

Commissioners Minutes

December 19, 2024 – 3:38 p.m. to 5:10 p.m.

ACTION ITEM: CONSIDER SIGNING HARDWARE PURCHASE ORDERS FOR THE IDAHO SUPREME COURT / CANYON COUNTY CLERK'S OFFICE PIVOT TO THE CLOUD PROJECT

Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek

COO Greg Rast

Chief Civil Deputy PA Aaron Bazzoli

Clerk Rick Hogaboam

Chief Deputy/Director of Court Operations Jess Urresti

IT Project Manager Shawn Adamson

IT Business Manager Caiti Pendell

Court Systems Administrator Nathan Dutton

IT Operations Manager Jairo Rodriguez

Auditing Supervisor Sarah Winslow

TCA Benita Miller arrived at 3:55 p.m.

Deputy Clerk Monica Reeves



ACTION ITEM: CONSIDER SIGNING HARDWARE PURCHASE ORDERS FOR THE IDAHO SUPREME COURT / CANYON COUNTY CLERK'S OFFICE PIVOT TO THE CLOUD PROJECT

The Board met today at 3:38 p.m. to consider signing hardware purchase orders for the Idaho Supreme Court/Canyon County Clerk's Office pivot to the cloud project. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, COO Greg Rast, Chief Civil Deputy PA Aaron Bazzoli, Clerk Rick Hogaboam, Chief Deputy/Director of Court Operations Jess Urresti, IT Project Manager Shawn Adamson, IT Business Manager Caiti Pendell, Court Systems Administrator Nathan Dutton, IT Operations Manager Jairo Rodriguez, Auditing Supervisor Sarah Winslow, and Deputy Clerk Monica Reeves. Trial Court Administrator Benita Miller arrived at 3:55 p.m.

There are four quotes for \$188,292.99 for 35 laptops and docking stations, 52 workstations, 84 network scanners, and 173 monitors. COO Rast gave a history of the project. In 2015 the Idaho Supreme Court (ISC) had their own network in the courthouse for court services and we also had Canyon County network (wires in the walls, fiber optic, server rooms, connectivity, etc). There were major problems with the two networks, and it wasn't working having people on two networks. In 2016 he approached the CIO at the ISC, and they worked together on a project for the integration in cooperation with court staff who serve under the Clerk. The County had the wiring and infrastructure and the ISC put their computer equipment on our network, and it fixed the issues because we were on one network. Post-pandemic the ISC had a new CIO and it became a struggle for security with their equipment on our network running all their software and it got to the point where they didn't want the County's software on their equipment. ISC has its own

platform and software to prevent security issues and there becomes the issue of if the state becomes infected so does Canyon County and vice versa. Now the ISC wants complete separation and which is why they opened pivot to the cloud as one unified system. They want to be in control of their own computers, wiring, and infrastructure, and a decree came out saying the courts will go to a unified system and counties will comply.

There was a review of the two (2) options the ISC put before the Clerks, and at one point Option 1 was the only option but it's now blossomed into two. Of the two options, Option 2 is the better choice. There is a letter from Sam Laugheed, Deputy Legal Counsel, Administrative Office of the Courts, saying the County had 10 days to tell the court which option the County would like to implement. COO Rast reviewed the options as follows:

Option 1

State network where they contract with a company to run wires and fiber optic from our data center and they want all connectivity to go through their link. They want to go through their own hardware and create their own wiring throughout the courthouse and the juvenile justice center, but the taxpayers spent millions of dollars on the County running copper in the walls and the fiber optics so the computers can connect to the data center. The infrastructure is already there, but the ISC wants to duplicate all of that by physically placing copper to multiple locations for computer equipment. Our pathways are full, we cannot add another strand of copper or fiber in those pathways. The only way to do it is to dig under the street and create their own conduit and pathway, but there has been no feasibility for this.

Option 2

County equipment would be on our network and the ISC would use a virtual connection to go to the cloud and open a desktop and amazon workspaces. It's an environment they own and they can control. The state has said they will donate all the computers they have in Canyon County to be assumed onto the asset roll and they will use the DaaS solution, but it is old equipment and we don't want it. They were running Windows 7 that was two years over expiration, but the County was in compliance with Windows 10, and that is where the fight is: the ISC is not keeping up with security practices, or equipment cycles but in the meantime Clerk's staff is working with old equipment that the experience is horrible. Even though they gave us a second option, it really is Option 1 because the state computers need to be physically plugged into their copper and their wires, and they still have to get that connectivity to those locations, and that's a problem. From a security standpoint there are so many problems because they cannot get to some of the locations physically, and they cannot run through our communication rooms because we have CJIS requirements to be in that shared space because some of the communication rooms are for the Sheriff's connectivity. Option 1 will work for smaller counties, but with the bigger counties things change. We have in-house expertise, and the equipment, and we have disaster recovery. If the ISC's router goes out it's a single-point of failure and all court activity stops. In today's world we

have our core network in our data center, and we have the ability to handle over 2,000 networks on a single infrastructure, virtual lanes, local area networks.

