**Idaho Capital Crimes Defense Fund**

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MEMBERS PRESENT: MEMBERS NOT PRESENT:

District 2: Commissioner Doug Zenner District 1: Commissioner Glen Bailey

District 3: Commissioner Mark Rekow District 6: Commissioner Greg Shenton

District 4: Commissioner Paul Christensen, Chair At-Large: Commissioner Dave McGraw

District 5: Commissioner Ladd Carter

Administrator: Kelli D Brassfield, Idaho Association of Counties

IDAHO CAPITAL CRIMES DEFENSE FUND

BOARD OF DIRECTORS

MINUTES

Tuesday, June 6, 2017

11:00 am to 1:00 pm

Shilo Inn ~ 780 Lindsay Blvd ~ VIP Room

I. CALL TO ORDER-ROLL CALL-OPENING COMMENTS

* Minutes

***Doug Zenner made a motion to approve the minutes from the September 2016 meeting. Greg Shenton seconded. Motion carried.***

II. CONSIDERATION OF APPROVAL OF EXPENSES (Executive session under Idaho Code 74-206(1)(d), 74-104(2)).

***Doug Zenner made a motion to go into executive session under Idaho Code 74-206(1)(d) and 74-104(2). Mark Rekow seconded. Motion carried.***

Cases to be discussed:

* *2016-01 – yes*

*Kelli Brassfield stated that at the last meeting the CCDF approved $18,225.04 but the claims were not paid due to a email error. Kelli Brassfield forgot to send the approval to Amanda Pendleton for payment. This $18,225.04 will be paid after this meeting, along with other claims if approved.*

*Kelli Brassfield stated that there are claims from the September meeting that IAC received verification for in the amount of $4,914.42. Kelli also received claims for orders in the amount of 43,060.42. The total request in claims is $47,974.84.*

* *2016-02*
* *Kelli Brassfield stated there are no new claims for this case.*
* *2016-03*
* *Kelli Brassfield stated that there were claims, totaling the amount of $23,009.29, from the previous meeting (02/07/2017) that needed more clarification because the dates were uncertain and the expense category was unknown. At the 02/07/2017 meeting there were $41,016.44 claims that were verified and should have been approved. CCDF approved the $23,009.29 instead of the $41,016.44 amount. The $23,009.29 will be put toward the $41,016.44 if approved.*

*Kelli Brassfield stated that there are verified claims sent to CCDF for current meeting in the amount of $73,330.42. The amount that needs to be approved for payment is $73,330.42 less $23,009.29 to total $50,321.13.*

* *2016-04*
* *Kelli Brassfield stated there are no new claims for this case.*
* *2016-05*
* *Kelli Brassfield stated there are no new claims for this case.*
* *2016-06*
* *Kelli Brassfield stated there are no new claims for this case.*
* *2017-01*

*Kelli Brassfield stated that CCDF typically pays for one attorney that is death penalty qualified and that is the higher cost if there are two. This case has two attorneys. At the 02/072017 meeting the CCDF approved non-allowable expenses for the second attorney. With the new claims submitted to CCDF, the total allowable is $54,096.94. The non-allowable amount ($29,024.00 for second attorney) approved at the 02/07/2017 meeting should be deducted from total to give a verified amount total due of $25,072.94.*

11:21am - out of executive session

***Doug Zenner made a motion to approve $47,974.84 for case 2016-1. Ladd Carter seconded. Motion carried.***

***Greg Shenton made a motion to approve $50,321.13 for case 2016-3. Mark Rekow seconded. Motion carried.***

***Mark Rekow made a motion to approve $25,072.94 for case 2017-1. Doug Zenner seconded. Motion carried.***

III. REVIEW IDAHO CRIMINAL RULE 44.3

Kelli Brassfield updated the board on Idaho Criminal Rule 44.3. This rule clarifies how many attorneys can be appointed to an indigent individual in a capital case. Judges are able to appoint two attorneys for these cases. If two attorneys are appointed, there is “Lead Council” and “Co-Council.” This rules also clarifies the qualifications for each attorney.

IV. IDAHO CAPITAL CRIMES DEFENSE FUND GUIDELINES AND POLICY FOR REIMBURSEMENT

* POLICIES, PROCEDURES and JOINT POWERS AGREEMENT AMENDMENTS

The CCDF Board discussed the allowable attorney expenses. The Board clarified that allowable expenses for attorneys are for the higher paid attorney that is death penalty qualified, by qualifications in Idaho Criminal Rule 44.3. CCDF will only pay for one attorney. The Board also discussed procedures that Prosecutors will follow, as well as processes for IAC staff.

The CCDF Board determined that part of the procedures, there will be an application process. Counties that have sought capital punishment will need to complete an application with items attached prior to being considered for payment. Items to be included in the application will be the notice to seek the death penalty, per-diem rates for respective county and any other related/relative documentation.

The CCDF Board also discussed making changes to the Joint Powers Agreement. It was determined by the Board that under Article XI. Powers and Duties, #21 should be amended to make an annual report available if requested by the governor, legislative council and chairs of the germane legislative committees. #21 shall read, “To provide an annual report to the governor, legislative council and chairs of the germane legislative committees, if requested.

There will be addition of duties. #22 shall read, “To file one (1) copy of completed audit report with the Legislative Services Office, within 9 months after the end of the audit period, pursuant Idaho Code 67-450B.

V. OTHER BUSINESS

* BUDGET

Dave McGraw stated that the interest income might be higher than what is listed and so does not feel that the CCDF should not assess dues.

***Dave McGraw made a motion to approve the FY18 CCDF budget and to include no assessment dues. Mark Rekow seconded. Motion carried.***

***Greg Shenton made a motion to adjourn. Ladd Carter seconded. Motion carried.***