

MEETING MINUTES

STATE PUBLIC DEFENSE COMMISSION

Date | time 3/15/2016 2:30 PM | *Location* Len B. Jordan Building, Conference Room B-35,
650 W. State Street, Boise, ID 83702

Meeting Commission Meeting

Commission members present

Darrell Bolz, Chair, Juvenile Justice Comm. | Christy Perry, Representative (arrived at 3:22) | Sara Thomas, Vice Chair, SAPD (arrived at 2:48) | Linda Cople Trout, Administrative Director of the Courts | William Wellman, Defense Attorney

Nichole Devaney, Admin. Asst.

Commission members absent

Kimber Ricks, Madison Co. Comm. | Chuck Winder, Senator

Others present

Item	Responsible
1. Welcome and Call to Order: Chair Bolz called the meeting to order at 2:39pm.	Bolz
2. Approval of prior Meeting Minutes (02/19/16): Wellman moved to approve the commissions minutes from the previous meeting held on February 19, 2016, Trout seconded and the motion was approved unanimously.	
3. Negotiated Rule Making Training: Mr. Stevenson began by stating that while this process is called negotiated rulemaking it is important to realize not all parties will be happy but the goal is to come to a consensus. When considering the negotiated rule making process the biggest feasibility issue is going to be if all stake holders can reach a consensus. The legislature likes to see that all stake holders have an opportunity to provide input, however that isn't always feasible. He suggested that many agencies start off operating under a temporary rule then complete the negotiated rule making process. This allows the agency to operate under the temporary rule while the process is completed. Mr. Stevenson suggested working with DFM prior to any meeting notices being issued. Wellman asked if meetings can be held in conjunction with other meetings such as IAC quarterly meetings. Mr. Stevenson replied that yes that was allowed, the process is flexible in that regard. Trout asked if the process should begin with a rule draft or allow the stake holders to draft the rule themselves. Mr. Stevenson suggested that the commission start the process with a draft of the rule, avoid the term proposed rule, as ultimately the commission will end up with a proposed rule based on the meetings. Trout then inquired if separate meeting notices are required based on the rule topic, given that this is the commissions first attempt	Dennis Stevenson

at implementing rules it covers various topics such as continued education, standards and reporting, would separate meetings have to be held for each of those topics? Mr. Stevenson explained that trying to keep everything in one chapter is ideal and incorporating as much of the rules into one meeting would likely work best. However, if it is determined meetings need to be held by topic that is fine too, there is flexibility in the meeting process. Thomas suggested that for the purposes of the initial introduction of standards the commission should stick to the ABA Public Defense Delivery System Principles.

Mr. Stevenson referenced his hand out stating that the italics portion on the first page is some of the same information the commission would put on its website when issuing notices and other information. If the commission decided to use the call in process it would need to have the schedule posted on the website. The section titled "How Do I Conduct a Successful Negotiated Rulemaking Process" on page 3 of the handout provides information on how to go about getting revised copies out to the stakeholders, use of the website is allowed. Trout asked how one goes about negotiating with individuals who may be completely outside the topic. Mr. Stevenson commented that it is not necessary to negotiate with everyone if it is pointless. After some discussion the members felt that scheduled meeting will probably be the best route in this initial process. Mr. Stevenson suggested implementing a temporary rule may work more effectively for the commissions needs. Thomas shared that the commission had promised they would not do that. Bolz asked what the deadlines are for this process. Mr. Stevenson explained he has to have the proposed rule by September 1. Notices can be scheduled at any point prior to that. Notice of public hearings would need to be done in November. Thomas asked when submissions to DFM for approval need to occur. He responded that submission to DFM should occur as soon as possible. Submission of the PARF to the Governor's office can occur at any time. Bolz asked about cost, Mr. Stevenson stated the cost is \$45 plus the annual code billing amount which would be based on the number of pages submitted to the code. He asked if the rules could all go into one chapter, Thomas stated that yes she thinks so but will need to review the statute. Mr. Stevenson continued sharing that once the process was complete summaries would need posted on the website. Some have scanned and posted comments directly to the website. At the very least a synopsis will need to be posted and should be taken into the legislative hearing. During legislative hearings he suggested trying to steal the opponents thunder by having that information available. Trout asked if after all the discussion is complete can the agency make the decision as to what is reasonable and put it into the rule. Thomas asked if the rule goes to the legislature can it be broken down so that the whole rule is not rejected but rather a portion. Mr. Stevenson answered that the legislature is able to break it down. In summary Mr. Stevenson offered that information should be made easily available on the website, notices, schedules and the like. There is flexibility in setting up the meetings and finally, if submitting to the legislature for next year the commission should submit the PARF to DFM as soon as possible. He added that when proposing a brand new set of rules it is a process that may take a few times to get correct.

4. Executive Director Posting: The members requested the job announcement be sent to the Bolz PD distribution list as well as the candidates whom applied for the position previously. Wellman shared he had concerns with regard to the salary attracting quality candidates. Perry asked if allocations could be redistributed among the position. The members agreed that agencies are allowed to make adjustments as they see fit with regard to personnel.

Item	Responsible
Bolz asked if the funding bill had been passed, Perry and Thomas agreed they thought it had.	
5. Temporary Training Rules Approval: Bolz asked if revisions are needed to the current copy or could it be submitted as is. Thomas stated that the members would need to review the copy and make revisions. She then asked that any revisions come back at the next meeting. Wellman questioned who would take on this task, Thomas volunteered to do so if the legislative session was complete by the end of the month as scheduled. Bolz offered to also review the copy.	Bolz
6. Office Space: The admin. assistant explained that the Commission could acquire the vacant space next to the Commission's current office. It would provide four additional offices which would free the larger area in the current space to become a conference room where meetings could be held moving forward. It would only require opening up a wall and adding a door to conference space. Wellman motioned to expand the space as soon as possible. Thomas seconded, Trout asked how the space would accommodate the liaison positions. The members decided that liaisons for northern and eastern Idaho would need to be housed in those areas so this space would work for the remaining personnel. The motion passed with a unanimous vote.	Bolz
6. Future Meeting Schedule: Tuesday, April 5 th at 1-5pm	
7. Agenda Items for Next Meeting: Begin the process of implementing the standards through the negotiated rule making process. Wellman asked if the chairman would like to assign sections of the standards or have the members choose a section. There was a question as to how the chapters should be broken down, Bolz and Thomas suggested that consulting Adam Jarvis may be beneficial, Bolz agreed to contact him.	
8. Next Meeting Location: Whatever location is available.	
9. Adjournment: Chair Bolz adjourned the meeting at 4:00pm.	Bolz

Attachments:

- PARF 2016 PDC Training Rules
- Executive Director Position Announcement