

Meeting Minutes
IDAHO LAW ENFORCEMENT, FIREFIGHTING AND EMS
MEDAL OF HONOR COMMISSION

Wednesday, May 15, 2019
1:00 P.M. MST

Office of the Idaho Attorney General
Statehouse, Room 210
700 West Jefferson Street
Boise, Idaho

Attorney General Lawrence Wasden, chairing the meeting, called the meeting to order at 1:00 p.m.

Item 1a – The Commission Secretary called roll.

The following Commissioners were present:

Lawrence Wasden, Attorney General
Dennis Doan, Chief, Boise Fire Department
Louis Hougaard, Office of the Governor
Jeff Lavey, Chief, Meridian City Police
Bart May, Clark County Sheriff
Tim Miller, Captain, Twin Falls County Sheriff's Office

The following Commissioner were absent:

Wayne Denny, Chief, Bureau of Emergency Medical Services & Preparedness
Brad E. Johnson, POST Division Administrator
Bryan Taylor, Canyon County Prosecuting Attorney

Others present: Scott Graff, Public Information Officer (OAG)
Kay Christensen, Chief of the Contracts & Administrative Law Division (OAG)
Stephen Bartlett, Sheriff, Ada County Sheriff's Office
Scott Johnson, Chief, Ada County Sheriff's Office
Sergeant Carlos De Leon, Jr.
Deputy David Anderson
Deputy Derek Beardall
Deputy Michael Geisel
Officer Kyle Mikowski
Deputy [REDACTED]
Kimi White, Commission Secretary (OAG)

The Chair announced a quorum was not present, therefore the Commission could not hold an official meeting and formal business could not be conducted. All agenda action items would be set aside at this time and placed on the agenda of the next scheduled special meeting of the Commission. The Chair announced today's meeting would be for the sole purpose of meeting the recipients and to go over the ceremony logistics with them. The Commission moved ahead to Items 4 and 4A of the agenda.

Items 4 – 4A – Chairman Wasden requested that the nominating officers present, Chief Lavey and Sheriff Bartlett, introduce the 2019 Medal of Honor recipient(s) from their agencies, as well as their families and guests to the Commissioners. Chief Lavey introduced Officer Kyle Mikowski and his family to the Commissioners. Sheriff Bartlett introduced: Sergeant Carlos De Leon, Jr., Deputies David Anderson, Derek Beardall, Michael Geisel, [REDACTED], and their families and guests.

Chairman Wasden then explained the ceremony logistics to the recipients.

Kay Christensen, Chief of the Contracts & Administrative Law Division for the Office of the Attorney General, informed the Chair that they did have a quorum with five (5) Commissioners present. The Chair agreed, apologized for his miscount, and announced a quorum was present. The Commission addressed the remaining agenda items.

Item 1B – The agenda was reviewed; no amendments were made.

Item 2 – Chairman Wasden asked if there were any changes to the proposed February 8, 2019 minutes. Hearing no comments, he called for a motion to approve. Chief Lavey moved to approve the minutes. Sheriff May seconded the motion. Chairman Wasden called for discussion. Hearing none, he called for the vote. The motion passed unanimously.

Item 3 – Report of sub-committee (appointed at the 2/8/19 MOH Commission meeting) regarding revising the statute to combine the law enforcement and firefighter and EMS ceremonies into a combined ceremony. Chairman Wasden called for the report from sub-committee members Chief Doan, Chief Lavey and Kay Christensen. Chief Doan presented the Commission with the recommendations on the draft revised statute.¹ Chief Doan informed the Commission that he discussed this matter at the last Fire Chiefs conference and it was approved. The other members of the sub-committee also agreed to revise Idaho Code section 67-8803 to combine the ceremonies into one, to be held during the legislative session. Chiefs Doan and Lavey stated that their associations agreed to cover the costs of their respective recipients' awards. Chief Lavey stated that while he supports combining the ceremonies, the logistical details still need to be worked out. The Commissioners discussed the process and time-line to introduce the revised statute to the legislature. Chairman Wasden stated that the Governor has the authority to introduce legislation at any time. Ms. Christensen recommended that the bill be introduced by executive process through the Governor's Office. Louis Hougard agreed

¹ A copy of the draft revised statute prepared by the sub-committee is attached to the minutes.

to personally shepherd the legislation through the Governor's process once it has been finalized.

Ms. Christensen informed the Commission that the sub-committee did a great job drafting the revised statute, which she then put into legislative format. She informed the Commission of the other revisions that were made by the sub-committee to the statute.

In section 67-8804, the term "shall" was replaced with "may," to give the Commission discretion on whether rulemaking is necessary, taking into consideration that the Commission does not have funds to facilitate rulemaking.

The revision to section 67-8802 adds another Commissioner to the Commission from the professional firefighters of Idaho. Chief Doan stated that he would like the Commission to consider adding another Commissioner who is a firefighter. The Chair was concerned that a ten member Commission could lead to ties when voting. Ms. Christensen stated that in the event of a tie, the Chair can always opt out from the vote. The Commission discussed the matter, but no definite sentiments were voiced.

The revision to section 67-8802 provides that a Commissioner will continue to serve after the four (4) year term has expired until a successor has been duly appointed and qualified.

The revision to section 67-8803 provides the ceremony is held during the legislative session. Ms. Christensen recommended this provision not be mandatory in case of scheduling conflicts; there should be flexibility. Chief Doan and Chief Lavey expressed their approval with this recommendation. The other Commissioners concurred.

The revision to section 67-8803 changes who the governor may delegate to award the medal from the Attorney General to a member of the commission. Ms. Christensen stated that she did not support this change and believed this portion of the section should be left unchanged. The Commission discussed the matter and agreed with the recommendation.

The Chair discussed the revisions to section 67-8805 and asked Chiefs Lavey and Doan if their respective organizations have agreed to pay the awards costs, not only for their recipients, but for those awarded who are not law enforcement officers or firefighters. Chief Lavey stated that he is not sure if the Idaho Police Association would agree to pay for the costs of non-law enforcement officers. Chief Lavey asked what the total cost of the award per recipient is. Ms. White informed the Commission that the total cost of the framing and medal per recipient is approximately \$500.00. Sheriff May inquired why the Commission did not have a state budget to pay for the award costs. Chairman Wasden discussed what the Commission's budget should be per year, approximately \$3,000.00, and the process for submitting the request and obtaining approval from the state. Chairman Wasden requested that Mr. Hougaard first present and discuss this matter with the Governor's Office. Chief Lavey stated that he would like the Commission to receive its own funding for awards so that the smaller agencies around the state do not feel excluded because they cannot afford the award costs.

Sheriff May stated that he would like to make additional revisions to the statute. The Chair directed him to prepare a draft of his proposed revisions and submit them to Ms. Christensen for the sub-committee's review.

Chief Lavey requested the recipients and their guests be dismissed to the Lincoln Auditorium for the ceremony. The other Commissioners agreed and the recipients were dismissed at 1:30 p.m.

The Chair suggested they table the matter until the statute has been revised. A special meeting will be scheduled once the revised draft has been approved by the sub-committee. The special meeting may be held by conference call. Chairman Wasden called for a motion. Chief Lavey moved to table the matter. Chief Doan seconded the motion. Chairman Wasden called for discussion. Hearing none, he called for the vote. The motion passed unanimously.

Captain Miller arrived at 1:34 p.m.

Item 5 – Chairman Wasden called for a motion to adjourn. Sheriff May moved to adjourn. Captain Miller seconded the motion. Chairman Wasden called for the vote. The motion passed unanimously.

The Commission meeting adjourned at 1:37 p.m.