

IDAHO STATE TAX COMMISSION
COMMISSIONERS' BUSINESS MEETING
MINUTES OF MEETING AUGUST 27, 2025

In attendance: Chairman Jeff McCray; Commissioners Janet Moyle, Jared Zwygart, and Paul Woods; Evan Sailor, Julie Eavenson, Rick Mascall, Rhamona Grabenstein, Lisa Palmer, Robert Foster, Isaac Joyner, Nathan Nielson, Lisa Kopke, George Brown, Aaron Yost, Greg Busmann

Public Session

Chairman McCray called the meeting to order and welcomed all those in attendance.

Business requiring a vote of the Commission.

Minutes: Regular Business Meeting – July 22, 2025

Commissioner Zwygart moved to approve the minutes of the Regular Business Meeting held July 22, 2025. There was no discussion; all commissioners voted aye, and the minutes of the Regular Business Meeting held July 22, 2025, were approved.

Chairman McCray introduced the next items of business: the delegations of authority. There are two resolutions to consider, and the goal is to leave this meeting with a decision on which resolution to follow or to allow the current delegations to remain in place. The three options before the Commission are to adopt Resolution 25-01, adopt Resolution 25-02, or to keep Resolution 20-06 active.

Resolution 25-01: Delegations of Authority

Chairman McCray introduced Resolution 25-01 saying it is like the one in place since about 2007. This document has been in use since then, with the last major revision having been made in 2020. He brings it forward to ensure it's current with the current Commissioners. He opened the floor for discussion on Resolution 25-01.

Commissioner Zwygart asked if this resolution could have been brought before the Commission at any time since 2020 for review. Chairman McCray said they could consider at any time, for example, if Oregon were to change to join Idaho, they'd need to look at making some changes; some circumstances would require it.

There were no further comments on Resolution 25-01.

Resolution 25-02: Delegations of Authority

Commissioner Moyle introduced Resolution 25-02, saying she's always felt the document didn't quite clarify everything they wanted in the resolution. She, as a commissioner, was only able to vote on it in 2020 and she said no then, also. She said she's been thinking about this since 2020 about what it really means. There has been staff turnover, and she felt they needed to understand that when they're delegating their authority, what that means, and staff need to have a framework of what it means and how they proceed. Yes, it's something they do on a daily basis, but what does that really mean, and what does it entail. She put this together and she also has a procedures manual and policy so that if this is accepted today, they can put those in place. She feels this better clarifies and gives staff better direction, and them a better understanding of what their delegated authorities are. She appreciates the fact she had the 30 days to put this together and it's going to be a working document. She addressed Commissioner Zwygart, saying that, to his question, he'll see in her resolution at Exhibit C, which means that if there are changes, it gives them emergency ability to change the resolution without having to bring it back before the Commission for formal changes at the next business meeting. She took those things into consideration in this resolution.

With this resolution, as she's stated, she always felt the thresholds they allowed for, like refunds and that are very high even though the statute says that the over \$50,000 must go to the full commission, that there should be a little more oversight by the oversight commissioner, so in this resolution she recommends those be lowered.

Not that they can't be approved, but certain amounts above the \$25,000 mark need to be brought to the Commissioner's attention and that they review those. They've never had something that said, there's a high risk, bring it to the appropriate Commissioner. Again, it just provides a stronger framework so there's no miscommunication between what the Commissioners are requesting or would like and what they're asking the Bureau Chief's and Division Administrators to do when they delegate their power and authority. Quite frankly, the Tax Commission is a unique Commission. They're the only ones that are constitutional. Because of that, they have constitutional responsibilities and that means something to her. It's not just a statutory responsibility. It's a constitutional responsibility. She would like them to think about it and as they delegate that responsibility, to think about it on a deeper level and have an understanding that what they do is extremely important and means a lot. That's why she asks that this be considered.

