

Commissioners 4 Corners and More

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Boards/Committees/Commissions

- Fair Board and P&Z
 - Statutory duties
 - Statutory process to appoint/remove
 - Appointed for terms by statute
- Committees/boards appointed by the commissioners
 - Comply with open meeting rules
 - Recommendation only for the most part
- Groups advising other elected officials
- Staff – including other elected officials

Statutory Guidance

- P&Z Commissions
 - 2 year resident in the County, 3-6 year terms
 - Recommending or final decision based on statutes and ordinances
 - Processes set by statute and the courts – very narrow
 - With authority from the county may expend funds/hire staff
 - Specific conflict statutes are broad – apply to commission and BOCC
- Fair boards – specific duties (Except Ada and potentially Canyon)
 - Manage the fair property and hire employees
 - Money – part of budget but “becomes a taxing unit”
 - Has contract, concession and prize authority

Boards/Committees in General

- Take care in appointments
 - Select those who can work with others
 - There is a reason you were elected
 - Don't appoint to “get them out of your hair”
- Provide staff –if you can't staff don't create (meetings, records etc.)
- Make sure they are trained
- Legal guidance???
- Recognize their contributions

County Legal Services – The Civil Side

- Duties of elected prosecuting attorney – Idaho Code §31-2604
- Idaho Code §31-813 Board of County Commissioners are authorized to control suits involving the county
- Rules of Professional Conduct:
 - Diligence/competence required
 - Who is the client? Answer: the county
 - What happens when the relationship breaks down?
 - Is compensation adequate to expect competent performance?
 - Rare relationship – legal counsel isn't chosen by you – compare to public defender
 - Is I.C. §31-813 complied with? Do commissioners control suits?

The Current State of County Legal Services

- Strengths

- Cost
- Availability (in theory)
- Certainty

- Shortcomings

- Focus/Attention
- Communication
- Specialized knowledge?

What Could Improve the Relationship?

- Scale of 0-10 – how rank current situation in your county?
- Paying for legal services out of own pocket? – continue?
- Communication? Would discussion help? What else?
- Staffing level (is it plausible?)
- Specific training in specialized subject matter?
- Different style – more or less aggressive?
- Make civil needs a priority? How?

Commissioners- The Joy of Personnel

Ultimate responsibility

Limited authority

Personnel Management

- **Role of the Governing Board**
 - **Adopt a personnel policy and keep updated**
 - **Adopt other policies such as:**
 - **Use of vehicles.**
 - **Purchasing – who, when, how much.**
 - **Computer usage to include internet and e-mail.**
 - **Adopt the budget to include salary/wage rates**
 - **Hire the managers of non elected official departments**

Power of the Board

- Acting as a board - in a posted meeting on the agenda in the minutes
 - Adopt a personnel policy that “does not go too far”
 - Set budget including wages and salaries – how detailed?
 - Provide for benefits
 - Hear certain employee issues?
- Working as a team
 - All of the above powers are best carried out if all involved in the process
 - There will be exceptions - allow or provide for those in the policy
 - Regular/participatory meetings are a great tool
 - Ask for help - CYA, IAC, ICRMP and other counties

Decisions – or Not

- BoCC – multiple responsibilities
 - Legislative – from Idaho constitution
 - Administrative
 - Quasi-judicial
- Idaho has created a variation of the “classic” commission form
 - 3 independent executives – health, public works & public safety
 - Each could make decisions in unique realm
 - Idaho has 3 equals – and open meeting law
- Open meeting law makes everything interesting – regarding compliance
- When is Board action required?

Sideboards of Possible Decisions ...

- Commissioners must make decisions in meetings unless “ministerial or administrative actions necessary to carry out a decision previously adopted in a meeting held in compliance ...” Meaning?
- When opening meeting law compliance is needed you must have:
 - Meeting notice
 - Specific agenda
 - Minutes
 - Lawful meeting place
- How are agendas developed?
- Penalty for non-compliance – action taken is void

Safeguards to Assure Compliance

- Some of these suggestions are pure heresy – assuring proper commissioner procedures was a most challenging task
- Schedule meetings where decisions will be made – consider evening meetings once in a while
- Be cautious about “running calendar” meetings
- “Polling the Board”- just say no
- Beware of three signature lines on any document – invitation to open meeting law violation
- Be very conscious of the agenda change legal requirements
- Look at considering changes to the statutes that might better conform to what you actually do