



City of Coeur d' Alene  
City of Post Falls  
City of Hayden  
City of Rathdrum  
Coeur d' Alene Tribe  
East Side Highway District  
Idaho Transportation Department  
Kootenai County, Idaho  
Lakes Highway District  
Post Falls Highway District  
Worley Highway District

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Cooperatively Developing a Transportation System for all of Kootenai County, Idaho

**Kootenai Metropolitan Planning Organization  
Board Workshop**

**May 3, 2011**

**10:00 a.m.**

Post Falls City Council Chambers, Post Falls City Hall, 1<sup>st</sup> Floor  
408 N. Spokane Street, Post Falls, Idaho

**AGENDA**

**Call to Order – Jimmie Dorsey, Chair**

- 1. The Development of an Independent Operating Management.**
- 2. EXECUTIVE SESSION pursuant to I.C. 67-2345(1)(a) to consider hiring a staff member.**

**ADJOURNMENT**

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**KOOTENAI METROPOLITAN PLANNING ORGANIZATION**

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**For special accommodation/translation services, call 1.800.698.1927, 48 hours in advance. SRTC/KMPO assures nondiscrimination in accordance with Title VI of the Civil Rights Act of 1964, and Civil Rights Restoration Act of 1987 (P.O. 100.259) and the Americans with Disabilities Act.**

## **MEETING MINUTES**

Kootenai Metropolitan Planning Organization  
Policy Board Workshop  
May 3, 2011  
Post Falls City Council Chambers, City Hall, First Floor  
Post Falls, Idaho

### **Board Members in Attendance:**

Jimmie Dorsey, Chair	East Side Highway District
Clay Larkin, Vice Chair	City of Post Falls
Lynn Humphreys	Post Falls Highway District
Damon Allen	Idaho Transportation Department
Richard Panabaker	City of Hayden
Al Hassell	City of Coeur d'Alene
James Mangan	Worley Highway District
Todd Tondee	Kootenai County
Marv Lekstrum	Lakes Highway District
Vic Holmes	City of Rathdrum
Jim Kackman	Coeur d'Alene Tribe

### **Board Members Absent:**

### **Staff Present:**

Gary Schimmels, SRTC Board Chair  
Donna Lively, Administrative Assistant

## **CALL TO ORDER**

The workshop for the Kootenai Metropolitan Planning Organization Policy Board was called to order by Chair, Jimmie Dorsey at 10:00 am. Mr. Dorsey thanked the Board members for attending on such short notice. He stated that Mr. Hassell will be late due to a prescheduled meeting.

### **1. The Development of an Independent Operating Management.**

Mr. Dorsey stated that former KMPO Executive Director, Mr. Glenn Miles, is no longer employed with the Spokane Regional Transportation Council (SRTC). The Board has discussed the possibility of hiring its own staff. Mr. Miles was invited to present a proposed KMPO budget and the type of services that would be provided should KMPO become an independent operating management.

Mr. Miles stated that for the record, he is not employed with SRTC, nor is he under contract or been offered a contract with KMPO. He is making this presentation at the request of Chairman Dorsey with no strings attached.

Copies of Mr. Miles' presentation were distributed. He stated that there are two sources of revenues: a 2011 Consolidated Planning Grant and a 2011 STP Urban Supplement UPWP totaling \$432,000. He noted that under the current Joint Powers Agreement, KMPO has the ability to either contract or retain its own employees. He proceeded to outline a proposed 2011 expenditure budget.

Mr. Miles explained that the proposed budget is for one year. The Consolidated Planning Grant is \$257,000.00 and is a combination of Federal Transit Administration (FTA) and Federal Highway Administration (FHWA) funds, an annual appropriation provided by Congress, with a 7.34% local match requirement. The STP Urban Supplement UPWP is in the amount of \$175,000.000, which is provided by the Urban Balancing Committee; and a 7.34% local match is also required.

Mr. Miles stated that 3 full time employees would be needed to staff the independent operating management, including a leader, a transportation planner, and an administrative assistant at a total personnel cost of \$267,278.00. An amount of \$105,650.00 was listed for maintenance and operations, which included such things as rent, furniture, travel, telephones, operating supplies, etc. The total estimated expenditure budget is \$372,928.00.

Mr. Miles explained the importance of having the operation housed separately from within a participating agency in order to alleviate any perceived favoritism or alliance with any one entity. A pie graph was used to depict the breakdown of expenses with salaries comprising just over half of the total amount.

Mr. Tondee inquired about contractual services; Mr. Miles responded that the core functions of the independent operating management that add value to the organization for institutional knowledge would need to stay in house, while services for expertise not needed on a full-time basis could be contracted. Mr. Miles provided past examples of those projects that KMPO has contracted out.

Mr. Panabaker asked whether Mr. Miles was ever provided with a vehicle for transportation, or whether he utilized his own personal vehicle. Mr. Miles stated that in the budget he provided, this would be an item addressed under "Personnel" with regard to salary and benefits.

