

Draft

Basin Environmental Improvement Project Commission

Meeting Summary: December 15, 2003

Meeting Location: Conference Call

Hosted at Shoshone County Court House, Wallace, Idaho

Commissioners Present: Sherry Krulitz, Shoshone County

(Via Telephone) Chuck Matheson, CDA Tribe  
Dick Panabaker, Kootenai County  
John Iani, Federal Government  
Steve Allred, State of Idaho  
Jack Buell, Benewah County  
James McCurdy, State of Washington

Commissioners Absent: None

Staff Present: Luke Russell, IDEQ  
John Roland, Washington  
Sheila Eckman, EPA  
Ed Moreen, EPA

Note Taker: Luke Russell

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Chairman Krulitz opened the meeting at 10:00 AM with introductions of all participants on the conference call. Dick Panabaker joined the call at 10:09. All board members were in attendance. Chairman Krulitz noted the Board had received two e-mails from residents in Washington objecting to the conference call meeting, as Commissioner McCurdy would not be on the call. However, Commissioner McCurdy was on the call, but he requested the e-mails be included in the record for the call.

Mr. McCurdy commented he felt other than referring the Executive Director hiring process to Ross and Associates for further development, the other agenda items should be discussed at an open forum board meeting with adequate public participation and access. Commissioner Buell noted the Board was supposed to make decisions. Mr. McCurdy replied that while it was reasonable for administrative actions by the board and staff to be directed in this manner, the board should make its decisions before the public. Curt Fransen with the Idaho Attorney Generals office commented the decisions of the Board are to be made in a public forum, however they could go into Executive Session, with proper notice, for hiring consideration and for formulating interview questions and the like. He added the Board could decide to delegate to staff administrative duties.

## 1. IDEQ Funding Support

Chairman Krulitz noted at the November 12 meeting the IDEQ offered financial support to help the board establish itself (office, communications, etc) and recruit staff. She had a proposed subgrant agreement prepared by IDEQ that would provide \$146,200 to the Commission for this purpose. Commissioner McCurdy commented the Board should acknowledge the offer but any decision to accept the money should be made at a formal Board meeting. He intended to inquire with the Washington governor's office about potentially supporting the Commission and felt the Coeur d'Alene Tribe as well may also may want to contribute. He was not prepared to act if this action could foreclose further funding support and should be postponed till a full public meeting. Commission Matheson concurred with Mr. McCurdy.

Commissioner Iani noted he had not seen the subgrant agreement and wished to review the terms and conditions before voting on the offer. Commissioner Allred noted it was a very short and common language form to transfer funds to the Board. Mr. Iani indicated he still wanted to review it as well as have the TLG, CCC and Core Staff review before moving forward. He noted the Board is stepping forward to be a larger entity and he wanted to be sure the procedural steps were clear. Mr. Allred said he would insure all Board members received a copy of the proposed agreement. However, he was concerned that clock was ticking on his ability to transfer these funds to the Board. **The proposal by IDEQ for funding support was tabled until the review of the subgrant agreement was completed.**

## 2. Executive Director Hiring Process

Chairman Krulitz noted at the November 12 Board meeting staff presented options and recommendations for a path forward for the process of searching for candidates for the Executive Director position and advancement of Board fiscal policies, however no actions were taken at that time. Commissioner Iani proposed the Board use the firm Ross and Associates, currently under contract with the EPA, to prepare a procedure and process for hiring staff. He felt this would be a cleaner process than for staff to do this. The recommendations by Ross and Associates could be presented at the February meeting.

Commissioner Allred noted the Board had already approved the job description for the Executive Director. The Board confirmed this. Mr. Iani noted the IDEQ funding support as proposed was for six month start up and he wanted to see a process for funding after that time. Mr. Allred commented it might be appropriate for Ross to lay out a process for hiring but not for long-term funding. Commissioner Matheson requested a Ross suggested process be distributed well in advance of the next meeting) and that it includes office location and support staff considerations. Commissioner Allred noted the Board could and should make this type of decision. He also noted he did not want to handicap the Executive Director by telling him how he/she would have to set up the office. He noted that Ross could develop a process but should not be the recruiting entity.

**It was moved by Commissioner Allred, Seconded by Commissioner Matheson to request EPA contract with Ross and Associates to develop a suggested hiring approach that would include the process, compensation recommendations and schedule. The motion passed 6-1 with Commissioner Buell opposed.**

Commissioner Iani noted an outline of the Ross report would be prepared and shared in the near future with the Board so it was clear what their work product would look like.

### 3. Commission Office Location

The Board then took up a discussion on potential location for the Commission office. It was moved by Commissioner Buell, seconded by Commissioner Panabaker that the office be established in Shoshone County. Discussion followed.

Commissioner McCurdy suggested a decision on the office location be deferred until the Ross report was completed. However, he had a preference for Coeur d'Alene as this provided better access for his constituents. Chairman Krulitz noted the work for the foreseeable future will be in Shoshone County. Commissioner Allred noted that many in Shoshone County felt disenfranchised with the clean up and the work will be done in their communities and this is where the office should be located. Commissioner Iani commented the Board should allow for public discussion on this issue with a recommendation the office be in Shoshone County. However, he noted, the public should be advised the Board intends to continue to rotate its meeting locations as it did this past year. Chairman Krulitz confirmed this intention.

Commissioner Panabaker recommended the office in Shoshone County , as this is where the work is being done and people could come and see what was happening. Commissioner Matheson agreed with Mr. McCurdy on the location and noted the Tribe and State of Washington and down stream entities were also affected by the clean up. He advocated for Coeur d'Alene and wanted public input on this decision. He was also prepared to use his veto if necessary on this issue.

**Commissioner Allred made an amended motion that the Board set this issue for discussion at the next Board meeting with a recommendation the office location be in Shoshone County. The motion passed 6-0 with Mr. McCurdy abstaining from the vote.**

### 4. Clean Water Act Grant

Chairman Krulitz noted at the last meeting the Board had approved several projects to be funded by a Clean Water Act Grant for the Commission. In the past, the IDEQ had prepared the grant application on behalf of the Board and she sought concurrence for this same process now. Following a brief discussion **it was moved by Commissioner Panabaker, seconded by Commissioner Buell to accept IDEQ to prepare the Clean Water Act grant application. The motion passed 7-0.**

11:00 AM there being no further business the meeting was adjourned.