

**Minutes of Meeting  
Elected Officials  
September 20, 2023  
9:00 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 Clerk Jennifer Locke, Prosecutor Stanley Mortensen, KCSO Sheriff Robert Norris, Chief Deputy Clerk Grace Blomgren, Finance Director Brandi Falcon, Human Resources (HR) Director Sylvia Proud, KCSO Undersheriff Brett Nelson, BOCC Executive Assistant Sara Masters, BOCC Communications Coordinator Jonathan Gillham and Deputy Clerk Rosanna Santiago.

**A. Call to Order:** Chair Leslie Duncan called the meeting to order at 9:00 a.m.

**B. Changes to the Agenda: (Action):**

Chair Duncan said that Item #3 would be moved to the end of the agenda.

**C. Business:**

**PMR Location (Action)**

Chair Duncan stated that the Board could decide to enter into negotiations for the location's use with a contingency based upon today's tour. She informed those present that the location had been used for a pediatric medical office. She invited the elected officials to join the tours scheduled for later that afternoon.

Human Resources (HR) Director Sylvia Proud shared information regarding the upcoming Open Enrollment process and said that all employee information had been migrated to the new benefits platform system. She stated that communication would be going out to staff to remind them to login to the system to verify their information and select or decline benefits.

Commissioner Bruce Mattare moved that the Board enter into negotiations with the space at 980 Ironwood Drive, contingent upon today's tour. Commissioner Bill Brooks seconded the motion. There being no further discussion, Deputy Clerk Santiago called the roll:

Commissioner Brooks:           Aye

Commissioner Mattare:        Aye

Chair Duncan:                   Aye

The motion carried.

**Day After Thanksgiving Hours (Discussion)**

Chair Duncan remarked that there had been parking issues the day after Thanksgiving last year due to the parade. She said that the Clerk's and Prosecutor's Office Staff would be working that day and asked if employees would be offered the opportunity to leave early and utilize vacation pay as the Administration Building would close at 3:00pm.

Clerk Jennifer Locke added that the District Court would be open until 5pm and operating with a skeleton crew.

Prosecutor Stanley Mortensen said that he would like the option for his office to remain open until 5pm but that it would be dependent upon the Court's schedule that day.

Chair Duncan said that they would issue a memo.

### **Proposed Step Anniversary Criteria (Discussion)**

Chair Duncan said the Proposed Step Anniversary Criteria was similar to the one used for bonuses and that the Board had the option to make it retroactive to the previous nine (9) months.

Commissioner Mattare said that he liked the criteria that precluded employees from obtaining step increases if they had one written reprimand and that employees usually received written reprimands after having received verbal guidance. He said it would be demoralizing to higher performing employees if the poor performing employees received the same pay step increases and that this criteria would be an effective tool for managers. He added that if the Board asked taxpayers to fund these step increases every year, those step increases should be given to high performing employees.

Commissioner Brooks said that he thinks a compact had been made with both the voters and employees for employees to be paid what they were paid and that performance should not just be expected, but demanded as well.

Clerk Locke pointed out a discrepancy on the policy where one section stated "no documentation" but another stated "no more than one written reprimand" and said that this should be clarified. She said that she mostly agreed with the policy and that verbal warnings should be documented. She added that if the behavior continued, then a written reprimand memorializing the verbal warning along with any necessary items such as additional training or PIP (Performance Improvement Plan) would be made. She asked if the employee should sign both the written verbal warning and the written reprimand for ICRMP (Idaho Counties Risk Management Program) purposes.

Ms. Proud said she would have the employee sign the verbal warning, acknowledging receipt of it and the expectations listed in the document.

Chair Duncan pointed out that the criteria specified nine (9) months with one (1) written reprimand and Clerk Locke asked why it had changed from twelve (12) to nine (9) months. Ms. Proud stated that one of the elected officials had requested the change. Commissioner Mattare said it should be for twelve (12) months and Clerk Locke agreed.

Substantial discussion ensued regarding the length of time employees would be ineligible for step increases, none vs. one (1) written reprimand, the difference between "written warnings" and "written reprimands" and graduated discipline.

Prosecutor Mortensen said that he was largely in support of this policy. He pointed out that the policy stated “written warnings or reprimands” and said that written warnings were different than written reprimands and there should be a distinction between the two.

Commissioner Mattare said that if an employee was given verbal direction and didn’t follow that, then the manager’s next step was to give the employee a written document. He said that he didn’t understand the difference between written warning and written reprimand but that documentation would be appropriate.

Prosecutor Mortensen said he believed in graduated discipline but reiterated that there should be a distinction between written warnings and written reprimand. He said he supported going from oral to written warning and then to written reprimand and at that point, the employee would not qualify for a step increase. He said that he was not in support of a retroactive policy.

Ms. Proud said that the HR Department was reviewing policies and that policy 430 would be re-written. She clarified that a written reprimand is formal documentation.

KCSO Sheriff Robert Norris said that the Sheriff Office was different because they had a for-cause employment agreement and that attorneys had advised him that written documentation was needed. He questioned whether this would be considered double jeopardy and suggested the policy state that no employee would receive a step increase if they had been suspended for five (5) or more days.

Additional discussion followed on verbal warnings, KCSO performance log entries and due process and a double jeopardy philosophy.

