

Lincoln County Commissioners
Special Meeting
July 11, 2019

Present: Rebecca Wood, Chairman; Roy Hubert, Commissioner; Richard Ellis, Commissioner; Brenda Farnworth, Clerk for Minutes.

3:00pm Chairman Wood called the meeting to order and led everyone in the Pledge of Allegiance.

This meeting was called to clarify some information given at the architect interviews. Commissioner Wood recounted the issue of a question asked of Jerry Myers if he was the architect for the Caribou County Courthouse and he answered yes. A call was made to the Caribou County Clerk after the interviews and she was asked if he was the current architect of the Caribou County Courthouse and she stated no, they had some small projects going on that he was not the architect for. This information looked like Jerry Myers had not answered truthfully.

Chairman Wood read into the record the email answer from Jerry Myers clarifying the information given. Copy attached as attachment A.

Chairman Wood called ICRMP to get their opinion and they advised her to contact our attorney for guidance. Our Attorney, Matt Pember, suggested that we hold a special meeting this week to go over the new information and re-score the interview scores.

Chairman Wood also announced that after the final architect interview next week, the individual and combined scores will all be public record.

There was a question about why we didn't have a committee or a town hall meeting with the architects for the interviews and get public input. Chairman Wood shared what Jerry Mason, ICRMP counsel said that the Commissioners can select an architect and do a contract for a preliminary design and estimated costs. After that, the designs can be evaluated and we can keep the architect or we can start all over in selecting.

Discussion on how the process will move forward.

An anonymous text message was received by Commissioner Hubert and Chairman Wood and Commissioner Hubert read it into the record. It stated that Roy and Rick had voted for Colby and that Rebecca had voted for Myers/Anderson. Discussion on the facts. A comment was made that it was assumed that Commissioner Hubert and Commissioner Ellis were biased by past conversations and that prompted the text message to supporters of the courthouse renovation to attend this meeting.

Clerk Farnworth commented that the score sheets nor the scores had been shown or disclosed to anyone. Except, that after Commissioner Ellis left the meeting on Monday, Clerk Farnworth asked Chairman Wood to call him back as he had voted 0 for Myers Anderson and the criteria was 10-30 score. Commissioner Ellis came back and re-scored.

Discussion on information provided and concerns from the patrons present. They were in support of hiring Myers Anderson Architects on this project because they have the experience in preservation of historical buildings. Commissioner Hubert wanted in the record that he accepted the new information and is now ok with Jerry Myers explanation.

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Chairman Wood made a motion that they re-score the interview evaluations after the clarification of information. Commissioner Hubert seconded. Vote Chairman Wood, aye; Commissioner Hubert, aye; Commissioner Ellis, nay. Motion carried.

Commissioner Hubert requested his previous score sheet prior to completing the new. Clerk Farnworth was unable to locate them at the time.

Commissioners rescored the interview portion on a new architect scoring sheet for Myers Anderson and Laughlin Ricks.

Old Business

Contract terms with Amanda Wright were discussed.

3:45pm Chairman Wood adjourned the meeting.

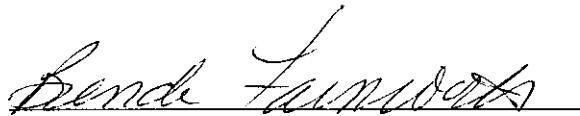
Respectfully,

Brenda Farnworth, Clerk

A handwritten signature in cursive script, reading "Rebecca Wood", is written over a horizontal line.

Rebecca Wood, Chairman

Attest:

A handwritten signature in cursive script, reading "Brenda Farnworth", is written over a horizontal line.

Brenda Farnworth, Clerk

Attachment A: Email correspondence with Jerry Myers

*Attachment A - Lincoln Co Board of
Commissioners Minutes July 11, 2019
B. Farnworth*

Brenda Farnworth

From: Jerry Myers <jerry@myersanderson.com>
Sent: Tuesday, July 9, 2019 04:16 PM
To: Brenda Farnworth
Cc: commishwood@gmail.com; renjhubert@yahoo.com; dhorsley@co.caribou.id.us; Ben Ledford; Steve Trout; qualitysheds208@gmail.com; dwood@cableone.net
Subject: RE: Clarification of Interview Question - Lincoln County Courthouse

All, sorry for the additional email. Rick and Doug's kicked back. I corrected Commissioner Ellis's and Doug Woods addresses.

