

## Topic: The Careful Use of Taxpayer Money

Ensuring transparency and accuracy in public discourse is essential to maintaining trust and integrity. Recently, there have been misconceptions and misinformation circulating regarding the Washington County Prosecutor's Office. As your County Prosecutor, it is my responsibility to provide clarity and correct any inaccuracies. I appreciate the opportunity to address these concerns directly, with a commitment to honesty, openness, and factual accuracy. It is important that the community has access to the truth.

In addressing the claim of taxpayer money being wasted on hiring outside counsel, it's crucial to understand the legal framework and necessity guiding such decisions.

Idaho Code §31-813 grants County Commissioners the authority to direct the prosecution and defense of suits involving the county, including the employment of counsel as needed. This statute is not referring to criminal cases brought by the County, but rather, when the County is a party to a civil lawsuit. The authority granted by the statute is not without limitations. The Idaho Attorney General has issued an opinion clarifying that hiring outside counsel must meet a standard of "necessity" as mandated by the state constitution. This entails a case-by-case analysis by the board of commissioners, stating the reasons for hiring outside counsel and ensuring these reasons are recorded and reviewable by state courts. Mere convenience or comfort is not sufficient to justify such hiring.

In previous instances, before I took office, the county prosecutor did not engage outside counsel for civil matters, resulting in mixed outcomes. Upon assuming office in 2009, I encountered situations where claims for attorney fees against the County arose from these cases. This underscored the importance of strategic legal counsel in the future to avoid losing lawsuits against the County. After taking office, a case arose regarding a road closure dispute in 2014. After consultation with the County Commissioners, outside counsel was hired to assist on the case and we had a successful outcome for the County where the opposing party covered the County's attorney fees.

More recently, we engaged outside counsel to address complex issues within our County Code, particularly in areas of road access and land use planning. The decision was made unanimously by the County Commissioners, recognizing the expertise and specialized knowledge required in these matters. While the suggested changes to our code from outside counsel faced varying levels of acceptance, they provided a valuable starting point for updates crucial to accommodating growth and development while preserving agricultural areas in the County.

While some may perceive land use planning as straightforward, the reality is far more complex. Mistakes in land use decisions are not covered by the County insurance plan. Accordingly, each decision carries legal implications, potentially leading to litigation. Seeking the counsel of experienced professionals in such matters is prudent, as it not only safeguards taxpayer funds but also minimizes the risk of costly legal battles and associated fees.

The decision to engage outside counsel is guided by legal necessity and aimed at prudent stewardship and preservation of taxpayer resources. By leveraging specialized expertise when warranted, we ensure sound decision-making and mitigate risks inherent in complex legal matters.