

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

Meeting Minutes

April 4, 2022

5:30 p.m.-8:30 p.m.

451 N. Government Way

Administration Building, 1st Floor Room 1A/B

Commission Members Present: Tamara Bateson, Kurt Andersen, Phil Ward, Bob Fish, Dave Botting, Bryant Bushling, Brian Cleary, David Levine and alternates Bruce Mattare and Joan Genter. Kristen Wing attended via Zoom. Alternate Cheri Zao was not present.

I. Call to Order

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

II. Pledge of Allegiance

Bob Fish led the meeting participants in the Pledge of Allegiance.

III. Approval of / Changes to the Agenda

Brian Cleary stated that he had an issue with the agenda. He has a motion tonight to table the agenda due to the fact that one of the members of the study commission may not be a resident of the county. He said one of the qualifications under Idaho code 31-5102 is that the member of the study commission shall have resided in the county one (1) year preceding his appointment. He added that the Idaho State Attorney General recently had an opportunity to write about that residency requirement in regard to an NIC Trustee member. The Attorney General made it clear that when a qualification for candidacy is created by statute, that qualification must be maintained for that elected official's tenure in office. It has come to Mr. Cleary's attention that a member of the study commission is no longer a resident and an investigation by the Clerk's office has been initiated and the Prosecutor's office has been made aware of the issue. Since that member of the study commission would be participating in votes tonight, Mr. Cleary submits that it is inappropriate for the commission to proceed until the results of the investigation are known. Since the investigation can take some time, he suggested that the study commission member resign and allow an alternate to take their place.

Brian Cleary made a motion to table the agenda. The motion was seconded by Tamara Bateson. Mr. Cleary then opened the floor for discussion about the motion. Chair Botting stated that the Prosecuting Attorney's office was asked today about the issue just raised and the response received was that there is nothing in the statute that would preclude the person in question from participating. That is the decision we have at this time. Mr. Cleary asked if that opinion was a written one and Chair Botting said it was verbal. Chair Botting said that the decision was based on Idaho statute 31-5102 which states: A member of a study commission shall be at least twenty-one (21) years of age and shall have resided in the county one (1) year preceding his appointment. Chair Botting also referenced Idaho statute 31-5103 which states: The term of office of a commission member initiates upon his appointment and concludes thirty (30) days after the issuance of the commission's final report. Chair Botting said there is nothing in the statute that says a study commissioner has to resign because they are no longer a resident. Bryant Bushling asked why we would want someone making a decision for the county who is no longer a citizen of the county and will not be impacted by those decisions.

Phil Ward responded that he does not agree that Mr. Cleary's motion is applicable. If it was, Mr. Ward said, he believes it is premature. Based on the county attorney's opinion there was a question as to whether there should have been a public meeting to discuss the comments given to the writing committee. The purpose of tonight's meeting is to review and discuss the comments and decide what changes to the report need to be made. Mr. Ward said that we may not have any changes, but at the point when we would need to vote on changes or approval of the report would be the time to consider this motion. Mr. Cleary responded that since the member in question would have to vote on the agenda, he believes this is the appropriate time. Chair Botting stated that the member is still part of the study commission until 30 days after the final report is filed.

Mr. Cleary repeated the position offered by the Attorney General, saying that when qualification for candidacy is created by statute, that qualification by statute must be maintained throughout the elected official's tenure in office. While the study commission members are not elected, the qualification for being on this commission is that members have been a citizen of the county for one year. If any member is no longer a resident, then they no longer meet those qualifications. Mr. Cleary said it does not make sense that someone who is no longer a resident of Kootenai County can sit on the study commission and make public policy. Chair Botting does not agree since the opinion offered by the Attorney General applies to elected officials and study commission members are appointed. He added, in response to a question from Mr. Cleary, that the county attorney did not find anything in the statute that would require the member to resign. Chair Botting indicated that the county attorney did not offer an opinion. Chair Botting also clarified the statement made by Mr. Cleary that the study commission is making public policy. That role is one that only the County Commissioners have and the study commission is an advisory group.

At the end of the discussion, a motion was made Brian Cleary to table the agenda until the residency question is resolved. That motion was seconded by Tamara Bateson. A vote was taken. Commissioners Bushling, Cleary, Andersen and Bateson voted in favor. Commissioners Wing, Fish, Ward, Botting and Levine were opposed. The motion failed.

Discussions continued on many of the items previously discussed, including what actual information was provided by the county attorney on the need for the study commission member to resign; whether the writing committee process actually violated the open meeting law; the opinion of the county attorney regarding open meeting law violation; and the process used to approve the recommendations.

