EVERYTHING ELSE IN A NUTSHELL

PLANNING AND ZONING
LOCAL LAND USE PLANNING ACT

- Enacted in 1975 – modeled after American Law Institute (ABA) prototype
- Change in 1980 – Cooper v. Ada County – Requires quasi-judicial procedures for site-specific applications
- Blaha v. Board of Ada County Commissioners (2000) – Exclusive jurisdiction outside city rests with board of commissioners

COMPREHENSIVE PLAN

- Serves as policy foundation
- Future land use map provides general guidance
- Can be changed when governing board determines necessity
- Roughly comparable to Constitution
- Must address seventeen (17) required components-failure to do so can lead to judicial reversal
- Should check status of comprehensive plan at least every five years – not law, just good practice

Why should you care?
IMPLEMENTATION TOOLS

- Zoning ordinance
- Subdivision ordinance
- Special permits - measure of discretion
- Standards requirements

COUNTIES AND CITIES DIFFER

- Different scale – macro v. micro
- Doctrine of separate sovereignty – establishes jurisdiction
  - Counties exclusive in unincorporated area
  - Cities exclusive in city limits
- Area of City Impact provides options for cooperation because jurisdiction is so clear – and so contrary to real life
- Urban development is to be served by cities
## PRACTICAL CONSIDERATIONS

- Keep the politics in mind – county officials don’t have authority in cities; city officials don’t have authority outside
- Keep administration simple
- Personalities can make a difference – try to steer around hostility
- Not a one-and-done process; communication must be constant
- Patience – some decisions may be adverse

## PUBLIC HEARING PROCEDURES

- All favorable evidence first – applicant, staff, sign-up sheet messages, supporters and neutrals (present evidence)
- Contrary evidence by opponents (present evidence and rebut supporters)
- Rebuttal by applicant (only the applicant)
- Written decision (or recommendation)
- Possibility of appeal – procedures now detailed
DECISION STANDARDS

- Criteria for consideration need to be in your ordinance
- Applicant for permit should know what target at which to shoot
- Do public hearings assist you to reach a sound decision?
- Is it more of a “check the box” exercise?
- How can you foster understanding – or at least avoid misunderstanding?

HIGHWAYS
SUPERVISION OF ROADS AND BRIDGES

- BOCC to lay out, maintain, control, and manage public roads and bridges within county.
- Levy taxes to maintain county roads and bridges.
- If a highway district is formed, county no longer for roads and bridges within district boundaries.

CHALLENGES

- $280+ million statewide maintenance shortfall.
- Many bridges on local system are weight restricted.
- Federal funding through SRS is declining.
- Property taxes levied for general road and bridge maintenance must be shared with cities.
SOCIAL SERVICES

MEDICALLY INDIGENT

- Counties responsible for first $11,000 of health care expenses for medically indigent.
  - State pays expenses above $11,000
- Counties bear full cost of involuntary mental health commitments
OTHER SOCIAL SERVICES

- Indigent burial
- Utility assistance
- Rental assistance
- Behavioral health/crisis centers
- Elderly assistance
- Etc.

PUBLIC DEFENSE
RIGHT TO COUNSEL

- Both the US and Idaho Constitutions grant the accused the right to counsel.
- Public Defense Commission is charged with general oversight and rule making authority for public defense in Idaho.
- Idaho Legislature has delegated the responsibility to provide public defense to counties.
- Board of commissioners oversee/fund public defense.
  - Challenges and conflicts

PUBLIC DEFENSE DELIVERY

- County institutional office
- Joint county institutional office
- Contract with private defense attorneys
PUBLIC DEFENSE FUNDING

- County funding sources
  - Current Expense Levy
  - Justice Levy
  - Charity (Indigent) Levy
  - District Court Levy
  - Revenue Sharing
- State grant funding
- Funding challenges

PUBLIC HEALTH DISTRICTS
WHAT ARE PUBLIC HEALTH DISTRICTS?

- Governmental entities created by the state (but not a state agency)
- Provide basic services of public health education, physical health, environmental health, and public health administration.

GOVERNANCE

- Each BOCC appoints a board member
- Appointments confirmed by a majority vote of all BOCC’s in the district.
- Board members serve five year terms.
- Members of district health board select chair and vice chair.
HEALTH DISTRICT FUNDING

- Funding sources:
  - State general funds
  - Annual county contributions
  - Fees for service

CONSOLIDATED ELECTIONS
COUNTY CLERK IS CHIEF ELECTION OFFICER

- Oversees virtually all local government elections
- Oversees state primary and general elections at local level
- Elections held in March, May, August, and September
- State provides $4+ million in election consolidation funding assistance
- IACRC will hold first ever elections conference with Secretary of State in January

EMERGENCY MANAGEMENT
COUNTY EMERGENCY MANAGERS

- Each county to maintain a disaster agency (or participate in intergovernmental disaster agency).
- Oversees the work of disaster prevention, preparedness, response, and recovery.
- Each county (or intergovernmental agency) shall prepare and keep a current disaster emergency plan.

