

Idaho Association of Counties
Legislative Committee Meeting Agenda [DRAFT]
3100 S. Vista Ave., LGC room | Boise, Idaho | January 4, 2017 | 1:30 pm
Call in # 208-717-1950

Members Present:

Chair: Joe Larsen, Cassia Clerk
Vice-Chair: Jim Tibbs, Ada Commissioner
IACC: Terry Kramer, Twin Falls Commissioner
IACRC: Carrie Bird, Clearwater Clerk
IACT: Donna Peterson, Payette Treasurer
ISA: Chris Goetz, Clearwater Sheriff
ISA: Alt. Vaughn Killeen, ISA Executive Director
ISACC: Dotti Owens, Ada Coroner
District 1: Dan Dinning, Boundary Commissioner
District 2: Chris Goetz, Clearwater Sheriff
District 2: Alt. Pat Vaughan, Latah Assessor
District 4: Helen Edwards, Gooding Commissioner
District 5: Ladd Carter, Bingham Commissioner
District 6: Alt. Shelly Shaffer, Butte County Clerk

Members Not Present:

IACA: Justin Baldwin, Gooding Assessor
IPAA: Bryan Taylor, Canyon Prosecutor
Holly Koole, Ada Deputy Prosecutor
ISACC Alt. Pam Garlock, Boise Coroner
District 1 Alt. Dan Green, Kootenai Commissioner
District 3: Gordon Cruickshank, Valley Commissioner
District 3: Alt. Vicky McIntyre, Ada Treasurer
District 4: Alt. Larry Schoen, Blaine Commissioner
District 6: Abbie Mace, Fremont County Clerk

Other Guests:

Kelli Brassfield
Teresa Baker
Lorna Jorgensen
Larry Manely

- 1:30 pm **I. Call to order** - Chair Joe Larsen
- A. Introductions
 - B. Approval of November 30, 2016 Minutes.
Donna Peterson made a motion to approve the minutes from November 30, 2016. Helen Edwards seconded. Motion carried.

1:35 pm

II. IAC Legislative Committee Structure/Process (Review)

A. Meeting Schedule

B. Presentation of county related bills.

Joe Larsen mentioned that as an association we have clear objectives and we need to stick to those even though it can be easy to stray. Joe asks that everyone please review the framework on the website:

<http://idcounties.org/committee/legislative-committee/>

1:55 pm

III. IAC Legislative Resolution Priorities (Update w/ possible action)

A. Early Voting

Kelli Brassfield asked the committee if there were any suggestions for sponsorship of this bill. Carrie Bird mentioned that Mary Lou Hansen might have approached Rep. Loertscher. Kelli Brassfield will follow up with Mary Lou.

B. Missed Property Roll

Kelli Brassfield asked about sponsorship. Donna Peterson said she will speak with Senator Lee to see if she would be willing to carry this bill for us. Thank you, Donna.

C. Open Meeting Notification

Teresa Baker stated that IAC will be working with committee chairman to find sponsors. She mentioned that sometimes the chairman will hand off easier legislation to newer legislators. Joe Larsen asked we make sure we don't overlap.

D. Recording Fees for Irrigation Districts

Kelli Brassfield discussed the emails received by the workgroup. The workgroup members are still stuck on the fact that they believe filing and recording are not the same thing and they do not see the legislative intent of the statute to reflect that. The workgroup does not believe the legislative intent should be changed. Norm Semanko asked if the clerks would be willing, and if it would fix the problem, if there were a sentence added to the end of the statute to say "Any district that wishes to have the list recorded (optional) would pay the standard county recording fee.

Carrie Bird stated that the clerks' view filing and recording as the same except when filing the original is kept. Dan Dinning wanted to know if the fees are the same. Carrie stated that she believes they are because they are the same thing as almost all processing has moved to electronic and most counties don't have hard copies anymore.

Joe Larsen asked Carrie Bird to work with Patty Temple to give us more information.

E. Records Retention for LE media

Teresa Baker stated that Terry Derden met with her and they have been having ongoing discussion with ACLU to come up with model language. There is another conference call on Friday, January 6, 2017. The group is going to take a look to see if they can incorporate some of the information from the ACLU to make them more comfortable with our legislation.

Chris Goetz says he thinks no one is currently following the statute because they can't afford the space and I think others understand that. Most have not deleted anything because they have not been clear on when we can. So, clarification will definitely help.

Vaughn Killeen mentioned that this legislation is an absolute minimum and it will help us get to a place where we can follow the statute.

F. Rule of 80

Teresa Baker stated that the dispatchers wanted to be added and they have been vetted and now they are included in this legislation. We have had a request for us to consider adding the prosecutors to this legislation. She didn't think it is politically feasible at this time because of the process we need to go through.

Donna Peterson said that Abby Lee doesn't think this bill has a chance this year because there are too many people who want to be added to the list. Teresa Baker reminded everyone that we have to remember that all the individuals that are included are closely related as they are all POST certified and the dispatchers were once there.

Donna Peterson said Abby Lee stated that IDHW wanted to be included also because of their caseworkers that go out to people's homes. They feel that they are in a stressful work environment and should be given the same option.

Chris Goetz stated that he was a little concerned because the prosecutors didn't bring this up earlier. They were at the annual conference and knew this was happening. Why didn't they ask to be added at that time?

Dan Dinning asked if the draft has any opposition today, other than Abby Lee. Donna Peterson mentioned that she didn't know if Abby's position/opposition is about the bill itself or just concern about the number of requests that she has had.