A motion to approve the agenda as submitted was made by Phil Ward and seconded by Bob Fish. The vote was taken; the motion passed with Commissioners Botting, Ward, Wing, Fish and Levine voting in the affirmative.

IV. Announcements

None

V. Discussion to Cure Prior Violations from March 9, 2022 Study Commission Meeting under Idaho Code 74-208(7) and Revoke Final Report of the 2021-

2022 Kootenai County Study Commission Regarding Optional Forms of County Government

Chair Botting asked for a motion to revoke the approval of the final report from March 9, 2022.

A motion to revoke the approval of the final report from March 9, 2022 was made by Bob Fish and seconded by Phil Ward. The vote was taken; the motion passed with Commissioners Bateson, Botting, Andersen, Ward, Wing, Cleary, Fish and Levine voting in the affirmative. Commissioner Bushling abstained.

VI. Declare Previous Final Report of the 2021-2022 Kootenai County Study Commission Regarding Optional Forms of County Government to be Draft Report for Discussion

Chair Botting asked for a motion to declare the previous final report to be the draft report for the purposes of discussion.

A motion to declare the previous final report to be the draft report for discussion was made by Bob Fish and seconded by Phil Ward. The vote was taken; the motion passed with Commissioners Bateson, Botting, Andersen, Ward, Wing, Cleary, Fish and Levine voting in the affirmative. Commissioner Bushling abstained.

VII. Review Previous Comments for the Draft Final Report, Sent by Email to the Writing Subcommittee Prior to March 9, 2022 Meeting

Chair Botting read each of the comments that were sent to the writing subcommittee prior to March 9, 2022 and provided a recap of the actions taken based on those comments. The document is attached to the minutes of this meeting. Chair Botting then opened up the floor for discussion.

Brian Cleary asked about the statement made at the last meeting regarding the shift of the budget function from the Clerk's office to the county manager. This was in reference to the questions raised by the Utah state auditor when a similar move was made in Utah. Mr. Cleary believes Chair Botting stated that what was done in Utah is not similar to what would happen here because the grant function would not be part of the transfer of work. Mr. Cleary asked Chair Botting to provide more detail about why he believed the Utah situation was not similar to what is being proposed. Chair Botting explained that there were six counties that implemented such a change. Only two of the counties were challenged by the state. One of those challenges was based on the way the county implemented the change. The second one was related to an issue regarding the honesty of an individual. Chair Botting added that the Utah State Auditor prepared a six-page report, which included a page titled Separation of Duties Concerns. That page recapped the movement of budgeting, accounting, preparation of financial statements and grant management. The only area that is included in our recommendation is the movement of the budgeting function to the county manager under the BOCC. Today all the functions outlined in the Utah report are currently being performed in the Clerk's office with no separation of duties. Moving the budget role to the county manager would create a separation of duties. Mr. Cleary appreciated the more comprehensive response and understands the point that is being made. He then asked if any reference to the Utah situation was in the final report. Kurt Andersen said that there was no reference to the information regarding Utah in the final report. Brian Cleary asked if it would be valuable to add this to the report. The group agreed to continue this discussion under the next agenda item since this agenda item focuses on the changes currently included in the draft report. Kurt Andersen asked how reading the items into the record constitutes an action item. Chair

Botting explained that the action item on the agenda refers to approving a motion to accept the changes made in the report.

Tamara Bateson requested clarification of the comments listed below. She provided information about why she believed the changes should be made to the report. Members of the writing committee explained the rationale for the decisions.

- # 16; Page 6, line 18: "...may be inadequate..." seems to be an unsubstantiated claim belied by the percentage of use across the country; suggest removing this statement or footnoting the source of the claim. Kristen Wing stated that this came from references that are footnoted in the report.
- #19; Page 9, line 24: "...longer time horizons..." poor wording - seems to say that the manager will be slower (take longer) to get stuff done. David Levine said that this statement means that the county manager is not worried about the next election cycle and can focus their attention on long-term plans.
- #22; Page 9, line 33: "...when the Board cannot work together." if 3 can't "work together" how will 5? Kurt Andersen said this was focused on the weakness of establishing a county manager and not the number of county commissioners. David Levine added that one of the challenges a county manager may face is when their board is dysfunctional, regardless of how many commissioners they have. This statement was intended to show a weakness of the county manager position.
- #29; Page 10, line 39: "Forty-three percent..." should also report % for commission only. David Levine said that normally reports provide one percentage based on the assumption people can figure out the other number. Kurt Andersen added that this section of the document is called rationale for the recommended changes.
- #30; Page 11, line 29: "...will have..." should not be stated as a fact and during the transition time, it will be really up in the air. Kurt Andersen explained that today the departments prepare their budget and send it to the Clerk's Office. In the future, the departments will send the same budget information to the county manager's office.
- #31; Page 11, line 36: "...consolidation of work..." maybe "greater work efficiency" instead? Kurt Andersen said the intent of this sentence was to highlight the opportunity for possible consolidation of work within the 17 departmental areas. Tamara Bateson recommended inserting the words *possibility of consolidation of work*. It was agreed that the writing committee would update the report to address the concerns discussed to be reviewed at the next meeting.
- # 33; Page 12, line 19: "...precedent..." in many cases, the county service mandates are very different from the requirements in Idaho. It was agreed that the writing committee would update the report to address the concerns discussed to be reviewed at the next meeting.