There is a third option preferred by both Canyon and Ada Counties where we have the infrastructure to create a logical network and deliver a single network to all the jacks through all the locations at no cost, but the ISC won't listen to this concept because they are stuck on the physical separation philosophy that is decades old. With Option 3, a virtual network, they buy the equipment and plug it in and we can safeguard through an agreement where if they accidentally plug into a County network they cannot touch or see any services the ISC is offering up. It has to be on the tunnel, on the virtual network on that jack. If we go with this philosophy all the problems go away.

Commissioner Brooks asked Chief Civil Deputy PA Bazzoli if the ISC has jurisdiction to tell the Board what it will or will not do within a building the Board has jurisdiction over. Chief Bazzoli said there is some statutory constitutional language about the counties housing the courts in courtrooms and providing facilities and infrastructure for them, but he doesn't know if they can say we must provide two feet of space in every wall to run wires. If COO Rast has figured out a way to provide that infrastructure without cutting through walls and disrupting services then that seems like a more beneficial solution. If ultimately, they say yes, we are requiring the County to do this and there will have to be some challenge in federal court basically. You could not ask the supreme court to decide whether its actions are constitutional. Commissioner Brooks said neither Option 1 nor Option 2 are options to him; it is obvious that Option 3 is what should be done, and he has a problem with the ISC assuming they have jurisdiction to force the Board to use county tax dollars to purchase equipment for their use. COO Rast said there are shared employees, and the state purchased the equipment they are using, but they do not maintain it and we cannot patch it. He believes it's a turf war.

Clerk Hogaboam provided a packet of information (a copy of which is on file with this day's minute entry) and referenced a letter from all 44 County Clerks that was sent to Chief Justice Bevan and Sara Omundson, the Administrative Director of the Courts, in July of 2023 where they collectively expressed concern about the project without doing more feasibility and collaboration to analyze concerns. The Clerks believe there are better and more cost-effective alternatives, and the ISC is deeply concerned about security and having uniformity of network and uniformity of practice when it comes to records retention and judicial matters. All Clerks respect and agree with those concerns and feel there is a win-win solution to achieve the goals in a cost-effective way. Clerk Hogaboam wants Option 2 because he doesn't have confidence that the ISC is maintaining the existing infrastructure software and hardware to do Option 1. The preferred option is to use ARPA funds to commit the money and purchase after December 31st and get new equipment. If we do a budget amendment (the least preferred option) there is a \$100,000 in local tribe assistance monies that we are in possession of but those funds were not part of the budget so that would be one option, although it doesn't cover the total cost. The \$88,000 would have to be captured

through fund balance. If we have to use the state donated equipment for eight months until we can get to October 1st we can do that, but the preference is to replace it sooner and ARPA is the best option to do that. He said the ISC has voiced frustrations with Canyon County not necessarily being a responsive partner over the last year and a half and he respects the ISC and understands their vision and is of the opinion that it could have been done a different way. He responded to their counsel, Mr. Laugheed, and let him know his choice is Option 2 where we stay on the County network, but they go to the cloud base login when they are doing judicial functions. He wants to make sure we can make that happen, but he leaves the other pieces to COO Rast and the Board's discretion.

Chief Bazzoli said Idaho Code §1-1613 states each county in the state shall provide suitable and adequate facilities for the district court including the facilities and equipment necessary to make the space provided functional for its intended use and shall provide for the staff, personnel, supplies and other expenses of the district court. A follow-up section creates a court technology fund, Idaho Code §1-1613, to be used for maintaining, replacing, and enhancing the court technology program. He does not think the County had to adopt everything the ISC says is the only way they will proceed forward. If there are other solutions available that Canyon County can identify as alternate means to still provide a safe, secure and accessible database system and ISC function then that's the requirement.

COO Rast said his recommendation is that we control the infrastructure and give them what they need. We give them accessibility and we can keep the security there and we will do an agreement to maintain the security posture and we will be audited at any point. The state needs to purchase all the equipment to put it on the network, that means they own everything at that point. He hopes there is an MOU between the Clerk's Office and ISC about allowing clerk employees access to those computers so they can help support them. He spoke about concerns with ISC's lack of technical support.

