

**Kootenai County  
Optional Forms of Government  
Study Commission**

Meeting Minutes

January 26, 2022

5:30 p.m.

451 N. Government Way

Administration Building, 1<sup>st</sup> Floor Room 1A/B

**Commission Members Present:** Tamara Bateson, Kurt Andersen, Kristen Wing, Bryant Bushling, Phil Ward, Brian Cleary and alternates Bruce Mattare, Cheri Zao and Joan Genter. Bob Fish, Dave Botting and David Levine attended via Zoom.

**I. Call to Order**

Chair Botting called the meeting to order at 5:30 p.m.

**II. Pledge of Allegiance**

Kurt Andersen led the meeting participants in the Pledge of Allegiance.

**III. Approval of / Changes to the Agenda**

Tamara Bateson asked for clarification of agenda item A (Discussion of Comments) to confirm it would include a final deliberations vote. Chair Botting confirmed that there would be an opportunity for the commissioners to make a motion to reconsider the current recommendation.

A motion to approve the agenda as submitted was made by Kurt Andersen and seconded by Kristen Wing. The vote was taken; the motion passed.

**IV. Announcements**

None

**V. Approval of Minutes -January 19, 2022**

A motion to approve the meeting minutes as submitted for January 19, 2022 was made by Bob Fish and seconded by Kristen Wing. The vote was taken; the motion passed.

**VI. Reports**

This item was not required for this meeting.

**VII. Old Business**

This item was not required for this meeting.

## VIII. New Business

### A. Discussion of comments

Chair Botting indicated that this agenda item was intended to allow discussion on cost and other items based on the comments heard during the Public Hearing.

Brian Cleary prepared a document that he believed would help the study commission understand what was heard at the Public Hearing, facilitate deliberations and write the final report. The following is a general overview of the presentation. The complete presentation is available to the public on the Related Documents section of the Optional Forms of Government Study Commission.

- Tonight's presentation can help the study commission prepare a final report that will help the public's understanding of what the recommendation means in order to allow them to make an informed decision.
- A total of 252 public comments (written and oral) were received to date. The number of comments in favor of the recommendation was 26 and the number against was 226. While the absolute numbers may not be very meaningful, the reasons the people felt that way is important.
- The people in favor of the recommendations gave 46 reasons why they supported the recommendations and these fell into 10 categories. Two categories represented over 50% of the comments: growth requires a larger government (32.61%) and more qualified commissioners and managers (21.74%).
  - Mr. Cleary questioned if more growth necessarily requires a larger government organization. He compared Kootenai County structure, population and growth to Ada and Spokane Counties to support this conclusion.
  - Additional information was provided to better understand if the new structure would provide more qualified commissioners and managers. The information included current and future BOCC tasks and salary, ICMA training and Lewiston, Idaho City Manager experience.
- The people opposed to the recommendation gave 501 reasons why they were opposed and these reasons fell into 20 categories. Four categories represented almost 50% of the comments: costly or increased taxes (13.77%), grows government/bureaucracy (12.57%), decrease accountability/transparency (11.78%) and too much authority to an appointed manager (11.18%).
  - Based on that information, Mr. Cleary believes the final report should address the following questions:
    - What problems did the Study Commission identify?
    - Why can't existing government "fix" those problems?
    - How does the Study Commission recommendation "fix" those problems?
  - Idaho code 31-5303 states the manager shall have the general supervision of the administrative functions of the county. County Commissioners duties per Idaho Code Title 31, Chapter 8 details 79 powers and duties of the county commissioners.
    - Which ones are "administrative functions" that would move to the county manager?
    - Which ones remain under the BOCC authority?

