

Y Kim Muir, Madison – *President*Kristina Glascock, Twin Falls – *Vice President*Henrianne Westberg, Latah – *Secretary/Treasurer*Angie Barkell, Owyhee – *Immediate Past President*

Idaho Association of County Recorders and Clerk 2019 IACRC Conference The Shoshone Bannock Hotel, Fort Hall, Idaho August 13-15, 2019

IACRC Members Present

Ada County Clerk, Phil McGrane Bannock County Clerk, Jason Dixon Bear Lake County Clerk, Cindy Garner Bingham County Clerk, Pamela Eckhardt Boise County Clerk, Mary Prisco Bonneville County Clerk, Penny Manning Boundary County Clerk, Glenda Poston Butte County Clerk, Shelly Blackner Caribou County Clerk, Denise Horsley Cassia County Clerk, Joe Larsen Clark County Clerk, Judith Maldonado Clearwater County Clerk, Carrie Bird Custer County Clerk, Lura Baker Elmore County Clerk, Shelley Essl Franklin County Clerk, Camille Larsen Fremont County Clerk, Abbie Mace Gem County Clerk, Shelly Tilton

IACRC Members Absent

Adams County Clerk, Sherry Ward
Benewah County Clerk, Deanna Bramblett
Blaine County Clerk, JoLynn Drage
Bonner County Clerk, Michael Rosedale
Camas County Clerk, Korri Blodgett
Canyon County Clerk, Chris Yamamoto
Gooding County Clerk, Denise Gill
Kootenai County Clerk, Jim Brannon
Lewis County Clerk, Lisa Winner
Shoshone County Clerk, Tami Eberhard
Valley County Clerk, Doug Miller

Idaho County Clerk, Kathy Ackerman Jefferson County Clerk, Colleen Poole Jerome County Clerk, Michelle Emerson Latah County Clerk, Henrianne Westberg Lemhi County Clerk, Brenda Armstrong Lincoln County Clerk, Brenda Farnworth Madison County Clerk, Kim Muir Minidoka County Clerk, Tonya Page Nez Perce County Clerk, Patty Weeks Oneida County Clerk, Lon Colton Owyhee County Clerk, Angie Barkell Payette County Clerk, Betty Dressen Power County Clerk, Sharee Sprague Teton County Clerk, Kim Keeley Twin Falls County Clerk, Kristina Glascock Washington County Clerk, Donna Atwood

Visitors Present

Bonner County Deputy Clerk, Cindy Brannon Teton County Chief Deputy Clerk, Jennifer VanMeeterer-Shaum Bannock County Chief Deputy Clerk, Keri Povey



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The annual meeting was called to order by President Kim Muir, who led the association in the Pledge of Allegiance. The invocation was given by Cindy Garner. It was announced that Tom Judge, Deputy Director of the Idaho Board of PE & PLS would be unable to present as planned during the conference.

Pam Eckhardt, Bingham County Clerk and Jason Dixon, Bannock County Clerk gave the welcoming address, highlighting the various interesting places to see and things to do in the area.

Roll Call of the members and guests was taken by Secretary Treasurer Henrianne Westberg.

I. Recording, Records, Retention and Technology

Brenda Farnworth, Chair of the Recording Committee lead the discussion on the concerns associated with allowing title companies to have access to the recording system. Members offered suggestion on ways to limit and control access by the public using signed liability agreements, setting a time-out period, limiting the number of licenses available, oversight of licenses and server space, the use of a separate server for outside businesses to log into, and requiring multi-factor authentication for any sign-on.

Donna Atwood has initiated the use of a "Request for Copies of Military Records" form. No fees can be charged for recording military records, and they should be filed as non-viewable. Only a designee can request copies of these records as they are not public records.

Cindy Garner reviewed the confusing aspects of a UCC Filing. Some are contained within other documents for recording, sometimes they don't have signatures, and the legal descriptions used can vary. The UCC filing is related to fixtures, and acts as a second guarantee that the fixtures are not to be removed. It was suggested that we provide more training on UCC's, develop a standardized fee, and create a separate place in the recording manual to address these issues that are often difficult to understand.