Commissioner Holton is frustrated that the ISC is pressuring the Clerks about fiscal decisions and representations on a very tight time limit when Clerk Hogaboam doesn't have the statutory authority to agree to any expenses. He said ARPA funds have already been spent and cannot be spent in this scenario, and he does not want Canyon County taxpayers to be unfairly burdened. He wants to look at Option 3. Commissioner Van Beek said it was unmerited and inaccurate when the speaker of the house continued to say that the Canyon County Commissioners were mismanaging or misappropriating the budget. That is not happening. There are state mandates asking Commissioners to ask taxpayers to pay for something that's a state function while the state had an unprecedented surplus but didn't allocate those funds to address their needs. She said the Board has done a fantastic job in wanting to do what's in the best interest for taxpayers and she appreciates Clerk Hogaboam saying he committed to Option 2; however, the Board cannot commit to that after hearing Chief Rast's presentation. The only option the County can go with is Option 3. ARPA funds are committed to the County's capital projects so we would have to open the

budget. Commissioner Brooks said Options 1 & 2 are not options; Option 3 as presented by COO Rast is the option and he is not signing the purchase orders, and if the state gets funds for equipment then they can buy the equipment. If we have options for providing what we are statutorily required to provide to the courts then we do not have to adhere to some dictate from the Chief Justice, and he is willing to stand up for the other counties that were not able to give the appropriate pushback. He takes issue with the Chief Justice obligating our taxpayers to do something that was not budgeted for directly and forcing our hand to pay for it; he doesn't care for that and he will not play by those rules until somebody tells him he has to. Commissioner Holton said in his opinion, the Chief Justice is making a judgment based on flawed information; the technology is there to handle this safely and securely. Commissioner Van Beek expressed concerns about cybersecurity with the ISC's proposed options. COO Rast said neither Option 1 nor Option 2 are physically possible to achieve. We have the network, and we will create a pathway for them, and if we buy the equipment and we provide the network, we are still separate. The only feasible path forward is Option 3, a virtual network with an agreement and they buy the state equipment and put it on and we help them support it. Commissioner Brooks wants COO Rast to write a proposal and say this what the Board will sign off on. He does not want to open the budget. COO Rast said he and the Ada County CIO have been talking about this philosophy to two different CIO's for years, and this is the easiest path forward and they will not need their DAAs solutions if they do this. They will own the hardware and all the software will be local on the computer and the ISC patches it and manages it. With an MOU for the Clerk's Office the court systems administrator and court systems technician are there to help. There is no downtime. He said the bottom line is the ISC doesn't have full control on a unified system and they don't have control to set up the network. There is a trust factor and a control factor. Commissioner Van Beek supports Commissioner Brooks' position to have COO Rast draft a presentation for Option 3 including an MOU so we can service on-site. Clerk Hogaboam wants to ensure that the pursuit of Option 3 does not negate Option 2 in this respect. If a condition for his deputy clerks to continue to do their job is they cannot be on state hardware on a County network without installing this to go to the cloud in order for them to continue to do their job, his response on Option 2 is how many installations do we need to do? At the very least they can install on their hardware what needs to be done in order to ensure secured management of the judicial system and court files for his deputies to continue to do their job. He does not think the pursuit of Option 3 means we are not letting them install that on their computer, and in that case, we would be at an impasse and there would be a breakdown and collateral damage over us saying they cannot install their own hardware. COO Rast said if we have County equipment we are bound to the DAAs solution no matter what network you're on and you are bound to get this virtual desktop and you are going to struggle with scanning. The only way forward to be fully at the desktop is to create a virtual network where they own all the hardware, scanning, computers, and desktops. There is no cloud interface at that point outside of Tyler or FTR, everything is hooked to the box. If we buy the equipment and we put it on the virtual network, other issues will occur such as scanning problems. It goes beyond just buying the hardware - it's the user experience, the support, and how we are going to structure it and this is why he wanted a meeting with ISC representatives to show them

the better option and he is frustrated he is not being listened to. Commissioner Holton is frustrated at the level of disconnect and incompetence that is being tolerated when there is a solution that could be up and running in 60 days if somebody would listen to the solution. COO Rast will work with the Clerk's staff and Legal on what Option 3 looks like. All the computer equipment that's plugged in running the current operations, we can push that virtual network and have all of those switched over in a week. Commissioner Holton said there are shortcomings with the information the ISC Justice received, and we know we have a good solution that they need to consider. Clerk Hogaboam said he can engage in those efforts while not retracting from his response to Mr. Laugheed that as a condition for his deputy clerks to continue to do their jobs (the 120 computers), so he still stands by that while at the same time trying to assist and asking them to consider the other option. We are not going to execute a purchase order to buy new computers, but we do know they need to be replaced so we will see if we can find an acceptable solution with all parties. Commissioner Holton agreed. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to adjourn at 5:10 p.m. An audio recording is on file in the Commissioners' Office.