Thanks. Have a great day.

Jerry T. Myers
Myers ■ Anderson

From: Jerry Myers
Sent: Tuesday, July 9, 2019 4:03 PM
To: Brenda Farnworth <bfarnworth@lincolncountyid.us>
Cc: commishwood@gmail.com; renjhubert@yahoo.com; qualitysheds209@gmail.com; dhorsley@co.caribou.id.us; prosecutor@co.caribou.id.com; Ben Ledford <ben@myersanderson.com>; Steve Trout <strout@troutarchitects.com>
Subject: RE: Clarification of Interview Question - Lincoln County Courthouse

Brenda and Commissioners,
Denise Horsley and Doug Wood (Caribou County Clerk and Prosecuting Attorney),

This email is for further clarification on an interview question that was asked yesterday. This is important as it questions the honesty and forthrightness of our response which is a matter of not only professional ethics but of personal integrity. Both are very important to me and our entire team. I am glad that I was made aware of the issue, and appreciate the opportunity to provide clarity in response.

This email is for further clarification on an interview question asked in our interview with the Commissioners and the interpretation and understanding of the question asked and the answer given. This question and answer is important as it questions the honesty and our forthrightness of our response. This is a matter of not only professional ethics but of personal integrity. Both are very important to me and our entire team. I appreciate the opportunity to have been made aware of the question, and concern, and for the opportunity to provide clarity in response.

Denise and Doug, thank you for taking my call and for your candid update and clarification on this question. I am copying you both, as I have paraphrased some of our discussions and did not want to misrepresent any comments. Please provide any clarity or correction if anything is not stated according to our discussions or your intent.

Commissioners Wood, Hubert and Ellis,

Thank you for the opportunity to present our team and our interest in this great project. My apologies for any misunderstanding of the question or the answer concerning the Caribou County Courthouse. Per my email reply of last evening to Brenda, I have reviewed our files and contacted Mrs. Denise Horsley, Caribou County Clerk concerning a "current project at their Courthouse" and any details concerning it. When asked the question and up until I spoke with Mr. Wood I was unaware of a "current project" at the Caribou County Courthouse. The following are points of clarification;

- **Myers Anderson Projects** - Time flies by too fast. In my email last evening I stated that it was approximately 2.5 years since our last project on the Caribou County Courthouse. The last phase of work that Myers Anderson completed was in 2015-16. The projects, where we have served as the architect, on with Caribou County Courthouse are listed below;
 - Caribou County Courthouse Elevator Addition 1992
 - Caribou County Courthouse Renovations 2010
 - Caribou County Courthouse Structural Assessment 2012
 - Caribou County CH HVAC Replacement 2013
 - Caribou County Courthouse Exterior Improvements 2016
- **Myers Anderson's most recent CCCH Project** - The last Caribou County Courthouse project Myers Anderson was involve with was bid in June, 2015 and Substantially completed in January of 2016. The contractor was Harris Construction of Pocatello. He was the only bidder to submit a bid on the project. The contractors contract for the project was with the Owner, as is typically the case, not the architect. They were the low bidder (only bidder) in a competitive bid process on this project. There were significant difficulties with the relationship between the general contractor and one particular local subcontractor. It was not a pleasant experience working to get this project completed and closed out. Myers Anderson did all we could do contractually and beyond to serve the owners interests in this project. It was not a pleasant experience for the Owner or the architect. In my discussions with Mrs. Horsley, sometime shortly after closeout of that project, the Commissioners decided to make a change and hired another architect, Booth Architecture, to do the next phase of remodeling. I believe this was in 2016. Mrs. Horsley informed me that all of the construction work has been completed, with the exception of some work in the basement remaining. This "current project" has been a series of remodeling projects spanning from 2016 and yet to be completed. I was not aware that this project was started or still going. I would be happy to share any information from our files on the project and our attempts to have it executed in accordance with the Contractors Agreement. We did not know Mr. Booth was working on remodeling projects starting in 2016. CSI is the CMGC on those projects according to Mrs. Horsley. We have numerous completed and current projects with this contractor. We would encourage you to contact them concerning our work and more important our integrity. We have worked with them for 3 decades.
- This work, or a phase of it, was apparently occurring when we all toured their facility.
- Brenda shared that the reasons given by Mrs. Horsley for the selection of another firm for the "current project" was our lack of responsiveness and our fees. This was following the project explained above. We agree the responsiveness or timeliness on that last project with CCCH was drawn out and difficult, in our opinion solely due to the general and sub contractor relations and organization, of which we had no responsibility for or authorization to impact beyond the tools afforded us in the Owner / Contractor Agreement. As for fee we were not given the opportunity to provide a fee for consideration or negotiation. And we fully respect the right of the Commissioners to select whomever they desire for their work. It has been an honor to serve them and would look forward to the opportunity again in the future.