Discussion continued on corner notes that we are required by statute to file. It was advised that we scan our corner notes and surveys. Some are very old and they need to be preserved. Before filing a survey, be sure that everyone who needs to sign the survey has done so before it is electronically filed.

The clarification was made that to "file" is the same as to "record". When you file a document you keep the original, as in a UCC or a Marriage Affidavit. When you record a document, you return the original, as in a DD214, or Deed of Trust.

Clerks should not feel like they need to police the recording of documents, or be directing attorneys on how or when documents should be filed.



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II. ICRMP: Supervisor Training

Jim McNall and Mary Kummer from ICRMP reviewed the roles that staff play in an office department, which is to: Do the work, be happy, know the rules and enforce them, get along with everyone, and provide excellent customer service. Supervisors can avoid problems by hiring good people, doing background checks, and calling references even if they are a transfer. Employees should be provided with good training, and any bad behavior should not be ignored. Some people need to be terminated because they are a liability. Make sure they know they are a problem.

We were encouraged to review our county's Personnel Policy especially the updated section on sexual harassment. Two handouts were provided: A Coaching Form, and the ICRMP Termination Consideration form to use when assessing liability.

III. Report on IAC Executive Board

Patty Weeks reported that the outside audit for IAC went well. During the April meeting a strategic plan was discussed. It was felt that insignificant changes to the by-laws should be allowed without a vote, but the Board would like feedback from the counties. An Evaluation form was developed for the Executive Director. The Tucker Case brought by the American Civil Liberties Union was discussed as it relates to Public Defense. The IAC has been asked to write a brief on the narrow vs broad standard of review, realizing that a broad interpretation could hurt the counties.

IV. Nomination for Secretary/Treasurer

The Nominating Committee consisting of Patty Weeks, Abbie Mace, Betty Dressen and Kristina Glascock put forth two names, Colleen Poole and Sharee Sprague, for the position of Secretary/Treasurer of the IACRC. A nomination made from the floor was declined. Joe Larsen moved that nominations from the floor cease, Denise Horsley seconded the motion, the motion passed. After the voting Sharee Sprague was elected.

V. Understanding and Managing Stress

Andrew Panatopolous and Steve Moore from Blue Cross of Idaho Insurance presented a PowerPoint on the need for us to understand how stress works in the body in order to better manage our stress. Tips were given on positive coping mechanisms and how to make stress your friend. They provided a handout on developing a healthy eating plan.

Lunch with Past Clerks was sponsored by ICRMP.

VI. More on Recording...



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Brenda Farnworth led the discussion on Marriage Licenses and the need to remove personal information from the public record. If the parties applying for the license do not have a social security number they will need to show verification that they have not been issued a number, or, submit proof that the applicant is lawfully present in the U.S. Kelli Brassfield, Policy Analysis for IAC, felt that we would have push back on "lawfully present" in the county. It was suggested we contact our county prosecutor for direction. Two solutions were proposed for keeping personal information exempt: 1. Redact the personal information on the document when disclosing, or 2. Maintain a sealed file for records. Clerks will need to continue to deal with the question of what to do with all of the documents we are the custodial of with personal information.

VII. Medicaid Expansion

Representative Britt Raybould from District 34 addressed the group on various proposals that have been put forth on how the State will pay for Medicaid Expansion. Suggestions include: Use of the Millennial Funds, the Catastrophic Health Care Fund, or withholding Revenue Sharing dollars to the counties. Initial proposal calls for \$19.1 Million dollars to come from the counties. Having counties fund Medicaid Expansion shifts the cost to property owners which is where counties get their money. The issue has been divisive and assessing how to make it fair will be difficult.

VIII. State Tax Commission: Levy's and L-2's

Gary Houde from the State Tax Commission, Property Tax Division, announced that the department move to a new building had happened successfully. He anticipates that new legislation will be coming to address money the Legislative Service Office has withheld from a taxing district be reverted back to the Special Taxing District if the entity dissolves while noncompliant.