Chair Botting asked for additional comments. No additional comments were offered.

A motion was made by Kurt Anderson to accept the previous comments and adjustments to the initial draft report with the exception of items #31 and #33 listed above. The motion was seconded by Phil Ward. The vote was taken; the motion passed.

A motion was made by Kurt Anderson to take a short break and was seconded by David Levine. The vote was taken; the motion passed.

VIII. Discussion of Any New Comments and Possible Inclusion in the Draft Final Report of the 2021-2022 Kootenai County Study Commission Regarding Optional Forms of County Government

Chair Botting opened the discussion of considering other changes for possible inclusion in the final report.

Tamara Bateson wanted to address some comments she referenced at the last meeting in the Rationale for the County Manager section of the report which states: *The scope of the county manager's responsibilities is limited to the jurisdiction/departmental scope of the Board of County Commissioners. This includes all of the advisory boards and committees under the Board of County Commissioners. Those duties are administrative in nature; the county manager will have no ability to set policy. All policy decisions will continue to be made by the Board as described in Idaho Code.*

Ms. Bateson's concern is that the scope of the commission manager form and the manager's responsibilities are not specifically detailed in this paragraph and the extent of executive authority the commission manager would have. The information received from the county attorney stipulated that since there is no case law in Idaho to reference, they were only able to provide a reasonable interpretation of what the real scope of the county manager's authority would encompass. Ms. Bateson added that this paragraph states the limits of the county manager's full authority and minimizes the actual authority they would have. Tamara Bateson said that according to the county attorney, the commission manager would oversee all the BOCC departments, have full disciplinary and executive authority in hiring and firing those employees and could have additional responsibilities if given by the BOCC. She added that the BOCC does not have the authority to overrule the county manager's decisions. None of that information is included in the paragraph on page 12. The way the paragraph currently reads does not reflect the significant authority the county manager would have. The county manager could create the entire county culture using their hiring and firing authority over 300 employees and appointing individuals to boards and committees. She added that is in contrast to the current system of having three county commissioners fill positions through a more representative process. Ms. Bateson believes those points need to be more clearly stated in this section of the report.

Brian Cleary stated that he supports the comments made by Tamara Bateson and agrees that the county attorney's opinion is a reasonable interpretation of the provision of the commission manager's authority. The commission manager exercises the executive authority of the county with respect to nominations and appointments to boards and committees. Mr. Cleary said that this is a bit of power and that fact needs to be recognized. He added that our current form of government operates through those boards and committees. This is emblematic of the broad reach of how democracy and the republic work through the people participating on citizen boards and committees, having been appointed by the commissioners. That process requires that two out of three county commissioners agree to the selection. The report does not reflect that under the commission manager form, only the commission manager would make those decisions. Mr. Cleary stated that while the county commissioners can terminate the county manager if they are unhappy with their decisions, the study commission's recommendation would structurally change the way our democracy works by formulating the county policies through boards and committees. That process develops policies through deliberation and public hearings. The policy is developed bottom up and then the county commissioners would act on the recommendation of the boards and committees. Mr. Cleary reiterated that this change would actually adjust the structure by which the community participates in policy development. He believes who appoints individuals to the board and committees changes fundamentally with the addition of the commission manager. Brian Cleary said that the report does not currently address how the core concept of our democracy works now and how that will change with the addition of the commission manager, particularly with respect to boards and committees. Chair Botting said that he believes what Mr. Cleary stated about advisory