Commissioner Woods was granted permission to ask questions directly to Commissioner Moyle. He noted one month ago was the first opportunity he had to review and vote on Resolution 25-01, and he appreciates Commissioner Moyle putting Resolution 25-02 together for consideration. He noted the Chairman did an eloquent job explaining the roles of the Commission and the Chief Operating Officer. He thinks it's important to have something in place. As a Commissioner, he doesn't want to be involved in hiring decisions, or setting duties and responsibilities, evaluating staff, or compliance with the budget. He's thankful for the work of the Chairman and Mr. Sailor. He sees the need for the delegation of authority because of the statutory ambiguities.

Commissioner Woods reviewed and compared the words in each of the proposed delegations of authority and the sections and sub-sections in Resolution 25-02. He asked if Commissioner Moyle's scope and exhibits are the delegation. Commissioner Moyle said what she's proposed incorporates everything from Resolution 25-01. She didn't really change it, she just broadened it and made it basically more of a policy, easier to read, easier to understand, stating what they're looking at and what their responsibilities are. She broke it out into A, B, C, and added a high-risk part, and a catch-all. She added that to cover circumstances they haven't thought about. She thought they needed to consider that. She also thought about emergency situations when a commissioner isn't around. This allows for functions to happen. She feels she thought deeper about what the resolution was originally and didn't change what the original resolution is too much. She just broadened it and expanded it and made it so they all clearly understand what they're delegating and put into words what they were talking about and making it so that this really is a living document and catches all and that if there is an emergency, they don't have to come back.

Commissioner Woods said he has questions, and this is the format for that. He reviewed the delegation section by section. He asked about the section indicating "filed with the Commission Secretary" and what that means. Commissioner Moyle said she felt it was important because if you think about what they're delegating, she doesn't think on a daily basis whether it's really a Commissioner or Commission responsibility but they're delegating that out. They have to delegate that. Commissioner Woods said in Resolution 25-01, they talk about this authority being written and filed with the original copy of the resolution and filed with the Commission's secretary. There's some of that, in theory, going on now. The requirement of Resolution 25-02 is for recordkeeping. In case there's a legal challenge? Nathan Nielson, Lead Deputy Attorney General assigned to the Tax Commission was recognized for comment. He said that statement about the secretary is relying on the statutory language about the Commission having a secretary. There is a statutory secretary, and he believes that it is Maria Young, but he hasn't seen anything that indicates that she is the statutory secretary. He believes the idea of this resolution, as put together by Commissioner Moyle, is just to formalize the process about where those documents are stored. He doesn't know if it answers any legal question. He doesn't know if it matters where it's stored. He thinks it's more for record-keeping and retention.

Commissioner Woods continued, asking if subsection 5 is a restatement of statute, or are they creating new protections? Commissioner Moyle said basically, it's not necessarily new, and where there is statute that it covers it's posted, it's just they're putting into writing what they're actually doing. They're formalizing what is actually happening with this. Which under what they've asked their employees to do is exactly what they're doing. They're making and creating documents that can be living, breathing documents and that actually give

guidance to what they're doing on a daily basis within the Commission. So, when they look at improving procedures, she just feels like this better defines, and clearly defines, what they are delegating and why and puts procedures in place so that they have it documented. Commissioner Woods said none of his questions are to question the intent of either 25-01 or 25-02. He's onboard with having to do something. He's just into the weeds with the words. For instance, in section five, number two, "any action taken under delegating authority which exceeds statutory limitations..." that section should never happen, right? Commissioner Moyle agreed but said it puts into writing that they are aware that it should never happen. This is them delegating their authority, and them putting in parameters what that means, and that means they don't exceed certain things. Commissioner Woods said they don't have the authority to exceed statutory limitations, period. They can never delegate something that exceeds statutory limitations. Commissioner Moyle said they're putting it in writing. If they're going to do a formal delegation, then they should put that in writing too. Commissioner Woods said he sees what she's saying, but that goes without saying. Commissioner Moyle said she disagrees because if it's not in writing, and it isn't clear, then there can be misconceptions. Quite frankly, what they've been running under previously was so broad and so undefined and no one knew what they were doing, that she felt it needed to be brought back, and they needed to clarify that was what they meant to delegate, and it isn't to be taken lightly. This is what happens on a daily basis. Everyone does an amazing job. This isn't her trying to say they don't. She's trying to say it needs to be documented because they've had a lot of turnover and quite frankly, even her, as a Commissioner, she had to go back and look at what she is delegating. She didn't even understand what she was delegating and that meant to her that they needed a living, breathing document that indicates what they're really doing. Commissioner Woods said in item number three, she isn't creating new law; they're not indemnifying themselves. She's just restated what is already in statute about their personal liability.