Gary's PowerPoint covered how and what to submit with an L-2. He reviewed the Web L-2 application and changes made for 2019. When you have a taxing district with multiple counties and you add increment value, each county should now be able to see what another county has entered.

The LSO Registry must be updated by December 1st with current fiscal years approved budget, budget to actual expense comparisons, and a completed audit.

The dates for Budget and Levy Workshops have been proposed but we can update them at mid-winter conference as needed.

IX. University of Idaho Extension Office: Proposed MOUs

Barbara Petty, Director of U of I Extension, thanked counties for the work they have helped provide through our County Extension Offices. A proposal to formalize an



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agreement between the University and the counties is underway with six counties having signed a Memorandum of Understanding. They have no intention of changing the way we are doing business. Joe Larsen pointed out that counties are budget strapped with what they can afford. The question arose as to why not all counties are treated the same with regards to funding.

Special Guest First Lady Teresa Little

Phil McGrane introduced First Lady, Teresa Little, who is promoting the Idaho Women 100 campaign. Women in Idaho gained the right to vote on November 3, 1986, just the fourth state to do so. The 2020 events will celebrate Idaho's early role in women's suffrage and encourage women's civic engagement. This is a joint effort with the Idaho State Historical Society and the Idaho Women in Leadership to mark the national centennial anniversary of the women's right to vote happening in 2020.

Ms. Little also told the story of how the book "Raise Your Hand" came to be published. All proceeds from the sale of the book go to the Girl Scouts. The message of the book by Alice Paul Tapper is that girls should have confidence, and step up to become leaders by raising their hands. The author's parents named her after an early day suffragette named Alice Paul.

Following the Little presentation, a motion was made by Abbie Mace and seconded by Lon Colton to design a commemorative "I Voted" sticker to use at the polls next year during election. The motion carried unanimously.

Henrianne Westberg received a letter from the League of Women Voters of Idaho stating that in 2020 their goal will be to honor and celebrate the 100th anniversary of the 19th Amendment by registering as many voters in the state as possible. The American Association of University Women of Idaho has joined in this task, and Elected Clerks are welcome to reach out to the steering committee for assistance with this project.

IACRC Business Meeting

a. Elections Conference – Phil McGrane met with Lisa Power from the Secretary of State's Office in June to discuss the election conference survey, and also met again last week. They discussed the Tenex Solutions training and also the related Campaign Finance changes. Next year's conference will be Tuesday-Thursday, January 7-9 with financial support for 3 nights lodging. Specific training for different levels of needs will be provided. Vendors will be asked to teach the specifics of their equipment.



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Secretary Denney feels that things will go better now that they are fully staffed. He is asking the Attorney General's Office to send out resources to local Prosecuting Attorney Offices to assist in learning about the changes to election law. The AG's Office will be on standby to answer legal questions.

Kim Muir and Kristina Glascock had a conference call with Secretary Denney and Tim Hurst and asked for regular meetings with them. Training was set, changed, then cancelled, and it is felt that they need to be more organized.

There have been concerns about Advisory Votes on the ballot, and about small taxing districts not knowing their board members terms in office or legal boundaries.

Clerks do not feel supported when questions are asked, and the SOS does not understand that some of these questions have an urgency associated with them and are time sensitive.

- b. Social Service/Commissioners and Clerks Conference Kim Muir lead the group in discussing how the divided training and presentations went at the combined conference. It was felt that more work needs to be done to allow Clerks to attend more of the Social Service portion. The Association felt that we should continue to combine the two conferences. IAC will reach out for input when planning future conference agendas.
- c. IACRC Review and Approval of Minutes Henrianne Westberg presented the minutes from the Mid-Winter Meeting held on February 7, 2019 at the Riverside Inn, Boise. Sharee Sprague moved to approve and Kim Muir seconded, the motion passed.
- **d. Financial Review and 2020 Proposed Budget** Henrianne Westberg reported that 62% of the current budget had been spent to date. The proposed budget for FY2020 of \$52,850 was presented. Lon Colton moved that we adopt the proposed budget, Penny Manning seconded, and the motion passed.

