



Bonner County

Board of Commissioners

Luke Omodt

Steve Bradshaw

Asia Williams

MINUTES FOR THE BONNER COUNTY BOARD OF COMMISSIONERS' MEETING

January 2, 2024 – 9:00 A.M.

Bonner County Administration Building
1500 Hwy 2, Suite 338, Sandpoint, ID

On Tuesday, January 2, 2024, the Bonner County Commissioners met for their regularly scheduled meeting with Commissioners Omodt, Bradshaw, and Williams present. Commissioner Omodt called the meeting to order at 9:00 a.m. The Invocation was presented by Brian Kramer and the Pledge of Allegiance followed.

ADOPT ORDER OF THE AGENDA AS AMENDED

Commissioner Omodt stepped down from the chair and made a motion to amend the order of agenda by removing Clerk Items 1) Action Item: Discussion/Decision Regarding FY24 Claims Batch #7 \$317,605.52 & Demands in Batch #7 \$468,505.72, Totaling \$786,111.24 and 2) Action Item: Discussion/Decision Regarding FY24 EMS Batch #7 \$15,432.97 & Demands in EMS Batch #7 \$2,476.57, Totaling \$17,909.54. I would further postpone BOCC items #1 and 2 from Commissioner Williams for consideration because they did not include the written memorandum as passed by and required by the Standing Rules of the Board of Bonner County Commissioners. Commissioner Bradshaw seconded the motion to amend the Order of the Agenda. Commissioner Williams discussed the removal of her items from the agenda and requested they stay on the agenda for discussion and a vote. Commissioner Williams would amend the motion to remove the items and let's discuss the Clerk's removal separate from Commissioner Williams' two items that are on this report so that we can give discussion from the public interest. Commissioner Omodt called for a second and asked Commissioner Williams to state her amendment for the record. Commissioner Williams amends the motion to segregate Rosedale's items from my items so that we can appropriately address Rosedale's items as I really don't have a note from Rosedale as to why, my assumption is these were discussed early at the last meeting due to the holidays, so we don't need to discuss those now, and that's reasonable for us to make a decision on. The other issue is reasonable to allow true discussion and public comment especially since the community members who wanted those are online and in this room. Counsel has advised that it is not fair to the public for the Board to publish an agenda and then take something off the agenda when some people come for those items on the agenda, and it's my hope that you would change it. No second, the amendment dies. Further discussion on the amended motion among the board. Roll call vote on the original amendment: Commissioner Williams – No, Commissioner Omodt – Yes, Commissioner Bradshaw – Yes. The motion carries. Commissioner Omodt stepped down from the chair and made a motion to adopt the order of the agenda as amended. Commissioner Bradshaw seconded the motion. Brief discussion among the board. Commissioner Williams made a motion to amend the order of the agenda and place public comment before the adoption of the agenda as we have had in the past to allow people in the community to go back to their daily work versus having to wait to the end, we have, as a board, stated multiple times how lengthy our meetings can be and the constraints on staff, we should be equally considerate of the public, so I move that we place the public comment back before adoption of the order of the agenda. No second, the amendment dies. Roll call vote: Commissioner Williams – No, Commissioner Omodt – Yes, Commissioner Bradshaw – Yes. The agenda has been adopted.

CONSENT AGENDA – Action Item

- 1) Bonner County Commissioners' Minutes for December 19, 2023
- 2) Clerical Correction: Resolution 23-93 revision of ownership information
- 3) Invoice Over 5K: Sheriff (Confidential), Facilities, Solid Waste, Recreation

Commissioner Bradshaw made a motion to approve the consent agenda as presented. Commissioner Omodt stepped down from the chair and seconded the motion. A note per legal Commissioner Williams stated she was going to abstain from the Consent Agenda vote on December 19, 2023 due to an MLD in Blanchard, however during roll call vote she voted yes.

Roll call vote: Commissioner Williams – Yes, Commissioner Omodt – Yes, Commissioner Bradshaw – Yes. The motion carries.