Commissioner Woods moved on to number seven: "All high risk or high visibility delegations as identified by the oversight commissioner shall be reviewed with the full commission prior to execution whenever feasible." He said at their Monday meeting, if he sees something happening, he discloses it to the other three commissioners. They have a weekly opportunity to check in. Is that what she's talking about? They're not voting on things. Commissioner Moyle said they aren't they're just making sure that as a commission, they communicate. Chairman McCray said he questions the language as it's written because it says, "reviewed by the full commission." The Monday morning meetings isn't a "meeting of the Commission." It's just them getting together and getting an update from Mr. Sailor about what's going on. The way he interprets number seven is that they would need to have a public meeting. Commissioner Zwygart said he also interpreted it that way, that it would be an open public meeting for them to make a decision. Commissioner Moyle said it says, "review." It doesn't say there's an action taken. It's just bringing it to the attention of the other Commissioners, which they don't do a very good job of communicating, as Commissioners, extremely well. Commissioner Woods said the Monday morning meetings are very helpful to figure out what's going on. He thinks the new budgetary review the Chairman put together this year is good.

Commissioner Woods continued, "All actions carried out in this delegation of authority must be documented and maintained in an auditable record." If he were staff, he wouldn't know what that meant. Commissioner Moyle said that's why, at the very end, there is Delegation Approvals. Delegation of authority is an important thing. She thinks what's been done in the past is they've not treated it as formal. She's not saying it's been a bad job, just that it's important. It's a formal process. She is delegating her constitutional and legislative authority to staff. That means something and it should mean something to all of them. They get so busy in the "every day" that they just forget this is an important agency and they do important work here. She would like to make sure they continue to remember that and remember that it is important and that instead of pushing Commissioners aside, she would like that reported back. And, quite frankly, there have been instances, even recently, where that hasn't happened, and it's important. It doesn't mean she delegated to someone so she could be pushed aside and for her not to be included in meetings. That's the thing she feels is sometimes missed. Commissioner Woods said, in his mind, what she has described he would characterize as a management issue. If she delegated authority but isn't being updated, he feels they don't need a resolution to fix that. They're asking staff to do this on a daily basis, yet they haven't looked at what they're doing and taking it serious enough and

making those processes function for them. This is her way of saying she takes this serious. She wants staff to see that she is willing to do what she is asking them to do.

Commissioner Woods said in number ten, the annual comprehensive delegation audit. Who would do that and how would it be conducted? Commissioner Moyle said, in her mind, at this point, that would be conducted between the Commissioners and Mr. Sailor because that delegated power went down through him. They delegate their power, but they have never had it reported back to them what's happening. It needs to be a process and it needs to be thoughtful and brought back to them and they need to be updated on what is going on. She needs those to whom she's delegating her power, or her authority to, to understand that that's what it is and bring it back to her and explain what has happened. Commissioner Woods said he'd suggest the word "audit" be removed and that it just say, "an annual comprehensive delegation status." Commissioner Moyle said she used words staff is familiar with. Commissioner Woods said then they'll have to have a view of all transactions. That could take a lot of time.

Commissioner Woods moved on to Property Tax. The operational support, "provide appraisal assistance to counties..." When he originally read that, he thought it was benign, but then he had some conversations and there is a balancing act they do with county assessors. Some would like the Tax Commission to just come in and appraise things for them. We don't want to do that. We help them, but that gets to be a slippery slope. The way she has it, "provide appraisal assistance to county" is going to be – there's that tension there between overhelping and under-helping.

