

Minutes of Meeting
Commissioners' Status Update
March 21, 2023
10:00 a.m.

The Kootenai County Board of Commissioners: Chair Leslie Duncan, Commissioner Bruce Mattare and Commissioner Bill Brooks met to discuss the following agenda items. Also present were KCSO Sheriff Robert Norris, KCSO Undersheriff Brett Nelson, KCSO Lieutenant William Klinkefus, Jail Maintenance Supervisor Tom Reed, Clerk Jennifer Locke, Chief Deputy Clerk Grace Blomgren, Finance Director Brandi Falcon, Deputy Finance Director Keith Taylor, Staff Accountant – Grants Rae Ann Fritsche, 1st Judicial District Trial Court Administrator Karlene Behringer, Treasurer Steve Matheson, Chief Deputy Treasurer Jill Smith, Buildings & Grounds (B&G) Operations Manager Greg Manley, Information Technology (IT) Network Administrator Grant Kinsey and Deputy Clerk Sierra Hansen. Also present were Longwell Trapp Architects Representative Cory Trapp and Bouten Construction Representative Kreg Shelby. Mr. Shelby was present via teleconference.

A. Call to Order: Chair Leslie Duncan called the meeting to order at 10:00 a.m.

B. Changes to the Agenda (Action):

Chair Duncan stated that item 4 on the agenda, "Jail Overcrowding (Discussion)," would be handled at the 2:00 p.m. Business Meeting later today.

C. Business:

Burlington Northern Santa Fe Railroad Activity (Discussion)

Chair Duncan stated that the Board had received an email on March 10, 2023 asking the Commissioners and Mayors of the County to contact the Railroad and find out what was being transported. She remarked that there was a 9,000 gallon diesel spill out at BNSF (Burlington Northern Santa Fe Railroad) on March 3, 2023. She asked whether the other Commissioners wished to act on the request.

Commissioner Bruce Mattare pointed out that the Board did not have any jurisdiction over BNSF.

Commissioner Bill Brooks said he thought either the state or federal government had jurisdiction over the railroad, but he agreed that finding out what cargo was on the trains was a good idea. He expressed concern regarding hazardous material being transported because not all the tracks were in very good shape.

Commissioner Mattare commented that this was a problem seen everywhere in the country and asked what the County's responsibility would be in the event of a spill.

KCSO Sheriff Robert Norris reported that his department had been in constant communication with BNSF, Union Pacific Railroad and Northern Lakes Fire District regarding the diesel spill. He said they had tentatively scheduled a town hall meeting on

May 18, 2023 to address the concerns of the community. He stated that the community would not have to rely on a private entity when it was a public safety issue. He provided additional details about the ways community safety was being addressed.

It was generally agreed by the Commissioners that the Sheriff's explanation of the precautions and actions being taken was satisfactory and the issue would be left in his hands.

Justice Center Expansion Budget (Action)

Chair Duncan announced that the Board had learned that the ARPA (American Rescue Plan Act) funds would not cover the planned Justice Center expansion in full. She commented that she felt the project was necessary and probably about five years overdue, so she would still like to move forward. She stated that she had discussed this with Finance Director Brandi Falcon and learned that there was Fund Balance which could be used to cover the remaining costs and still allow them to accomplish a number of the two-year-plan projects, such as building out the pods at the Jail.

Commissioner Brooks remarked that he was not happy with the Justice Center Expansion at all and had said so from its start. He said he was also not happy with the ways the ARPA funds were dispersed. He underlined previously stated objections and said that he felt completing the pods at the Jail should be made a higher priority.

Commissioner Mattare said that if the funds for the expansion were available, they should proceed but cautioned that "mission creep" seemed to be getting out of hand. He said he agreed that the Jail pods were needed and indicated he was concerned they would be part way into the actual construction at the Justice Center and encounter further difficulties.

Ms. Falcon explained the annual processes of the Auditor's Office at the close of each fiscal year. She said the Board would soon decide how many months of emergency funds they wished to set aside for the coming fiscal year. She reported that she had prepared calculations for two, two and a half or three months of cash reserve and, after the Board made that decision, she would be able to tell them how much surplus funding was available to dedicate to capital projects.

Ms. Falcon stated that she had spoken to Clerk Jennifer Locke and Treasurer Steve Matheson about the emergency funds. She said two and a half months in reserve would be acceptable, but more was always better.

Chair Duncan remarked that she had been in favor of three months of emergency reserve, but that this did not seem to be the year they would achieve that figure. She said she would be satisfied with two and a half months.

Commissioner Mattare said he viewed this as a risk-management question: what might happen that would require the County to use the emergency operating funds and how likely was it that the conditions would come about.