CLERK – Michael Rosedale *These items were removed.*

- 1) Action Item: Discussion/Decision Regarding FY24 Claims Batch #7 \$317,605.52 & Demands in Batch #7 \$468,505.72, **Totaling \$786,111.24**
- 2) Action Item: Discussion/Decision Regarding FY24 EMS Batch #7 \$15,432.97 & Demands in EMS Batch #7 \$2,476.57, **Totaling \$17,909.54**

SOLID WASTE – Bob Howard *This item was heard prior to the Consent Agenda*

- 1) Action Item: Discussion/Decision Regarding Northern Lights Permit Approval; Colburn Facilities Improvements Project

Commissioner Williams made a motion to authorize easement and construction agreement associated with Work Order No. 20220313 with Northern Lights, Inc for the amount of \$14,606.00. I further move to authorize the Chairman to sign the notice of award administratively. Commissioner Bradshaw seconded the motion. Roll call vote: Commissioner Williams – Yes, Commissioner Omodt – Yes, Commissioner Bradshaw – Yes. The motion carries.

ROAD & BRIDGE – Jason Topp

- 1) Action Item: Discussion/Decision Regarding Joint Action Agreement with Pend Oreille County; **Resolution**

Commissioner Bradshaw made a motion to approve Resolution 2024-1, authorizing the Chairman of Bonner County Commissioners to sign and approve the attached agreement with Pend Oreille County in accordance with Idaho Code 67-2326 for joint action by public agencies. Commissioner Williams seconded the motion. Roll call vote: Commissioner Williams – Yes, Commissioner Omodt – Yes, Commissioner Bradshaw – Yes. The motion carries.

- 2) Action Item: Discussion/Decision Regarding Local Federal Aid Incentive Program: Bridge FY2024 Application and Resolution; **Resolution**

Commissioner Williams made a motion to approve Resolution 24-2 in support of the Local Federal Aid Incentive Program: Bridge FY2024 Application for the amount of \$2,770,000 and authorize the Chairman to sign the application administratively. Commissioner Bradshaw seconded the motion. Roll call vote: Commissioner Williams – Yes, Commissioner Omodt – Yes, Commissioner Bradshaw – Yes. The motion carries.

HUMAN RESOURCES – Alissa Clark

- 1) Action Item: Discussion/Decision Regarding Update to Bailiff/Court Security Officer Job Description
Commissioner Bradshaw made a motion to approve commencing with approval of a revised Job description for Bailiff/Court Security Officer, District Court Department effective January 02, 2024. Commissioner Williams seconded the motion. Commissioner Williams reminded HR Director Alissa Clark that she had emailed her a link for training the bailiffs. Roll call vote: Commissioner Williams – Yes, Commissioner Omodt – Yes, Commissioner Bradshaw – Yes. The motion carries.

RECREATION – Pete Hughes

1) Action Item: Discussion/Decision Regarding 2023/2024 Annual Operating Plan

Commissioner Williams made a motion to approve the 2023-2024 Annual Operating Plan and Financial Plan between Bonner County and the USDA Forest Service. Commissioner Bradshaw seconded the motion. Roll call vote: Commissioner Williams – Yes, Commissioner Omodt – Yes, Commissioner Bradshaw – Yes. The motion carries.

ASSESSOR – Dennis Engelhardt

1) Action Item: Discussion/Decision Regarding Renewal of Existing License Agreement with Selkirk MLS; \$45.00/monthly

Commissioner Bradshaw made a motion to approve the license agreement renewal, as presented, between Bonner County and MLS for 01/03/2024 through 12/31/2025 at the rate of \$45.00 per month. Commissioner Williams seconded the motion. Roll call vote: Commissioner Williams – Yes, Commissioner Omodt – Yes, Commissioner Bradshaw – Yes. The motion carries.