In the interview I stressed good communications as a critical factor to the success of a project. This is a good example of that point. If we had been informed about the current project during the question period we could have clarified that we are not involved in a current project at Caribou County Courthouse, nor were we aware of one. The question was apparently referring specifically to information that we didn't have and was not shared with us when the question was asked. Thank you for the opportunity to clear up the communications on this matter.

We wish you the very best in your efforts and deliberations on selection of the best firm to lead you through a thorough and engaging process in the design and construction of the best facilities possible, in serving the needs of the County for many years to come.

My apologies for the long email. If there are still questions please contact me

Thanks again.

Jerry T. Myers
Principal, Architect, AIA, NCARB

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From: Brenda Farnworth <bfarnworth@lincolncountyid.us>
Sent: Tuesday, July 9, 2019 8:42 AM
To: Jerry Myers <jerry@myersanderson.com>
Subject: RE: Clarification

Thank you Jerry for the clarification, there was a mis-understanding in what your answer was.
Brenda

From: Jerry Myers [<mailto:jerry@myersanderson.com>]
Sent: Monday, July 8, 2019 10:27 PM
To: Brenda Farnworth
Subject: RE: Clarification

Brenda,

No we are not serving as the architect on a current project at the Caribou County Courthouse.

Are you referring to the question "have we as the architect ever been dropped by a client," interpreted as have we ever been dismissed or had a contract terminated on a specific project? The answer was no, we have not. We were not aware of any significant non maintenance projects that have been done on the Caribou County Courthouse since the last project we finished approximately 2.5 years ago which involved the judge's chambers renovation, some mechanical work, the front entry and the windows replacement. Randy, the Facilities Manager, did call a while ago and asked for a copy of the mechanical and electrical drawings for some maintenance work, which we forwarded. We have heard nothing more.

Relative to the further question on Caribou County Courthouse and a current project, we are not the Architect. We were not aware that there is a current project. I do not believe we had seen an RFP or contacted concerning a new project at the Courthouse. Tonight I called the County Prosecuting Attorney, Doug Wood, as he is someone I know well and had his cell number, and he informed me that there is a current project under construction. It involves some remodeling on the main floor. He could not recall the name of the architect under contract. He said he thought there was an RFP published for the work but I do not recall seeing it. We may have missed it if it was just in the local paper. I will check this out when I get to the office in the morning to confirm if we saw an RFP or responded.

We have had the opportunity to serve as their architect on numerous projects over the years. There was not an exclusive agreement. The scope of work and contract agreements were for individual phases of work as funding was available. The Commissioners certainly had the opportunity to hire whichever firm they desired. If we missed an RFP and did not submit then that is our fault.

First thing in the morning I will look at our files and verify if we did or did not receive an RFP and if we did or did not submit on the project, and the details. I will get back to you on the details.

The simple answer to this question is we have not been dismissed from any project for any reason. We are not the architect on a current project with Caribou County. Nor did I recall being aware of a current project ongoing at the Caribou County Courthouse.

Sorry if there was any confusion on this. There was no intent to infer we were the architect on a current project.

Thank you.

And thanks to you and the Commissioners for the opportunity to meet with you all today.

Jerry T. Myers
Myers ■ Anderson

From: Brenda Farnworth <bfarnworth@lincolncountyid.us>
Sent: Monday, July 8, 2019 5:14 PM
To: Jerry Myers <jerry@myersanderson.com>
Subject: Clarification

Jerry,
Just a clarification on an answer to a question that Commissioner Hubert asked.

Are you the architect for the current project for the Caribou County Courthouse?

Brenda Farnworth
Lincoln County Clerk
111 W. B Street, Ste C
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bfarnworth@lincolncountyid.us