

# EVERYTHING ELSE IN A NUTSHELL



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# PLANNING AND ZONING



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## 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*
- *Blahe v. Board of Ada County Commissioners* (2000) – Exclusive jurisdiction outside city rests with board of commissioners



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## 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?



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## IMPLEMENTATION TOOLS

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



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## 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



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## 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



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## 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



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## 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?



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## HIGHWAYS



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## **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.



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## **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.



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# SOCIAL SERVICES



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## 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



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## **OTHER SOCIAL SERVICES**

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



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## **PUBLIC DEFENSE**



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## 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



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## PUBLIC DEFENSE DELIVERY

- County institutional office
- Joint county institutional office
- Contract with private defense attorneys



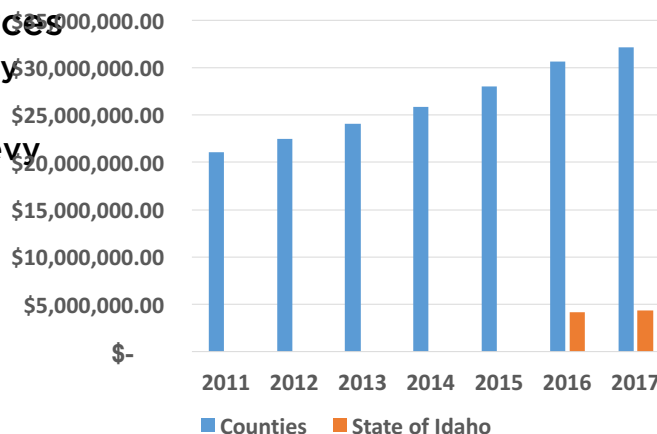
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## PUBLIC DEFENSE FUNDING

- **County funding sources**

- Current Expense Levy
- Justice Levy
- Charity (Indigent) Levy
- District Court Levy
- Revenue Sharing

- State grant funding
- Funding challenges



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## PUBLIC HEALTH DISTRICTS



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## 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.



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## 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.



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# HEALTH DISTRICT FUNDING

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



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# CONSOLIDATED ELECTIONS



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## 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



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## EMERGENCY MANAGEMENT



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## 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.



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## PROBATION SERVICES



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## 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



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## 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).



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# BIDDING AND PROCUREMENT



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## 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



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## MORE BASICS

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



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## 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



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## 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



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## \$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)



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## 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



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## 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



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## 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



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## 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



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## 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



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## 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



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## 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



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## MUCH MORE TO COME



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## **FUTURE LEARNING OPPORTUNITIES**

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



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## **QUESTIONS?**



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**YOU MADE IT! THANK  
YOU! TRAVEL SAFE.**



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