

**Minutes of Meeting
Business Meeting
November 15, 2022
2:00 p.m.**

The Kootenai County Board of Commissioners: Chair Leslie Duncan and Commissioner Bill Brooks met to discuss the following agenda items. Also present were Prosecutor Stanley Mortensen, Civil Deputy Prosecuting Attorneys Pat Braden and R. David Ferguson, Human Resources (HR) Director Sylvia Proud, HR Generalist – Benefits CK Kirkpatrick, Solid Waste (SW) Director John (JP) Phillips, Finance Director Brandi Falcon, Office of Emergency Management (OEM) Director Tiffany Westbrook, Buildings & Grounds (B&G) Operations Manager Greg Manley, BOCC Senior Business Analyst Nanci Plouffe, BOCC Administrative Secretary Teri Johnston and Deputy Clerk Tina Ginorio. Also present were North Idaho Fair Board Chair Jerry Johnson and Aquifer Protection District Advisory Board Chair Necia Maiani. Ms. Johnston, Mr. Braden and Ms. Westbrook were present via teleconference. Commissioner Chris Fillios was excused.

- 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:** Aquifer Protection District Advisory Board Chair Necia Maiani 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 asked that an Executive Session pursuant to Idaho Code §74-206(1)(f) be added to the agenda. She stated that it would involve the need to hire outside counsel related to the BOCC needing to provide a response to another entity and was time sensitive. She suggested it be added to the end of the agenda.

Commissioner Bill Brooks moved that the Board approve the addition of an Executive Session pursuant to Idaho Code §74-206(1)(f) to the agenda for today. Chair Duncan seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

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

The motion carried.

- E. Approve Meeting Minutes (Action)**

09/08/2022 Public Hearing Minutes/Community Development
10/20/2022 Community Development Deliberations and Updates

Commissioner Brooks moved that the Board approve items 1 and 2, the submitted minutes. Chair Duncan seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

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

The motion carried.

F. Approve Consent Calendar (Action)

Assessor Adjustment to Tax-Valuation Yield Tax
Human Resources PAF/SCF Report for 2022 PP24 Week 1
BOCC Signatures for Indigent Cases: 11/3/2022 – 11/9/2022
Assessor Allow Homeowner Exemption

Commissioner Brooks moved that the Board approve items 3 through 6 on the agenda, the Consent Calendar. Chair Duncan seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

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

The motion carried.

G. Approve Payables List (Action)

Commissioner Brooks moved that the Board accept the Payables List for the week of November 7, 2022 through November 11, 2022 in the amount of \$798,088.22 with no jury payments. Chair Duncan seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

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

The motion carried.

H. Business:

First Amendment to HHW Collection Contract/Veolia Es Technical Solutions LLC/ First Amendment to Household Hazardous Waste Collection Contract/Solid Waste (Action)

Solid Waste (SW) Director John (JP) Phillips requested the Board's approval of an amendment to the Household Hazardous Waste (HHW) Collection Contract with Veolia Es Technical Solutions LLC. He said this was for a one year extension to the current contract and the estimated cost of \$50,000 had been included in their FY23 Budget. He added that the amendment had been written by Legal.

Commissioner Brooks moved that the Board approve the First Amendment to the HHW Collections Contract with Veolia Es Technical Solutions LLC for Solid Waste. Chair Duncan seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Fillios: Excused

Commissioner Brooks: Aye

Chair Duncan: Aye

The motion carried.

Mr. Phillips exited the meeting at 2:05 p.m.

Commissioner Chris Fillios entered the meeting at 2:05 p.m.

Grant Award # EMW-2022-SS-00109/Subrecipient Agreement State Homeland Security (SHSP) Grant Award/Federal Emergency Management Agency (FEMA) \$219,520.86/No Match Requirement/Office of Emergency Management (Action)

Office of Emergency Management (OEM) Director Tiffany Westbrook requested the Board's approval of Grant Award # EMW-2022-SS-00109, which was a subrecipient agreement in the amount of \$219,520.86, with no matching funds required.

Commissioner Brooks moved that the Board approve Grant Award #EMW-222-SS-00109, the subrecipient agreement with State Homeland Security and the Federal Emergency Management Agency in the amount of \$219,520, with no match requirement. Commissioner Fillios seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Fillios: Aye

Commissioner Brooks: Aye

Chair Duncan: Aye

The motion carried.

Intergovernmental Agreements for the Collection and Expenditure of Impact Fees with Participating Fire Districts/East Side, Hauser, KCFR, MKI, Northern Lakes, Spirit Lake, Timberlake/Prosecuting Attorney/Civil (Action)

Civil Deputy Prosecuting Attorney Pat Braden requested that the Commissioners approve and agree to sign the Intergovernmental Agreements for the collection and expenditure of impact fees with the listed fire districts. He stated that three fire districts, East Side, Spirit Lake and Northern Lakes, had already completed their documents; the remaining four sets should be received shortly.

Commissioner Fillios moved that the Board approve the Intergovernmental Agreements for the collection and expenditure of impact fees with the participating districts: East Side, Hauser, Kootenai County Fire & Rescue, Mica Kidd Island, Northern Lakes, Spirit Lake and Timberlake, three of which would be signed today and the remaining four when received. Commissioner Brooks seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Fillios: Aye

Commissioner Brooks: Aye

Chair Duncan: Aye

The motion carried.

Purchase of Neogov Candidate Text Messaging Feature/Neogov Governmentjobs.com /Purchase Amount Approved in FY2023 IT Budget/Human Resources (Action)

Human Resources (HR) Generalist – Benefits CK Kirkpatrick requested the Board’s approval of the purchase of the Neogov Candidate Text Messaging Feature. She noted that the cost had been included in the FY23 Information Technology (IT) Budget.

