

RESOLUTION NO. 09-033

A RESOLUTION OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO AUTHORIZING THE BELOW MENTIONED CONTRACTS AND OTHER ACTIONS OF THE CITY OF COEUR D'ALENE INCLUDING A CONTRACT WITH KOOTENAI COUNTY FOR CERTAIN ELECTION SERVICES; THE ANNUAL AGREEMENT WITH SCHOOL DISTRICT 271 FOR SCHOOL RESOURCE OFFICERS AND CHANGE ORDER NO. 1 FOR LANDINGS PARK, PHASE II.

WHEREAS, it has been recommended that the City of Coeur d'Alene enter into the contract(s), agreement(s) or other actions listed below pursuant to the terms and conditions set forth in the contract(s), agreement(s) and other action(s) documents attached hereto as Exhibits "1 through 3" and by reference made a part hereof as summarized as follows:

- 1) A contract with Kootenai County for certain Election Services;
- 2) Agreement with School District 271 for School Resource Officers;
- 3) Change Order No. 1 for Landings Park, Phase II;

AND;

WHEREAS, it is deemed to be in the best interests of the City of Coeur d'Alene and the citizens thereof to enter into such agreements or other actions; NOW, THEREFORE,

BE IT RESOLVED, by the Mayor and City Council of the City of Coeur d'Alene that the City enter into agreements or other actions for the subject matter, as set forth in substantially the form attached hereto as Exhibits "1 through 3" and incorporated herein by reference with the provision that the Mayor, City Administrator, and City Attorney are hereby authorized to modify said agreements or other actions so long as the substantive provisions of the agreements or other actions remain intact.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk be and they are hereby authorized to execute such agreements or other actions on behalf of the City.

DATED this 18th day of August, 2009.

Sandi Bloem, Mayor

ATTEST

Susan K. Weathers, City Clerk

Motion by _____, Seconded by _____, to adopt the foregoing resolution.

ROLL CALL:

COUNCIL MEMBER KENNEDY Voted _____

COUNCIL MEMBER BRUNING Voted _____

COUNCIL MEMBER MCEVERS Voted _____

COUNCIL MEMBER GOODLANDER Voted _____

COUNCIL MEMBER HASSELL Voted _____

COUNCIL MEMBER EDINGER Voted _____

_____ was absent. Motion _____.

AGREEMENT

THIS AGREEMENT, made by and between the **City of Coeur d'Alene**, a municipal corporation of the state of Idaho (hereinafter referred to as "the City"), and **Kootenai County**, a political subdivision of the state of Idaho (hereinafter referred to as "the County");

WITNESSETH:

WHEREAS, the City and the County, pursuant to the provisions of Idaho Code § 67-2332, may enter into agreements enabling each to cooperate with the other to provide services and facilities for their mutual social, political and economic advantage; and

WHEREAS, upon request and recommendation of the City Clerk, the City Council at its regular meeting on the 18th day of August, 2009 found and declared it to be in the best public interest of the City to utilize the office of the Clerk of the District Court of Kootenai County, Idaho, who is the *ex officio* auditor and recorder for the County, to conduct the city elections for the City to be held on November 3, 2009 under the supervision of the City Clerk.

NOW, THEREFORE, in consideration of the premises, it is agreed:

1. The Clerk of the District Court, subject to supervision and direction of the City Clerk and further subject to and in accordance with all the pertinent provisions of Titles 34 and 50, Idaho Code, shall perform the following duties of the Chief Election Official for the City in the conduct of the city election to be held on November 3, 2009, including but not limited to:
 - a. General supervision of all election judges, clerks and other election officials for each polling place in each precinct.
 - b. Comply with and require compliance by all election judges of the provisions of Titles 34 and 50, Idaho Code.
 - c. Prior to the city election, carry on a program of in-service training for all judges, clerks, and other election officials for the administration of the election laws in the conduct of said election by said local election officials.
 - d. During the registration of qualified City electors, update all registration cards to determine whether or not such have previously registered, to otherwise do all other things required by law in maintaining and keeping current registration records of qualified electors for the city elections, and to provide poll book computer printouts for each precinct for the city elections.
 - e. Subject to any applicable election law, devise, prepare and use in the administration of the city elections, the ballots, papers, documents, records

and other materials and supplies required or permitted by the pertinent election laws, or other necessary requirements in the administration of the city elections.