Chair Duncan said the situation requiring use of the emergency reserve would be one where the County was not able to collect property taxes or the State did not issue normal revenues on time. She added that the likelihood of this was slim.

Commissioner Mattare asked if it had ever happened.

Ms. Falcon responded that the County had closed its books for the year with a deficit on other occasions; she referenced the time some years ago, during the Jail Expansion, that they had closed the books with a \$9 million deficit. She confirmed that this had been a cost overrun, however, not a failure to collect taxes or receive State revenue.

Chair Duncan asked Bouten Construction Representative Kreg Shelby what would happen if material prices continued to go up and whether it would result in the County being responsible for more than the agreed upon price.

Mr. Shelby said that as CMGC (Construction Manager General Contractor) they provided cost information and worked to shepherd the process. He explained that the risk factors would be more controllable once they had decided on the scope of work and sought out bids, which would happen after the design work was complete. He predicted this would come sometime this August. He reminded those present that contingency factors had been included in the cost estimates: 6% for inflation/escalation of costs, 6% for increases in design or estimates and 3% which would be carried over into construction.

Ms. Falcon reviewed the information contained in the handout she had provided to the Board. She said that the amounts the Board had placed in Assigned Fund Balance for FY2022 had been a total of \$16.8 million: \$9 million for a Facilities Master Plan, \$1.5 million for Jail and Buildings & Grounds (B&G) 5 Year Plans, \$1.5 million for IT (Information Technology) capital projects and the remainder for any capital purchases required throughout the year.

Chair Duncan noted that, if the Board chose to set aside two and a half months of personnel and operating expenses as an emergency fund, they would be able to add \$4.6 million to the remaining \$11 million for potential assignment.

Commissioner Mattare asked when the Jail pods were scheduled for completion.

Chair Duncan replied that this question was complicated by the issue that, right now, they would not be able to staff an expanded Jail facility.

Commissioner Mattare stated that there was an overcrowding condition at the Jail right now and asked what plans were in place to handle that.

Chair Duncan said a meeting had been scheduled with all stakeholders regarding the Jail's challenges.

Commissioner Brooks remarked that, when Judges put people in jail who were not felons and were not violent, it hurt the Jail. He declared he would like to see non-violent people who had lesser offences not placed in the Jail.

Chair Duncan said that was a discussion for the Judiciary, not for this meeting, since it was an area the Board could not control or influence.

Commissioner Brooks said that judges' responses had been, "We'll control it and you deal with it," and he did not like that answer.

Sheriff Norris reminded those present that the Jail situation was going to be discussed in the meeting later today. He remarked that, during the ARPA discussions, the company involved in the Justice Center Expansion had stated that all their most recent projects had come in at or under budget. He said he recalled that the estimate had been given as \$20 million for the project and \$4 million more for the HVAC system.

Chair Duncan said that they had been informed in a meeting last Thursday that the initial report, with all the included contingency amounts, had come to over \$30 million.

Sheriff Norris remarked that he felt that a wiser choice could be made for the money than going forward with this project.

Commissioner Mattare said he thought that the Jail and the Expansion project needed to be tied together in some way or one would be done at the expense of the other. He said that they needed to decide if they would move forward on the Justice Center now and deal with the Jail later, or take into account the cost of finishing the Jail and see what there was left of the surplus funds to handle the Justice Center.

Chair Duncan indicated she agreed with his suggestion.

Commissioner Brooks again reminded those present that the price for the Justice Center had been estimated as \$22 million in 2018 but the next year he was told it would be \$45 million for the entire project. He predicted the actual cost would be \$45 million, regardless of what they were being told now.

Commissioner Mattare suggested that they agree to move ahead and then make a final decision when the final bid numbers were available in August.

Longwell Trapp Architects Representative Cory Trapp stated that, once the design was finished, Bouten Construction would put the project out for bid. He said that they would receive a Guaranteed Maximum Price (GMP) at that time. He added that they would continue to look for ways to save money as they were designing the building and that the Board would be kept updated on any changes in projections.

Commissioner Brooks repeated that he had trouble with the proposal from the beginning and had spoken to people in law enforcement and the court system about it. He said there was a different answer to the County's needs, but the Judges hated it: Night Court.

Sheriff Norris stated he felt the Justice Center Expansion was a "... waste of taxpayer money and that it was rushed from the beginning..."

Chair Duncan voiced her disagreement and said that five years overdue and four years in the planning did not seem rushed to her.

1st Judicial District Trial Court Administrator Karlene Behringer pointed out that if the County did move to offer Night Court, she would have to double her staff. She said that would represent an ongoing cost, not a one-time expense.

