

**Minutes of Meeting  
Elected Officials  
January 19, 2022  
9:00 a.m.**

The Kootenai County Board of Commissioners: Chairman Chris Fillios and Commissioner Leslie Duncan met to discuss the following agenda items. Also present were Clerk Jim Brannon, Coroner Warren Keene, M.D., Prosecutor Barry McHugh, KCSO Sheriff Robert Norris, Treasurer Steve Matheson, Chief Deputy Assessor Allyson Knapp, Chief Deputy Clerk Jennifer Locke, Finance Director Dena Darrow, Civil Deputy Prosecuting Attorney Pat Braden, Human Resources (HR) Director Sylvia Proud, KCSO Undersheriff Dan Mattos, KCSO Captain Brett Nelson, Resource Management Office (RMO) Director Jody Bieze, RMO Grants Technician Kaitlin Smith, Adult Misdemeanor Probation (AMP) Director Keith Hutcheson, BOCC Communications Coordinator Jonathan Gillham and Deputy Clerk Tina Ginorio. Also present were Kootenai County Residents Marianna Cochran, Teresa Sandborn, Meg Sandborn, Summer Bushnell, Don Eichler, Rachele Ottosen, Linda Smith, Lis Worcester, William Le, Bill Darnofall, Justin Allen, Kendra Martin, MaryAnne Cochran, Lynda Putz, Drew Darrow, Katherine Heckendorf and Dion Putz. Commissioner Bill Brooks was excused. Mr. Braden and Ms. Darrow were present via teleconference.

- A. Call to Order:** Chairman Chris Fillios called the meeting to order at 9:01 a.m.
- B. Changes to the Agenda (Action):** There were no changes to the agenda.
- C. Business:**

Chairman Fillios announced that item six on the agenda would be addressed first, for the convenience of the members of the public and the Treasurer.

**American Rescue Plan Act Update (Discussion)**

Treasurer Steve Matheson provided a detailed review of the information the County had received regarding its currently planned use of ARPA (American Rescue Plan Act) funds, the amount of funding available and the restrictions imposed. He indicated that the demands placed on entities which used the funding did not appear substantially different than those made whenever federal money was accepted.

Prosecutor Barry McHugh suggested that the documents Treasurer Matheson provided be made available to the general public on the County website.

General agreement with his suggestion was voiced.

Chairman Fillios announced that public comments on the issue would be accepted, with a three minute time limit to each speaker, and reminded those present to refrain from disruptive behavior to ensure that each person that wished to speak was able to be heard.

Chairman Fillios read a written comment left by Kootenai County Resident Don Eichler in which Mr. Eichler spoke against accepting ARPA money.

William Le, Coeur d'Alene, spoke in opposition of accepting ARPA funds.

Summer Bushnell, Coeur d'Alene, indicated that she felt it was not morally right to accept ARPA funds.

Rachelle Ottosen, Rathdrum, said she did not want the County to accept the funds.

Lis Worcester, Post Falls, asked that the documents Treasurer Matheson used be made available to the public. She commented that she felt there was an implied threat to taxpayers that, if the ARPA funds were not accepted, property taxes would increase.

Randy Neal, Coeur d'Alene, urged the Board to reject ARPA funds.

Bill Darnofall, Coeur d'Alene, stated that the pandemic and other issues had been used by the government to increase its control over people. He said he opposed accepting ARPA funds.

Justin Allen, Athol, reminded those present that a large number of people had attended last night's Coeur d'Alene City Council meeting to protest the City taking ARPA money. He pointed out that no one that spoke last night or in the meeting today was in favor of taking it and called on the Elected Officials to listen to the will of the people.

Kendra Martin, from Naples, Idaho, indicated she was strongly opposed to the acceptance of ARPA funds. She also voiced her concern about the Build Back Better Bill and inflation.

Maryanne Cochrane, Rathdrum, inquired whether Commissioner Bill Brooks was attending the meeting. She asked whether it was only the three people on the BOCC who would vote on the ARPA question. She complained that Commissioner Brooks was not present and called on him to be responsive to the wishes of the people that elected him.

Linda Putz, Hayden, stated that she felt that claiming there were no extra strings attached to the acceptance of ARPA money was "a flat-out lie." She went on to describe her concerns and list her reasoning.

Drew Darrow, Coeur d'Alene, indicated that he distrusted the source and motives of the providers of the ARPA funds and urged the Board to reject them.

Katherine Heckendorf, Coeur d'Alene, also voiced her concerns regarding the ARPA funds and asked the Board to reject them.

Dion Putz, Hayden, asked that everyone in the room that opposed the County's acceptance of ARPA funds raise their hands. Most in the audience did so. He asked the Board to refuse the funds.

Chairman Fillios closed the public comment portion of the meeting after being sure everyone that wished to speak had the chance. He asked Treasurer Matheson if he had any concluding comments before they moved on to the next item on the agenda.

Treasurer Matheson indicated that he did not disagree in principle with the people that had spoken. He stated that he was also concerned about government overreach. He said he disagreed with them in this particular case regarding the actions to take, but that he appreciated their input. He suggested that perhaps a full public meeting to allow more people to make their feelings known would be advisable.

KCSO Sheriff Robert Norris stated that, regardless of the Board's decision on this, Kootenai County citizens' constitutional rights would be protected.

Commissioner Leslie Duncan voiced her strong support of the Sheriff's statement.

Chairman Fillios agreed.

Commissioner Duncan said she would request a public hearing on this before the Board voted on it, so everyone would have the chance to have their statements heard.

Civil Deputy Prosecuting Attorney Pat Braden stated he would also support the request for an evening public hearing.

Treasurer Matheson exited the meeting at 10:01 a.m.