- f. Provide one or more pieces of machinery or equipment necessary to automatically examine and tally optical scan ballots upon which a voter records his or her vote, and shall otherwise comply with, and require compliance by all election officials pursuant to Chapter 24, Title 34, Idaho Code, as to the use of said vote tally system and in particular the following:
- 1) Section 34-2414: Prepare, provide and distribute all ballots, printed matter, and other supplies within a proper and reasonable time before the election to each election board at each polling place within each precinct;
 - 2) Section 34-2415: Prepare polling places for election by each election board of each election precinct;
 - 3) Section 34-2416: Prepare all machines and equipment for the said election, thoroughly inspecting and testing the computer or vote tally machines before and after counting the optical scan ballots to be able to file a certificate as to the accuracy of said vote tally machines; and
 - 4) Section 34-2418: Prepare optical scan ballots.
- g. Comply with the provisions of Chapter 10, Title 34, Idaho Code (Absentee Voting), and in particular by providing an absentee elector polling place, the voting booth and other necessary supplies as required by law.

Through and including any election contests:

1. The City shall publish any and all election notices required for this election.
2. The City shall pay the County an administrative fee for the reasonable costs and expenses of the Clerk of the District Court in performing this agreement in the applicable amount shown below:

Registered Voters	Fee
5,000 or fewer	300.00
5,001 to 10,000	400.00
10,001 or more	500.00

In addition, the City shall pay and reimburse the County for its proportionate share of the reasonable costs and expenses incurred by the Clerk of the District Court in performing this agreement.

3. The City further agrees to provide a proportionate share of the reasonable compensation for election judges and clerks.
4. The parties agree that the County is the independent contractor of the City and in no way an agent of the City, and that no joint venture shall be created by virtue of this Agreement. The City shall have no control over the performance of this Agreement by the County or its employees, except to specify the time and place of performance, and the results to be achieved. The City shall have no responsibility for security or protection of the County's supplies or equipment.
5. Each party agrees to indemnify, defend, and hold the other harmless, and its officers, agents and employees, from and against any and all claims, losses, actions, or judgments for damages or injury to persons or property arising out of or in connection with the acts and/or any performances or activities of that party, or its agents, employees, or representatives, under this Agreement.
6. Each party agrees to obtain and keep in force during its acts under this Agreement a comprehensive general liability insurance policy in the minimum amount of \$500,000.00, or equivalent self-insurance, to protect the other party, and its officers, agents and employees, from and against any and all claims, losses, actions, and judgments for damages or injury to persons or property arising out of or in connection with the acts of that party.
7. Each party shall maintain in full force and effect workers' compensation insurance for itself and for any agents, employees, and staff that it may employ.
8. Each party agrees to comply with all federal, state, city, and local laws, rules and regulations.
9. This Agreement contains the entire agreement between the parties, and no statements, promises, or inducements made by either party, or agents of either party, which are not contained in the written Agreement, are valid or binding. This Agreement may not be enlarged, altered modified or amended except upon agreement of the parties hereto.
10. This Agreement shall be governed by and interpreted under the laws of the State of Idaho. Venue for any dispute arising under this Agreement shall be in Kootenai County, Idaho.
11. Reasonable attorney fees shall be awarded to the prevailing party in any action to enforce this Agreement or to declare forfeiture or termination of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the day and year first above written.

KOOTENAI COUNTY
CLERK OF THE DISTRICT COURT

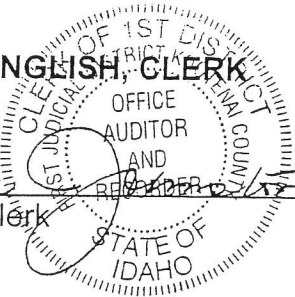
Dan English
Dan English, Clerk

KOOTENAI COUNTY
BOARD OF COMMISSIONERS

Rick Currie
Rick Currie, Chairman
Elmer R.