boards and committees may be a little bit of a misunderstanding. The advisory boards and committees in Kootenai County do not set policies. The boards and committees do debate, gather input and make recommendations to the county commissioners. The county commissioners have the sole authority of setting county policies. Chair Botting added that under the commission manager form of government that would not change. To suggest that the county manager would have the ability to establish policies since they would control the appointment of board and commission members is a bit of a stretch. The boards and committees can make recommendations to the BOCC that may be accepted or rejected by them. Brian Cleary believes he made it clear that the function of these boards and committees is to make recommendations. If he said otherwise, he stands corrected, but he thought he was clear regarding how the boards and committees function. Mr. Cleary said how the boards and committees make their recommendation is at the heart of how democratic government works in the county with citizens appointed to these boards and committees deliberating over the policies to recommend. The change under consideration would alter who has the unilateral authority to make those appointments. Mr. Cleary believes the report needs to be updated to explain the structural shift in who has the authority to make the appointments to boards and committees. Chair Botting said that the report does detail the fact that the statute includes the authority of the commission manager to appoint members to boards and commissions. David Levine asked Mr. Cleary if his assumption was that the county commissioners would not have any input into who was appointed to the boards and committees. Mr. Levine would have expected that the county commissioners would have some input on some of the advisory boards and committees. Brian Cleary responded that he would expect, based on his observations, that the form of government being proposed with five county commissioners who would effectively become part-time would result in less engagement and the need to rely on the commission manager to handle more and more of the work. Chair Botting said it sounded to him as though Mr. Cleary was assuming that the elected officials would decide they really did not want to perform their jobs. Currently, our elected officials spend a significant amount of time not on policy development or legislation but on administration. Chair Botting said if county commissioners were going to spend fewer hours on administrative tasks, they could spend more time on policy development and more attention to the details. Bob Fish added that was actually right and history proves that with many cities and counties found the opposite of what Mr. Cleary stated was true. Mr. Fish said the county commissioners will have more time to work on areas they cannot focus on now due to the administrative workload. He added that he has experiences also and most cities have a professional manager and this type of organization is acceptable across the nation. Phil Ward said that the county manager is just a position and reports to either three or five county commissioners. The county manager does have authority but has no power. That resides with the county commissioners. Mr. Ward believes some are denigrating what authority the county manager and our elected officials have. Today we have three county commissioners who control 17 separate departments and we have six elected department heads who operate independently. Mr. Ward believes it is important to first understand that the manager actually reports to the BOCC. Anyone who thinks the county commissioners would allow the county manager to perform the role inappropriately and not take any action is naive at best. The county attorney, Tamara Bateson said, stipulated that the BOCC does not have the authority to overrule the manager's decisions. The only option the BOCC has is to terminate the county manager if they are unhappy with the performance of the county manager. Phil Ward responded that he has worked in a lot of government organizations where they had county and city managers and his experience indicates that if the manager goes astray from what the elected group wants, that manager would be terminated. David Levine said he believes this discussion is trying to address a different concern than was intended in this section of the report. He clarified that this paragraph was not included in the report to address the structural change that Mr. Cleary has mentioned tonight. Mr. Levine said the purpose of this section was to answer the concern that a county manager would have authority over decisions made in the other six elected officials' organizations. This paragraph made it clear that the county manager only has authority over

departments within the BOCC structure. Kurt Andersen said the writing committee may have overlooked adding a section to the document. The report has sections that address the strengths and weaknesses of the existing and proposed forms of government. The report also includes a section of the rationale for the recommended changes. Mr. Andersen said that we do not have a section that focuses on the arguments against the change. He believes that what Tamara Bateson and Brian Cleary are bringing up tonight would fall under that category. Chair Botting indicated that what he is hearing is marketing discussions more than the recommendation itself. He added that what is being discussed are problems some members of the study group see as a reason to not vote for the recommendation. Tamara Bateson said what we are trying to address in the report is the scope of power the commission manager would have. She believes this is not addressed in this paragraph. Chair Botting said this paragraph did not address the scope of power except to the extent that the county manager does not have any authority over the six elected officials' organizations. Chair Botting added that if the request is to have a section on the scope of authority of the commission manager within the BOCC, that information is already in the report. He believes this discussion is based on only one of the commission manager's responsibilities. Brian Cleary said he now understands that the purpose of the paragraph was to explain that the commission manager does not have authority over the other six elected officials' silos. He believes that Mr. Andersen recommended either a new section or adding something to a current section that would address what is within the commission manager's area and what does it mean in terms of the structure of the government. Mr. Cleary believes that the purpose of this is not to convince voters but to adequately inform people what is within the scope of the authority. Chair Botting responded that the authority is defined by the statute.

