

**Minutes of Meeting  
Ordinance Review  
March 15, 2016  
3:00 p.m.**

The Kootenai County Board of Commissioners: Chairman Dan Green, Commissioner Marc Eberlein, and Commissioner David Stewart met to discuss the following agenda item. Also present were Treasurer Steve Matheson, Clerk Jim Brannon, Chief Deputy Clerk Pat Raffee, Human Resources (HR) Director Skye Reynolds, Prosecuting Investigator Larry Kirkhart, Civil Deputy Prosecutor Darrin Murphey, and Deputy Clerk Alicia Lynch.

- A. Call to Order:** Chairman Dan Green called the meeting to order at 3:00 p.m.
- B. Changes to the Agenda:** There were no changes to the agenda.
- C. Old Business:** There was no old business discussed.
- D. New Business:**

**BOCC to review and provide input on proposed County personnel background check ordinance**

Treasurer Steve Matheson said last year he had requested a budget cost for background checks, but Legal had advised that an ordinance was required. He asked the Board if they were still in favor of the personnel background checks. Chairman Green asked why an ordinance was necessary as he understood ordinances to be laws. Civil Deputy Prosecutor Darrin Murphey explained that in this case the ordinance would be similar to a resolution. Treasurer Matheson specified that it was the Idaho State Police (ISP) that required an ordinance. Commissioner David Stewart asked why ISP was involved in the County's pursuit for personnel background checks. Mr. Murphey explained that ISP was the recipient of all federal government law enforcement criminal history reports, and these were to be criminal background checks, so ISP were required to be part of the process.

Commissioner Marc Eberlein inquired if there was any precedent from other Idaho Counties requesting background checks. Treasurer Matheson and Mr. Murphey both replied that no precedent had been found in their research.

Chairman Green mentioned that the personnel criminal background checks would not be mandatory but would be done at an Elected Official's discretion. HR Director Skye Reynolds said the proposed ordinance would not conflict with the current policy, but she recommended that the general policy manual state that criminal background checks could be implemented. Treasurer Matheson said that upon approved authorization to

receive background check information, he would then pursue a change to the general policy manual.

Treasurer Matheson explained that the County was prepared to send a draft of the ordinance to ISP for pre-approval to ensure that it would meet the federal government's standards. Mr. Murphey said that once the ordinance was officially adopted by the Board, the County would then have to agree to safe-keeping policies and procedures, and any potential County designees charged with safe-keeping responsibilities would have to pass their own background checks. He added that the draft ordinance currently requested authorization for each Elected Official as well as the HR Director and an HR designee. He asked if the Board would prefer to make Ms. Reynolds the sole designee. Ms. Reynolds expressed concerns with being the sole designee as restrictions could prevent her from sharing background check information with Elected Officials, and she did not believe that was what was intended.

Treasurer Matheson detailed the impact of creating an infrastructure to support the federal and state security demands to safe-guard criminal background check results. He was in favor of making HR the center of this new infrastructure instead of having HR and every Elected Official create separate infrastructures. Treasurer Matheson added that he had hoped to merge with the Prosecutor's or the Sheriff's existing background check infrastructure, but he was met with resistance by both Elected Officials.

Commissioner Eberlein asked about the cost of securing the information. Ms. Reynolds replied that the cost would be low for physically storing the information but would be more costly in time and effort from staff. She said the main concern would be limiting and monitoring access to the storage site, and she suggested setting aside an office or closet that could be secured. Commissioner Eberlein said he was against securing an entire closet or office as space was scarce. He proposed securing information in a safe. Commissioner Eberlein also stated that he was in support of the Treasurer's request for an ordinance.

Prosecuting Investigator Larry Kirkhart informed the Board that it took three years for the Prosecutor's office to organize their infrastructure. He commented that the background checks done by the Prosecutor were not the same as what the Treasurer was proposing. Mr. Kirkhart offered his assistance to the Treasurer and the Board in the administrative background check endeavor.

Chairman Green said he supported moving forward with the ordinance, but he would also meet with Prosecutor McHugh to understand his reservations about combining the County's efforts. Commissioner Eberlein agreed with Chairman Green's approach, adding that he was against redundant systems and that working with either the Prosecutor or the Sheriff would be more efficient than establishing a third system.

Ms. Reynolds pointed out that the County would still need an outside agency to conduct credit checks separately from criminal background checks.

- E. Public Comment:** This section is reserved for citizens wishing to address the Board regarding a County related issue. Idaho Law prohibits Board action on items brought under this section except in an emergency circumstance. Comments related to future public hearings should be held for that public hearing. There were no public comments.

Chairman Green adjourned the meeting at 3:24 p.m.

Respectfully submitted,

JIM BRANNON, CLERK

DANIEL H. GREEN, CHAIRMAN

BY: \_\_\_\_\_  
Alicia Lynch, Deputy Clerk

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