ATTEST:
DANIEL J. ENGLISH, CLERK

By: *[Signature]*
Deputy Clerk



CITY OF COEUR D'ALENE

Sandi Bloem
Mayor

ATTEST:

Susan K. Weather
City Clerk

Ex A-6

	R V T P E O U E G T R R I E B C N C S R A A O E T S L S U N E O L T T T R O A E T G D S E			COEUR D'ALENE MAYOR		COEUR D'ALENE CITY COUNCIL SEAT #2		COEUR D'ALENE CITY COUNCIL #4		COEUR D'ALENE CITY COUNCIL SEAT #6	
				SB o . u a l s n d e e k i m h (NON)	JB K o . u s n e k p a (NON)	JB MK i r i e m a k n n e n o e n y (NON)	WM o c o E d v e a y e v m r e s s (NON)	S.A t d e a v m e s (NON)		D G e o a o n d n l a a n e r (NON)	D G a o n o k i n (NON)
28 PRECINCTS											
0022 PRECINCT 22	1420	263	18.52	8	7	8	7	6	8	8	7
0028 PRECINCT 28	1552	223	14.37	4	0	1	3	0	4	4	0
0035 PRECINCT 35	861	122	14.17	11	10	10	9	7	11	5	14
0037 PRECINCT 37	786	175	22.26	97	75	92	77	85	86	83	87
0038 PRECINCT 38	2665	424	15.91	298	110	187	224	183	203	201	189
0039 PRECINCT 39	1631	285	17.47	174	103	147	134	143	132	128	146
0041 PRECINCT 41	900	229	25.44	131	93	121	101	109	108	104	119
0042 PRECINCT 42	574	143	24.91	79	57	66	67	77	56	73	63
0043 PRECINCT 43	784	206	26.28	138	68	101	103	82	118	113	89
0044 PRECINCT 44	944	144	15.25	70	71	80	61	74	62	68	72
0045 PRECINCT 45	1347	306	22.72	180	115	154	143	142	153	148	148
0046 PRECINCT 46	1514	330	21.80	172	131	177	124	151	144	137	160
0047 PRECINCT 47	744	154	20.70	86	63	74	75	68	80	79	70
0048 PRECINCT 48	823	184	22.36	119	60	86	86	65	103	98	74
0049 PRECINCT 49	810	182	22.47	105	62	75	91	80	89	85	81
0050 PRECINCT 50	1118	258	23.08	90	43	69	63	71	62	65	68
0051 PRECINCT 51	640	84	13.13	45	38	37	44	29	48	41	41
0052 PRECINCT 52	718	203	28.27	125	74	85	110	86	106	107	85
0053 PRECINCT 53	915	179	19.56	89	88	90	82	83	85	90	82
0054 PRECINCT 54	917	155	16.90	105	46	58	94	53	95	85	64
0055 PRECINCT 55	771	146	18.94	99	45	49	92	52	86	82	57
0056 PRECINCT 56	690	168	24.35	114	50	75	87	73	88	90	71
0057 PRECINCT 57	766	167	21.80	90	48	65	78	58	78	75	61
0058 PRECINCT 58	889	223	25.08	160	60	80	137	76	135	133	81
0059 PRECINCT 59	584	120	20.55	80	39	52	65	50	67	60	58
0060 PRECINCT 60	526	116	22.05	84	29	50	60	39	72	64	47
0061 PRECINCT 61	991	146	14.73	2	0	0	2	0	2	2	0
0073 CDA ABSENTEE PRECIN	0	2051		1200	803	1071	946	977	999	918	1083
GRAND TOTALS	26880	7386	27.48	3955	2388	3160	3165	2919	3280	3146	3117

ExB



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CITY OF COEUR D'ALENE

ELECTION

NOVEMBER 3, 2009

Total number of registered voters	21,480
Number of absentee ballots	2,051
Total number of ballots cast	6,370
Percentage of ballots cast	29.6%

Votes Received
(* Denotes Winner)

MAYOR

Sandi Bloem	3,955*
Joseph B. Kunka	2,388

CITY COUNCIL

Seat #2

Jim Brannon	3,160
Mike Kennedy	3,165*

Seat #4

Steve Adams	2,919
Woody McEvers	3,280*

Seat #6

Deanna Goodlander	3,146*
Dan Gookin	3,117

A handwritten signature in cursive script, appearing to read "Deedie Beard".

