

**Minutes of Meeting
Attorney/Client Policy
April 16, 2015
1:30 p.m.**

The Kootenai County Board of Commissioners: Chairman David Stewart, Commissioner Marc Eberlein, and Commissioner Dan Green met to discuss the following agenda items. Also present were Chief Deputy Prosecutor Barry Black, and Deputy Clerk Mary Enquist.

A. Call to Order: Chairman David Stewart called the meeting to order at 1:33 p.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:

Discussion with Chief Deputy Prosecutor Barry Black regarding Prosecutor's Office Protocols and recommended practices and procedures

Chief Deputy Prosecutor Barry Black distributed a draft Policy Regarding Legal Opinions for the BOCC to the Board for discussion. Mr. Black said there never has been a policy about giving legal advice to anyone in the County, and in his opinion there should be because of the risks at stake for both the Prosecuting Attorney's Office (POA) and the Board of County Commissioners.

Mr. Black said Idaho Code 31-2604(3) "specifies that it is the duty of the County prosecuting attorney to give advice to the Board of County Commissioners, and other public officers of his County, when requested in all public matters arising in the conduct of the public business entrusted to the care of such officers." He discussed what these items under consideration in a policy between the Prosecuting Attorney's Office and the Board of County Commissioners:

- Legal advice may be requested by the Board or its designee. Requests for legal advice should be only submitted by the Board or those who are designated by the Board as authorized to submit requests. Unless otherwise directed by the Board, responses to requests from designees will be copied to the Board.
- The Board should use the Request for Legal Advice form when they have a specific question and submit the form to the Civil division's administrative assistants. This gives the Prosecutor's Office the ability to record the request, assign the appropriate/available attorney and monitor progress.
- Designees of the Board are discouraged from dropping in on an attorney for informal discussions regarding questions about public business. Appointments should be made via email to the attorney and legal assistant, and include a brief statement of the issue(s) to be discussed. The PAO will refrain from giving verbal opinions to the designees of the Board.
- Legal advice being requested from the Board or its designees must be limited to matters arising in the conduct of business relating to functions of the Board. Legal opinions will be limited to analysis under applicable rules and laws. The PAO will not issue opinions on what the Board's decision should be. It will provide legal parameters and possible legal repercussions for consideration by the Board only.
- The PAO will refrain from discussing legal opinions on the record unless the Board specifically waives the attorney-client privilege.

Mr. Black asked the opinion of individual Board members on the Policy he distributed, and who the Board wants to appoint as their designees. Chairman Stewart said he would like more time to review the information before giving an opinion; Commissioner Green and Commissioner Eberlein concurred.

Commissioner Green suggested a meeting be set up in the coming week to discuss this further.

F. Public Comment: This section is reserved for citizens wishing to address the Board regarding a County related issue. There was no public comment.

Chairman Stewart adjourned the meeting at 2:25 p.m.

Respectfully submitted,

JIM BRANNON, CLERK

DAVID STEWART, CHAIRMAN

BY: _____
Mary Enquist, Deputy Clerk