- Which ones can't the BOCC delegate to the county manager?
- Idaho code 31-5303 states the manager shall attend meetings of the BOCC, take part in the discussions, but not vote, and recommend measures for adoption.
  - One member of the public believed that a full-time commission manager is going to steer the policy options over the five part-time county commissioners. Brian Cleary believes this was a concern that should be discussed.
- Idaho code 31-5303 states the manager shall exercise the executive authority of the county to appoint, supervise, suspend and remove county personnel and make nominations and appointments to advisory boards and committees.
  - Mr. Cleary has been unable to find what county personnel means under Idaho law. Should we determine if this would be limited to county employees under BOCC or if the commissioners can limit which departments would be under the manager?
  - Since Kootenai County would be the first to implement these options, we do not have the benefit of the courts providing direction on some of the areas that may not be clearly defined.
- Did the commission adequately consider costs?
  - Additional information was provided to better understand the cost impact on five part-time commissioners and county manager.
- The mission of the study commission is set out in Idaho Code 31-505: The report shall be signed by a majority of the commission members. If the study commission recommends an optional form of county government, the final report shall contain:
  - A complete description of the optional form of county government proposed, as required under the provisions of the chapter pertaining to the form of government proposed to be adopted and under any other provisions of this act; and
  - A comparison of the existing form and proposed form of county government, including a statement of the strengths and weaknesses of the existing and proposed plans.
  - Mr. Cleary provided his view of what should be included in the report to meet the standards set by Idaho Statutes.

Brian Cleary finished his presentation by showing quotes from Commissioners Fillios and Brooks and asking two questions: "If the recommendation doesn't fix the problem, why make the recommendation?" and "Failure by Design".

Tamara Bateson said that she does not think it is too late to explore some of the areas Mr. Cleary identified as needing answers. She mentioned needing answers from the county as to what county personnel the commission manager could hire and fire and what parts of the auditor's office would be relocated to the commission manager organization. Ms. Bateson asked if this recommendation entails combining certain offices or moving HR under the BOCC. We have the time to do additional due diligence that would aid in the writing of the final report. Ms. Bateson wanted to follow up on a comment Chair Botting made that the department leaders were invited to participate in the study commission and either refused or did not respond. She reached out to each of the department leaders and learned, based on those who responded, that only

Leighanna Keiser was asked to participate. Those who did respond were in favor of coming to the study commission. These departmental leaders would work under the commission manager and the commission has not solicited their opinions.

Bryant Bushling felt that Mr. Cleary did such an excellent job that the need to repeat what was said is not necessary, but he did want to add a few comments. First, it was clear from the comments received that the vast majority of the people look at this committee and see bias. He provided examples of why he thought that was the case and why the members of the public felt the same way. Mr. Bushling feels the inability of the commission to answer a basic question about cost impacts the credibility of the commission. He believes cost will grow in headcount, IT and other areas. Working relationships that have been built over a long period of time will be destroyed if we change the form of government. Bryant Bushling also believes that the litigation costs to determine what the various statutes mean could be significant and result in lost productivity. When you plan to change the form of government, he said, you should plan to minimize the downside. The commission has not done that.

Phil Ward said what Brian Cleary presented has been brought up previously and been discussed and he believes some of the questions have already been answered. Government does not grow because you hire people but because there is more demand for services that generate the need to expand government. Mr. Ward explained that the number of departments under the three county commissioners have expanded and that did not happen because a manager had been hired. Some of the Row Officials told the study commission that an administrator would help. He indicated that the ICMA website provides salary data and he believes a commission manager's salary would be around \$100,000 to \$120,000 and that is a large amount of money. The commission manager's pay is based on more than ICMA certification. Qualifications can include having a master's degree and other expertise. We can add what type of qualifications we would like the commission manager to have or if we believe the county commissioners should be parttime to the final report. That information would go out to the public. Mr. Ward said that we talk about the commission manager like they will be corrupt or take over the whole government. Around 75 percent of the cities in this country have a manager. While cities and counties are different, the services provided generally are the similar. Everyone is worried about budgets and costs, but studies indicate that when a professional manager is added there is little indication that cost actually increases. When it does increase it could be because the manager sees the need for services that the commissioners didn't. The county commissioners have the final decision as to how county money will be spent; the manager may be able to help determine how to balance all the conflicting priorities. Mr. Ward added that you only pay severance if someone is fired without cause and he does not see severance as being an issue. The final report should include the strengths and weaknesses of the current and the proposed form of government, costs when possible, and what the commission was appointed to do.