Tamara Bateson and Chair Botting voiced different opinions about a section to the report regarding the information provided by the county attorney, what additional information is needed to be included in the report and if the information in the report was sufficient to adequately inform the public. David Levine said what he has heard is not explaining the scope of the commission manager's authority but rather providing a little more detail about what that would actually look like with regards to the appointment of members to boards and committees. He does not believe it would be harmful to draft a high-level statement that would address that point. Mr. Levine stated that the report was intended to provide the county commissioners with the process used to produce any recommendation that the study commission approved. He did not believe it was intended to be a pro or con marketing piece. The challenge right now is that the study commission has different opinions on some areas. Mr. Levine said he was not opposed to trying to address this one area regarding the appointment of advisory board and committee members. Kurt Andersen agreed that it would be appropriate to add a paragraph about some of the changes. Chair Botting asked why pick this one area and not include every area of the commission manager's authority. David Levine said that we heard certain things from the public about their concerns about adding a commission manager. We heard about costs and the commission manager's authority over the six elected officials' areas and the report attempted to address those concerns. We also heard concerns about the commission manager's authority regarding appointments to boards and committees. That may not have been adequately addressed in the report. After further discussions, Kurt Andersen suggested that the writing committee draft a few sentences that may clarify the question regarding appointments to boards and commissions.

A motion was made by Kurt Anderson to develop a paragraph to incorporate the input heard tonight regarding appointments to boards and committees. This was seconded by Tamara Bateson. The vote was taken; Commissioners Andersen, Levine, Bateson, Bushling and Cleary voted in favor. The motion passed.

Tamara Bateson said the draft document stipulates different ways the study commission compiled the information, including receiving public comments. Ms. Bateson finds the report lacks an adequate representation of the number or percentage of members of the public who

spoke for and against the study commission's recommendation. Kurt Andersen said that was correct. In drafting the report, the writing committee was not attempting to capture everything that was done during the almost one-year of meetings. If there is sufficient interest to include this material, it can be added. Tamara Bateson believes a simple sentence can be added to show the total number of people in favor of the recommendation and the total number of people who opposed it. Since the report stated that public comments were one of the inputs used during deliberations, Ms. Bateson believes the data belongs in the report. The commissioners discussed several topics, including the value adding this type of data to the report, whether the data represents the view of county residents, the best place to put the information, if added, and other related topics.

A motion was made by Tamara Bateson to add a representative sentence to show the responses received from emails and public comments into the report. The motion was seconded by Bryant Bushling. The vote was taken; Commissioners Andersen, Bateson, Bushling and Cleary voted in favor. The motion failed.

Phil Ward said this report is an analysis of what the study commission has done over the last 10 months. He believes the county commissioners are aware of what the study commission has been doing and the feedback the public has provided. Mr. Ward said if people believe there is a need to include some information about the comments received then he believes that information should be included.

Brian Cleary made a motion to reconsider the previous motion. The motion was seconded by Kurt Andersen. The vote was taken; Commissioners Andersen, Ward, Bateson, Bushling and Cleary voted in favor. The motion passed.

A motion was made by Tamara Bateson to add a representative sentence to show the responses from the emails and public comments into the report. The motion was seconded by Bryant Bushling. The vote was taken; Commissioners Andersen, Ward, Levine, Bateson, Bushling and Cleary voted in favor. The motion passed.

Brian Cleary stated the statute provides what should be in the final report including a complete description of the optional form of county government proposed and a comparison of the existing form and proposed form of county government. He believes the report fails on both of those criteria. As Mr. Cleary said earlier, he does not think the report adequately describes the current form of government, including the omission of the other silos and how the boards and committees work within our current form. He believes that is something that needs to be described and tonight's discussion has touched on that already. Mr. Cleary said that part of the criteria for having a full report should include that what is in the current form of government is not adequate. That should be compared and contrasted with what is being proposed. Another area that did not get sufficient attention is the notion of hiring a person to fulfill the administrative function vs. having a commission manager. Mr. Cleary did not think those two options were adequately contrasted. The unanswered question that has remained throughout the process was what duties the commission manager actually has that will be removed from the BOCC. Some tasks can be delegated and some cannot. The other question is why work that is moved to the commission manager could not be performed by a hired administrator. This would not be a permanent position. Mr. Cleary said comparing the actual tasks that can only be performed by the commission manager to those that could be performed by an administrator would be an objective analysis. Chair Botting said that the statute does require a comparison of the current form with the proposed form of government. The current form of government does not include an administrator. The comparison, therefore, should be between the BOCC performing the administrative work versus having it performed by the county manager. Chair Botting indicated that the BOCC cannot delegate the statutory authority to an employee. The administrator can conduct some administrative work, but they would have to

turn that work over to the BOCC to have the results validated. The county manager with the statutory authority would not have to take the extra step.

