**Idaho Association of Counties**

**Legislative Committee Meeting Minutes**

IAC Washington Office, In-Person| 700 W. Washington, Boise, Idaho | January 24, 2018| 10:30 am

**Call In: 208-717-1950**

Members Present:

Chair: Chris Goetz, Clearwater Sheriff

Vice-Chair: Pat Vaughan, Latah Assessor

IACA: Justin Baldwin, Gooding Assessor

IACC: Terry Kramer, Twin Falls Commissioner

IACRC: Carrie Bird, Clearwater Clerk

IACT: Donna Peterson, Payette Treasurer

IACT Alt.: Tracie Lloyd

IPAA: Bryan Taylor, Canyon Prosecutor

IPAA Alt.: Holly Koole, Ada Deputy Prosecutor

ISA Alt.: Vaughn Killeen, ISA Executive Director

ISACC: Dotti Owens, Ada Coroner

District 3: Gordon Cruickshank, Valley Commissioner

District 3 Alt.: Vicky McIntyre, Ada Treasurer

District 4: Helen Edwards, Gooding Commissioner

District 5: Craig Rowland, Bingham Sheriff

District 6: Abbie Mace, Fremont Clerk

Members Not Present:

ISA: Kieran Donahue, Canyon Sheriff

ISACC Alt.: Pam Garlock, Boise Coroner

District 1: Dan Dinning, Boundary Commissioner

District 1 Alt.: Phil Lampert, Benewah Commissioner

District 2:

District 2 Alt.:

District 4 Alt.: Larry Schoen, Blaine Commissioner

District 5 Alt.: Ladd Carter, Bingham Commissioner

District 6 Alt.: Shelly Shaffer, Butte Clerk

Guests:

Seth Grigg, Executive Director, Idaho Association of Counties

Kristin Cundiff, IAC Staff

Kelli, IAC Staff

Mike Kane, Idaho Sheriff’s Association

Phil McGrane, Ada County

10:30 am **I.** **Call to order** - Chair Chris Goetz

1. Roll Call
2. Approval of January 17, 2018 Minutes.

***Gordon Cruickshank mad a motion to approve the January 17, 2018 minutes. Bryon Taylor seconded. Motion carried.***

10:35 am **II. IAC Package (Update)**

1. Justice Levy #14
   * Increase levy from .02% to .025%

Seth Grigg stated he met with Representative Luker and he is willing to have a hearing. Representative Luker stated that he would have a print hearing if there were enough votes for a full hearing. There will be more discussion with the committee members to see if this is possible. IAC staff will provide talking points so each county elected official can contact legislators to clarify what we are looking to do. The initial conversations have been positive.

1. Records Retention for LE #15 – Representative Malek
   * Update required retention timeframes

Seth Grigg mentioned that the media pointed out that we are asking for them to support our records retention legislation when we are also going to support the electronic notice, which would pull revenue from them. If we support the electronic notice, the media will oppose our records retention bill. We need to discuss how we want to approach this.

Chris Goetz stated the issue of records retention needs to be taken care of because there are many counties not able to follow current law. The electronic notice legislation doesn’t have to be done. We would just like to see it happen.

Justin Baldwin asked the committee which piece of legislation is going to save the counties more money. The records retention is going to save more money.

***Pat Vaughn made a motion to remain neutral on electronic notice. Justin Baldwin seconded. Motion carried.***

1. Delinquent Tax Payments #11 – Senator Hagedorn
   * Clean up requirement payment of delinquent taxes
2. Electronic Notice #1
   * Option to post public notices on county websites

Moving through House State Affairs 1/25/18

***Pat Vaughn made a motion to remain neutral on electronic notice. Justin Baldwin seconded. Motion carried.***

1. Interest for Supplemental and Missed Property Rolls #10 - Representative Kauffman
   * Apply interest to supplemental and missed property rolls the same as all other taxes
2. Early Voting Plan #5 - Senator Lakey
   * Allow for annual plans unless plan is modified

There may be some pushback with this in the House.

1. Election Age #6 – Senator Hagedorn
   * Reduce student poll worker age from 17 to 16
2. Federal Lands – Conservation #13
   * Provides a yearly payment of a fee in lieu of taxes for property that is accepted as a donation

Seth Grigg stated that once Commissioner Butts has a draft we will reach out with Rep. Gestrin to see if he will sponsor this. Remember that this is a congruent resolution and this would not have any affect at the state level.

