

Minutes of Meeting
Business Meeting
October 4, 2022
2:00 p.m.

The Kootenai County Board of Commissioners: Chair Leslie Duncan, Commissioner Bill Brooks and Commissioner Chris Fillios met to discuss the following agenda items. Also present were Clerk Jim Brannon, Chief Deputy Clerk Jennifer Locke, Finance Director Brandi Falcon, Elections Manager Asa Gray, Executive Assistant Ronnie Davisson, KCSO Sheriff Robert Norris, Undersheriff Brett Nelson, KCSO Captains Kevin Smart and Stuart Miller, KCSO Lieutenants Mark Ellis and Zachary Sifford, Sergeant Ryan Miller, KCSO Chief Budget Officer Stephanie Drobny, Office of Emergency Management (OEM) Preparedness Coordinator Sarah Loffredo, KCSO 911 Communication Services Administrator Collin McRoy, Human Resources (HR) Director Sylvia Proud, Solid Waste (SW) Director John (JP) Phillips, Resource Management Office (RMO) Senior Program Manager Kimberli Riley, Civil Deputy Prosecuting Attorney R. David Ferguson, BOCC Senior Business Analyst Nanci Plouffe, BOCC Communications Coordinator Jonathan Gillham and Deputy Clerk Tina Ginorio. Also present were Coeur d'Alene Press Reporters Kaye Thornbrugh and Josa Snow, Candlelight Christian Fellowship Pastor Paul Van Noy and Outreach Pastor Eric Reade, Idaho 97 Representative Alicia Abbot and Kootenai County Residents Heather Green, Diana Sheridan, Brent Regan, Erin Barnard, Kristi Strand, Teri Cottle, Anita Dupzyk, Karen Hansen, Gina Rittenhouse, Kay Rice, F.S. Rice, Mike Compton, Ken Johnson, and Sam West. Commissioner Fillios, Ms. Loffredo, Ms. Riley and Sergeant Miller were present via teleconference.

- A. Call to Order:** Chair Leslie Duncan called the meeting to order at 2:02 p.m.
- B. Moment of Silence**
- C. Pledge of Allegiance:** Solid Waste (SW) Director John (JP) Phillips led the Pledge of Allegiance.
- D. Changes to the Agenda: (Action):**

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.

Chair Duncan stated that item five on the agenda, "09/21/2022 Elected Officials Minutes" would be pulled and item twenty-eight, "Board Approval Request: Ratify/Resolution 2022-73/Polling Locations/November 8, 2022 General Election/BOCC (Action)" would be moved to the beginning of the meeting. She also asked that an item be added to the agenda: "Board Approval Request: Annual Settlement and Statement/Idaho Code 31-2112/Treasurer/Treasurer (Action)." She noted this would be considered urgent, because today was the statutory deadline for the presentation to occur.

Commissioner Bill Brooks moved that the Board add the Annual Settlement and Statement of the Kootenai County Treasurer to the agenda. Chair Duncan seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye
Commissioner Fillios: Aye
Chair Duncan: Aye

The motion carried.

E. Approve Meeting Minutes (Action)

09/12/2022 Panhandle Health District
09/20/2022 Business Meeting
09/20/2022 North Idaho Fair Board Quarterly Update
09/21/2022 Impact Fees Meeting with the Mayors
~~09/21/2022 Elected Officials~~
09/22/2022 Community Development Deliberations & Updates
09/22/2022 Human Resources: Personnel Changes
09/27/2022 Request for Debt Forgiveness 2006-191 & 2006-236

Commissioner Brooks moved that the Board approve items two through five and item seven through nine, the submitted minutes. Chair Duncan seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye
Commissioner Fillios: Aye
Chair Duncan: Aye

The motion carried.

F. Approve Consent Calendar (Action)

Assessor Allow Homeowner Exemption A
Assessor Allow Homeowner Exemption B
Solid Waste – Authorization Request for Bad Debt Write-Off
Human Resources PAF/SCF Report for FY2022 PP21 Week 1
BOCC Signatures for Indigent Cases: 9/22/2022 – 9/28/2022
Timber Exemption AIN 131727 C

Commissioner Brooks moved that the Board approve items ten through fifteen on the agenda, the Consent Calendar. Chair Duncan seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye
Commissioner Fillios: Aye
Chair Duncan: Aye

The motion carried.

Kootenai County Resident Bruce Mattare entered the meeting at 2:06 p.m.