Chair Botting reemphasized that the statutory requirement to compare and contrast the current form of government with the proposed form does not include the appointed administrative assistant. Brian Cleary said the current form includes all the employees, as well as the authority included in the current form. That means the BOCC could hire the administrative assistant to perform the administrative tasks. Mr. Cleary believes that Chair Botting's explanation was parsing very closely what is allowed in the current form of government. Mr. Cleary believes the current form does not mean only the current structure, so he differs with how Chair Botting defines current form of government.

A motion was made by Brian Cleary to add a comparative analysis that shows what duties would be delegated to a commission manager and whether within the existing form of government those duties could be performed by a hired administrator. The motion was seconded by Tamara Bateson. The vote was taken; Commissioners Andersen, Bateson, Bushling and Cleary voted in favor. The motion failed.

Chair Botting asked if anyone had additional items that they wished to discuss. Kurt Andersen wanted to follow up with Brian Cleary about the two items Mr. Cleary believes the report does not adequately address. The study commission has already discussed the comparative analysis, but Mr. Cleary also mentioned that the complete description requirements were lacking. Mr. Andersen asked if that was specifically in regards to how the boards and committees function as a citizen outreach portion of our governance structure. Brian Cleary indicated that his first issue was about the complete description of how the current form of government operates. Kurt Andersen wondered if there was something that could be done to address these concerns. Brian Cleary said a summary of how the government performs now as a democratic form of government is by reaching out to the public via boards and committees.

A motion was made by Kurt Andersen to amend the description of the current form to incorporate a statement that would address how the BOCC currently appoints board and committee members. The motion was seconded by Tamara Bateson. The vote was taken; Commissioners Andersen, Bateson, Levine, Bushling and Cleary voted in favor. The motion passed.

Chair Botting asked if anyone had additional items that they wished to discuss. No other items were offered.

IX. Deliberations of Draft Final Report of the 2021-2022 Kootenai County Study Commission Regarding Optional Forms of County Government

This item was not discussed.

X. Items for April 6, 2022 Meeting Agenda – Discussion

Chair Botting said that, based on tonight's discussion, we will have a new version of the draft final report presented to the study commission. The study commissioners will have an open discussion of that draft final report and vote to accept or reject that report.

Phil Ward wanted to say the first report was done properly through an open meeting and approved by a proper vote. His concern is that as more and more changes are approved, he feels we are almost getting back to trying to rewrite what was approved. Mr. Ward wanted to make sure whatever comments are generated to finalize this draft are consistent with the

intent of what has been done during the prior ten months. Chair Botting agreed and he does not think any change approved tonight impacts the previously approved recommendations.

XI. Adjournment

A motion to adjourn the meeting was made by Bob Fish and seconded by Phil Ward. A vote was taken and the motion passed. Meeting adjourned at 8:20 p.m.

Respectfully submitted,

David Levine, Clerk/Secretary

Comments of Bryant Bushling regarding the Draft Report for Study Commission VI

Comment:	Status
<p>Beginning at line 11, page 2— <i>“During this time, the commission collected information from interviews, research literature, government websites, officials in counties across the US that had successfully implemented other county government structures...”</i> “Successfully” should be removed. First, the success of the optional form of government was measured by one or two persons from the county and who were county employees who spoke to a member of our study commission by telephone. There was no basis for a member of the Kootenai County voting public to determine the appropriateness of the term “successfully”. In fact, in one of the counties, the manager had been successfully prosecuted for accepting bribes for a number of years directly dealing with county business. The term “successfully” is a conclusory term; the voting public can assess the success of the implementation based on the evidence presented at the presentation.</p>	<p>The word successfully was removed.</p>
<p>Beginning at line 8, page 4—Again the term “successfully” should be removed.</p>	<p>The word successfully was removed.</p>
<p>Beginning at line 31, page 11-- <i>“It can be argued, however that the separation of the budget function from the audit function will strengthen checks and balances within the financial operation of the County.”</i> The above statement fails to consider the materials presented to the study commission by the Clerk’s Office on February 15 in which it is noted that <i>“County spending has several checks and balances to ensure policies are followed and expenses are proper. The departments enter payables, which are reviewed by department heads. The Auditor provides the next level of review to ensure classification, coding, and policy adherence. The BOCC then receives the completed payables for one last review before they approve release of payment. If the proposed changes are adopted, the Auditor’s second level of review would be removed from the process.”</i> [Emphasis added]. Further the clerk provided a video clip of a report from the Office of the State Auditor of Utah regarding the separation of the budget function from the auditor function. Although there were a few concerns expressed which seem to relate to the recommendation of 5 members of this study commission, one that seemed to need additional discussion was the effect that Federal Independence rules may have on the ability of Kootenai County to accept and/or retain PILT money or other types of grant money since the Federal government has rules regarding oversight of the monies granted to states and counties. So, it might be more correct to note that the study commission has not adequately considered the impact and implications of separating the budget and auditor functions.</p>	<p>The word can was substituted for will. The sentence now reads: <u><i>It can be argued, however, that the separation of the budget function from the audit function can strengthen checks and balances within the financial operation of the County.</i></u></p>
<p>Beginning at line 23, page 12— <i>“If approved by the voters, the Board of County Commissioners should be expected to align its salaries with those of other “part-time” councils and commissions whose duties are legislative and not administrative.”</i> The statute does not provide for part time commissioners. It is speculative whether or not the commissioners would voluntarily reduce their pay, especially in light of the comments from Dan Green, who stated that the BOCC needs to be full time in order to oversee the manager and policy matters.</p>	<p>The word ‘part-time’ was removed. <u>The sentence now reads:</u> <u><i>If approved by the voters, the Board of County Commissioners should be expected to align its salaries with those of other councils and commissions whose duties are legislative and not administrative.</i></u></p>
<p>Beginning at line 32, page 12— <i>“This results in an increase in representation . . .”</i> Representation cannot increase beyond 100%. This is a mathematical certainty. The citizens are currently at 100% representation. Additional commissioners actually dilute the power of individual commissioners and, considering the redistricting issue, may actually decrease the representation of some interests depending on how the redistricting is accomplished.</p>	<p>The word representation was deleted. The sentence now reads: This results in an increase in the commissioner to citizen ratio, efficiency, and professionalism.</p>