1. Tax Intercept for Indigent #12
   * Allow for tax intercept for approved indigent claims

Work through the interim.

Carrie Bird asked what the concerns are with this proposal. Seth Grigg stated the biggest concern is tracking. The indigent programs don’t currently have a unified tracking system so it makes it difficult for the state tax commission to flag tax returns when the intercepts come through. We may be able to utilize the CAT program for this.

10:40 am **III. Update and Monitor**

1. Magistrate Court Funding

Seth Grigg mentioned that there are two main changes to the magistrate court funding draft:

Base amount issue - Some counties are currently receiving funds from their cities for court services. This approach would have made it so they wouldn’t receive a loss. The base we came up with that wouldn’t affect those counties is $15,000. Population and the number of citations in each county would be used to distribute the remaining funds. We have more current information from the liquor fund. The growth rate is estimated to 5+%. The spreadsheet is based on that %. About $9M would be allocated to the counties based on this information.

Strike facilities fund – The $5 that is currently allocated would go into a fund that the clerks could use where they see fit. It is ok for the clerks to still use this money on their facilities, but they are also able to use these funds for other things if needed. There is some concern around making sure commissioners do not object to using the funds for facilities. The commissioners may drag their feet a little bit.

Carrie Bird mentioned that counties need to understand by not having the facilities fund and that money is used someplace else that the district court levy could be impacted. This could create an increase in the levy if the funds are used up on things like personnel and then facilities need updated but funds are not available. Seth Grigg stated that it sounds like the facilities fund needs to stay in place and so he will take it back to the workgroup.

Gordon Cruickshank asked how do the cities feel about the current proposal. Seth Grigg stated that the cities are ready to cut a deal because they are feeling the pressure. The court hearing yesterday was hard on Meridian. So far Ada County is supportive of this and have been working with us on it.

The goal is to pass something to get counties money and to avoid future lawsuits for those cities that are not paying.

1. Inmate Costs ISA – Mike Kane

Mike Kane stated there has been a decision made to have a draft that would move counties from $45/day to $75/day. We are educating legislators that taxpayers are paying for state inmates. This is a county budgeting issue and the commissioners have to find the money in the budgets to cover the cost of the state inmates. Representative Luker is very interested in this and does not want to see the taxpayers pay for the state inmates. This is a very good sign because we are getting good feedback from leadership. There is a proposed draft. The draft proposal is for an increase to $55/day for the first seven (7) days and then would increase to $75/day after the initial seven (7) days. Mike Kane will be meeting with other leadership soon and will be working with JFAC because they may say they will only fund a little bit of this and then the draft would have to be adjusted accordingly.

The fiscal impact still needs some work but this proposal is still very positive. The courts made a presentation yesterday that helps us by saying that county jails are coming apart at the seams and we should capitalize on this.

***Donna Peterson made a motion to support the concept of increasing the county reimbursement rate for state inmates. Helen Edwards seconded. Motion carried.***

11:05 am I**V.** **New Legislative Items (Action)**

1. Personal Property Tax – IACI

Seth Grigg stated Idaho Association of Commerce and Industry (IACI) proposal would delegate the authority to the county commissioners to allow this exemption of business personal property tax. Each Board of County Commissioners (BOCC) will have the option, by ordinance, to exempt all or a portion of business personal property tax. It will further politicize the BOCC seats. This will create pressure on the BOCC to grant this exemption. It also wouldn’t require the BOCC to provide notice to the other districts of this decision. This essentially gives the BOCC the authority to affect other district’s budgets.

Justin Baldwin stated there are questions of whether this is even constitutional. There are other issues for those districts that cross county boundaries. Justin also mentioned there is no discussion of replacement money. Mike Kane stated this proposal would have the BOCC either forego the money or have a huge tax shift.

B. Rule of 80, Juvenile Justice – Juvenile Justice Commission

Vicky McIntyre asked why are others (all departments) not included. Vicky pointed out that many jobs also have times that conflict and threatening situations happen. Why do Juvenile Probation Officers deserve another premium just because they go to an academy? There are other county employees that have to have many certifications and additional trainings.

Steve Dye stated that the Juvenile Justice Commission looked at the jobs their officers perform compared to those at the state level. Steve stated the Juvenile Justice Officers are doing the same jobs as the state employees who are receiving the benefit. It is understood that other jobs can have some of the same difficulties but we are looking at just the jobs of law enforcement and the equity of the jobs.

