

IAC Legislative Committee

December 8, 2021 | 10:00 am - 12:00 pm

700 W. Washington Street

Boise, ID 83702

MEETING AGENDA

Call to Order | *Chair Justin Baldwin*

The following committee members were present:

Chair: Justin Baldwin, Gooding Assessor
Vice Chair: Don Hall, Twin Falls Commissioner
IACA: Josh Dison, Elmore Falls Assessor
IACC: Doug Zenner, Nez Perce Commissioner
IACRC: Angie Barkell, Owyhee Clerk
IACT: Annette Dygert, Owyhee Treasurer
IPPA: Danny Clark, Bonneville Prosecutor
ISACC: Dotti Owens, Ada Coroner

District 1: Dan Dinning, Boundary Commissioner
District 2: Kathie LaFortune, Latah Commissioner
District 3:
District 4: Wayne Schenk, Minidoka Commissioner
District 5: Jessica Lewis, Bingham Commissioner
District 6: Brent Mendenhall, Madison
Commissioner

The following guests were present:

Seth Grigg, IAC
Sara Westbrook, IAC
Kelli D Brassfield, IAC
Jessica Roth, IAC
Brad Wills, Twin Falls Commissioner
John David Davidson, Blaine Treasurer
Lorna Jorgensen, Ada Prosecutor

Minutes Approval (Action Item)

Latah County Commissioner Kathie LaFortune moved to approve the November 3rd, meeting minutes with amendments to add Don Hall as present and a slight word change in the public defense section. Twin Falls County Commissioner Don Hall seconded the motion. The motion carried.

Legislative Items (Action)

- Property Tax Relief Fund

This proposed draft sets forth the legislative intent and authority for a BOCC to go to voters for alternate funding. This is drafted for (a) The construction, expansion, renovation, or replacement of public facilities, including the acquisition of land and other site improvements; or, (b) The construction, expansion, or reconstruction of public works improvements, including roads, bridges, water systems, sewer systems, and broadband systems.

With this language it doesn't limit to just counties. The funds could be used to help other districts, such as special purpose districts, within the county. Some legislators are worried about counties building too much of a fund balance. There is language to offset that. (See draft) The voter threshold is set at 60%. That is what cities have to have. Legislators want a high threshold and some would support local option if the funds go directly to property tax relief.

There is more interest this year. This gives the legislators another tool to use in their campaign.

Some committee members like the ability to do capital projects within cities. This gives counties the ability to choose projects. Is this intended that the funds will be spent in the year received or could it go out further? The language is broad and counties have the ability to pay as they go, pay up front, or even bond. Some legislators think that HB389 is a good thing and are asking why we need to do more. They also are wanting to look at reducing sales tax and then go to the constituents for a local increase. How do we market a local use tax? IAC hasn't heard of this concept from House or Senate leadership. Rep. Nate has always worked to eliminate the tax on groceries and this might be a component of that.

The draft mentions keeping these funds in a separate account. City local option is structured that way and so this draft was written to be consistent with what is already in place. The draft also gives counties the ability to use other vendors that aren't the tax commission. The tax commission charges a high administrative fee and this reduces the amount counties actually receive.

Nez Perce County Commissioner Doug Zenner made a motion to move forward with the concept language, Madison County Commissioner Brent Mendenhall seconded. Motion carried.

- Public Defense

IAC staff has been meeting with commissioners to split the bigger issues into bite size pieces. Funding, structure of the PDC, and alternative delivery models (regional).

Regional public defense district: There are other sections that will probably need to be changed but this would add in a fourth option for counties to provide public defense. This would be separate from the PDC. In previous years, the membership has looked at pilots that would be under the authority of the PDC. The PDC didn't want to have this authority. This draft would allow three or more contiguous counties to create a regional office. Counties could keep their institutional offices if they want to. The draft provides for a regional board with (a) One (1) county commissioner representing each county participating in the district office of public defense; (b) One (1) representative of the district court appointed by the administrative judge of the judicial district; and (c) One (1) criminal defense attorney appointed by the administrative judge of the judicial district.

This would be the governing board that would hire the chief public defender. This individual would be responsible for the oversight of public defense within those counties. They would have authority to hire staff or contract with other attorneys, create a budget, etc.

Would commissioners be the only ones have the authority to make financial decisions? It isn't in there yet but we can easily make that change. The idea of a regional office has a lot of merit. Bonneville County may not participate but the other small counties around might want to utilize this. The ACLU lawsuit is based on the fact there needs to have adequate public defense and allowing small counties to pool their funds will help with that. There has been differing views on whether the prosecutor can advise commissioners in regards to public defenders. This would create an independent board with the ability to hire their own counsel so there wouldn't be a conflict of interest of getting advice from each PA of each county involved.

Would it work like a health district? It is like the general idea of public health boards. This will get complicated when we get to the financial piece. IAC staff is working towards the state paying for this but if the legislature decides they don't want to, the membership will have to figure out how each county would contribute funding. Caseload and case type could be reviewed to help determine contribution. There could a funding formula and the state would appropriate funding to cover the needs but there would need to be a mechanism to do something if a county isn't in compliance with standards.