G. Approve Payables List (Action)

Commissioner Brooks moved that the Board accept the Payables List for the week of September 26, 2022 through September 30, 2022 in the amount of \$492,962.05, with \$5,406.16 in jury payments. Chair Duncan seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye
Commissioner Fillios: Aye
Chair Duncan: Aye

The motion carried.

H. Business:

Janitorial Services Agreement/Tesh, Inc. /Solid Waste (Action)

Mr. Phillips requested the Board's approval of a two month agreement for janitorial services with Tesh, Inc. for \$2246.00 per month and additional services at \$35 per hour. He explained that the current contract with Tesh ended September 30, 2022 and the new contract, with a different vendor, started December 1, 2022.

Commissioner Brooks moved that the Board approve the janitorial services agreement with Tesh, Inc. for Solid Waste. Chair Duncan seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye
Commissioner Fillios: Aye
Chair Duncan: Aye

The motion carried.

Mr. Phillips exited the meeting at 2:07 p.m.

Board Approval Request: Ratify/Resolution 2022-73/Polling Locations/November 8, 2022 General Election/BOCC (Action)

Clerk Jim Brannon reported that he had consulted with the Secretary of State regarding the question of keeping Candlelight Christian Fellowship as a polling place for the November 8, 2022 General Election. He explained that statute urged that the same polling places be used for the primary and the following election if possible, unless the polling place had become unusable. He listed the examples given in Idaho Code §34-302 of reasons for which a polling place could be deemed unusable, which related mostly to instances of physical damage to the structure or the location becoming inaccessible to handicapped citizens.

Chair Duncan asked if any of those circumstances had occurred at the church.

Clerk Brannon responded that they had not.

Chair Duncan stated that it was clear that Candlelight fulfilled all the legal requirements to remain a polling place for the upcoming election. She commented that the opinions expressed by both County Legal and the Secretary of State's Office supported this and

noted that there had been no issues at the church during the past four consecutive elections. She added that moving the polling place at this late date could potentially disenfranchise citizens.

Commissioner Fillios disagreed with Clerk Brannon's and Chair Duncan's positions, "The law gives examples where it might be suitable for making changes, but the law does not limit the ability to make changes to those conditions so indicated and does not address questions such as emotional intimidation or radical and offensive ideology. So I don't believe that the law excludes other conditions and so, as such, I understand the law but I don't think the law limits us to just Candlelight."

After a brief discussion of the legal opinion provided to the Board of County Commissioners, Commissioner Fillios stated: "Anyway, the legal opinion does indicate that there's really no governing case law here...I understand. When you talk about the testimony given by Alicia Abbot and Deb Rose, yes they did opine that there was no physical intimidation. That is true. But there is also emotional intimidation, so that's a concern. And, also making reference to United Methodists Church's inability because they wanted to charge us is old news. The fact is, the Church is not going to charge us and, frankly I don't care whether or not it's at the United Methodist Church. It could be the Church of Pluto, for all I care."

He went on to state: "...as I speak today, I am speaking in my official capacity as County Commissioner. And when Pastor Van Noy speaks and addresses his congregation from the podium, he's doing so in his official capacity. So, for all practical purposes, he's speaking as the pastor of the church. So he is, in fact, acting in his official capacity. The concern that I have, going further, and I'm almost done, look at some of the paraphernalia that was expressed in the most recent festival. And I'm referring to license plates and other paraphernalia, things like "Let's Go Brandon." I think we all know what that means. How about the Confederate flag, which represents perhaps the most heinous and damaging part of American History. I'm certainly offended by it and I think a lot of people are. And, of course, there was another license plate that read, "Nobody Cares about Your Feelings." Boy, that doesn't smack of love, does it?"

He continued: "...My point is this: The Church can do what the Church pleases. Pastor Van Noy can preach what he pleases, but not if he chooses to be a polling location. And, because we are talking about a church, allow me to read a bit of scripture, if I may. Romans 14, Verses 20 and 21:

'All food is clean, but it is wrong to eat anything that causes someone else to stumble. It is better not to eat meat or to drink wine or do anything that will cause your brother to stumble.' "

"So, even on theological grounds, I would say, you know what? I don't believe this church, I don't believe Candlelight Christian Fellowship should be permitted to continue as a polling location and, frankly...Why is it so important to them? Why is it so crucial that they remain a polling location? ...I think that's a question that each of us has to answer."

