



Bonner County

Board of Commissioners

Luke Omodt

Steve Bradshaw

Asia Williams

MINUTES FOR THE BONNER COUNTY BOARD OF COMMISSIONERS' MEETING

March 19, 2024 – 9:00 A.M.

Bonner County Administration Building
1500 Hwy 2, First Floor Conference Room, Sandpoint, ID

On Tuesday, March 19, 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 Mr. John Dupree, and the Pledge of Allegiance followed.

STANDING RULES

ADOPT ORDER OF THE AGENDA AS PRESENTED

Commissioner Bradshaw made a motion to adopt the order of the agenda as presented. Commissioner Williams seconded the motion. Roll call vote: Commissioner Williams – Yes, Commissioner Omodt – Yes, Commissioner Bradshaw – Yes. The motion carries.

CONSENT AGENDA – Action Item

- 1) Bonner County Commissioners' Minutes for March 12, 2024
- 2) Invoice Over 5K: Facilities; Road & Bridge; Technology (2 Confidential)
- 3) Clerical Correction: Planning File #VS0001-23 Scrivener's Error
- 4) Solid Waste Request for Collection Site Closure
- 5) Plats for Approval: MLD0003-24, Noble Estates
- 6) Human Resources Job Description Updates - Public Records Administrator, EMS Captain – MSO, EMS Chief, Solid Waste Field Operations Manager, Payroll Accountant Trainer

Commissioner Williams made a motion to amend the consent agenda by removing the job description for the BOCC Office Administrator for additional discussion. No second, the amendment to the motion dies. Commissioner Bradshaw made a motion to adopt the consent agenda as presented. Commissioner Omodt stepped down from the chair and seconded the motion. Discussion among the board and Clerk Mike Rosedale. Roll call vote: Commissioner Williams – No, Commissioner Omodt – Yes, Commissioner Bradshaw – Yes. The motion carries.

CLERK – Michael Rosedale

- 1) Action Item: Discussion/Decision Regarding FY24 Claims Batch #12 \$1,227,717.02 & Demands in Batch #12 \$356,724.77 **Totaling \$1,584,441.79**

Commissioner Williams made a motion to approve payment of the FY24 Claims and Demands in Batch #12 Totaling \$1,584,441.79. Commissioner Bradshaw seconded the motion. Roll call vote: Commissioner Williams – Yes, Commissioner Omodt – Yes, Commissioner Bradshaw – Yes. The motion carries.

- 2) Action Item: Discussion/Decision Regarding FY24 EMS Batch #12 \$226,575.49 & Demands in Batch #12 \$23,393.66, **Totaling \$249,969.15**

Commissioner Bradshaw made a motion to approve payment of the FY24 EMS Claims and Demands in Batch #12 Totaling \$249,969.15. Commissioner Williams seconded the motion. Roll call vote: Commissioner Williams – Yes, Commissioner Omodt – Yes, Commissioner Bradshaw – Yes. The motion carries.

SOLID WASTE – Melissa Gault

- 1) Action Item: Discussion/Decision Regarding Colburn Improvements Project Change Order #5;
\$108,212.29

Commissioner Bradshaw made a motion that the County approve S&L Undergrounds, Inc Change Order #5 in the amount of \$108,212.29 for Overcurrent protective device, attendant site office relocation, canopy bracing, and the waste transfer building apron. I further authorize the Chairman to sign the Change Order administratively. Commissioner Williams seconded the motion to advance for discussion. Brief discussion with the board and Solid Waste. Roll call vote: Commissioner Williams – Yes, Commissioner Omodt – Yes, Commissioner Bradshaw – Yes. The motion carries.

RECREATION– Pete Hughes

- 1) Action Item: Discussion/Decision Regarding Garfield Bay Recreation Area Agreement Amendment, Idaho Department of Fish and Game

Commissioner Williams made a motion to sign the updated Garfield Bay Recreation License Agreement. Commissioner Bradshaw seconded the motion. Roll call vote: Commissioner Williams – Yes, Commissioner Omodt – Yes, Commissioner Bradshaw – Yes. The motion carries.

DRUG COURT – Tori Cavender presented by Carlene Behringer

- 1) Action Item: Discussion/Decision Regarding Moon Security, Memorandum of Understanding
Commissioner Bradshaw made a motion to approve the Memorandum of Understanding with Moon Security. 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 Averhealth, Memorandum of Understanding
Commissioner Williams made a motion to approve the Memorandum of Understanding with Averhealth. Commissioner Bradshaw seconded the motion. Roll call vote: Commissioner Williams – Yes, Commissioner Omodt – Yes, Commissioner Bradshaw – Yes. The motion carries.

PROSECUTOR– Louis Marshall

- 1) Action Item: Discussion/Decision Regarding Outside Counsel Assignment
Discussion with Prosecutor Marshall regarding IT/Technology and the board and the potential to request funding for outside counsel for litigation within the County.

