

EAST SIDE HIGHWAY DISTRICT
SPECIAL CALL MEETING – March 17, 2021
Via ZOOM Meeting ID: 841 2419 4071

Present: Director Ben Weymouth, Secretary Angela Sieverding, Clerk Rosie Ham.

Connected vis Zoom: Chairman Graham Christensen, Commissioner John Austin, Commissioner Mark Addington, Attorney Weeks

1. Chairman Christensen called the Special Call Meeting into order at 9:07 a.m.

Due to an emergency situation arising from the District's current clerk announcing her intent to run in the May elections for a position on the Board of Commissioners, Commissioner Austin made a motion to amend the agenda to include an action item to appoint a new District Clerk. Commissioner Addington seconded the motion, which was unanimously approved.

2. Conflict of interest with agenda items: Commissioner Austin recused himself from the discussion pertaining to Agenda item A, an Executive Session Code held pursuant to I.C. § 74-206 (a) for the purpose of discussing a personnel issue.

3. New Business

A. **Executive Session:** Commissioner Addington made a motion to enter into an Executive Session as authorized under Idaho Code § 74-206 (a) to discuss a personnel issue. At 9:10 a.m. Commissioner Austin seconded the motion, in which the following roll call was taken:

Commissioner Christensen Yes

Commissioner Austin Yes

Commissioner Addington Yes

The motion was unanimously approved.

The Executive Session was closed at 9:35 and the Board reconvened into the general meeting.

Chairman Christensen discussed Idaho Code §74-404 - Ethics in Government. The current Clerk is retiring on March 31, 2021. She announced she will run for election to a position on the Board of Commissioners in the May election. Since Declarations of Candidacy are filed with the District Clerk pursuant to I.C. § 34-1404, the Board deemed there was a potential conflict of interest for the clerk to also be a candidate, and receive and process other candidate's paperwork. To address the potential conflict of interest the Board discussed appointing Rosie Ham as the District Clerk, and reassigning Angela Sieverding to serve as Deputy Clerk until her retirement. Director of Highways Weymouth made note this action was not a demotion due to misconduct, and Ms. Sieverding's salary and benefits would not change.

ACTION: Commissioner Austin, being a possible candidate in the election, recused himself from any vote on the matter.

ACTION: Commissioner Christensen vacated the position of Chairman.

ACTION: Commissioner Addington made a motion to appoint Rosie Ham as District Clerk, and Angela Sieverding as Deputy Clerk. Commissioner Christensen seconded the motion. The motion was unanimously carried.

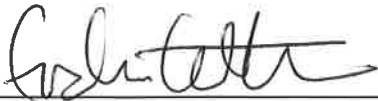
A general discussion followed concerning the statutory residency requirement. Attorney Weeks advised the Board, following a discussion with Deputy Attorney General Brian Kane, that they were both of the opinion that the duties of the District Clerk pursuant to I.C. § 34-1404 are ministerial in nature. The District Clerk is required to assure the Declaration of Candidacy paperwork submitted by a candidate is properly filled out with all documents required by Kootenai County provided to the District Clerk. It is not to investigate residency or other qualifications of the candidates. If there are challenges to a candidate, including their residency, legal mechanisms exist under I.C. § 34-2021 to contest an election. The district court then determines if the challenge is valid or invalid.

Board Secretary Sieverding told the Board she understood why it was shifting her position in the District, noted it has been a fun ride, and she is excited for the District's future with the best hand at the steering wheel and that the Board has made some really good choices and has great staff in place.

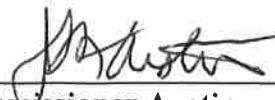
B. Road Dedication Agreement Update for Fernan Lake Road: Director of Highways Ben Weymouth recounted the events leading to this juncture. The Road Dedication Agreement is one of the final steps in cleaning up a clouded right of way issue stemming from the 2008 WFL Fernan Lake Road re-alignment project. The original right of way in question was tangled in a lengthy bankruptcy situation. Once Big Sky Development obtained the property it presented an opportunity for Attorney Weeks and Director Weymouth, with authorization of the Board, to clarify and resolve the right of way issues. The Fernan View Estates Final Plat was approved at the November 16, 2020, regularly scheduled board meeting contingent upon the Fernan Lake Road right-of-way approval by Attorney Weeks and Director Weymouth. This action included vacating old U.S. Forest Service easements connected to the property that were no longer part of the re-aligned roadway or right-of-way project.

Director Weymouth reported the only action remaining is to record the agreement with the County.

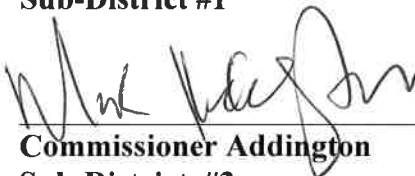
Commissioner Addington made a motion to adjourn at 9:45 am, seconded by Commissioner Austin. Motion carried with unanimous approval.



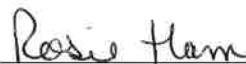
Commissioner & Chairman Christensen
Sub-District #1



Commissioner Austin
Sub-District #2



Commissioner Addington
Sub-District #3



District Clerk
Ham