Treasurer Steve Matheson entered the meeting at 2:16 p.m.

Commissioner Brooks indicated that he supported keeping the church as a polling place at this time and provided his reasons.

After the scripture reading, a motion was made and the roll called.

Commissioner Fillios stated, "Ahead of voting no, I just want to say we did receive a petition today, signed by 260 people, in opposition to Candlelight as a voting location, so my vote is no."

Commissioner Brooks moved that the Board leave the polling place at Candlelight and the other polling places as listed for the November 8, 2022 General Election. Chair Duncan seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye

Commissioner Fillios: Nay

Chair Duncan: Aye

The motion carried.

Candlelight Christian Fellowship Pastor Paul Van Noy and Outreach Pastor Eric Reade exited the meeting at 2:21 p.m.

MOU between Kootenai County and Idaho State Police/Kootenai County/Idaho State Police/Office of Emergency Management (Action)

Office of Emergency Management (OEM) Preparedness Coordinator Sarah Loffredo requested the Board's approval of a MOU (Memorandum of Understanding) between the County and Idaho State Police (ISP). She explained that this would allow the use of the ISP District 1 Dispatch Center as a backup for Kootenai County 911 operations in the case of an emergency that forced them to leave the 911 Center.

Commissioner Brooks moved that the Board approve the MOU between Kootenai County and Idaho State Police for the Office of Emergency Management. Chair Duncan seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye

Commissioner Fillios: Aye

Chair Duncan: Aye

The motion carried.

Grant Award # 2023-0275-1/UPS Replacement/Idaho Public Safety Communications Commission (IPSCC) \$120,000/No Match Requirement/911 (Action)

KCSO 911 Communication Services Administrator Collin McRoy requested the Board's approval for acceptance of Grant Award # 2023-0275-1 in the amount of \$120,000, with no matching funds required. He said the money would be used to replace the UPS (Uninterruptable Power Source) system at the 911 Center.

Commissioner Brooks moved that the Board approve Grant Award # 2023-0275-1 for the UPS Replacement, from the Idaho Public Safety Communications Commission in the amount of \$120,000, with

no match. Chair Duncan seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye
Commissioner Fillios: Aye
Chair Duncan: Aye

The motion carried.

Grant Award # 15PBJA-22-GG-02603-JAGX/Bureau of Justice Assistance/US Dept. of Justice – Office of Justice Programs \$21,707/Cash Match KCSO FY22 Budget \$27,778/Sheriff – Jail (Action)

KCSO Captain Stuart Miller requested the Board’s approval for acceptance of Grant Award # 15PBJA-22-GG-02603-JAGX in the amount of \$21,707, with a cash match required of \$27,778. He explained that the cash match amount had been moved from the 9010 Vehicle Account into the IT account, with the funds going toward the new Watch Guard Evidence Management System.

Commissioner Brooks moved that the Board approve Grant Award # 15PBJA-22-GG-02603-JAGX from the Bureau of Justice Assistance, US Dept. Of Justice – Office of Justice Programs, in the amount of \$21,707, with a cash match from KCSO FY22 Budget \$27,778. Chair Duncan seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye
Commissioner Fillios: Aye
Chair Duncan: Aye

The motion carried.

Board Approval Request: 2023 SAR Building Prox Card Non-Cap/Sheriff – Rec Safety (Action)

KCSO Sergeant Ryan Miller reported that this project had not been completed last year due to supply chain issues. He said they wanted to move the unspent funds, in the amount of \$9,225, over into this year’s budget.

Finance Director Brandi Falcon described how the movement of the funds would work and confirmed that she had no objection to the request.

Commissioner Brooks moved that the Board approve the 2023 SAR Building Prox Card non-capital for the Sheriff’s Recreational Safety Department in the amount of \$9,225, to come from Fund Balance. Chair Duncan seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye
Commissioner Fillios: Aye
Chair Duncan: Aye

The motion carried.

Board Approval Request: Sheriff Patrol Vehicle Purchase/Sheriff/Patrol (Action)

Board Approval Request: Patrol In-Car Camera Systems/Sheriff/Patrol (Action)

Chair Duncan suggested that items 22 and 23 be handled together.

No objections were voiced.

KCSO Captain Kevin Smart asked the Board to approve a new purchase order with Mike White Ford for 45 vehicles for the Patrol and Jail Divisions. He provided a breakdown of the per car costs, including outfitting equipment.

