Commissioners
4 Corners and More

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Boards/Committees/Commissions

• Fair Board and P&Z
  • Statutory duties
  • Statutory process to appoint/remove
  • Appointed for terms by statute

• Committees/boards appointed by the commissioners
  • Comply with open meeting rules
  • Recommendation only for the most part

• Groups advising other elected officials

• Staff – including other elected officials
Statutory Guidance

- P&Z Commissions
  - 2 year resident in the County, 3-6 year terms
  - Recommending or final decision based on statutes and ordinances
  - Processes set by statute and the courts – very narrow
  - With authority from the county may expend funds/hire staff
  - Specific conflict statutes are broad – apply to commission and BOCC

- Fair boards – specific duties (Except Ada and potentially Canyon)
  - Manage the fair property and hire employees
  - Money – part of budget but “becomes a taxing unit”
  - Has contract, concession and prize authority
Boards/Committees in General

- Take care in appointments
  - Select those who can work with others
  - There is a reason you were elected
  - Don’t appoint to “get them out of your hair”

- Provide staff – if you can’t staff don’t create (meetings, records etc.)

- Make sure they are trained

- Legal guidance???

- Recognize their contributions
County Legal Services – The Civil Side

- Duties of elected prosecuting attorney – Idaho Code §31-2604

- Idaho Code §31-813 Board of County Commissioners are authorized to control suits involving the county

- Rules of Professional Conduct:
  - Diligence/competence required
  - Who is the client? Answer: the county
  - What happens when the relationship breaks down?
    - Is compensation adequate to expect competent performance?
    - Rare relationship – legal counsel isn’t chosen by you – compare to public defender
    - Is I.C. §31-813 complied with? Do commissioners control suits?
The Current State of County Legal Services

• Strengths
  • Cost
  • Availability (in theory)
  • Certainty

• Shortcomings
  • Focus/Attention
  • Communication
  • Specialized knowledge?
What Could Improve the Relationship?

• Scale of 0-10 – how rank current situation in your county?
• Paying for legal services out of own pocket? – continue?
• Communication? Would discussion help? What else?
• Staffing level (is it plausible?)
• Specific training in specialized subject matter?
• Different style – more or less aggressive?
• Make civil needs a priority? How?
Commissioners-The Joy of Personnel

Ultimate responsibility

Limited authority
Personnel Management

• Role of the Governing Board
  • Adopt a personnel policy and keep updated
  • Adopt other policies such as:
    • Use of vehicles.
    • Purchasing – who, when, how much.
    • Computer usage to include internet and e-mail.
  • Adopt the budget to include salary/wage rates
  • Hire the managers of non elected official departments
Power of the Board

• Acting as a board - in a posted meeting on the agenda in the minutes
  • Adopt a personnel policy that “does not go too far”
  • Set budget including wages and salaries – how detailed?
  • Provide for benefits
  • Hear certain employee issues?

• Working as a team
  • All of the above powers are best carried out if all involved in the process
  • There will be exceptions - allow or provide for those in the policy
  • Regular/participatory meetings are a great tool
  • Ask for help - CYA, IAC, ICRMP and other counties
Decisions – or Not

• BoCC – multiple responsibilities
  • Legislative – from Idaho constitution
  • Administrative
  • Quasi-judicial

• Idaho has created a variation of the “classic” commission form
  • 3 independent executives – health, public works & public safety
  • Each could make decisions in unique realm
  • Idaho has 3 equals – and open meeting law

• Open meeting law makes everything interesting – regarding compliance

• When is Board action required?
Sideboards of Possible Decisions ...

- Commissioners must make decisions in meetings unless “ministerial or administrative actions necessary to carry out a decision previously adopted in a meeting held in compliance ...” Meaning?

- When opening meeting law compliance is needed you must have:
  - Meeting notice
  - Specific agenda
  - Minutes
  - Lawful meeting place

- How are agendas developed?

- Penalty for non-compliance – action taken is void
Safeguards to Assure Compliance

• Some of these suggestions are pure heresy – assuring proper commissioner procedures was a most challenging task

• Schedule meetings where decisions will be made – consider evening meetings once in a while

• Be cautious about “running calendar” meetings

• “Polling the Board”- just say no

• Beware of three signature lines on any document – invitation to open meeting law violation

• Be very conscious of the agenda change legal requirements

• Look at considering changes to the statutes that might better conform to what you actually do