions. Airport Advisory Board member John Parmann asked whether the BOCC already had a predetermined candidate in mind for the position. All three Commissioners emphasized that they did not have a predetermined candidate in mind. Commissioner Green stated that he welcomed the input of the Advisory Board toward prioritizing qualifications and interviewing candidates, but that the hiring decision was the Commissioners’. Mr. Adams indicated that the Advisory Board would prepare some suggestions and ask for interview volunteers, and deliver these to the Commissioners by the end of the week or early the following week.

**F. Public Comment:** This section is reserved for citizens wishing to address the BOCC regarding a County related issue. The following individuals made comments:

- David Stewart said he'd get more facts, and perhaps consider reinstating Mr. Delavan in January
- Gary Ingram said his concerns were potential violations of the Open Meeting Law in how the Commissioners made their decision, and that the decision could be null & void if it was made illegally. (Chairman Tondee stated that the Open Meeting Law does not pertain to administrative decisions, and asked Mr. Ingram's view as the author of the Open Meeting Law. Mr. Ingram replied that there is no clear definition of administrative decisions in the Law.)
- Bob Bingham said that Mr. Delavan worked closely and well with the Airport Advisory Board and that by dismissing Mr. Delavan, the Commissioners were sending a disrespectful message to the Advisory Board
- Brent Regan said that given his experience with the Open Meeting Law the termination was improper and that in his opinion Mr. Delavan still had his job
- Mike Henkoski asked for details on the cause behind the dismissal
- Gary Nystrom suggested this Board allow the new Commissioners to make the decision, and that this Board should have communicated concerns about Mr. Delavan's performance to the Airport Advisory Board
- Jerry Shriner supported reinstating Mr. Delavan or allowing the new Commissioners to decide
- Marc Eberlein said it would be important to let the new hire know they may not have a job after mid-January
- Richard Le Francis said the economic impact of the airport needs to be a major consideration
- Jim Warren said Mr. Delavan and the Airport Advisory Board make an effective team, and asked if the Commissioners were trying to disassemble the Airport Advisory Board. (Commissioner Green asked if Mr. Warren was referring to term limits. When Mr. Warren replied in the affirmative, Commissioner Green said that both he and Commissioner Nelson supported term limits, and that two three-year terms were the standard.)
- Jesse Delavan noted his father has worked hard and that every citizen in the County has a vested interest in the airport

With no further comment, Chairman Tondee adjourned the meeting at 5:28 p.m.

Respectfully submitted,

JIM BRANNON, CLERK

TODD TONDEE, CHAIRMAN

BY: \_\_\_\_\_  
Daniel Robertson, Deputy Clerk

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