Chair Duncan remarked that she was comfortable signing the order, with the money to come from Fund Balance as previously agreed.

Captain Smart asked Ms. Falcon to do the financial projections based on 40 vehicles for Patrol and 5 for the Jail, since there would be some differences in how they were equipped.

Ms. Falcon confirmed that \$2.2 million had initially been set aside for 25 vehicles; increasing the number to 40 would cost an additional \$1.5 to 1.6 million. She added that the camera systems would impact the final price as well.

Chair Duncan, in response to a question from Commissioner Fillios, noted that the vehicles would be paid for when they were delivered, not before.

KCSO Sheriff Robert Norris commented on the difficulties they had been having acquiring vehicles, due to the unpredictability of the car industry.

Captain Smart reported that he was working with a Motorola representative on the new cameras. He said he had negotiated a reduction of the price with a possible additional \$18,000 discount if the arrangements were concluded quickly. He confirmed that they would need a total of 40 cameras, of which 28 had been previously approved. In addition to the money that had set aside before, he said they would need about \$268,000 more, for the cameras and car outfitting.

Chair Duncan moved that the Board approve the Sheriff Patrol vehicle purchase along with the camera systems for the 45 cars, as outlined. Commissioner Brooks seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye

Commissioner Fillios: Aye

Chair Duncan: Aye

The motion carried.

Grant Agreement/Office of Highway Safety/FFY23 TEGPA/Idaho Transportation Department (ITD) \$0/No Match Requirement/Sheriff/Patrol (Action)

KCSO Chief Budget Officer Stephanie Drobny requested the Board’s approval of a grant agreement. She explained this was an annual agreement that the County made with the Idaho Transportation Department (ITD), which allowed KCSO to participate in different traffic enforcement projects.

Commissioner Brooks moved that the Board approve the Grant Agreement with the Office of Highway Safety for the FFY23 TEGPA (Traffic Enforcement Grant Project Agreement) with the Idaho Transportation department for a no match grant. Chair Duncan seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye
Commissioner Fillios: Aye
Chair Duncan: Aye

The motion carried.

Mr. Mattare exited the meeting at 2:41 p.m.

Board Approval Request: Kootenai County American Rescue Plan Act (ARPA) Financial Policies and Procedures/Resource Management Office (Action)

Resolution 2022-74/Kootenai County American Rescue Plan Act (ARPA) Financial Policies and Procedures/Resource Management Office (Action)

Chair Duncan suggested that items 25 and 26 be covered together.

No objections were voiced.

Resource Management Office (RMO) Senior Program Manager Kimberli Riley requested the Board’s approval of the Kootenai County American Rescue Plan Act (ARPA) Financial Policies and Procedures and the corresponding Resolution.

Commissioner Brooks moved that the Board approve the Kootenai County American Rescue Plan Act (ARPA) Financial Policies and Procedures for Resource Management, including Resolution 2022-74. Chair Duncan seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Nay
Commissioner Fillios: Aye
Chair Duncan: Aye

The motion carried.

Eastside Fire District Annexation/Request for Annexation/BOCC (Action)

Civil Deputy Prosecuting Attorney R. David Ferguson reported that all requirements had been met to allow two properties to be annexed into the Eastside Fire District. He asked the Board to approve the annexation.

Commissioner Brooks moved that the Board approve the Eastside Fire District Annexation as presented. Chair Duncan seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye

Commissioner Fillios: Aye
Chair Duncan: Aye
The motion carried.

Hire Outside Counsel/Prosecuting Attorney Conflict (Action)

Chair Duncan asked whether either of the other Commissioners felt an Executive Session was required. Commissioners Fillios and Brooks indicated that they did not feel one was needed.

Chair Duncan pointed out that no cap amount had been listed on the documents. All three Commissioners agreed to proceed anyway.

Commissioner Brooks moved that the Board hire outside counsel due to a Prosecuting Attorney Office Conflict. Chair Duncan seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye
Commissioner Fillios: Aye
Chair Duncan: Aye
The motion carried.

KCSO Helicopter Program Information (Discussion)

Sheriff Norris reminded the Commissioners that he had been looking into adding an aerial support unit to Kootenai County Search and Rescue. He explained that Two Bear Air, based in Montana, had supplied them with aerial support for about seven years. He noted that they also received services from the Spokane County Sheriff's Office but that group was in a state of transition and might not be available when called upon.