Commissioner Mattare moved that the Board proceed with using Fund Balance for the Justice Center Expansion and that their final decision would be made after they received the final numbers, in August 2023. Commissioner Brooks seconded the motion. There being no further discussion, Specialist Sierra Hansen called the roll:

Commissioner Brooks: Aye

Commissioner Mattare: Aye

Chair Duncan: Aye

The motion carried.

County Providing Security at Private Events (Discussion)

Commissioner Mattare commented that the taxpayers had not voted for the County to pay for security provided at private events. He noted that there had been an event last year for which the County had paid about \$50,000 in security services. He said he thought it was only prudent that if an entity, such as a city, wanted to issue a permit for an event, that the party receiving the permit should be responsible for paying for the security. In response to a question from Commissioner Brooks, he confirmed he was not referring to the Fair.

Chair Duncan said that the Board had no authority within the cities, so the cities could issue whatever permits they wished. She stated that the Sheriff should be allowed to make those operational decisions. She added that she basically agreed with the point that it was wrong for a city's actions to cost the County taxpayers money.

Commissioner Mattare remarked that there would be nothing wrong with seeking reimbursement beforehand.

Commissioner Brooks suggested it be made a requirement.

Commissioner Mattare said he would at least like to make this an issue because he felt people were not aware that County taxpayers were subsidizing these events.

Chair Duncan indicated that, if the Sheriff agreed, she would support making the information public.

Sheriff Norris asked if the County had an internal policy at the moment that stated that if an event was expected to attract a certain number of people, a certain number of deputies must be provided.

Chair Duncan said they did not.

Sheriff Norris responded that the Board should consider enacting such a policy. He stated that the major responsibility of all sheriffs was to keep the peace and he was obligated to provide a presence at such events under the Mutual Aid clause of the Idaho Constitution. He pointed out that the Sheriff's Department did have authority to present a bill for security for events that happened on the water, but not those on land.

Commissioner Mattare commented that there was a difference between KCSO being obligated to provide service and KCSO calling up staff to be paid overtime to "sit and wait in a room in case something happens." He said this was the issue, as far as he saw.

Sheriff Norris provided more information on the parameters for charging for private events on the water. He said if they had credible information that there might be a disruption, he was entitled to say the host had to add more security and thus could be charged more.

Commissioner Mattare asked if the Board would agree to draft a letter asking the cities about reimbursing the counties for these private events and making the information public.

Commissioner Brooks voiced agreement with the suggestion.

Chair Duncan said she would be in favor of Commissioner Mattare and the Sheriff working together to create such a letter, which would then be presented to the Board for approval.

~~**Jail Overcrowding (Discussion)**~~ - Pulled

KCSO Presentation of Uses for Kootenai North Building (Discussion)

KCSO Lieutenant William Klinkefus reminded those present that the County had purchased the Kootenai Electric Cooperative compound several years ago and it would be available for occupation this December. He presented a proposal that would allow several of the Sheriff's Office's operations bureaus to move to that location. He pointed out a number of advantages this would bring: it would allow the Sheriff's Office to consolidate bureaus which were currently scattered, would cost less than expanding the current Sheriff's Office campus, offered plenty of parking for staff and already contained a bulk fuel station so KCSO could purchase fuel at more advantageous rates and save the County money.

Lieutenant Klinkefus reviewed the documents provided to the Board, explaining how the space at Kootenai North would be utilized and illustrated how the move would free about 30,000 feet of space for other uses. He went over the different areas which would be made available and listed departments that had expressed interest in them.

Sheriff Norris confirmed that his office would continue to be located in Coeur d'Alene, as required by State Statute.

Commissioner Brooks remarked that the vacated Detectives' and Records Storage areas could be made into courtrooms.

Lieutenant Klinkefus agreed that the location would be convenient for that use.

Commissioner Mattare asked how long the Sheriff thought the space at Kootenai North would be adequate to KCSO's needs.

Sheriff Norris replied that the space would allow for growth and predicted it would be sufficient for 20 years.

Chair Duncan said she would like to take 30 days to consider the proposal, then meet again to discuss the financial aspects.

Lieutenant Klinkefus stated that the rough estimate of cost for the initial move was about \$414,000, including about \$40,000 for IT.

IT Network Administrator Grant Kinsey confirmed that this \$40,000 figure would probably be reduced since the prior owners had left technology which could be reused. He said his estimate was primarily for wireless infrastructure and connectivity.

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 public comments.

E. Adjournment (Action): Chair Duncan adjourned the meeting at 10:56.m.

Respectfully submitted,

JENNIFER LOCKE, CLERK

BOCC SIGNATURE

BY: _____
Tina Ginorio, Deputy Clerk