

**Idaho Association of Counties
Legislative Committee Meeting Agenda**

Conference Room| 700 W. Washington St., Boise, Idaho | January 16, 2019| 10:00 am
Conference Call 208-717-1950

Members Present:

Chair: Chris Goetz, Clearwater Sheriff
Vice-Chair: Donna Peterson, Payette Treasurer
IACA: Justin Baldwin, Gooding Assessor
IACC: Doug Zenner, Nez Perce Commissioner
IACRC: Carrie Bird, Clearwater Clerk
IACT: Tracie Lloyd, Canyon Treasurer
ISA: Kieran Donahue, Canyon Sheriff
ISACC: Lucky Bourn, Minidoka Coroner
District 1: Dan Dinning, Boundary Commissioner
District 2: Dave McGraw, Latah Commissioner
District 3: Tom Dale, Canyon Commissioner
District 4 Alt.: Brad Wills, Twin Falls Assessor
District 5: Craig Rowland, Bingham Sheriff
District 6: Brent Mendenhall, Madison Commissioner

Members Not Present:

IACT Alt.:
IPAA: Bryan Taylor, Canyon Prosecutor
IPAA Alt.: Holly Koole, Ada Deputy Prosecutor
ISA Alt.: Vaughn Killeen, ISA Executive Director
ISACC Alt.: Dotti Owens, Ada Coroner
District 1 Alt.: Phil Lampert, Benewah Commissioner
District 2 Alt.:
District 3 Alt.: Pam White, Canyon Commissioner
District 4: Don Hall, Twin Falls Commissioner
District 5 Alt.:
District 6 Alt.:

Other Guests:

Seth Grigg, IAC Executive Director
Kristin Cundiff, IAC Staff
Kelli D Brassfield, IAC Staff
Tim Hibbard, IAC Staff
Jeremy Chou, IAC Staff
Lorna Jorgensen, Ada County

10:00 am **I. Call to order** - Chair Chris Goetz
A. Roll Call

10:05 am **II. IAC Package (Update/Re-evaluate Priorities)**

IAC is going to have many issues interact with each other. Four of the issues are Medicaid, the justice levy, and indigent jail medical, and public defense.

There are no current proposals for Medicaid Expansion. There is a lot of discussion around what those proposals could look like. There have been many conversations that could include the CAT program and the indigent program. It is known that the repeal of CAT would be ~\$20M, plus ~\$20M at the county level and about \$7M in administration and legal. There is a potential of \$27M savings at the county level. Some counties have indigent clerks that have many other functions so rural counties may not see the bigger admin savings. If the CAT and indigent programs go away there is potential to use the levy for the justice related expenses including public defense. It may be necessary to decrease the indigent levy to get an increase in the justice levy cap.

The repeal of the CAT and Indigent programs could affect the counties ability to pay for mental health and indigent jail medical as well. There may be a need to have a levy for these. In regards to indigent jail medical, the focus will need to be on pretrial release. The legislature is going to lean on the counties being responsible for any incident that happens while the individual is in jail.

If counties do not have a justice levy and the indigent levy is repealed, they would either need to use their current expense fund or they will need to create a justice levy. With the repeal of the indigent levy, counties using that levy for public defense would need to move those expenses to the justice levy and hope that the increase is enough to cover it. If not they would need to utilize their current expense.

Public Defense:

The Public Defense Commission (PDC) rules were amended in November. For the last couple of years there has been many discussion about moving to a state based system. If there is a state based system, there needs to be a funding mechanism. The conversations have included whether or not counties would be willing to give some funding to this concept. Those with institutional offices will need to take a better look at what they have and consider the pros and cons of the state based system. Some discussions have also included whether or not to use revenue sharing as a funding source. If revenue sharing is used, the cities would be impacted as well. It is uncertain if the cities would be willing to participate.

Some concerns around the funding/levy changes are that the increase in the justice levy may still not cover the costs of public defense. Clearwater County is levying 50% of their indigent levy to pay for public defense and for FY18 their costs were relatively high. In years like Clearwater County's, there should be another way to look at the costs. A three-year rolling average may be a way to give a better representation of county costs.

Health and Human Services

HHS-02 Jail Medical:

Intergovernmental Affairs

IG-01 Mail Ballot for Bond Election Dates:

- To change March and August bond elections all-mail ballots.

The Secretary of State's office is not on board and staff recommends tabling this.

Tom Dale made a motion to table IG-01. Donna Peterson seconded. Motion carried.

IG-04 Mail Ballot Threshold:

- To increase mail ballot precinct thresholds from 125 to 190 registered voters.