Commissioner Zwygart was recognized and said he appreciates the document Commissioner Moyle has presented. He had some issues that have already been covered. For example, number ten, he feels like he's getting that quarterly during the business meeting. The staff are telling the Commissioner's what's going on, so he feels he has a comprehensive weekly report when Mr. Sailor attends the Commissioner's meeting. He loves the document, but his issue is with lowering limits. He would like to use this document and put it with what is already in place, and then a year from now, if it isn't working then they can make changes. He did not know they had [a Delegation of Authority] until 30 days ago when they received the resolution. He has a hard time adding reports. He asked Commissioner Moyle to address why she feels they need to provide more reports. Commissioner Moyle said it's because she feels the work being done is important.

It was noted that those online could not understand what the Commissioners were saying.

Commissioner Zwygart restated his question, asking Commissioner Moyle why she felt they needed to lower the limits and add more reporting to what is already in place. Commissioner Moyle said to her it felt like they have changed the structure in the agency, and because they've changed that structure, and because the oversight commissioners now function in a little bit of a different way, that more of that needed to be brought back for them to review and to discuss and rather than her being told that her delegated power means that she's not invited to meetings... no. Her delegated power means, "please report back." That's why some of that is in this document; it just means report back to them on what is going on. Understand that this is the delegated authority, it's important, it means something. It doesn't mean to push the Commissioner out. Quite frankly, she had a very limited time to put this together. This is a living, breathing document. She doesn't mind if there are changes to it, but she felt the resolution before was so basic and that the Commissioners hadn't provided input into it that they needed to. When they delegate power, or authority, to her that is an important function and it means something. These living, breathing documents need something and that's why the agency does what it does at all levels. She felt that if the Commissioners aren't doing it at their level, how can they ask others to be doing it. She felt it was an important look and that's what she has always felt, that it meant a little more than what they voted on last time meant. She feels it needs to be documented and when they're giving their authority to others, it should be reported back to them. She is not saying in any way that anyone in this room, or anyone in this agency, does not do their job because she appreciates the jobs that are done every day. But she also needs everyone to understand that that is an authority that she is allowing, and at the end of the day, it is her that is responsible for everything that happens here. And that means something to her. She felt like sometimes they rush through this and do their jobs,

and do their jobs well on a daily basis, but they don't think about what they're asking. She felt like it needed to be documented. She had a very short time to put this together. There are even a couple of things she'd like to change. She feels this is a better start and opens some communication lines a little better for what they are looking at improving on as an agency. That was her whole thought process when she went forward with this.

Chairman McCray said Commissioner Moyle has mentioned a number of times that she feels like she's being pushed out as a commissioner. Can she please explain what that means? Commissioner Moyle said yes. Even recently, she had one of the Division Administrators cancel meetings because she had been invited. That is not appropriate. She still oversees everything, and she has tried like crazy to stay out of the way and let things happen, but at the end of the day, it's still her authority that she's given away and she is responsible. Chairman McCray asked how this document solves that problem. Commissioner Moyle said it makes it so that when she's delegating her authority there is clear, concise indication of what that means, where the other document is so broad that it, in her opinion, wasn't concise enough. Chairman McCray said, in the eight years she's been a Commissioner, what has not worked with the prior delegation of authority? What's broken and what is she trying to fix? Commissioner Moyle said in the eight years she's been a Commissioner, the Commission has changed greatly. They have new staff, they have a new way of doing things, they have a COO that's in place now that was not previously, they're working under a little bit of different legislative direction, and she just feels that needed to be documented a little better. They ask staff every day to document what they're doing; she felt they could better document what their intentions are. She isn't solid that this is what it exactly has to be. She had 30 days to think about it and put it together, so she tried to do that. She felt like in the past, sometimes, they left Property Tax on their "side" and that's not it. She's trying to create a whole, entitled agency. That's their goal; what they're trying to improve upon, so, her whole goal in this is they, as Commissioners, can think about what they're doing a little more. They can also have a little more transparency in having some of the reporting come back to them. It wasn't that anything wasn't functioning. It's just that she feels the roles of the Commissioners has changed since she's been here. Because of that, she'd like the reporting to come back directly to her. In the past, it hasn't. That's all she's saying. They're working under a little bit different direction and she wants that to be clear to everybody, from her level on down. That's what they're trying to document. It means something. When she delegates her authority, it means something. It isn't just a quick "let's put this together and say we do it" because statutorily they can. What they do in this agency is important. Everything they do on a daily basis is important. Sometimes they don't take the time to think about what they're doing. She thinks they need to slow down and maybe take the time to think about what's happening here. That's why she proposed this be a little stronger when they delegate that authority out.

