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September 28, 2012

GREGORY L. CROCKETT
E-MAIL gregcrockett@hopkinsroden.com

Steven J. Thomas
Fiscal Officer
Eastern Idaho Public Health District
1250 Hollipark Drive
Idaho Falls, ID 83401
sthomas@phd7.idaho.gov

Re: Annual Budget Hearing

Dear Steve:

In anticipation of your October Board meeting, we submit the enclosed Memorandum as a "brief concise response" to your previous inquiry concerning the necessity (or not) of a further public budget hearing in the context of a request to increase spending authority.

It is our opinion that a further public budget hearing is not necessary for this purpose. We believe the purpose of a public hearing is to invite input on the budget and the County apportionment.

Please contact me should you have additional questions or comments or further inquiry. Hopefully the enclosed will serve to assist the members of your Board.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gregory L. Crockett".

Gregory L. Crockett

GLC/cs
Enclosure

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MEMORANDUM

To: Eastern Idaho Public Health District
From: Hopkins Roden Crockett Hansen & Hoopes, PLLC
Date: September 26, 2012
Re: Notice and public hearing not required for increase in spending authority

ISSUE

Is EIPHD required to have public hearings and newspaper advertising for adjustments to the budget which occur after the initial annual public hearing on the budget?

DISCUSSION

The statutes in this area are quite sparse, and there are no administrative rules which would serve to clarify the language of the statutes. Based on the plain language of the relevant statute, it would appear that EIPHD is only required to advertise and have a public hearing for the annual meeting.

The statute creating the budget committee and governing their conduct is Idaho Code section 39-423. That statute provides that the budget committee is composed of the chairmen of the boards of county commissions located within the district. The statute then provides that “[t]he district board will submit to the budget committee by the first Monday in June of each year the preliminary budget for the public health district and the estimated cost to each county.” Next, “[o]n or before the first Monday in June, there will be held at a time and place determined by the budget committee a budget committee meeting and public hearing upon the proposed budget of the district.” The statute provides that notice of the meeting and public hearing must be given, and specifies the time and manner for giving notice. Finally, “[o]n or before the first Monday in July a budget for the public health district shall be agreed upon and approved by a majority of the budget committee.”

After this process is completed, the district and the counties are bound to the decision made by the budget committee with respect to the apportionment of the amount to be contributed by the various counties. However, an increase in spending authority is a different matter and should not affect that apportionment. Notice and a public hearing is likely not required for such a change. In addition, the specific dates set forth in the statute make it clear that the public meeting is meant to occur only once per year. It follows that the district should feel free to conduct its business in a normal fashion throughout the rest of the year without having to conduct public meetings on the budget.