

Commissioner Minutes

March 9, 2023 – 9:30 a.m. to 9:57 a.m.

**MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER ACTION ITEMS**

Commissioners Leslie Van Beek, Brad Holton and Zach Brooks

Chief Deputy P.A. Sam Laugheed

Deputy P.A. Zach Wesley

Deputy P.A. Alex Klempel

Parks Director Nicki Schwend

Facilities Director Rick Britton

Deputy Clerk Jenen Ross \_\_\_\_\_

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND TO CONSIDER ACTION ITEMS

The Board met today at 9:30 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, Parks Director Nicki Schwend (left at 9:49 a.m.), Facilities Director Rick Britton (left at 9:34 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Commissioner Van Beek asked about changes to the original document within the ESIS addendum. Mr. Laugheed explained that the document was prepared by ESIS and that the content of it shows the replacement language and what is being replaced. On the version Commissioner Van Beek has, the first big paragraph is the replacement language and the second paragraph is what is being replaced.

***Consider Signing FY23 Canyon County Preliminary Design Services Roster Solicitation of Interest and Legal Notice for same:*** This is to begin the RFQ process for architects. A full discussion on this topic was had on March 2<sup>nd</sup>. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the FY23 Canyon County Preliminary Design Services Roster Solicitation of Interest and Legal Notice. A copy of the solicitation of interest and notice are on file with this day's minutes.

Commissioner Van Beek had questions [in regard to the ESIS addendum] about the professional liability insurance and asked for there to be discussion regarding the end of the Fair Expo project including any change orders and/or exposures, points of negotiation. Mr. Laugheed felt that Mr. Wesley and Director Britton could work together to make sure they have all the proper communication and then it could be brought back in a legal staff for further discussion. Mr. Wesley said he would defer to Mr. Britton on this topic. Further discussion ensued regarding

Commissioner Van Beek's questions and comments about some of the change orders. Mr. Wesley will work with Directors Britton and Sinner to determine what the remaining issues are.

***Consider Deed of Gift by Julia Anderson for The Crabtree Points:*** Director Schwend gave a brief history of this gift and the importance of it. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the deed of gift by Julia Anderson for The Crabtree Points (see agreement no. 23-029). Additionally, the Board initialed the 1<sup>st</sup> page of the agreement noting that there are 19 points being donated, not 20 as originally indicated.

***Consider ESIS Contract Addendum No. 1:*** Mr. Laugheed explained this is the 3<sup>rd</sup> party administrator contract that was required by Munich Re Insurance in order for the county to have the policy for the non-property items – this covers the personnel/employment liability, the police and jail liability – they help administer those claims. The original contract was signed December 2, 2022, retroactive to October 1, 2022. In February there was a request to amend the contract. Mr. Laugheed had a few concerns, mostly in regard to the policies underlying this contract, the request is that they provide services for the life of their contract as opposed to the life of the underlying policy. Mr. Baughman with The Hartwell Corp. sent an email earlier this week explaining that ESIS had simply made an administrative error, the language they used was more suitable for workers comp. claims that run an extended period. The county doesn't have any negotiating leverage or reason to negotiate, it is a change to the life of the contract instead of the life of the claim but Mr. Laugheed thinks that given the current circumstances it is necessary that the county sign. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the amendment to the risk management service agreement contract as presented by legal and on behalf of ESIS (see agreement no. 23-028).

Discussion ensued regarding policies still being held by Munich Re for review.

The meeting concluded at 9:57 a.m. An audio recording is on file in the Commissioners' Office.