BOCC – Commissioner Asia Williams – *These items were removed.*

- 1) Action Item: Discussion/Review/Decision Re, Archiving Public Records on the County Website
- 2) Action Item: Discussion/Review/Decision Re, Property Management Oversight

BOCC – Commissioner Luke Omodt

1) Action Item: Discussion/Decision Regarding Legal Counsel Attend all BOCC Business Meetings and Executive Sessions

Commissioner Omodt stepped down from the chair and made a motion to require legal counsel to attend all BOCC business meetings and executive sessions in accordance with Idaho Code 31-2607. Commissioner Williams seconded the motion to advance for discussion. Discussion among the board and legal. Commissioner Omodt stepped down from the chair to amend the motion to add the words as needed for executive sessions. Discussion among the board. No second, amendment dies. Commissioner Williams would like to amend the motion to so that the Board of County Commissioners, *Commissioner Williams paused to ask a question on process*, Commissioner Williams would like to amend the motion to that counsel will be present when specifically requested either in person via Zoom, amending the order of the agenda to allow for District 2 and public comments from the hours of 9:00 to 10:00, with the business meeting starting at 10:00 for you to log on, *Commissioner Williams paused to ask for legal opinion and a brief discussion with legal followed*. Commissioner Williams made a motion to amend to have the Board of County Commissioners' office send notices of attendance to the prosecutor's office for the business meeting which would start at 10:00 a.m., with specific meeting invitation for executive sessions where attendance either in person or virtual or telephonically is requested and moving the district reports and public comment to 9:00 a.m. to 10:00 with a hard stop at 10:00 a.m. to allow for counsel to be more in control of their day. No second, amendment dies. Further discussion followed among the board. Roll call vote: Commissioner Williams – No, Commissioner Omodt – Yes, Commissioner Bradshaw – Yes. The motion carries.

DISTRICT 2 COMMISSIONER REPORT – Commissioner Williams gave an extensive report of issues and activities. Invited public questions and comments.

Susan Bowman – Wanted clarification on the Army Corp chat.

Dan Rose – Wanted to clarify that AG decisions be posted. Commissioner Williams corrected that it was about PRRs.

DISTRICT 3 COMMISSIONER REPORT – Commissioner Omodt gave an extensive report of issues and activities.

DISTRICT 1 COMMISSIONER REPORT – Commissioner Bradshaw gave a brief report.

PUBLIC COMMENT *

Jennifer Cramer – Appreciate the goal of new level of respect. Believes public comment should be allowed on agendized items. Thinks there is an adversarial attitude toward Commissioner Williams. Feels it was disrespectful to not allow public input during last week's workshops. Discussed other items that she feels are disrespectful.

Dan Rose – Reiterate Ms. Cramer's comments. When the Chairman cites 200B often, when he claims the right to not include the public in a legal sense, he may be right but not in a moral sense.

Susan Bowman – At the last business meeting freedom of speech was cut off and it continues to be cut off. Quoted Samuel Adams regarding tyranny.

Commissioner Omodt called for a 5-minute recess at 10:41 a.m.

Reconvened at 10:46 a.m.

Dan Welle - There is a form of manipulation being used in these meetings. This is a part of politics, it's how you get things done. Discussed cameras and how they are used, believes they should be left on during recesses.

Commissioner Williams offered to agendize keeping cameras on during recesses.

Rick Cramer – In prior meetings, elected officials should expect negative comments. If the public wants to speak about agendized items, it needs to be done in advance. Request that Commissioner Bradshaw provide a weekly cost of LE presence during meetings.

Kevin Moore – Discussed transparency, orderliness, civility, any one of us can do this but emotions may take us elsewhere. There is a dictating flow here, feels that public comment should be at the start and end of meeting. This is not just a business meeting but also a public forum. The public should have precedence over public servants.

Kristine L. – Question for Commissioner Omodt, is he the overseer of Fairboard, who is. What are the specific duties of that position. Emailed Director Pete Hughes about picnic table hours, received no reply. Would it cost more to have Mr. Wilson be present in meetings. Discussed cameras in the office, could this clear Mr. Bradshaw's reputation.

John Dupree – Coming to these meetings is interesting. Elected officials work for the people and public comment is important. Was surprised that public comment was not first as that should be. Disgusted by some of the behaviors of all of us. Discussed respect.