Deedie Beard

Elections Manager

Dated: 11/09/09

Ex C

A CONTINUED MEETING OF THE CITY COUNCIL
 OF THE CITY OF COEUR D'ALENE, IDAHO, HELD AT
 COEUR D'ALENE CITY HALL
 NOVEMBER 9, 2009

The Mayor and Council of the City of Coeur d'Alene met in a continued session of said Council at the Coeur d'Alene City Hall, November 9, 2009, at 2:15 p.m. there being present upon roll call the following members:

Sandi Bloem, Mayor

Loren Ron Edinger)	Members of Council Present
Deanna Goodlander)	
Mike Kennedy)	
A. J. Al Hassell, III)	
Deanna Goodlander)	

Woody McEvers)	Members of Council Absent
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CALL TO ORDER: Mayor Bloem called the meeting to order.

CANVASS OF VOTES: City Clerk Susan Weathers along with County Clerk Dan English and Deedie Beard County Elections Supervisor presented the results of the November 3, 2009 City General Election as follows:

Votes Received (* denotes winner)

PRECINCT #	MAYOR	
	Sandi Bloem	Joseph B. Kunka
Absentee	1,200	803
22	8	7
28	4	0
35	11	10
37	97	75
38	298	110
39	174	103
41	131	93
42	79	57
43	138	68
44	70	71
45	180	115
46	172	131
47	86	63

48	119	60
49	105	62
50	90	43
51	45	38
52	125	74
53	89	38
54	105	46
55	99	45
56	114	50
57	90	48
58	160	60
59	80	39
60 & 61	86	29

TOTALS:

Sandi Bloem	3,955*
Joseph B. Kunka	2,388
Write-In	27

COUNCIL SEAT #2

PRECINCT #	Mike Kennedy	Jim Brannon
Absentee	946	1,071
22	7	8
28	3	1
35	9	10
37	77	92
38	224	187
39	134	147
41	101	121
42	67	66
43	103	101
44	61	80
45	143	154
46	124	177
47	75	74
48	86	86
49	91	75
50	63	69
51	44	37
52	110	85
53	82	90
54	94	58
55	92	49

56	87	75
57	78	65
58	137	80
59	65	52
60 & 61	62	50

TOTAL:

Mike Kennedy	3,165*
Jim Brannon	3,160

COUNCIL SEAT #4

PRECINCT #	Woody McEvers	Steve Adams
Absentee	999	977
22	8	6
28	4	0
35	11	7
37	86	85
38	203	183
39	132	143
41	108	109
42	56	77
43	118	82
44	62	74
45	153	142
45	144	151
47	80	68
48	103	65
49	89	80
50	62	71
51	48	29
52	106	86
53	85	83
54	95	53
55	86	52
56	88	73
57	78	58
58	135	76
59	67	50
60 & 61	74	39

TOTALS:

Woody McEvers	3,280*
Steve Adams	2,919

COUNCIL SEAT #6

PRECINCT #	Deanna Goodlander	Dan Gookin
Absentee	918	1,083
22	8	7
28	4	0
35	5	14
37	83	87
38	201	189
39	128	146
41	104	119
42	73	63
43	113	89
44	68	72
45	148	148
45	137	160
47	79	70
48	98	74
49	85	84
50	65	68
51	41	41
52	107	85
53	90	82
54	85	64
55	82	57
56	90	71
57	75	61
58	133	81
59	60	58
60 & 61	66	47

TOTALS:

Deanna Goodlander	3,146*
Dan Gookin	3,117

Total number of registered voters: 21, 480

Total Ballots cast: 6,370

Voter Turnout Percentage: 29.6%

MOTION: Motion by Edinger, seconded by Bruning to accept the canvass of votes and authorize the City Clerk to sign the necessary documents. Motion carried.

Councilman Kennedy commended by the County Clerk and his elections Department for their excellent work in this election process. Councilman Edinger thanked Kootenai

County Chief Elections Supervisor, Deedie Beard for her 33 years of service to the community.

ADJOURNMENT: Motion by Kennedy, seconded by Edinger that, there being no further business before the Council, the meeting is adjourned.

Motion carried.

The meeting adjourned at 2:25 p.m.