BOCC – Commissioner Luke Omodt

- 1) Action Item: Discussion/Decision Regarding Easement Agreement, Beardmore Landing, Bonner Park West Access

Commissioner Bradshaw made a motion to approve the Easement Agreement with Brian Runberg/Beardmore Landing for a period of three years. Commissioner Williams seconded the motion to advance for discussion. Brief discussion. Roll call vote: Commissioner Williams – Yes, Commissioner Omodt – Yes, Commissioner Bradshaw – Yes. The motion carries.

BOCC – Commissioner Asia Williams

- 1) Discussion: Oath of office, is the oath taken in conflict with the Constitution
Commissioner Williams invited Dan Rose to discuss this item.
Dan Rose presented his concern regarding this issue being in conflict with Idaho's Constitution and Idaho Code. Clerk Mike Rosedale provided a legal opinion from Bill Wilson.

- 2) Discussion of Ordinance: is the ordinance in conflict with the Constitution denying comments that are critical or negative views of elected

Commissioner Williams discussed BC Code and Ordinance regarding public comment and participation in meetings and public comment being protected by the first amendment, citing court cases regarding this item. Commissioner Williams invited public comment on this item.

Spencer Hutchings - Cited court cases regarding this Ordinance and it being unconstitutional.

Discussion among the board, Commissioner Omodt advised that the Ordinance will be followed. Further discussion among the board.

Commissioner Williams struck items #3-12 from the agenda.

- 3) Action Item: Discussion/Review/Decision: public comment after each agenda item to include BOCC items
- 4) Action Item: Discussion/Review/Decision-Public comment procedure, denial of certain citizens right to free speech
- 5) Discussion/Review- What is the counties liability for the citizen's arrest
- 6) Action Item: Discussion/Review/Decision: Is the google document requiring a topic and providing an email address something that is constitutional, what happens to the data
- 7) Action Item: Discussion/Review/Decision- Who is paying for the litigation from the tort for Luke Omodt, Steve Bradshaw and Bonner County
- 8) Action Item: Discussion/Review/Decision- what constitutes county business, defined by each commissioner
- 9) Action Item: Discussion/Review/Decision: Should Bonner County set rules for public comment and clearly agendize when people can comment
- 10) Action Item: Discussion/Decision with Bill Wilson to speak on whether or not Commissioner Williams has the right to give public comment
- 11) Action Item: Discussion/Decision- marking items on the agenda that will allow for public comment
- 12) Action Item: Discussion/Decision--randomizing the order of voting

PUBLIC COMMENT *

Wayne Martin – Request for a response to agenda items next week regarding SW office relocation, the BOCC easement agreement having a cost.

Dan Welle – Discussed future commissioner chat with the Marine Division and recreation. Briefly discussed public participation at the business meeting and stopping the public from speaking.

Dimitri Borisov – Requested clarity regarding Farm Bureau insurance decision.

Amy Lunsford – A lawsuit was settled for over \$100k from the SO for blocking a citizen's first amendment rights on Facebook. Tired of hearing elected officials being in "camps." Question regarding political meetings.

Jennifer Cramer – Question on the SW change Order #5 concrete apron, if it is a design change and not inflationary, there should be transparency on explanation and questioned the oversight of this project.

Kristina Nicholas Anderson – Appreciative of Prosecutor Marshall's explanation for file safety, but this brought concern about why the Fairground's IT be moved to the SO's IT. Requested this be investigated by Louis Marshall. Thinks the public should be allowed to comment on each item, however Commissioner Williams allowing the public to present and argue takes up the time that the public is allowed to comment.

Kevin Moore – Questioned the culverts on the consent agenda. Discussed the oath of office taken by elected officials and equal/fairness and following the laws.

Spencer Hutchings – Questioned the Audit of the Fairboard and what was on the laptop, has been asking for a year and the public wants answers. Request an agenda item on the property by the SO.

Brandon Cramer – Asked that the struck agenda items #3-12 for Commissioner Williams be brought back to next week. Commented on how the State runs their meetings but there is a lack of a privacy policy online. It would be useful to get a project review for the Colburn project on the agenda.

Dave Bowman – Discussed the SW management project item, change orders happen and there is a reason for them, and these were oversights and were not inflationary. Wants Commissioner Williams' items back next week.

Jeff Weimer – Questioned the oversight of the Prosecutor’s Office and how this office has mishandled some cases and how they are managed, suggested a review of their SOP’s.

Rick Cramer – Asked if the definition of county business was discussed. Questioned the cost of recesses during meetings.

Shari Dovale – Would like to know the costs of time wasted and an IAC meeting. Wants to know why a Commissioner is not allowed to make public comments but the Clerk is.

At 10:42 a.m. Commissioner Omodt called for a recess until the scheduled Executive Session at 11:00 a.m.

Reconvened at 11:00 a.m.

11:00 A.M. EXECUTIVE SESSION – Human Resources

- 1) Executive Session under Idaho Code § 74-206 (1) (A) Hiring
Action Item: Discussion/Decision Regarding Hiring, Solid Waste

At 11:00 a.m. Commissioner Bradshaw made a motion to go into Executive Session under Idaho Code § 74-206 (1) (A) Hiring. Commissioner Williams seconded the motion. Roll call vote: Commissioner Williams – Yes, Commissioner Omodt – Yes, Commissioner Bradshaw – Yes. The motion carries.

