

PRC Legal Authority

I.C. 31-828 empowers county commissioners:

“To do and perform all other acts and things required by law not in this title enumerated, or which may be necessary to the full discharge of the duties of the chief executive authority of the county government.” Idaho Code Ann. § 31-828.

I.C. 31-828 does not give express statutory authority for county commissioners and other county officials to “communicate with the public” in the adoption and implementation of regulations. However, county government communication with the public is a practical necessity as county officials do not regulate & operate in a property rights vacuum. Therefore, constituent communication authority, for commissioners & commissioner controlled departments, may reasonably be inferred & is implied from the “necessary to the full discharge” clause of I.C. 31-828.

County commissioners, commissioner controlled departments, as well as other elected officials, must of necessity receive input from the public on matters affecting their departmental duties as they relate to private property rights (because their actions of necessity affect private property rights). All of these officials consequently have an implied right & duty to communicate with the public on matters affecting private property rights.

The PRC process systematizes an otherwise haphazard and piecemeal process of receiving the public’s property rights complaints, proposals, & other communications.

Systemization is statutorily allowed and indeed required. Since there is a statutory practical necessity for county government officials to receive individualized public contact on property rights questions, then it follows there is a statutory practical necessity for them to receive it in an effective manner. Therefore, a county has the authority to create effective systems of processing, and taking seriously, the public’s property rights input. No further express statutory authority for the PRC is required.

The PRC is a constituent communication channel which receives systematic communication to ensure that the public has a meaningful and effective channel for the public to convey their concerns about the property rights impacts of county government activities. The PRC not only takes & processes these requests, but affirmatively assists the public in understanding the regulatory framework of their proposal as well as assists them in finding property rights experts to back their positions.

Finally, Bonner County’s use of a non-statutory advisory board has precedent in that many Idaho cities and counties have instituted numerous advisory boards on topics of public concern. Property rights are of paramount public concern.

Note: There are statutes unreferenced in this explanation which also support the power to create a PRC.

Prosecuting Attorney's Office - Paralegal Program Manager

I.C. 31-2604 requires the Prosecuting Attorney

“To give advice to the board of county commissioners, and other public officers of his county, when requested in all public matters arising in the conduct of the public business entrusted to the care of such officers.” Idaho § 31-2604.

As stated above, the PRC is a Board of Commissioner's created advisory board mandated by Idaho law. I.C. 31-2604 requires the Prosecuting Attorney to provide necessary legal advice to the Board of Commissioner's and to ensure its advisory boards and Board controlled departments have adequate legal advice.

The PRC has more intensive legal research needs than most advisory boards and therefore it is necessary for adequate legal resources to be placed at its disposal. The Paralegal Program Manager was created to minimize the costs of legal research and to only employ County civil legal council when necessary. This position saves tax payer money by minimizing legal advice costs.

The County Prosecutor must, under Idaho law, ensure adequate legal advice is provided to the PRC.

NOTE: Arguments maintaining that the PRC is optional or that the PRC should be singled out for exclusion from Prosecuting Attorney legal advice, would contravene state law.