Commissioner Williams asked if the public feels that if there was comment allowed for agendized items would they need public comment at the beginning and end of the meeting? Will put on the agenda.

Jonna Plante – Regarding Zoom, when will Zoom be allowed and not. It should not be up to Commissioner Omodt to decide who speaks or not. Does not understand why public comment is shut down when the decisions are made for the public.

Spencer Hutchings – People on Zoom are also participating, maybe alternate audience/Zoom for comments. Seems that there is a war against the public commenting on what is being decided, this board doesn't want to hear the public. The board is elected to work for us. Questions about former Fair Director Darcey Smith. He will be bringing it up every week.

Amy Lunsford – Received her PRR for wrongful death of Craig Johnson, stated what the County paid to his widow. How long can the County continue to pay out for wrongdoings of the County? Those who are responsible for their wrongdoings should take responsibility for their actions.

Theresa Hiesener – Regarding the last meeting, many are frustrated with the abrupt ending of that meeting. Taking away the right to speak is not right. Had questions regarding the audit and not going back beyond 2023.

Dimitri Borisov – Last year asked for more transparency and openness with the public. Today's meeting shows it will be a tough road ahead. Public comment keeps electeds accountable, would encourage this is allowed. Questions regarding removal of the Clerk's items.

Kristina Nicholas Anderson – The resolutions have not been updated regarding Fairboard Chairman. Public comment timing and utilization of resources, like that the public comment is at the end, but it may be better for it to be at the beginning for staff's time. Wondering about payouts and personnel policy saying cases go to arbitration, but hears about mediation, wonders how mediators are chosen and why a defendant may also be the mediator.

Brandon Cramer – The org chart on the website shows which departments report to which elected, this should show who reports to who more accurately. When DH have items on the agenda, they are clear, but not when it is from the board which is why public comment is important. Request an RFP for an audit for the Fairgrounds.

Jim Leighty – Brought up transparency and scrutinizing the commissioners. Huge proponent of freedom of speech, because of this he would like this be demanded of the other elected officials who need the same scrutiny.

Wayne Martin – Agrees with Brandon Cramer regarding fair audit and Kristina about public comment. The Natural Resource Committee Meeting hasn't met, has concerns about the state widening 95 in Sagle, if there could be a meeting on that to discuss. "Never underestimate the power of stupid people in a large group." Try to work together.

Commissioner Omodt called a 5-minute recess at 11:30 a.m.
Reconvened at 11:35 a.m.

EXECUTIVE SESSION– Human Resources

- 1) Executive Session under Idaho Code § 74-206 (1) (B) Personnel
Action Item: Discussion/Decision Regarding Employee Relations, Justice Services
Action Item: Discussion/Decision Regarding Personnel, Compression Adjustment, Sheriff's Office
Action Item: Discussion/Decision Regarding Personnel, Compression Adjustment, Sheriff's Office

At 11:35 a.m. Commissioner Bradshaw made a motion to go into Executive Session under Idaho Code § 74-206 (1) (B) Personnel. Commissioner Williams seconded the motion. Roll call vote: Commissioner Williams – Yes, Commissioner Omodt – Yes, Commissioner Bradshaw – Yes. The motion carries.

Reconvened at 12:17 p.m.

Commissioner Bradshaw made a motion to proceed as discussed regarding personnel. Commissioner Williams seconded the motion. Roll call vote: Commissioner Williams – Yes, Commissioner Omodt – Yes, Commissioner Bradshaw – Yes.

11:30 a.m. EXECUTIVE SESSION – BOCC

- 1) Executive Session under Idaho Code § 74-206 (1) (D) Records Exempt
Action Item: Discussion/Decision Regarding Critical Infrastructure

At 12:18 p.m. Commissioner Omodt made a motion to go into Executive Session under Idaho Code § 74-206 (1) (D) Records Exempt. Commissioner Bradshaw seconded the motion. Roll call vote: Commissioner Williams – Yes, Commissioner Omodt – Yes, Commissioner Bradshaw – Yes. The motion carries.