A group photo was taken in the Sho-Ban Lobby, and dinner was on your own.

IIX. Wednesday August 14, 2019 ICRMP How to Respond to Public Records Request

Due to the number of questions they are receiving, ICRMP's Jerry Mason and Mary Kummer provided us with a presentation and PowerPoint, "Responding to Public Records Request". The statue is written for a paper age, but electronic media is making these requests more prevalent. Counties should have a policy in place, and get the request in writing unless you can easily send out an electronic record. We were advised to get payment in advance.

If you are going to deny a record, get legal advice and do it in writing with your reasons why. Include I.C.74-115 information for appeals.

IIIX. IACRC Continuing Education: L-2 Training



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Angie Barkell explained how to use the GIS on the State website to find annexations and showed where on the L-2 you put your values. If a taxing district has asked for more than is statutorily allowed, we have to back it out, contact the secretary of the taxing district and explain the error, email them the corrected L-2 and have them sign it and return the L-2.

XIV. Idaho Supreme Court Meeting

Phil McGrane, Kristina Glascock and Kathy Ackerman attended a meeting with the ISC, District Judges, Trial Court Administrators and Judge Barry Wood. They outlined 16 concerns regarding hiring, firing, authority of the deputy clerks, lack of oversight, lack of response, and overstepping of authority.

The ISC members were shocked that these things were happening. Based on their discussion we now have a protocol resource in a flow chart design to use for conflict resolution.

XV. IACRC Continuing Education Panel: Abbie Mace, Angie Barkell, Penny Manning, Sharee Sprague, and Kathy Ackerman

Sharee Sprague discussed dealing with difficult employees and suggested the team approach, or placing a value on the employee's job by outlining the pay and benefits. Then revisit after 10 days. It is important to be clear about what you expect, and what management can do to help the employee be successful.

Penny talked about the importance of sleep, and Angie passed out the Eisenhower Decision Matrix that helps to prioritize our decisions on what is urgent. Staying on task is the biggest and hardest thing to do. One distraction can cost you 7 minutes.

Kathy offered 10 Tips for Great Customer Service which we reviewed, with Lon Colton concerned about #8 on how to "fix his face". Identify how your personality and the public's personality will work best.

Kristina Glascock would like us to send suggestions or topics to Angie Barkell on Continuing Education ideas for the IAC Annual Conference in September.

XV. Ethics Training - Kathy Ackerman

Kathy offered a "Baker's Dozen" ways that we justify being unethical. The IAC website suggests various methods to engage our employees in ethics training. Some ethics problems are complex and others are technical. Try to "train-in" the little things that matter.



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XVI. IACRC Budgeting Committee Presentation

Mary Prisco, Boise County Clerk, provided us with Governmental Finance Officers Association materials. This organization has a very good website, lists best practices on a variety of topics, and members receive an interesting quarterly magazine. This year in her county she asked each department to provide comments on what their department does, what their goals are, and what their accomplishments have been. She includes this information in the budget narrative.

Patty Weeks reviewed the HIPAA (Health Insurance Portability and Accountability Act) privacy rules, who is covered by HIPAA, and what is covered by HIPAA. The key is not to disclose or discuss. We should keep a log of the HIPAA training we have provided, have a policy, and review our forms.

Kathy Ackerman had us play a game that she made up called State Revenue Bingo. In the end we were able to review all the basic terms and definitions for the different kinds of apportionments, taxes, and distributions. Candy bars were awarded for winners.

