

MINUTES
SENATE LOCAL GOVERNMENT & TAXATION COMMITTEE

DATE: Tuesday, March 10, 2015

TIME: 3:00 P.M.

PLACE: Room WW53

MEMBERS PRESENT: Chairman Siddoway, Vice Chairman Johnson, Senators McKenzie, Rice, Vick, Bayer, Stennett and Burgoyne

ABSENT/ EXCUSED: Senator Guthrie

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman Siddoway** called the meeting of the Local Government and Taxation Committee (Committee) to order at 3:00 p.m.

Chairman Siddoway welcomed Senator Michelle Stennett to the Committee as a new member.

MINUTES APPROVAL: **Senator Rice** moved to approve the Minutes of February 19, 2015. **Senator Vick** seconded the motion. The motion carried by **voice vote**.

MINUTES APPROVAL: **Senator Bayer** moved to approve the Minutes of February 24, 2015. **Senator Rice** seconded the motion. The motion carried by **voice vote**.

H 142 **Tony Poinelli**, Idaho Association of Counties, presented **H 142** and said this legislation would allow a board of county commissioners to appoint to the county planning and zoning commission a resident within a city's area of impact in an incorporated city when the board is unable to obtain applicants from outside the area of impact and the incorporated city limits. If a board must appoint residents from within a city's area of impact or incorporated limits and the county has multiple cities, then such appointments from such cities must be on a rotating basis. There is no impact to the General Fund or to the budget of any county or political subdivision.

Senator Rice asked how the rotation between cities with different populations works. Does the language allow more flexibility or is it reducing flexibility the way the legislation is drafted. **Mr. Poinelli** said it provided new flexibility that isn't there now. The overall intent is to keep the process in place for the original appointments: one third from the incorporated cities and up to 50 percent in tact. The goal was to stay with the intent of the statute.

Senator Burgoyne asked what the Association of Idaho Cities, Boise, and Garden City thought of this legislation. Is there a particular problem **H 142** addresses? **Mr. Poinelli** said those cities presented this legislation to the Association of Cities, and he has not heard of any issues. **Senator Burgoyne** asked whether a planning and zoning commission can make decisions that affect property owners within a city or impact area lawfully. **Mr. Poinelli** said yes, within the city of impact area, that is a county responsibility. Not within the incorporated limits of a city.

TESTIMONY: **Meghan Leatherman**, Director of Development Services for Ada County, testified in favor of **H 142**. She said it will give more flexibility when recruiting their planning and zoning members. The goal is to have a diversified representation on the commission. With current statute, it has been difficult to pull from the more rural areas.

Senator Rice asked if she was confident that a single exception to allow going into the area of impact is going to bring enough applicants. **Ms. Leatherman** said yes, they are confident in the proposed language as stands and feel it allows enough flexibility to achieve what they are looking for. **Senator Rice** expressed a concern about the language regarding rotation having said "all the incorporated cities" indicating any incorporated city and essentially having the smaller cities in the rotation with the bigger cities. **Ms. Leatherman** said that was not her understanding, but an individual from a city of less than 1,500 population would not be part of the rotation.

There was much discussion regarding how the language of **H 142** was interpreted which indicated there might need to be more clarification.

Senator Stennett asked how the area of city impact was defined. **Ms. Leatherman** said the area of impact boundary is a negotiated boundary between the county and the city. The intent of the area of impact is for planning purposes for future growth and annexation to potentially occur in the near future within the area. **Senator Burgoyne** asked why the rotating process was chosen to amend the statute. **Mr. Poinelli** said it was because everyone should have the same capability whether a large or small city to make it fair.

MOTION: **Senator Rice** moved to send **H 142** to the 14th Order for amendment. **Senator McKenzie** seconded the motion. The motion carried by **voice vote**.

H 156 **Caitlin Rusche**, Idaho Association of Counties, presented **H 156** and said this legislation would make optional the requirement for the county tax collector to bid on a piece of personal property offered for sale when no other person bids on such property. This would enable the tax collector to bid only if the county determines bidding on such property is in the best interest of the county. There is no fiscal impact.

Senator McKenzie asked how the sale takes place and what is done with property that was seized but does not have any value. **Ms. Rusche** said there would be no bid on the property and it would sit vacant.

Senator Burgoyne asked about the nature of the seeming controversy. **Donna Peterson**, Payette County Treasurer, said this happens in smaller counties where there are part-time prosecutors needing the verbiage to be clarified.

Chairman Siddoway asked what happens if they have a vacated property and can't find the owner. Also, if nobody shows up to bid, how does the county make a decision? Is it solely based on finances. **Ms. Peterson** said in most cases this appears when a smaller, old mobile home sits in a mobile home park and nobody shows up to bid. The park owner is usually contacted and asked if they would like to purchase the mobile home.

MOTION: **Senator Johnson** moved to send **H 156** to the floor with a **do pass** recommendation. **Senator Rice** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business, **Chairman Siddoway** adjourned the meeting at 3:41 p.m.

Senator Siddoway
Chair

Amanda McLennan
Secretary