Rep. Crane has decided he is willing to entertain a proposal in regards to the mail ballot threshold. In conversations with Rep. Crane the idea of a buffer after the threshold would help. Rep. Crane said he would like to see a draft with the threshold at 190 with a buffer to 200. When a precinct hits the 200 then it would revert back to an in-person precinct.

Carrie Bird mad a motion to add in buffer cap at 200 to IG-04. Doug Zenner seconded. Motion carried.

IG-05 Flat Recording Fee:

- To implement a flat fee for recording all documents.

Phil McGrane has been working on this. Rep. Holtzclaw is working with him to get this introduced.

IG-07 Electronic Notice:

- To give counties the option of posting public notices and agendas on their websites in lieu of the newspaper.

The Idaho Freedom Foundation drafted a proposal and they are moving forward. There should be more progress in the House but it will still be a battle in the Senate.

Justice and Public Safety

JPS-03 Tax Intercept for Debts Owed:

- To allow tax intercept on debts owed to the County that is under \$50.

Sen. Lakey agreed to RS this proposal. The only change may include having the State Tax Commission recover their mailing cost. Staff felt that was reasonable. The committee agreed with the change.

JPS-04 Odyssey and County Fees:

- To clarify those fees for pre-trial release and misdemeanor probation can be assessed and collected in Odyssey.

Since the last time the legislative committee met, the courts have started not allowing juvenile probation fees to be collected through Odyssey as well as pretrial release fees. It is recommended that the resolution include juvenile probation fees. Sen. Lakey agreed to RS; however, he is not sure whether he would support it. He would like to have the discussion though.

JPS-05 Public Defense:

- To establish a state based public defender system and to cap county spending at the 2018 levels. This cap would be in place until there is a funding parity between counties and the state.

JPS-06 Justice Levy:

- To increase the Justice Levy limit from .002 to .0025.

JPS-07 Jail Capital Improvement Optional Sales Tax:

- To change the passing threshold to 60% on sales tax for Jail Capital Improvements.

Local option is going to be a tough battle. Senator Rice does not want to entertain this. The Majority Leader in the House has said that if we bring a bill it will not get a hearing. This proposal is in draft form.

Kieran Donahue requested a meeting with Senator Rice, Seth, and Chris Goetz.

Transportation

T-02 Strategic Initiatives:

- To remove the sunset clause to create permanent funding.

Progress has been made in regards to the surplus eliminator. Jeremy Chou has been working on this. It looks like the sunset could be extended to 5 years instead of 2 years. Conversations about moving ISP from the highway distribution account and moving them to the general fund have also been going on.

10:25 am

III. Other Legislation (Update)

A. Professional Surveyors Trespass

Seth Grigg mentioned that the Professional Surveyors are looking for a coalition for support. The committee will take action next week.

B. Cooperative Purchasing

This proposal would be a benefit to counties. It clarifies the statute around cooperative purchasing. Many counties are purchasing through US communities, which was a non-profit company. It is now a for-profit company, which now the counties are limited on purchasing, as the statute only allows for non-profit only.

Tom Dale made a motion to support the cooperative purchasing draft legislation. Doug Zenner seconded. Motion carried.

C. State Tax Commission BOE Appeals

This proposal would require the State Tax Commission to provide notices to counties that they feel are out of compliance, which would facilitate negotiations sooner and it also establishes an appeals process for counties if they feel like the state BOE has erred. Some counties have wanted to appeal but there wasn't a process for that.

Justin Baldwin mentioned that the assessors are in favor of this.

Justin Baldwin made a motion to support the State Tax Commission BOE Appeals draft legislation. Donna Peterson seconded. Motion carried.

D. Overweight Vehicle Routes and Permits

This proposal established a process for counties to designate routes eligible for 129K trucks and then the counties either permit or remit the permit process to ITD. This proposal also established an appeals process for denial of permits. Counties are able to put conditions on the permits if they want. The proposal also established a grant process for those who are applying for route designation. The grant is to help cover the cost of the engineering study to determine whether or not routes are able to withstand the 129K trucks. There were questions on whether or not \$50 is an appropriate fee for the permits. Bonner County doesn't currently charge a permit fee. There is more discussion to be had on the permit fee amount.

Dan Dinning mentioned that the applicant used to pay for the analysis but it appears that counties may have to pay. Seth Grigg stated that has been a point of contention. There is a provision for a grant fund to cover the engineering cost but there isn't a funding mechanism.

The committee will review this proposal again next week.

Chris Goetz mentioned that Senator Rice has a liquor licenses proposal. The committee will review next week.

12:00 am

IV. Adjourn