Tamara Bateson comments on the draft recommendation

Transcribed by Kurt Andersen from a verbal walkthrough of the document with Tamara Bateson

<u>Comment:</u>	<u>Status</u>
1. Page 2, line 14: "...public meetings..." suggests inserting "comment", since all of our meetings were public in the sense of the open meeting statutes	Inserted the word input. The sentence now reads: Two meetings were held to get input from Kootenai County residents.
2. Page 3, line 6: "...performed specific administrative..." seems limiting, they also have executive and intra-department policy responsibilities	No change to document
3. Page 5, lines 22-23: "...increased bureaucracy and slower responsiveness in the County Commissioners' office than in the other six offices." Seems to be contradictory with the later "strengths" section	Sentence changed to read: In contrast, the County Commissioners' office is administered by a 3-person board with no formalized deputy assistance, resulting in slower responsiveness in the County Commissioners' office than in the other six offices.
4. Page 5, lines 25-26: "...at the expense of their statutory responsibilities for policy development and legislation." Poor wording: are we saying that they are not doing their required mandatory work?	Sentence changed to read: This structure requires the Board of County Commissioners to dedicate significant time and attention to mandated administrative responsibilities, leaving less time for policy development and legislation.
5. Page 6, line 9: "...totally corrupt..." "partial corruption" acceptable? Is this really distinct from the case with the recommendation. Suggest cutting final clause starting with "which should..."	Removed the word totally. Sentenced now reads: The individual election of the three commissioners should provide a system of checks and balances which should, in turn, reduce the chance of a corrupt or partisan government.
6. Page 6, line 18: "...may be inadequate..." seems to be an unsubstantiated claim belied by the percentage of use across the country; suggest removing this statement or footnoting the source of the claim	No change to document
7. Page 6, line 22: "Contrast..." sentence or thought seems incomplete	No change to document
8. Page 6, lines 26-27: "This opens the selection process to undue influence by political parties..." the connection between "complexity [of their duties]" and "undue influence" is unclear. Suggest removing the second sentence	Sentence changed to read: Voters rarely consider administrative skills and background when electing commissioners, yet this is the most time-consuming part of the job.
9. Page 6, line 28: "...administrative..." Do you mean "executive"? Every group has admin functions	Word changed to executive. Sentence now reads: Neither the federal nor any state governments combine both the executive and legislative functions in one house.
10. Page 6, line 32: "...is..." Should say "could be" 11. Page 6, line 33: "...rarely..." Can we cite numbers or is this opinion? 12. Page 6, lines 33-34: "...must be trained in their job functions after being elected." this is cited as an expected thing under commission-manager - why is it negative here? [but not for the recommended form]	Sentence changed to: Generally, there is a lack of professionally trained management expertise. Those who are elected are rarely professionally trained managers.