Lunch was sponsored by Elections Systems and Software

XVII. Resolutions

- a. JPS-04 Pre-Trial Release Fees: (Sponsor-Kristina Glascock, Twin Falls Co.) As long as there is a conviction on the case then they owe for the pre-trial supervision release fees. Discussion ensued on how counties are handling pre-trials now. The fee is included in the priority of payments. Sharee felt that we needed to add a section that says if the person is acquitted the fees will be returned to the defendant. Seth felt we could amend the resolution to include any housekeeping clarification that the House would approve for the measure.
- **b. JPS-03 Miscellaneous Fees in Odyssey and County Fees:** (Sponsor-Kristina Glascock, Twin Falls Co) Kristina feels this is a generic Odyssey Resolution that will include other items in the days to come. We can eventually bundle them or separate them related to how we feel the legislature is willing to act on them.
- c. JPS-05 Informal Probation Fees: (Sponsor-Abbie Mace, Fremont County) Allows the Magistrate Judge the authority to assess a onetime fee for Informal Probation, collected through Odyssey, if the County has passed the appropriate Resolution. This gives the judge oversight, and if the defendant does not comply, they can then be placed on Formal Probation.
- **d.** JPS-06 Inclusion of a Clerk on the Magistrate Commission: (Sponsor-Henrianne Westberg, Latah Co.) Currently an Elected Clerk is not on this Commission but would



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provide a unique perspective currently missing on the Commission. The Clerks are familiar with the local attorneys and have a strong understanding of the needs of the local magistrate court.

e. **IG-08 Write-In Candidate Deadline:** (Sponsor-Henrianne Westberg, Latah Co.) Change the deadline for write-in candidates to file in any election to the seventh Friday before the date of the election. This would match the nonpartisan election deadline and create uniformity. It would also allow election officials to provide a cleaner ballot for the voter without all the write-in lines we currently see, where no write-in candidate has been certified.

XVIII. Odyssey: Updates and Q&A

Sara Thomas, Administrative Director, Idaho Supreme Court, began by thanking us for the monthly conference calls, and the Clerk's Advisory Group that will meet two times per year.

The new version of Odyssey will not have very many functional changes and they will start the roll out in February over Presidents Day weekend. Judges and Clerks will need four hours of training, and others will be trained to go out and train in the districts. Some of the changes will be a task box that is easier to use, and improved Business Processes.

ISC has a new Education Specialist position that Nick Schultz will fill, and two new financial specialists that work in Odyssey.

Wave 1 counties will be a priority in helping them reconcile.

Mandatory forms have been in the works for two years with 12 different committees working on the forms to be allowed. 42 forms were released on May 1st but due to the feedback received it was decided to wait to make them mandatory. The plan is now to release 5-15 new forms per week, wait for feedback, and then once they look good, make them mandatory, so the roll out will be in waves. They have created a "landing page" online for feedback.

The ISC has contracted with Socrata, a Tyler Technology firm, to develop reports from the data in Odyssey. They have two new people to write reports and pull data from the system.

Various Clerks updated Sara on problems they are having in their counties, particularly with anyone on the Stephenson's software, and the difficulty of not having trainers who understand both sides of Odyssey to balance the financials.

XIV. ICRMP Cybersecurity Awareness Training Update

Jason Nyquist reviewed what ICRMP is doing for Counties to train our employees on being aware of phish and hacker techniques. His PowerPoint showed various examples of how hackers can get into our system. 16 Counties are already using



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the online training that provides frequent testing and reinforces learning. We have mechanical firewalls, but employees need to be human firewalls.

XV. Resolutions

IG-10 Elections for Uncontested Races: (Patty Weeks-Nez Perce Co.) A Resolution was proposed that if a city has a population of 10,000 or less, no election would be held for uncontested races. Abbie Mace moved to approve the resolution, Lura Baker seconded, the motion passed.

IG-08 Write-in Deadline Change: Brenda Farnworth made a motion to approve the Resolution, Sharee Sprague seconded, the motion passed.

JPS-06 Clerk on Magistrate Commission: Sharee Sprague made a motion to approve the Resolution, Patty Weeks seconded, the motion passed

JPS-03 Odyssey and County Fees: Abbie Mace moved that the Resolution be passed, Denise Horsley seconded, the motion passed.

JPS-04 Pretrial Release: Patty Weeks moved that we approve the Resolution, Carrie Bird seconded, the motion passed.