Reconvened at 1:00 p.m.

Commissioner Omodt made a motion to maintain the exact security posture in regard to livestreaming or downloading of any security videos from the commissioners' office as currently exist; the record will be maintained by IT and will only be available to the entire board through a written document request. No commissioner will have livestreaming or downloading without going through IT. Commissioner Williams made a motion to amend to include then that you must remove the clerks' access to that as well so that your statement is actually just a blanket statement regarding the cameras within the commissioners' office. Brief discussion. Commissioner Bradshaw seconded the first motion. Commissioner Williams made a motion to amend the motion to say that the access to the cameras within the commissioners' office should be the same for all parties with access because you have clerks with access that you're denying that your motion denies. No second to the amendment, amendment dies. Brief discussion among the board. Roll call vote: Commissioner Williams – No, Commissioner Omodt – Yes, Commissioner Bradshaw – Yes.

The meeting was adjourned at 1:02 p.m.

The following is a summary of the Board of County Commissioners
Special Meetings, (including Tax Cancellations, Assistance Meetings/Admin and other) Executive Sessions,
Emergency Meetings and Hearings held during the week of December 20, 2023 – January 1, 2024
Copies of the complete meeting minutes are available upon request.

On Wednesday, December 20, 2023, a Special Meeting for Solid Waste was held pursuant to Idaho Code §74-204 (4). Commissioner Williams made a motion to approve that Bonner County Solid Waste be allowed to begin contract negotiations to extend the Waste Management contract that will expire September 30, 2024. Commissioner Bradshaw seconded the motion. Roll call vote: Commissioner Williams – Yes, Commissioner Omodt – Yes, Commissioner Bradshaw – Yes. The motion carries. Commissioner Bradshaw made a motion to approve that Solid Waste be allowed the compulsory option bidding and use based on Idaho Code §31-4403. Commissioner Williams seconded the motion. Brief discussion with legal. Commissioner Omodt stepped down from the chair and made an amendment to approve that Solid Waste be allowed to enter into direct negotiations based on Idaho Code 31-4403. Commissioner Bradshaw seconded the amendment. Roll call vote for the amendment: Commissioner Williams – Yes, Commissioner Omodt – Yes, Commissioner Bradshaw – Yes. Roll call vote: Commissioner Williams – Yes, Commissioner Omodt – Yes, Commissioner Bradshaw – Yes. The motion carries.

On Thursday, December 21, 2023, an Executive Session was held pursuant to Idaho Code §74-206(1)(F) Litigation & 74-206(1)(D) Records Exempt.

On Thursday, December 21, 2023, a Planning Hearing was held pursuant to Idaho Code §74-204 (2).

On Thursday, December 21, 2023, a Planning Workshop was held pursuant to Idaho Code §74-204 (2).

On Wednesday, December 27, 2023, Tax Cancellations were held pursuant to Idaho Code §74-204 (2). Approved: Homeowner's Exemption – Multiple Parcels, RPP0766002008B, RP55N03W110006.

On Wednesday, December 27, 2023, an Executive Session was held pursuant to Idaho Code § 74-206 (1) (B) Personnel.

On Wednesday, December 27, 2023, Special Meeting for Recording was held pursuant to Idaho Code §74-204 (4). Approved: Café 95, Ponderay, Surf Shack LLC, Blanchard, Cedar Street Hotel & Suites, Sandpoint, Springhill Suites Sandpoint, Sandpoint, Laughing Dog Brewing/Summit Cider/Current Seltzer, Sandpoint (2), Cavanaugh's at Priest Lake, Priest Lake

On Wednesday, December 27, 2023, a BOCC Workshop was held pursuant to Idaho Code §74-204 (2).

On Wednesday, December 27, 2023, a BOCC Workshop was held pursuant to Idaho Code §74-204 (2).

ATTEST: Michael W. Rosedale

By 

Chairman Luke Omodt

By 

Deputy Clerk

1-9-24
Date