Helen Edwards wondered about the fiscal impact to the counties. Joe Larsen stated that it seemed to him that through the presentation at the Intergovernmental Affairs Committee, the impact is more to the

employees, not the counties. Vaughn Killeen said that according to the resolution the financial impact is a \$100K cost to the employers which includes the state employers, so we are looking at about \$75K to the counties.

Ladd Carter stated that he supports this because the fiscal impact is not significant to the counties.

G. Whistleblowing/Protection of Employees

Teresa Baker stated that she is still looking for a sponsor and is looking for suggestions. Please email her if you have someone in mind.

H. Equity Funding/Magistrate Court

1. Court Decision Review
2. Fiscal Impact

Joe Larsen expressed appreciation for the work that Ada County has done and the complications that this work may present for the relationships between the counties and the cities. This issue centers on the obligation of municipalities and an order from a long time ago. We need to make sure that we take into consideration the sensitivity of all legislation and the good of all relationships involved. We also need to make sure that the best interest of the counties is kept in mind as well as the other components.

Teresa Baker stated that once we received the decision from the courts we moved forward with this to see if we can get this moved through the legislature. Teresa stated she had a minimal discussion with Seth and they want to work together to get this done and think there may be a possibility of raising fees to help with this situation. There is a little draft that would clarify the statute to make sure all parties know who is responsible for what in regards to paying. This would allow each county with their courts to decide what is best for their individual county. This would also allow a local solution instead of involving the legislature for every dispute.

Jim Tibbs stated that it was his understanding that there were concerns about the relationships and the fee structure and so it was nice to work with Commissioner Christensen from Bonneville County to find a solution at the local level. The judges like the idea of having the authority to fix this and think they would be able to. This new draft takes the politics out of the situation and places it with the judges. The Ada County Commissioners support this.

Chris Goetz made a motion to remove this legislation from being tabled and add it back to our priorities. Donna seconded.

Donna Peterson stated that she likes that this takes into account the proportionate share but was curious when it would be reviewed. She stated that this order has been in place for a long time and the cities have

not complied. She also asked if we think we need to have a consequence for not complying.

Jim Tibbs felt if the city use goes above 10% they should become part of the family but if they are under that then maybe as a policy, not in statute, the judges could take another look at it. Donna Peterson asked if maybe then there should be a trigger. What will make them look at it?

Teresa Baker stated that it might be better to be a little broad to start with. She understands wanting it, and maybe every three years could work, but I would like to have a little flexibility to get moving.

Joe Larsen suggested, maybe saying “every three years or as the judges see fit” and Dan Dinning suggested “as the courts seems appropriate.”

Teresa Baker will be working jointly with AIC to come up with a solution that works for both Associations.

Joe Larsen asked if there was any further discussion and called for a vote.

Motion carried.

2:30 pm

IV. Non-IAC Legislation (Discussion)

A. 63-602NN

Kelli Brassfield stated that there is no new information and is going to be following up with Rep. Kerby.

B. Flat Recording Fee

Kelli Brassfield stated that the ILTA is looking for a decision soon. They have reduced the number of pages threshold to 30 pages. Kelli sent out a survey to see how many counties support this legislation.

Carrie Bird mentioned she wanted to know how they felt. It is interesting to know that more kind of oppose. Joe Larsen stated that he thinks the survey helped with the idea of taking a position and Carrie Bird stated she is ok with an opposition.

Joe Larsen suggested the possibility of soliciting more survey answers. Joe asked Kelli to work with Martin Bilbao to see where they will go.

Dan Dinning mentioned that he still didn't understand why we are really against it. Joe Larsen answered stating that there is a lack of revenue neutrality. It could make some counties lose money.

Carrie Bird also answered with: Some of the counties were already upside down. The documents clerks receive currently fit into one category. With the change, the clerks will spend more time trying to figure out what category the documents fit into. This creates a burden

for the counties. She still don't think this is going to fix the title company's problem because she didn't see them coming to closing as prepared as they should.

3:00 pm

V. Other Business (Discussion)

Joe Larsen wanted to bring to the table that there is talk to amend I.C. 50-1310. Some individuals are questioning how the plats are being recorded. We are looking to possibly change the process in technology and the storage for plats. The hope is to possibly eliminate having a duplicate copy.

Teresa Baker mentioned that she sent out a letter from the professional surveyors about changing some language in the next session (2018). They are interested in working with us on that.

Helen Edwards stated that it is a good idea to have the real estate people in that discussion.

Kelli Brassfield asked the committee if there was an update on the ACLU bill and Teresa Baker stated the sheriffs have deferred to the prosecutors and the prosecutors have opposed it. The ACLU has said they are not moving forward with it.

Teresa Baker mentioned that Ada County has a piece of legislation on procurement and asked Jim Tibbs if he would like to discuss it. Jim Tibbs stated he would like to have Bob Perkins talk the committee.

Lorna Jorgensen had an update. She stated Ada County representatives met with the stakeholders and went through the draft and we were able to narrow the issues. Bob Perkins took comments and revised the draft and sent it out. The revisions basically increase the bid limits. Ada County is working very closely with each of the stakeholders.

Joe Larsen asked the Committee about their process for contracts. Jim Tibbs stated that their prosecutors have asked us not to get into long term contracts but if we do they would be annually renewable. The idea is to not put future commissioners in debt. There is also an Idaho Constitution concern of incurring financial liability outside of a current fiscal year.

3:30 pm

VII. Adjourn

Jim made a motion to adjourn. Donna Peterson seconded. Motion carried.