JPS-05 Informal Pre-Trial Fees: Colleen Poole moved that we approve the Resolution, Patty Weeks seconded, the motion passed.

XVI. Legislation

Kelli Brassfield urged all of the Clerks to abide by the statutes for Certificates of Residency and to use the most current 2019 form.

Seth Grigg, Executive Director of the Idaho Association of Counties, discussed the possibility that a data repository may be developed for all reports and notices in Idaho on the same financial reporting platform.

 2^{nd} Judicial District is working to pilot a Public Defense Office that would partner with the State. IAC will have a Resolution that will go through the Justice Commission.

IAC has developed a task force on Medicaid Expansion. There are two ideas. Wood's proposal is that counties would pay for a percentage of the cost. Finding a fair balance will be hard. They may take half of the revenue sharing money away from the counties. Due to the levy cap we can't shift indigent money to the justice fund.

The Senate approach is not to eliminate the indigent program, but to gradually phase it out as we have a clearer picture of the numbers. The Interim Committee has a big job sorting all of this out. Clerks voiced their concerns about the many unanswered, complicated questions that will arise regarding funding, and the ongoing indigent population that counties will need to continue to help.

Seth thanked all of the Clerks for the data they have been providing.

XVII. IACRC Dinner and Installation of Officers



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Helion sponsored the banquet dinner. President Kim Muir thanked everyone for the help she has received over the last year. She then installed the following officers: Kristina Glascock, Twin Falls County Clerk, President; Henrianne Westberg, Latah County Clerk, Vice President; and Sharee Sprague, Power County Clerk, Secretary Treasurer. The remainder of the evening was spent socializing and bidding on auction items.

Thursday, August 15, 2019 XVIII. Idaho Secretary of State

The Secretary was represented by Lisa Power, the State Elections Director. The Clerks were given the names of her staff members and their specific responsibilities

The Attorney General's Office will be assisting the SOS in the depth of knowledge required for the upcoming certification hearing for Hart and ES&S.

There may be financial support for the purchase of electronic poll books, and a survey will be sent out to gage interest.

Several laws have changed which were briefly reviewed: Sunshine laws, mail ballot precinct threshold, levy language to include a dollar amount, having a computer available in each county for candidates to file online with the SOS, and specific provisions for local elections. Amendments may come in the next session.

Tenex training will be by recorded sessions and hosted call-in conferences. Voter Central looks at scanned Voter Registration Cards. Campaign Desk only has candidates we are responsible for. Absentee Processing has an incomplete que. Clean up of data in ISVRS only validates the person, not if they are a citizen. Lobbyist Management is not our responsibility. Petition processing uses streets and districts that the Tax Assessor and GIS locally can help us with new subdivisions.

The Tenex conversion has started with Lobbyist Tracking in use and going well. We are not required to use any of the modules in the November 2019 elections but a mock election will be available.

Next month we will begin conference calls and record them for Clerks who are unavailable. They would like feedback on a help desk ticketing system. Clerks voiced concerns regarding the poor communication and response time we have had from the SOS on election questions.

XIX. Team Building Discussion

Kim Muir provided 10 phrases we can use to show respect to employees, increase their interest in the job, show gratitude when appropriate, and build trust. We often



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forget to give positive feedback and team building requires effort in showing how we can support one another each day.

XX. Public Defense Commission: Updates and Q&A

Kathleen Elliott, Executive Director of the Public Defense Commission addressed the Clerks regarding the Public Defense Commission negotiated rule making process. There is no set measurement for the two rules we are looking at this year. One deals with conflict, and the other, resource parity.

In the Tucker law suit, the summary judgement was denied. The ACLU will need to show potential risk, and the State is saying you have to show actual harm. There will be a permissive appeal where both go up and speak to the issue.

The landscape has changed in regard to defense and we will need to partner in this effort. She encouraged us to call whenever we have questions.

The meeting was adjourned at 11:39 A.M.

Approved:

Kim Muir, President

Attest:

Henrianne Westhern Secretary/Treasur