Commissioner Woods said, being new to this concept and seeing the need for it, he also sees, through his own lens, that he's been assigned the duty of oversight for property tax and he takes that extremely seriously to administer the way he thinks he's supposed to, according to statute. If things don't go that way, then he verbalizes that, and he hasn't experienced it yet, but if there was a course correction, then he would talk to the COO and ultimately would talk to the Commissioners. He likes what Commissioner Moyle has put together, in the terms of more "whereas's." He thinks sections 1, 2, 3, and 4 are fine, but honestly, he'd like, instead of creating new exhibits A, B, C, D and then instead of E, just use Property Tax. He thinks number five has some things, and he's made one suggestion on changing the word "audit" to "status." He sees her point on how number seven isn't really an open meeting law violation, because she's asking for review. And when they talk about indemnification for personal liability, they're not creating any additional insulation for themselves. That's not the intent to make sure the Commissioners are more insulated from potential liability from bad outcomes. He understands that. He would like to see, in his perfect world sections one through five and get rid of six because it can be incorporated, then refer to this and keep working on this to make sure it's got what she intended. Commissioner Moyle said she broke the threshold limits down so that they get more reporting back on some of those limits. Commissioner Woods said he's suggesting breaking this into a two-step process where they get part of the way there. He's not sure how much reporting they're talking about. Commissioner Moyle said in her mind, it doesn't really change much other than what they get reported in their meetings.

Commissioner Zwygart said he agrees Commissioner Moyle took the original document and moved it over and then made some changes. He likes what she did. He likes this second document, but lowering the limits bothered him and there was more reporting required by the department heads. He likes the second document because it gave him more insight, but he thinks this second document should be put on a strategic plan for OE (Operational Excellence) and worked on so it can be changed. He loves this and her doing it and would really vote for her to continue to do it. He would like to continue with this document but stay with the format they have. Then make the changes after they have them all together. Commissioner Moyle understood that he'd like to move the limits back up. He said yes, move the limits back up and leave the reporting the way it is and then start seeing what limits need to be. He loves the document as a manual.

Commissioner Woods said, to address the question Chairman McCray posed about an example of the problem. He thinks those types of problems exist with or without the resolution and they need to have a management structure. He agrees to be the one who takes the fall for any mistakes in Property Tax, but he also has an expectation that management identifies things that are risky, and they have a conversation and buy-in before it goes forward. If that doesn't happen, then he'll have a conversation with Mr. Sailor. Regardless of the resolution, that's how that's going to work. He wants to ensure that if there are things that are, and he'll call it administrative dysfunction, that Commissioner Moyle is experiencing, he's not sure this resolution will resolve all that. He likes what she's done. Commissioner Moyle said she thinks they have a misconception. She doesn't think it's really an administrative malfunction. She is not doing anything in her resolution than anything she has asked, under OE, that they have the individual divisions do. It's just that how can she, as a leader, ask for things to be documented and improved upon if she isn't willing to document and improve upon the authority she is granting them. Truly, this is an authority they are granting. It is serious. It isn't something she just wants thrown out there. She wants it thought about. It is a statutory responsibility. It is a constitutional responsibility they are passing on. They've never had it documented. They've never had it laid out and thought about. They attempted but she felt it could go further and that they could "OE it." Commissioner Woods said in his mind, if authority is given to an employee, and in the exercise of that authority they do something that is inappropriate, that's an issue that needs to be handled and taken care of. Just because one has authority, doesn't mean they should run with that authority, and not communicate back up the chain. That's why managers get paid management salary. They have to understand that within the exercise of the authority there's items that are discretionary. He'll stand behind anything in the division he oversees, but in exchange for that, he expects to be notified of things. He thinks in order to be an efficient organization and comply with the statutory framework where "commission" is used interchangeably there's a need to provide some delegation here. As they go through OE and culturally to correct the things Commissioner Moyle mentioned, he wants to do that. He knows she has sub-categories, but it will take him more time to go through them; the lowering of the triggers, and some of that, but if Property Tax came off, he likes her section one through six and the exhibit that was referred to in 25-01 with the changes that were proposed. That's an initial step and prior to the next fiscal year, they can consider whether that works or if they need to do some of these things, too.