Chair Duncan added that the cost was \$1,796.

Commissioner Brooks moved that the Board approve the purchase of Neogov Candidate Text Messaging Feature from Neogov Governmentjob.com, with the purchase amount of \$1,796 having been included in the Information Technology FY23 Budget. Commissioner Fillios seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

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

The motion carried.

VSP Vision Care Contract Renewal for 2023/VSP Vision Care/Human Resources (Action)

HR Director Sylvia Proud requested the Board’s approval of the renewal of the VSP Vision Care Contract for 2023.

Commissioner Fillios moved that the Board approve the VSP Vision Care Contract Renewal for 2023 with FSP Vision Care. Commissioner Brooks seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

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

The motion carried.

Rathdrum Prairie Aquifer Protection District Master Plan Consultant Contract/Dunau Associates/BOCC (Action)

Aquifer Protection District Advisory Board Chair Necia Maiani requested the Board’s approval of their Master Plan Consultant Contract with Dunau Associates. She stated that they had budgeted \$25,000; the contract fee was listed as \$28,500, but that included a 20% contingency fund which they did not anticipate needing.

Commissioner Brooks moved that the Board approve the Rathdrum Prairie Aquifer Protection District Master Plan Consultant Contract with Dunau Associates. Commissioner Fillios seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

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

The motion carried.

Public Defender Conflict Contract/Bolton/Bolton Law, PLLC/BOCC (Action)

BOCC Administrative Secretary Teri Johnston requested the Board's approval of a new Public Defender Conflict Contract with Katherine Jill Bolton, from Bolton Law, PLLC. She stated that all requirements for such an agreement had been met.

Commissioner Fillios moved that the Board approve the Public Defender Conflict Contract between Ms. Bolton from Bolton Law, PLLC and the BOCC. Commissioner Brooks seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Fillios: Aye

Commissioner Brooks: Aye

Chair Duncan: Aye

The motion carried.

Ms. Maiani exited the meeting at 2:15 p.m.

Advisory Board – Appointment/Monty Cavadini/Snowmobile – Term Expires December 31, 2025/BOCC (Action)

Advisory Board – Appointment/Donald West/Snowmobile – Term Expires December 31, 2025/BOCC (Action)

Chair Duncan suggested that items 15 and 16 on the agenda be handled together. She explained that Mr. Cavadini was being appointed in place of a person who did not reapply and Mr. West was being reappointed. She asked the Board to approve these two items.

Commissioner Brooks moved that the Board approve the Advisory Board appointments for Monty Cavadini and Donald West, with the expiration dates of both being December 31, 2025. Commissioner Fillios seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Fillios: Aye

Commissioner Brooks: Aye

Chair Duncan: Aye

The motion carried.

Advisory Board – Appointment/Sharon Nelson/Fair Board – Alternate – Term Ending 1/18/2027/BOCC (Action)

Advisory Board – Appointment/Michael McLean/Fair Board – Alternate – Term Ending 1/18/2027/BOCC (Action)

Chair Duncan suggested that items 17 and 18 on the agenda be handled together. She explained these were for Alternate Positions on the Fair Board, for Sharon Nelson and Michael McLean, with terms ending January 18, 2027.

Commissioner Fillios moved that the Board approve the appointments to the Fair Advisory Board as Alternates of Sharon Nelson and Michael McLean, with expiration dates of January 18, 2027. Commissioner Brooks seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

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

Garden Avenue Crosswalks (Discussion)

Buildings & Grounds (B&G) Operations Manager Greg Manley reviewed the proposal to install crossing lights at the Garden Avenue crosswalks, at a total cost of just over \$15,000. He said that the City of Coeur d'Alene would install them, which would save the County about \$2,000.

It was generally agreed that Mr. Manley should proceed with the project. No motion was needed at this point.

Chair Duncan urged Mr. Manley to bring this back as an action item for the Business Meeting next week.

Hayden Area Regional Sewer Board Joint Powers Agreement (Discussion)

Chair Duncan reported that the City of Hayden now had 75% of the waste water units, the Sewer District had about 24% and the Airport had about 1%. She said that she had met with the lawyers representing all the different entities yesterday and they were beginning to discuss the dissolution of the agreement, with the City of Hayden becoming the owner of the sewer plant. She said that another meeting would be held this Thursday to continue the discussion and predicted that it would take between one to ten years for the dissolution to be completed.

Status Update Pending Items (Discussion)

Facilities Expansion

Chair Duncan said that the contracts were still being worked on.

Commissioner Fillios moved that the Board enter into Executive Session pursuant to Idaho Code §74-206(1)(f). Commissioner Brooks seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

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

Chair Duncan asked Civil Deputy Prosecuting Attorney R. David Ferguson to remain for the Executive Session.

The Board entered into Executive Session at 2:21 p.m.

Executive Session pursuant to Idaho Code §74-206(1)(f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an Executive Session does not satisfy this requirement. (Closed Session – Discussion)

Decision/Direction (Open Meeting – Action)

The Board exited Executive Session at 2:26 p.m.

Commissioner Fillios moved that the Board exit Executive Session with staff to proceed as directed. Commissioner Brooks seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Fillios: Aye

Commissioner Brooks: Aye

Chair Duncan: Aye

The motion carried.

- 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. There were no public comments.

- J. **Adjournment (Action):** Chair Duncan adjourned the meeting at 2:26 p.m.

Respectfully submitted,

JIM BRANNON, CLERK

BOCC SIGNATURE

BY: _____

Tina Ginorio, Deputy Clerk