Donna Peterson asked why the emergency clause is included in this proposal. Steve Dye stated this would give some the option to opt out of moving to the rule of 80 and without the emergency clause this does not give the option to opt out.

***Bryon Taylor made a motion to remain neutral on the proposal for Rule of 80 for Juvenile Justice Officers. Vicky McIntyre seconded. Motion carried.***

1. Notification of re-zoning – Farm Bureau

Kelli Brassfield stated that this proposal from the Farm Bureau would make clear that water users could request to be placed on the notification list for any re-zoning changes. This proposal would also require all those same water users to keep current contact information with the counties.

Seth Grigg stated there has been development and sometimes developers and/or homeowners will go into the easement and place objects that inhibit the maintenance to those easements. They want to be notified so there is more communication on joint maintenance partnerships.

***Donna Peterson made a motion to support the Notification of re-zoning proposal. Justin Baldwin seconded. Motion carried.***

1. Local Historian – Boise State University/Rep. Troy

Seth Grigg stated this proposal allows the city or county to appoint a representative as a historian of the jurisdiction. Terry Kramer asked if that appointed representative becomes a sub-committee of the BOCC. Terry spoke about the historical society in his county as they are their own board and they created a 501-c3. Terry pointed out that the counties don’t want to be held responsible (liability or fiscally) for the actions of that representative.

The committee will wait for more information from Representative Troy prior to taking any action.

1. Hunter Harassment

Seth Grigg stated there are times where the private landowners have restricted citizens from moving over their land to get to the public land on the other side. This proposal would make sure the rights of ways would stay open and let sportsman maintain access.

Mike Kane mentioned there is a proposal out there that does the exact opposite and so would advise the committee to watch carefully.

Abbie Mace stated the proposal doesn’t talk about roads. In Fremont County there has been requests to verify whether roads are public or private. Gordon Cruickshank stated in Valley County private hunters mark places they are not supposed to because they want to protect their “spot.” We have been able to work on some other suggestions/agreements to keep areas open but it is unclear in this proposal exactly what they are trying to address.

1. Public Defense Commission

Seth Grigg stated that this Public Defense Commission proposal would Add in another IAC representative (other than PA or sheriff) and another defending attorney to the commission. It is intended to keep the PA view out of it because they only cover public defense.

***Gordon Cruickshank made a motion to support the Public Defense Commission proposal. Terry Kramer seconded. Motion carried.***

1. Public Defense Extraordinary Litigation Fund (ELF)

Seth Grigg stated this proposal is intended to benefit counties. The ELF is to help counties in large non-capital cases. The law states that only the public defender (PD) may apply for these funds. The PD may not now know the budgetary affects on the county if they do not apply for these funds. This legislation would allow the PD or the BOCC to apply for these funds.

Carrie Bird asked for clarification on whether or not the county has to spend funds first before applying for the ELF. Carrie mentioned that currently counties have to apply for ELF prior to spending any county funds. The ELF doesn’t always help because the counties doesn’t know what the expense are until they are incurred. It would be helpful if counties could apply for ELF after the funds are spent. Seth Grigg is going to follow up with the Public Defense Commission to see if this is a rule and to see how we can work with this concern.

1. Lengthy Trial Juror Compensation – Rep. Gannon

Rep. Gannon stated this proposal would pay jurors $50/day for any day after 5 days. The Supreme Court is ok with this proposal. They drafted the part that reimburses the county. Representative Gannon wants to hold counties harmless. He requested some feedback on language that would help this goal.

***Carrie Bird made a motion to support the Lengthy Trial Juror Compensation if there is added language for funding to support. Abbie Mace seconded. Motion carried.***

Priority of Payment –

Phil McGrane stated the Supreme Court used the state of the judiciary to lobby their priority of payments proposal. Seth Grigg stated Ada has a meeting with the courts on Monday. There will be competing bills and there will be a need for more discussion after the meeting between Ada and the courts.

Mike Kane asked when the courts are going to move forward. Phil McGrane believes the courts will move forward soon. It was pointed out that the meeting with Ada County might not be very beneficial as the courts are very strong on that all money needs to go through Odyssey.

This proposal will be reviewed again as new drafts and information is available.

1:00 pm **V. Adjourn**