David Levine said that after reading the comments and listening to the public, he categorized the information into nine points. Three of the points are similar to what Mr. Cleary included in his presentation. Those include: identifying the problem that the commission believes it is trying to solve; explaining why COO and other voluntary options available to the BOCC today were not recommended; and, although the commission does not have authority in the area of costs, providing basic information regarding costs should be included in the final report. We should highlight areas affecting cost increases, such as added headcount and potential savings through

consolidation of work within the 17 departments and reductions in current BOCC support headcount and reductions on BOCC salaries. Mr. Levine said that, in his experience, moving administrative functions under a manager does provide efficiencies. Mr. Levine mentioned again that looking at costs is not the best way to determine success. Assessing the value that those changes bring to the organization is a better indicator. For example, by adding a commission manager, if the county develops long-term compensation or IT strategies, that could reduce attrition costs and improve productivity. He recommended explaining costs in a narrative as opposed to absolute terms. The key question to answer is what benefit does the increased cost provide the citizens of the county. David Levine said the report should provide a fair assessment of the benefits of keeping the current form of government, the benefits of moving to the recommended form of government, and the liabilities of each form. He suggested that when drafting the final report, it may be necessary to try to find answers that would help make the report more useful for the voters. The public voiced concern about unelected officials having the power to impact the county. He said that the responsibilities of a commission manager are similar to those of the Chief Deputies. He recapped the job description of the Chief Deputy Treasurer to illustrate that point. He recommended establishing a writing committee to begin drafting an outline of the final report and to develop a list of questions that we need to answer.

Kristen Wing acknowledged that we heard from the public that there are issues that the final report needs to address. She added, we must remember we were charged to study the existing form of county government, compare it to other optional forms of government and submit a report of any recommendations to the Board. When the statute was enacted, it was not as specific as some believe it should be. The job of the study commission is to make a recommendation, not to try to convince the voters. The last several weeks are an example of the fact that we probably can't convince the voters to a certain extent. The behavior last week was not very charitable and was not representative of the community she thought she lived in. Ms. Wing understands why some would have liked to have a different process from the start, but we have learned a lot from the process. She summarized what she felt was learned. Some of the questions we heard tonight should have surfaced earlier. Some of the issues the public has brought up, such as upgrading the IT systems or filling open positions, are not problems that are solved solely by the commissioners. Why aren't the other elected officials trying to solve some of these issues? Kristen Wing does not understand why people think the current form of government is fine now, but then list problems that need to be addressed. We need a different perspective that five part-time commissioners and a county manager may bring. She is not sure it will work but what we are doing now isn't. The County Commissioners and the Row Officials don't work well together. Some people think this is good. But the county needs some form of integration between departments. She believes the County Commissioners deserve the type of support the Row Officials receive from their Chief Deputies. If it works for the Row Officials, why won't it work for the County Commissioners? If the voters approve the recommendations, the County Commissioners will have to decide their salary and the structure under the county manager. Kristen Wing suggested it all depends on who decides to run for office and their qualifications. She presented information about what other counties around the country are doing because she felt that no one was looking outside of Kootenai County or Idaho for ideas. She believes people in their daily lives look around for different ideas and ask neighbors to expand their horizons. When she did her research, it was not intended to mean we should copy those ideas, but rather to allow the commission to think about other ways governments can operate. If we could

have fixed the problems locally, why have we not done it yet? Why are people fearful about just looking and discussing different forms of government? The issues that we have heard need to be included in the report so that the voters can review it, discuss it with friends and decide how to vote.