Reconvened at 11:05 a.m.

Commissioner Bradshaw made a motion to proceed as discussed regarding Solid Waste depending on Auditor’s approval. Commissioner Williams seconded the motion. Roll call vote: Commissioner Williams – Yes, Commissioner Omodt – Yes, Commissioner Bradshaw – Yes.

- 2) Executive Session under Idaho Code § 74-206 (1) (B) Personnel
Action Item: Discussion/Decision Regarding Tuition Reimbursements (3)

At 11:06 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 11:14 a.m.

Commissioner Bradshaw made a motion to proceed as discussed regarding Tuition Reimbursements. Commissioner Omodt stepped down from the chair and seconded the motion. Brief discussion. Roll call vote: Commissioner Williams – No, Commissioner Omodt – Yes, Commissioner Bradshaw – Yes.

The meeting was adjourned 11:15 a.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 March 11, 2024 – March 18, 2024
Copies of the complete meeting minutes are available upon request.

On Wednesday, March 13, 2024, a Planning Hearing was held pursuant to Idaho Code §74-204 (2). Commissioner Bradshaw made a motion to approve the recommended updates to the Natural Resources component of the Comprehensive Plan, File AM0001-24, as presented or as amended in this hearing, finding that it is in accord with the requirements of Idaho Code §67-6508 and the procedures of Idaho Code §67-6509. This action does not result in a taking of private property. Commissioner Williams 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 Resolution #2024-26, adopting the recommended updates to the Natural Resources component of the Comprehensive Plan, File AM0001-24 and repealing the previously adopted Natural Resources component of the Comprehensive Plan. Commissioner Williams seconded the motion. Roll call vote: Commissioner Williams - Yes; Commissioner Omodt - Yes; Commissioner Bradshaw - Yes. The motion carries. Commissioner Williams made a motion to approve FILE AM0016-23 to amend subchapters 12-332, 12-333, 12-484, and 12-802 of Title 12, Bonner County Revised Code, finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan as enumerated in the following findings of fact and conclusions of law: Conclusion 1: The proposed amendment is in accord with Idaho Code, Title 31, Chapter 7. Conclusion 2: The proposed amendment is in accord with Idaho Code Title 67, Chapter 65. Conclusion 3: The proposed amendment is in accord with the general and specific objectives of the Bonner County Comprehensive Plan. This decision is based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. I further move to adopt the findings of fact and conclusions of law as set forth as amended during this hearing and direct planning staff to draft written findings and conclusions to reflect this motion, have the Chairman sign, and transmit to all interested parties. This action does not result in a taking of private property. Commissioner Bradshaw seconded the motion. Roll call vote: Commissioner Williams - Yes; Commissioner Omodt - Yes; Commissioner Bradshaw - Yes. The motion carries. Commissioner Williams made a motion to approve an Ordinance of Bonner County, Idaho, the number to be assigned, citing its authority, and providing for the amendment of Title 12, Bonner County Revised Code as amended in this hearing, and providing for an effective date. Commissioner Bradshaw seconded the motion. Roll call vote: Commissioner Williams - Yes; Commissioner Omodt - Yes; Commissioner Bradshaw - Yes. The motion carries.

On Thursday, March 14, 2024, an Executive Session was held pursuant to Idaho Code § 74-206 (1) (B) Personnel.

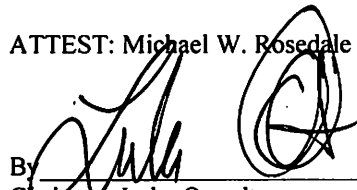
On Thursday, March 14, 2024, an Executive Session was held pursuant to Idaho Codes § 74-206 (1) (B) Personnel & 74-206 (1) (A) Hiring.

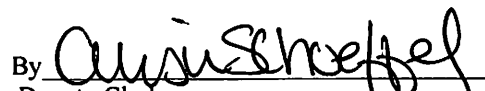
On Thursday, March 14, 2024, a Planning Update was held pursuant to Idaho Code §74-204 (2). Executive Session: At 1:57 Commissioner Bradshaw made a motion to enter into pursuant to Idaho Code §774-206(1)(F) Litigation. Commissioner Williams seconded the motion. Roll Call Vote: Commissioner Williams - Yes; Commissioner Omodt - Yes; Commissioner Bradshaw - Yes. Reconvened at 2:22 p.m. Commissioner Bradshaw made a motion to proceed as discussed. Commissioner Williams seconded the motion. Roll Call Vote: Commissioner Williams - Yes; Commissioner Omodt - Yes; Commissioner Bradshaw - Yes.

On Monday, March 18, 2024, a Special Meeting with Justice Services and the Idaho Department of Juvenile Corrections was held pursuant to Idaho Code §74-204 (2).

On Monday, March 18, 2024, Five Year Employee Appreciation certificates were presented.

ATTEST: Michael W. Rosedale

By  _____
Chairman Luke Omodt

By  _____
Deputy Clerk

3/26/24
Date