13. Page 6, line 38: "...rarely consider..." Seems to be unsubstantiated opinion	The sentence was moved.
14. Page 9, line 5: "...direct connection..." by adding a manager, this creates a less direct connection than without the manager	The sentence changed to read: County administration can be based on a business model, incorporating the benefits of informed fiscal management and expertise in the implementation of policies and programs, while the Board maintains its direct connection to County resident.
15. Page 9, line 10: "...can delegate..." this does not capture the complexity of what is mandated by statute vs. left to the discretion of the BOCC	The sentence changed to read: The Board delegates the day-to-day administrative business of county government and are, therefore, free to focus on policy development, constituent issues and concerns, proactive strategic planning, and other programmatic issues determined to be important by the citizens.
16. Page 9, line 15: "...three-member..." what is the operative difference here? Is it the removal of admin duties or is it the increase in the BOCC size? Should make each element clear.	No change to document
17. Page 9, line 17: "...should increase..." Use "may" to match previous sentences	The sentence changed to read: It may increase the resources, talents and skill sets available to address the needs of the county.
18. Page 9, lines 20-21: "...mitigating the influence of partisan politics and patronage." Suggest ending the sentence without this last phrase	The phrase was removed. Sentence changed to read: The advantage of having five people who are not burdened with low-level administrative duties may attract candidates who wish to be servant-leaders.
19. Page 9, line 24: "...longer time horizons..." poor wording - seems to say that the manager will be slower (take longer) to get stuff done	The sentence was changed to read: The position of County Manager supports longer time horizons for county planning initiatives.
20. Page 9, line 25: "...can..." they "can", but might not; suggests removing the rest of the paragraph as entirely speculative	The sentence was changed to read: The Manager is more interested in long-term economic development because they are not running for an elected office.
21. Page 9, line 29: "...limiting the danger of abuse of authority." this seems hypothetical. Comp with Lewiston or Utah issues.	The sentence was changed to read: The County Manager serves at the pleasure of the Board without a definite term and can be removed at any time, reducing the danger of the abuse of authority.
22. Page 9, line 33: "...when the Board cannot work together." if 3 can't "work together" how will 5?	No change to document
23. Page 10, line 6: "...short-term..." This is a subjective term and there is no way to know what the duration will be.	The sentence was changed to read:

	The transition to a change from the current form of government to the Commission- Manager form will result in temporary disruption to the organizational system.
24. Page 10, line 10: "...can be argued..." Legally, they *are*. It is not a matter of argument	The sentence was changed to read: Mandated services are being provided to the citizens of Kootenai County.
25. Page 10, line 16: "...would..." should use "may" for consistency	No change to document
26. Page 10, line 19: "...hence..." objects to the conclusion about structure - most of the problems were attributed to the individuals involved	The phrase was removed. The sentence was changed to read: Virtually every witness who testified before the Study Commission identified problems with the operation of the Board of County Commissioners.
27. Page 10, lines 24 and 26: "...three..." . . . "...triumvirate." the number of commissioners begs the question about admin duties [is the problem the admin load or is the problem not enough commissioners?] adjust to be less numerically bound	The sentence was changed to read: Requiring Commissioners to spend 70% of their time on administrative duties immediately eliminates many interested candidates who have time to serve but neither interest nor time to function as a member of an administrative committee.
28. Page 10, line 32: "...assumed..." presumptive - this sentence should be removed	The sentence was changed to read: This decision allows counties to structure their governance differently based on their needs.
29. Page 10, line 39: "Forty-three percent..." should also report % for commission only	No change to the document
30. Page 11, line 29: "...will have..." should not be stated as a fact and during the transition time, it will be really up in the air	No change to the document
31. Page 11, line 36: "...consolidation of work..." maybe "greater work efficiency" instead?	No change to the document
32. Page 12, line 7: "...allow..." Insert "can"	The sentence was changed to read: Expanding the number of county commissioners to five can provide different perspectives and can allow for better decision making.
33. Page 12, line 19: "...precedent..." in many cases, the county service mandates are very different from the requirements in Idaho	No change to the document
34. Page 12, line 23: "...expected to align..." seems irrelevant because it is out of our scope. This should be moved out of this section. Pure speculation/opinion	No change to the document
35. Page 12, line 24: "...part-time..." Not in our scope	The word 'part-time' was removed. The sentence now reads: If approved by the voters, the Board of County Commissioners should be expected to align its salaries with those of other councils and commissions whose duties are legislative and not administrative.
36. Page 14, Appendix 1 suggests including the full excel table of strengths/weaknesses that was compiled by Brian	No change to the document

Comments from Bob Fish

Comment	Status
Thank you very, very much for the great work you and your fellow committee members did on this document. I know it took many hours of your time and lots of mental anguish! I'll be for approving it as presented.	No change to document

Comments from Phil Ward

Comment	Status
I believe the report explains the process we have engaged in over the last 10 months. The analysis, findings and recommendations accurately depict the review process. Although not all of the nine study group members saw a need for any optional form, this report reflects the voice of the majority.	No change to document