Chairman Fillios recessed the meeting at 10:01, to allow those who wished to leave to depart.

The meeting reconvened at 10:12 a.m.

### **Microsoft Teams (Discussion)**

Clerk Jim Brannon outlined the problems created by the use of Microsoft Teams. He described the difficulties and expenses that had been caused by a recent Public Records Request that involved information from that application. He explained that this application was not supported by IT (Information Technology) and suggested that, if departments wished to use it, it should be purchased by the County. He remarked that the County had access to Zoom for the primary functions that Teams provided.

Clerk Brannon pointed out that the BOCC had made strong efforts to increase the transparency of County processes but the complications that ensued trying to provide information from Teams did not contribute to that goal. He said that both the Auditor's Division and RMO (Resource Management Office) had been using the application.

Clerk Brannon stated that he had spoken to IT Network Administrator Grant Kinsey and to the staff members who had been using Teams and said that there were certainly things this application did well. He urged that, if people wanted to use it, the application be purchased so it could be supported properly. He asked that the other Elected Officials consider this.

Chief Deputy Treasurer Jill Smith asked Prosecutor Barry McHugh to consider the need to clarify, as a County, the definition of a public record. She commented that she had

observed certain types of information, like Zoom calls, had been classified as transitory and thus not subject to Public Records Requests in some of her previous jobs.

Prosecutor McHugh said that was a much bigger issue than simply the Microsoft Teams question. He commented that he had not had the opportunity to examine the question of Zoom calls, which were generally not recorded. He indicated that he felt Zoom calls, like other phone calls and similar communications, did not represent creation of public records, but that he would need to reflect on the question further.

Clerk Brannon said that, when the chat function of Teams was used, it became much more like an email, which could be considered a public record. He stated that he would ban the use of the application in the Auditor's Division until the issue was resolved and suggested that the other Elected Officials consider doing the same.

### **Temporary Payroll System Access (Discussion)**

Commissioner Duncan stated that she had sent out an email, including a sample non-disclosure agreement, to the other Elected Officials regarding temporary access needed to certain data. She explained that access to some Human Resources (HR) and payroll data tables was required in order to complete a project. She said she wanted to be sure that all the Elected Officials were aware of this and agreed to the information being temporarily accessible beyond its normal range. She stated that the sensitive information was not going to be used on the reports, it just happened to be in the same computer files that contained the items they needed.

Commissioner Duncan stated that BOCC Senior Business Analyst Nanci Plouffe and Auditor's Office Staff Accountant – Budget Michelle Chiamonte would have access to the tables for a limited time and would be required to sign non-disclosure agreements to ensure employees' privacy.

Sheriff Norris said he would like to speak to KCSO's legal counsel and to Mr. Kinsey before giving his approval.

Human Resources (HR) Director Sylvia Proud provided additional details on what information would actually be used and for what reason. She described the type of personal information that would be opened but not used in the report or disclosed in any way.

Chairman Fillios explained that Ms. Plouffe, with help from Ms. Chiamonte, would be creating a specific program for future use and once the program was in place, they would not need to go into those files again. He confirmed that, once it was done, Ms. Plouffe and Ms. Chiamonte's access would be removed.

### **Fleet Management (Discussion)**

Commissioner Duncan commented that, while the County had a Fleet Management Team, it had not been as active as she would have liked. She described what she would like to see the Team do in the future: collect all requests for vehicles, process and

prioritize them, then bring them before the Board during Budget Season. She said that Adult Misdemeanor Probation (AMP) Director Keith Hutcheson was still interested in participating in the Team. She noted that KCSO vehicle needs would receive appropriate consideration.

KCSO Undersheriff Dan Mattos said that the Sheriff's Office would definitely want to have representation on the Team.

Commissioner Duncan said she would send the other Elected Officials the list of the people currently on the Team and ask for their recommendations for added members.

It was generally agreed that the suggestion would be pursued.

Undersheriff Mattos pointed out that KCSO would need to purchase more new vehicles in 2023.

Mr. Hutcheson, Resource Management Office (RMO) Director Jody Bieze and RMO Grants Technician Kaitlin Smith exited the meeting at 10:34 a.m.

#### **Travel Insurance (Discussion)**

Commissioner Duncan reported that the County's P-Card Policy stated that travel insurance for airline tickets was not an eligible expense. She stated that she felt this should be reconsidered, due to current problems such as the increased frequency of flights being cancelled. She said that Ms. Proud could work in cooperation with Ms. Plouffe and revise the policy.

There was general agreement that this would be done.

#### **Five Year Staff Planning (Discussion)**

Commissioner Duncan said that the Elected Officials had been given Staff Planning Sheets. She asked that each of them fill out the forms with estimates of their staffing needs through 2026. She reminded those present that an extension of the Justice Building was planned and that estimates of space needs from the affected departments would be particularly important.

Sheriff Norris suggested that a professional analyst be hired to advise about additional personnel requirements in each area.

Commissioner Duncan remarked that she did not think County residents would view another study with favor. She said she did not necessarily disagree with the idea, but she felt that growth rates were so prone to fluctuation that having an agency come in and make predictions for a number of years in the future was not what was needed at the moment. She said she would like to see the Elected Officials and Department Heads make rough predictions for now and update them each year.

Chairman Fillios pointed out that they could use population growth projections available from the Department of Labor and the CDA Economic Development Corp. He added that the individual departments were probably the best estimators of their future needs.

**D. 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 additional public comments.

**E. Adjournment (Action):** Chairman Fillios adjourned the meeting at 10:44 a.m.

Respectfully submitted,

JIM BRANNON, CLERK

BOCC SIGNATURE

BY: \_\_\_\_\_  
Tina Ginorio, Deputy Clerk