KCSO Lieutenant Mark Ellis described the services offered by Two Bear Air and stated that the owner/president had offered to help others set up a similar programs. He reported that the Kootenai County Regional Air Support Unit, a 501C3 non-profit, had been created. He listed five donors that had each given \$100,000 to the Unit and said that the Coeur d'Alene Tribe had donated \$200,000. He said they had purchased a helicopter and the required equipment and planned to have a group of volunteer pilots with six deputies trained to serve as tactical flight officers. He introduced one of the volunteer pilots, Mike Compton.

Mr. Compton said he had been asked to be the chief pilot for the Air Support Unit and described his professional history. He outlined what they would be looking for in other volunteers.

Kootenai County Resident Diana Sheridan exited the meeting at 2:50 p.m.

Sheriff Norris said that they would like to propose a two year pilot program that would not cost the taxpayers anything. He explained how the program would work.

Commissioner Fillios expressed concern that the program would still cost the County money in the end.

Substantial discussion followed regarding the proposal.

Chair Duncan and Commissioner Brooks indicated that they would like the group to bring this forward formally.

Annual Settlement and Statement/Idaho Code §31-2112/Treasurer/Treasurer (Action).

Treasurer Matheson officially presented the Annual Settlement and Statement to the Clerk, with the Commissioners as witnesses, in accordance with Idaho Code §31-2112.

Clerk Brannon stated for the record that Treasurer Matheson had complied with the statutory requirements.

Chair Duncan moved that the Board acknowledge that the Treasurer has complied with Idaho Code §31-2112. Commissioner Brooks seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye

Commissioner Fillios: Aye

Chair Duncan: Aye

The motion carried.

Sheriff Norris, Mr. McRoy, Captain Miller, Captain Smart, Undersheriff Brett Nelson, Sergeant Miller and Lieutenant Sifford exited the meeting at 3:00 p.m.

Status Update Pending Items (Discussion)

Facility Expansion

Chair Duncan reported that she had met with Bouten Construction, the ARPA team and Legal to continue work on the contracts. When they were completed, she stated she would bring the BOCC an updated cost for the building. She explained that the Board would then approve it or request a lower price. At that point, it would be up to the architect and the CMGC (Construction Manager General Contractor) to bring the cost down to the required amount.

- I. **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.

Mr. Ferguson exited the meeting at 3:02 p.m.

Kootenai County Resident Teri Cottle stated that she was the Chief Election Dual Judge for Precincts 403 and 405. She described the environment at Candlelight Christian Fellowship as she had found it and said she felt it was an appropriate polling location.

Kootenai County Resident Anita Dupzyk stated that she was a poll worker for Precincts 403 and 405. She remarked that she thought the objections to the use of Candlelight as a polling

location stemmed primarily from merchandise that had been displayed for sale in their parking lot during the year. She affirmed that she had not witnessed any inappropriate material on display during Elections and added that people had expressed frustration regarding previous relocations of the polling place.

Kootenai County Resident Brent Regan objected to the negative characterization of Candlelight Christian Fellowship and to Commissioner Fillios' statements regarding it. He said he thought an apology should be offered to the Pastor.

Elections Manager Asa Gray thanked the Board for finalizing the polling locations and said that his staff could now get to work preparing for the November 8, 2022 General Election. He reminded all present that anyone can request an Absentee Ballot or come to the Elections Office to vote during the two weeks allowed before the Election for Early Voting.

Kootenai County Resident Erin Barnard remarked that the issue over this polling place had been caused by a very few people. She pointed out that the Commissioners received the 35 emails right on the day that the Business Meeting had been scheduled and only five of the people actually were from Precincts 403 or 405. She also called attention to the presence of Idaho 97, a PAC (Political Action Committee), and their role in organizing the objections.

Kootenai County Resident Heather Green thanked the Commissioners for their decision to keep Candlelight as a polling location. She said she agreed with the points raised by Mr. Regan.

Clerk Brannon pointed out that Commissioner Brooks had asked for advice from Legal last week before making any decision regarding the disputed polling location. He called attention to the inaccurate headline published in the paper, which had caused stress and extra work for Elections Staff. He remarked that he had been Clerk since 2013 and felt this had been "the most egregious over-reach of the Board (he) had ever seen."

J. Adjournment (Action): Chair Duncan adjourned the meeting at 3:22 p.m.

Respectfully submitted,

JIM BRANNON, CLERK

BOCC SIGNATURE

BY: _____
Tina Ginorio, Deputy Clerk