PROBATION SERVICES
MISDEMEANOR PROBATION SERVICES

- BOCC provides for and supervises misdemeanor probation services (as ordered by courts)
- Supervision functions prescribed by administrative district judge
- Not obligated to fund services beyond supervision fees collected

JUVENILE PROBATION

- Courts appoint juvenile probation officers.
- Appointment can be by contract or may appoint individuals to serve as probation officers.
- Juvenile probation officers serve at county expense (with concurrence of BOCC).
BIDDING AND PROCUREMENT

THE BASICS

- Value purchases (not just price) - up to $50K - no bid required
- Simplified competitive bids (3 vendors required - informal)
  - $50K-$200K for public works
  - $50K-$100K for personal property
- Full competitive bids
  - Over $200 for public works
  - Over $100K for personal property/services
MORE BASICS

- New Public Works Contractor limit - $50K
- New RFP process – for problem solving
- Piggy-backing simplifies – avoid specs
- Expanded exceptions to price alone

UNDER $50K – VALUE DRIVEN

- Not guided solely by lowest price
- Budget compliance-appropriated?
- Approval to spend?
- Key principle – seek the best value – Assume you will have to explain your rationale in public
BASIC RULE – OVER $50K
PRICE MAKES THE DECISION

- Different procedures to get to lowest price
- Listed exceptions – quality or value can prevail over price
- Public works construction – special procedures and new limits
- Personal property/services – similar to public works procedures – new limits
- New RFP process for personal property
- Services – some unique exceptions

$50K AND OVER
IT’S ABOUT MONEY

- General rule – must buy at lowest price – not max value
- Procedures to determine price
- Defense to lowest price – specifications
- Greatest risk – procedural inconsistency
- If not taking lowest bid, or if taking lowest bid and waiving nonconformity – CYA (consult your attorney)
EXCEPTIONS TO PRICE-DRIVEN PURCHASES

- Piggybacking – more later
- Purchase over $50K – don’t split purchase to avoid bidding
- Personal services – individual skills
- Professional services
- Interest in real property
- Procurement of insurance
- Participation in joint powers agreement

MORE EXCEPTIONS (ADDED IN 2017)

- Goods bought for resale
- Travel and training expenses
- Purchases from Idaho Correctional Industries
- Heavy equipment repair
- Software systems
- Public utilities
- Jail food
- Auction purchases may be authorized by governing board
WHAT IS PUBLIC WORKS CONSTRUCTION?

- Building something (building, pipeline, roadway, park, canal, etc.) – public agency owner
- Must use licensed public works contractor and subcontractors if complete job is over $50,000. ($10,000 before 7/1/17) – big consequences
- Why does it matter?
  - Law requires
  - No lien authority
  - Requires payment and performance bond (alternative to lien)
- Bidding on public work without license or contracting with unlicensed contractor is a crime

PUBLIC WORKS CONSTRUCTION – SMALL PROJECTS

- Costs between $50K to $200K
- Abbreviated process – minimum of 3 days or more
- Describe work in narrative – don’t need detailed plans
- Agency may choose the three (3) licensed contractors to submit bids
- Must be in writing – can use email, fax, sealed bid – must keep for 6 months
- Must take lowest price if it complies with request
PROCEDURES - LARGE PROJECTS

- Over $200K
- Full competitive bidding
- Publish notice in official newspaper
- Can use pre-qualification process
- Plans and specifications needed
- Sealed bids – open in public at noticed time
- Award to lowest qualified bidder
- Provide notice and opportunity for hearing if not to low bidder

BUYING PERSONAL PROPERTY/SERVICES

- Same procedures as public works bidding
- Different threshold for semi-formal bids - $50K - $100K
- Specifications are critical
- Often raises questions of multi-year contracts
- Be wary of “or equal”- only allow for all bidders with change before opening bids
**PIGGY-BACKING PURCHASE OF GOODS**

- Rely on competitive bidding by other qualified agency – vendor must have been low bidder
- State of Idaho, Idaho local governments, GSA and other Federal competitive procurement – not local government in another state.
- Avoids need to develop specifications and costs of bidding process
- Best source is product salesman
- Should have prior governing board approval

**MUCH MORE TO COME**
FUTURE LEARNING OPPORTUNITIES

- Midwinter Legislative Conference
- Spring Budget and BOE Trainings
- Summer Affiliate Meetings
- September Annual Conference

QUESTIONS?
YOU MADE IT! THANK YOU! TRAVEL SAFE.