Mr. Damon Allen stated that the remaining \$30,000 - \$40,000 would be available for additional activities annually. He asked Mr. Miles how much of these remaining funds have been spent on additional activities over the last 4 to 5 years. Mr. Miles stated that over the last 5-6 years, approximately \$1.1 million has been spent on additional activities for KMPO with the local match derived from the requesting jurisdiction or ITD. Typically, when the Board finds the need for an additional project, the funds are located and the local match determined and retained. These do not include any earmarks that are obtained for projects, such as the Highway 53/41 Bridge and the Pleasant View Bridge. He added that effective MPOs will leverage their resources and do not rely solely on their Consolidated Planning Grant for day-to-day expenses.

Copies of an Employment Agreement between the KMPO, a Joint Powers entity created pursuant to Idaho Code section 67-2328, and Mr. Glenn Miles as the Executive Director were distributed. Mr. Jimmie Dorsey requested Board review/discussion regarding the agreement which is the objective of today's workshop.

Mr. Tondee asked for clarification as to whether the agreement should be discussed in an executive session. Mr. Art Macomber, KMPO legal counsel, explained that the purpose of the workshop is to examine the provisions and determine whether they generally meet the needs of KMPO; the specific provisions will need to be discussed in executive session. The agreement is not intended to be approved today.

Mr. Macomber explained that the Joint Powers Agreement under which KMPO was set up after Congress designated an MPO for this area determines all the powers that this entity has. Under the Agreement, KMPO has the authority to hire an Executive Director. Title 23 of the Federal Code governing MPOs and Title 49, Chapter 53, leaves the decision to the local entity or State to determine how the MPO will operate. Title 67 under State Law does not address how a Joint Powers Agreement will hire an employee. KMPO is comprised of 4 Cities, 4 Highway Districts, ITD, and Kootenai County; these entities have the power to hire employees as needed. The only governing law in Idaho that must not be violated with regard to the hiring of employees is Title 72 as it relates to a public entity. The draft employment agreement has these general provisions and alludes to the federal laws that any KMPO Executive Director must abide by. This employee must act as an entrepreneur in setting up the processing of contracts and adhering to reporting requirements.

Mr. Tondee questioned where the duties that that KMPO is currently contracting out for is detailed. Mr. Macomber responded he was not sure where these duties are detailed, since it is not always known what they might be, but that Article 7 of the Powers and Duties of the KMPO Board outlines what the Board is required to accomplish under federal law and the Joint Powers Agreement. This scope of work is what the Executive Director will be expected to do.

The Board continued their review and discussion of the agreement. It was noted that clarifying language was needed with regard to the term of the contract so that KMPO can terminate the contract for specified causes without a 60 day notice.

Mr. Clay Larkin opined that the mileage provision under "Automobile" should be eliminated. Reimbursement for mileage should be a flat fee vs. actual mileage. Mr. Tondee cautioned that mileage reimbursement could be construed as additional salary. It was noted that this would be clarified under individual contract negotiations. Clarification was provided with regard to the cell phone expense in that the Board would provide for a \$45 allowance toward the Executive Director's existing cell phone plan.

Mr. Al Hassell arrived at 10:48 am.

Mr. James Mangan questioned why two paragraphs were needed under “Professional Development.” Mr. Macomber responded that the first paragraph covers travel reimbursement while the second paragraph covers that which is educational in nature. He stated that he could add “including continuing education” after “for professional and official travel” in paragraph A, and omit paragraph B.

Mr. Al Hassell requested that “actual or itemized receipts” be included under “General Expenses” with regard to vouchers for auditing purposes. It was suggested that “personal affidavits” be replaced with “other supporting material.”

The Board discussed whether the Executive Director should be authorized to have a KMPO credit card. It was noted that this issue should be addressed under a personnel policy. Mr. Tondee cautioned having conflicting language between the agreement and a policy manual. It was noted that a personnel manual details reimbursements while compensation is addressed in a contract.

Mr. Mangan questioned why “Deferred Compensation” was a separate line item. Mr. Macomber noted that that the language addressed concerns expressed by Mr. Miles; however, the Board may not want to be specific. The Board may decide to shop around for a plan. The Board agreed to remove the second sentence referencing a specific compensation plan.

Mr. Al Hassell suggested adding the phrase “not limited to” prior to the items listed for reasons to terminate pay. Mr. Damon Allen suggested specifying under “Duties” that the Executive Director must carry out not only the duties of the MPO, but also set up the architectural structure of the MPO. Mr. Macomber stated that it is covered under the term “developing and implementing” and that it was purposely left general in nature. Mr. Allen asked whether KMPO is bound through state, federal, or local law to go through an open, competitive process to hire an Executive Director, or whether KMPO can simply hire an individual. Mr. Macomber stated that it is strictly up to the KMPO.

Mr. Vic Holmes questioned the safety of having the text constitute the entire agreement between the parties, under General Provisions, A. Mr. Macomber responded that the agreement is integrated into the text so that verbal changes cannot modify the agreement. The agreement; however, can be modified by a written agreement signed by both parties that references the agreement and the purposes of such modifications as noted under paragraph A of “Other Terms and Conditions.”

**2. EXECUTIVE SESSION pursuant to I.C. 67-2345(1)(a) to consider hiring a staff member.**

There was Board consensus that no executive session was needed.

## **ADJOURNMENT**

**Mr. Lynn Humphreys made a motion to adjourn the May 3, 2011 KMPO Workshop;  
Mr. Vic Holmes seconded the motion, which passed unanimously.**

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Donna Lively  
Recording Secretary