Commissioner Zwygart said he agrees that what Commissioner Moyle has done is a great beginning of a good manual for the Commissioners. He thinks there are things in it that need to be tweaked a bit and to make sure they all agree, but he thinks it repeats the changes that were already presented. He feels it's more robust, but he has a hard time with some of the changes. The biggest is lowering the limits, and that [staff] have to make more reports than they're already doing. He feels like they're already giving them everything they need; he's on the emails, he's included, and he's allowed to give his opinion. That's his impression. He likes the beginnings of it. Commissioner Moyle said the heartburn she has with what he just said is that she doesn't necessarily change what is already going on. It just ensures they have it properly documented. That is the part she feels they've always missed. They ask for every other agency to document, and have manuals, and be prepared, and yet they as Commissioners have not documented and been prepared on their level. That is why that is in place. She doesn't see that this necessarily changes anything other than they're asking for a little more reporting based on a little lower limits. Commissioner Zwygart said that is where he has heartburn. Commissioner Moyle said, quite frankly, to have that documentation to them, it's already documented. It's not like it's a big headache to have it just reported to the Commissioners.

Commissioner Woods asked if that is something that can be rolled out as a pilot initiative in income tax before they cast the net over the entire agency? Commissioner Moyle said he's delegating his authority in this. Commissioner Woods asked if that's over income tax. Commissioner Moyle said yes. He's delegating his authority over everything. As a Commissioner, they are the Commission, so he has to think about it that way. Commissioner Zwygart asked to rephrase and see if he can understand what Commissioner Woods is saying. If they stay with the current document, they have the ability to change it, they don't have to wait a complete year. If in three or six months they have come up with a better document, then it can be changed in three months, or two months, or thirty days. That's his feeling. Stay with what they have and then fix this with either more or less detail. Is that what Commissioner Woods is asking? Commissioner Woods said he shares the same concern about documentation. He's never been a big forms person, but they have to create some sort of meaningful outcome. If someone filled out a form, and then did something they said they wouldn't do on the form, is it now a gotcha? Is that what they're doing? Because they can do that without a form. Commissioner Moyle said no, it isn't. What she is asking all four of them to think about is the powers they're delegating and then she's asking for staff to think about the fact that they are delegating those powers, and it means something. This isn't a gotcha in any way and she doesn't know that it necessarily changes what they do. It documents it. It clearly documents it. And if they don't want to lower those levels, that's fine, they can put those levels back. The thing would still apply that there are high risk things, and statutorily, the legislature felt that it was \$50,000. If the documents are there, it's just saying bring it to the Commission and let them know. Report it. The documentation is already there. They're already doing the reporting. Just let the Commission see it. It doesn't change anything, necessarily that's happening in the Commission right now. She's just delegating her authority and all she's asking in response is that she be reported to as to what they did with it.

Chairman McCray said the meeting is coming up on time and he's not hearing any new arguments. They seem to be circling around the same concerns and issues.

Chairman McCray motioned to adopt Resolution 25-01: Delegations of Authority, as presented. Ms. Young conducted a roll call vote. Chairman McCray, aye; Commissioner Zwygart, aye; Commissioner Moyle, no; Commissioner Woods, no. The motion failed.

Commissioner Moyle motioned to adopt (and they can make changes to this) Resolution 25-02: Delegations of Authority. Ms. Young conducted a roll call vote. Chairman McCray, no; Commissioner Zwygart, no; Commissioner Moyle, aye; Commissioner Woods, aye. The motion failed.

The current Delegations of Authority, Resolution 20-06 will remain in effect until replaced by another.

Chairman McCray adjourned the meeting.

Maria Young, Secretary

Jeff McCray, Chairman