Commissioner Mattare said he believed this would be an effective tool that would send a message to employees if they were to see a poor-performing employee be denied their step increase. He spoke about the funding of pay steps, employee expectations of pay steps and where the determining line was between high and poor performers.

Prosecutor Mortensen asked about guidance for supervisors for the issuance of warnings vs. reprimands and Commissioner Mattare said the difference would be what ICRMP required.

KCSO Undersheriff Brett Nelson explained that for paramilitary organizations, the process starts with asking, then telling, then making. This would be followed by an investigation and then discipline with a written reprimand.

Ms. Proud informed those present that she would get some history from Civil Deputy Prosecuting Attorney Darrin Murphey on what was meant by “warnings or reprimands” and bring that information to the Human Resources meeting scheduled for the following day.

Commissioner Mattare asked Ms. Proud how many warnings or reprimands ICRMP required for terminations and Ms. Proud answered that it would depend on the severity

of the issue. She said it could include verbal warnings, progressive or written reprimands, or last chance agreements.

Commissioner Mattare said he would be surprised if the behavior continued after the employee had been provided a clear, verbal warning that stated the employee would not receive a step increase if the employee was to be written up.

Undersheriff Nelson suggested they reach out to Mr. Murphey for his input. Ms. Proud informed them that Mr. Murphey had seen the criteria and had no legal concerns but that they could review the twelve (12) month timespan.

Prosecutor Mortensen said that he supported twelve (12) months rather than nine (9) and that it should start once it had been implemented.

Chair Duncan asked about employees who were currently on a performance improvement plan.

Ms. Proud explained that HR would reach out to the elected officials who had employees with approaching anniversary dates and ask them if those employees met the criteria and were eligible for the step increase.

Commissioner Mattare said he wouldn't want to hold a written reprimand against an employee if they had shown improvement within the last twelve (12) months. He added that he did not see how you could give employees a step increase who had last chance agreements, suspension without pay, or involuntary demotions.

Chair Duncan asked those present if they were in agreement with the following:

- For FY24, employees who were on a PIP or had a written reprimand would get their step increase.
- For FY24, employees who had a last chance agreement, suspension without pay, or involuntary demotion would not get their step increase.
- For FY25, employees who were on a PIP or had a written reprimand would not get their step increase.

General agreement was expressed by those present.

There was further discussion on effective and implementation dates.

Sheriff Norris said he was in favor of allowing at least one written reprimand due to mitigating circumstances such as an officer who might have forgotten the prisoner's belongings on top of a patrol car as he rushed to take an urgent baby-not-breathing call.

Commissioner Mattare added that he would be open to revisiting this policy at a later date if managers found this policy to be oppressive. In regards to funding this matrix, he said the last thing he would like to see would be rewarding a poor performing employee alongside your best performing employees.

Chair Duncan stated that this item would be addressed again tomorrow as an action item with the changes made and hopefully they would have a draft memo by tomorrow.

### **Elected Officials Pay Policy (Discussion)**

Chair Duncan shared some of her thoughts on the Elected Officials' pay policy. She said one option was to address the elected officials pay every two (2) years and for the pay to be separate from COLA (cost of living adjustment). She proposed that it could happen in the fiscal year when the new elected official would take office. She provided an example in which some newly elected officials took office in FY25 (Fiscal Year 2025) and the new pay would go into effect in FY25.

Clerk Locke remarked on a situation that had recently occurred in Canyon County where their board took a portion of pay from some outgoing elected officials and this pay had later been reset by the new board. She asked for clarification on whether this Board would set the pay going into FY25 as one or two commissioners could be leaving in FY24.

Chair Duncan said she was aware of that situation and there would be outside controls determining the pay for the County Elected Officials and that this was just a thought.

Substantial discussion continued on the history of the Kootenai County Elected Officials' pay, how some of the other counties determined their elected officials' pay and whether elected officials should be paid more than their employees.

Commissioner Mattare proposed 3 main components for the policy:

1. What would trigger the Board to look at the policy? Perhaps every 3 years as Chair Duncan had suggested.
2. What would be the methodology for determining the pay? Cost of living, a comparison to Canyon County, etc.?
3. What would be the criteria that would need to be met for implementation? They should ensure all County operations and employees would be taken care of first before looking at themselves and making an adjustment.

Chair Duncan asked Commissioner Mattare if he would like to work on that and Commissioner Mattare was agreeable to that.

Commissioner Brooks said that you have to take accountability for what you set in terms of salary and you have to take accountability from the voters.

Chair Duncan commented that she did not think that elected officials should make more than some of their employees as some employees were required to have degrees among other things. She also said there was an argument to be made regarding chief deputies, operations and the role of elected officials.

It was generally agreed that Commissioner Mattare would work on the policy and bring it back before the Board in March.

**ICRMP Presentation and Update (Discussion)**

Chair Duncan said that Kootenai County was in fairly good shape but that the insurance industry was not. She wanted to address the state of insurance and she provided a handout on ICRMP to the Elected Officials. She told them they could contact her if they had any questions after reading it. She reported that she would present information on ICRMP at the October Elected Officials Meeting

- D. Public Comment (Discussion):** 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 10:17 a.m.

Respectfully submitted,

JENNIFER LOCKE, CLERK

BOCC SIGNATURE

BY: \_\_\_\_\_  
Rosanna Santiago, Deputy Clerk