What happens when we have a lack of attorneys? This provides counties the option of utilizing attorneys in other areas. Madison doesn't necessarily see a conflict of interest. Some members are concerned about how to deal with counties that are not in compliance with the standards and rules.

Need to remove language about “contiguous” counties and add clarifying language that commissioners will be the only ones to approve the budget.

Bonneville County Prosecutor Daniel Clark made a motion to approve the framework of this language with the changes, Nez Perce County Commissioner Doug Zenner seconded. Motion carried.

Commission structure: Reviewed draft. Public defenders were working on this because they wanted 7 defenders. The size of the commission is up to 16 members. 16 is a large size and it is known there will probably be push back if the other seats were reviewed for removal.

This hasn't been discussed this with the PDC yet as we need feedback from the committee. The drafts are not public yet. IAC staff is working towards a meeting with the PDC before Christmas.

Bonneville County Prosecutor Daniel Clark made a motion to approve the commission structure draft, Nez Perce County Commissioner Doug Zenner seconded. Motion carried.

- Juvenile Fines and Fees

There is a group looking at removing fees and fines for juvenile cases. It is like justice reinvestment. The basic proposal is that juveniles or their parents would not be subject to fines and fees. This funding pays for the juvenile programs, helps pay for courts, and there is a portion that goes to victim restitution. Some prosecutors have concerns. Seems to be a solution without a problem. Anytime there is a financial burden on the juvenile or their parents, the judges work with them. Haven't seen judges place a high burden. These fines and fees are for those that are found guilty and they should be somewhat responsible for the costs of covering the case.

Need to review with the sheriffs also. They meet next week.

- Legislative Messaging Update

IAC staff met with AIC, ISBA, ISA, and highways. We are working on main areas of messaging. Property tax relief, affordable housing, and workforce development. Looking at a local control perspective from a constituent level.

Behavioral Health Civil Commitments Process:

IDHW would be responsible for psych costs, transportation to psych hospitals, and their current post commitment costs. Counties would be responsible for court fees and precommitment transportation costs. The estimated fiscal impact is \$4-5M.

In the future there will be other proposals for property taxes, including the homeowners' exemption. There will be some legislation from the interim committee. This committee will not be meeting again. The fund balance proposal will not be moving forward. Sen. Rice will be moving forward with sales tax money to replace supplemental levies. There will be an impact fee proposal, plus a couple of others.

Homeowners' exemption: Have the assessors figured out what the impact will be? We don't have a collective figure yet but each assessor has been working on it. Nez Perce is approaching the \$10M in cancellations. Latah County is pro rating as they feel it is correct thing to do. Some are pro rating and some are not. Maybe we could look at something like doing this by quarter. That might be something we could work with. We need some help for our counties.

Assessors are looking at being ahead of this. Sen. Rice stated that this should be based on application. The basic idea is that this would be done on a quarterly basis. If applied for in Q1, they would get 100%, Q2, 75%, Q3 50% and Q4 25%. There is also a roll off provision. It's going to be a lot of work in the assessor's office. They need to have someone dedicated to this work. This would help with the big losses. In Elmore County, they cancelled \$80,000 and Ada County has cancelled \$1.2M. This is a clean-up of code.

Twin Falls is estimating \$25M in cancellation. Still believe there will be cancellations but they can use the sub roll to estimate that and shouldn't have a reduction in revenue. There is a battle between those that draft legislation and the thoughts of the tax commission. We now have the data and can show what happened as a result of this change.

There have been some discussions with the school boards and the cities but they probably won't really engage. They don't have the bandwidth to do so.

Twin Falls County Commissioner Don Hall made a motion to adjourn, Madison County Commissioner Brent Mendenhall seconded. Motion carried.

IAC Legislative Committee

MEMBERSHIP

CHAIR

Justin Baldwin
Gooding Assessor

Dan Dinning
District 1: Boundary Commissioner

Justin McLeod
District 2: Lewis Commissioner

Phil McGrane
District 3: Ada Clerk

Wayne Schenk
District 4: Minidoka Commissioner

VICE CHAIR

Don Hall
Twin Falls Commissioner

Annette Dygert
IAC: Owyhee Treasurer

Danny Clark
IPAA: Bonneville Prosecutor

Kieran Donahue
ISA: Canyon Sheriff

Scott Carver
ISACC: Valley Coroner

Angie Barkell
IACRC: Owyhee Clerk

ALTERNATES

Phil Lampert
District 1: Benewah Commissioner

Kathie LaFortune
District 2: Latah Commissioner

Sherry Maupin
District 3: Valley Commissioner

District 4: TBD

Jessica Lewis
District 5: Bingham Commissioner

Shayne Young
District 6: Jefferson Commissioner

Brad Wills
IACA: Twin Falls Assessor

IACC:

Kim Keeley
IACRC: Teton Clerk

John David Davidson
IAC: Blaine Treasurer

IPAA:

ISA:

Dotti Owens
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