Sandi Bloem, Mayor

ATTEST:

Susan K. Weathers, CMC
City Clerk

Election record and poll book for county precinct : 54 KOOTENAI

ELECTION DATE : 11/03/2009

Printed On : 10/27/2009

Requested For:

Generated By : DI

E NO.	VOTER NAME and ADDRESS	SIGNATURE OF VOTER	SEQ NO	BALLOT CODE	VOTED	VOTER ID	REMARKS

Ex E



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November 24, 2009

The following is answer to the two requests asked for in your public records requested dated November 23, 2009.

1. Absentee Precinct 0073 does not have a poll book or a physical polling place since it is a precinct number designated for absentee ballots.
2. The 3 optical scan ballot counting machines are Election Systems & Software model 650 ballot scanners. Purchased in 2007 and delivered to the Election Office January of 2008.
Machine #2 Serial #3707 7644
Machine #3 Serial #3707 7645
Machine #4 Serial #0508 7663

All 3 machines had pre-maintenance performed May 5, 2008 for the May 2008 Primary Election and had an Election Systems & Software representative for election night support.

All 3 machines had pre-maintenance performed September 30, 2009 for the November General Election and Election Systems & Software representative for election night support.

Deedie Beard
Election Manager
Kootenai County
208 446-1035

Ex G

APPLICATION FOR ABSENT ELECTOR'S BALLOT

State of Idaho

County of _____

}s.

Date: _____

I, _____, hereby make application for an absent elector's ballot or ballots to be voted at the election held on

(Check election this application is to be used)

- 1st Tuesday in February
- 4th Tuesday in May / Primary Election
- 1st Tuesday in August
- Tuesday following 1st Monday in November / General Election
- Special Emergency Election to be held on _____

My home address is: _____ in _____

(House Number and Street)

(City)

and I am duly registered in _____ County, Idaho.

Please mail ballot(s) to me at the following address:

(Elector)

(Mailing Address)

(City, State and Zip Code)

ELECTOR MUST PERSONALLY SIGN APPLICATION

Signed: _____

(Elector)

ABSENTEE BALLOT REPORT - KOOTENAI

Generated By : SS

Voter ID	Voter Name	Absentee	Residence Address	Mailing Address	Precinct / District	Request Date	Issued Date	Received Date	Ballot Seq	Void Reason	County	Ballot Code
002756151	ZUBEK, TIMOTHY L	O1	2804 N 5TH ST COEUR D ALENE, ID 83815	PO BOX 2904 POST FALLS, ID 83877-2904	47 / CDA	10/21/2009	10/21/2009	10/21/2009	0		KOOTENAI	CDA CITY
002706493	ZYSK, VIOLETTA M	AM	2313 W CANYON DR DR COEUR D ALENE, ID 83815 - 8043	2313 W CANYON DR COEUR D ALENE, ID 83815-8043	41 / CDA	09/29/2009	10/02/2009	10/14/2009	0		KOOTENAI	CDA CITY

Total Requested : 2047

Total Issued : 2047

Total Returned : 2047

Total Voided : 5

Handwritten marks: H, X, 15

11/16/2009

ABSENTEE BALLOT REPORT - KOOTENAI

Generated By : SS

Voter ID	Voter Name	Abse ntee	Residence Address	Mailing Address	Precinct / District	Request Date	Issued Date	Received Date	Ballot Seq	Void Reason	County	Ballot Code
002756188	ZUBEK, SHIRLEY M	O1	CENTENNIAL DR COEUR D ALENE, ID 83815-8649	COEUR D ALENE, ID 83815-8649	47 / CDA	10/21/2009	10/21/2009	10/21/2009	0		AI	CITY
002756151	ZUBEK, TIMOTHY L	O1	2804 N 5TH ST COEUR D ALENE, ID 83815	PO BOX 2904 POST FALLS, ID 83877-2904	47 / CDA	10/21/2009	10/21/2009	10/21/2009	0		AI	CITY
002706493	ZYSK, VIOLETTA M	AM	2313 W CANYON DR COEUR D ALENE, ID 83815-8043	2313 W CANYON DR COEUR D ALENE, ID 83815-8043	41 / CDA	09/29/2009	10/02/2009	10/14/2009	0		AI	CITY

Total Requested : 2049
Total Issued : 2049
Total Returned : 2049
Total Voided : 7

Ex 17