Tamara Bateson explained that she has consistently asked that the study commission try to find out answers to some of the questions that were addressed tonight. She thinks taking some extra time for positive steps toward developing more information and talking to the departmental leaders would be beneficial. That information may change some commissioners' minds, one way or the other. She does not understand how doing so could be a negative.

Kurt Andersen said that at this point his biggest question is how do we make progress going forward. Some feel it is too late and we have not made effective use of our time, and others feel we still have time to try to answer some of the important questions. Mr. Andersen suggested that we can begin in parallel working on the report and researching areas that would be needed to complete the final report. He suggested that getting a writing committee established would be an effective way of uncovering other areas that need to be clarified.

Brian Cleary said establishing a writing committee in parallel with undertaking additional investigative measures may make some sense. He presumed that we are at the end of the road and commissioners do not want to revisit the recommendation. Why spend the time if commissioners do not feel it to be valuable? Mr. Cleary said the study commission did categorize the recommendation as preliminary, so maybe we can research additional information. Maybe the writing committee should start with something that looks like an outline, but that will require some thought. When he prepared his report, he wanted to see how the comments align into categories and, by doing so, he realized that there were some themes that resonated with him. If we have the time, the study commission should try to perform additional research so we have the answers to some of the questions.

Kurt Andersen said given the statutory structure of the report regarding the strengths and weaknesses of the current and proposed forms, we could potentially have two writing groups. One could focus on answering the questions about the current form and one could handle the proposed form. David Levine responded that at one time he felt having two committees was the right approach. When he voted to approve the recommendation, it was based on a set of assumptions. Now he is hearing people who opposed the recommendations made their decision on a different set of assumptions. If we separate into two committees, we will lose the ability to discover those inconsistencies in assumptions.

Bob Fish said that everything he would have articulated has been addressed. One of the main points he always thought about was the fact that throughout the country and even in this county, five or more people comprise these kinds of operations. He believes all of Kootenai County's Tax Districts have at least five or more people and the study commission has nine. Mr. Fish said there are a lot of reasons why three is not adequate and he gave a few examples. Regarding the executive, he stated that this has been proven to be the most effective way to manage governmental operations throughout the country. City Councils have managers and this is not breaking new ground. He supports trying to determine some of the answers to the questions discussed tonight.

Chair Botting asked if anyone was interested in making a motion to change the current recommendation. No motion was requested. He believed we could work in parallel to develop a draft outline and try to find the answers to some of the questions needed to write the report.

## B. Writing Committee

Kristen Wing has volunteered to be a member of the writing committee. Chair Botting asked if Brian Cleary would reconsider and agree to be part of the committee. Mr. Cleary needed some time to think about that.

Kurt Andersen suggested a preliminary step would be to establish a subcommittee that would be tasked with identifying questions for which we would like answers. The second step would be to develop an outline for the report. Later on, we could establish a writing committee to draft the final report. Chair Botting indicated that he thought we could establish a committee and, as questions come up, they can be investigated. David Levine said that Brian Cleary needs some time to decide if he would like to be a member of the writing committee. Could we begin by having commissioners come up with the questions for which they want answers. Next meeting, we can agree on the list of questions and request answers from the county. At the same meeting, we could establish the writing committee.

Additional discussion occurred about determining what exact budget workload was moving from the Clerk's office to the county manager's. Several commissioners discussed what they thought would be affected by that change and the best way for the study commission to resolve open questions. It was agreed that we need to get a firm answer. At next week's meeting, the commission will develop a list of questions and determine the best way to gather the required answers.

## IX. Items of Next Meeting Agenda

### a. Confirming Scheduling Following Meetings

1. February 2 (Meeting Room 1B only)
2. February 9

The February 2<sup>nd</sup> meeting will focus on developing a list of questions that require follow-up with the county and establishing the writing committee.

## X. Adjournment

A motion to adjourn the meeting was made by Kurt Anderson and seconded by Brian Cleary. A vote was taken and the motion passed. Meeting adjourned at 8:25 p.m.

Respectfully submitted,

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David Levine, Clerk/Secretary