

TITLE 31
COUNTIES AND COUNTY LAW

CHAPTER 52
COMMISSION-EXECUTIVE FORM OF COUNTY GOVERNMENT

31-5201. COMMISSION-EXECUTIVE FORM. The form of government provided in this chapter shall be known as the commission-executive. Each county operating under this form shall be governed by an elected board of county commissioners and an elected executive and the other officers specified in the resolution or petition from the choices provided in sections [31-5209](#) through [31-5214](#), Idaho Code.

[31-5201, added 1996, ch. 283, sec. 3, p. 923.]

31-5202. ELECTION OF EXECUTIVE. The executive shall be elected at the general election following the adoption of the commission-executive form of government provided in this chapter.

[31-5202, added 1996, ch. 283, sec. 3, p. 923.]

31-5203. QUALIFICATIONS AND OFFICE OF EXECUTIVE. (1) No person shall be elected to the office of executive unless he has attained the age of twenty-one (21) years at the time of his election, is a citizen of the United States and has resided within the county one (1) year immediately preceding his election.

(2) Each candidate shall file his declaration of candidacy with the county clerk. Each declaration shall have attached thereto a petition which contains the signatures of not less than five (5) nor more than ten (10) qualified electors.

(3) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of forty dollars (\$40.00) which shall be deposited in the county treasury.

(4) The salary of the executive shall be set by the board of county commissioners and cannot be reduced except as a part of a general salary reduction.

(5) The office of the executive shall be deemed vacant as provided in section [59-901](#), Idaho Code. The vacancy shall be filled according to the provisions of section [59-906A](#), Idaho Code.

[31-5203, added 1996, ch. 283, sec. 3, p. 923.]

31-5204. POWERS OF EXECUTIVE. (1) The executive shall be the chief administrative official of the county and shall have all the powers and perform all the duties of an executive and administrative nature vested in, or imposed upon, the county or the board of county commissioners by law or by agreement with any municipality or other subdivision of the state. In addition to such other responsibilities as may be imposed upon him by law the county executive shall:

(a) Report annually to the board of county commissioners and the people on the state of the county. He shall also recommend to the board of county commissioners whatever action or programs he deems necessary for the improvement of the county and the welfare of its residents;

(b) See that the ordinances of the county and the resolutions of the board of county commissioners are complied with and faithfully executed, execute all contracts and conveyances in the name of and on behalf of the county, and provide for the enforcement of all laws of the state subject to his enforcement or the enforcement of officers under his direction and supervision;

(c) Prepare and submit an annual budget for the county to the board of county commissioners. The executive shall be the county budget officer and shall be responsible for the performance of the duties of the county budget officer as provided in [chapter 16, title 31](#), Idaho Code, and any other provisions of law imposing duties upon the county budget officer;

(d) Keep the board of county commissioners fully advised as to the financial condition and needs of the county and make such other reports from time to time as required by the board or as he deems necessary;

(e) Furnish the board of county commissioners with information concerning the operations of county departments, boards or commissions, necessary for the board to exercise its powers or as requested by the board;

(f) Preside over the meetings of the board of county commissioners and determine the order of business subject to any rules the board may prescribe, take part in the discussions, and recommend measures for adoption;

(g) Exercise the executive authority of the county to appoint, supervise, suspend and remove county personnel and make nominations and appointments to additional offices, advisory boards and committees.

(2) The executive may call special meetings of the board of county commissioners, the object of which shall be submitted to the board in writing.

(3) The executive may appoint an administrative assistant, qualified by education and experience, who shall be responsible for the orderly and efficient operation and coordination of the various departments, boards, and commissions of the county.

[31-5204, added 1996, ch. 283, sec. 3, p. 924.]

31-5205. VETO POWER. (1) The executive may sign or veto any ordinance or budget resolution adopted by the board of county commissioners. A veto by the executive may apply to all items or to any specific item of an ordinance or budget resolution appropriating money. Certification of a veto must be made by the executive within ten (10) days of the passage of the ordinance or budget resolution by the board of county commissioners. The board of county commissioners may override the veto by a two-thirds (2/3) vote of all its members called to a special session to consider the veto by a majority of its members.

(2) If the executive fails or refuses to sign any ordinance or budget resolution and return it with his written objections to the board of county commissioners within ten (10) days of the passage of the ordinance or resolution, it shall become law without his signature.

[31-5205, added 1996, ch. 283, sec. 3, p. 925.]

31-5206. BOARD OF COUNTY COMMISSIONERS -- OPTIONAL SIZE -- DISTRICTS TO BE REDRAWN. (1) The legislative authority of the county shall be vested in a board of county commissioners comprised of three (3), five (5) or seven (7) members. The petition or resolution shall specify the size of the board

of county commissioners and shall indicate the term of office of the commission, as provided in section [31-5207](#), Idaho Code. In no event shall the term of office of any incumbent member of the board of county commissioners be affected as a result of an increase in the size of the board of county commissioners under the provisions of this chapter.

(2) If the size of the board of county commissioners is increased, at the regular meeting of the board in January, preceding any election of additional county commissioners, the board must divide the county into the number of districts equal to the number of commissioners approved by the electors. The districts established shall be as nearly equal in population as possible. The redrawing of an existing district which places the incumbent county commissioner for that district outside of its boundaries shall not disqualify or otherwise affect the qualifications of the commissioner during his incumbency.

[31-5206, added 1996, ch. 283, sec. 3, p. 925.]

31-5207. ELECTION OF ADDITIONAL COMMISSIONERS -- ALL MEMBERS OF COMMISSION MAY BE ELECTED TO FOUR YEAR TERMS. (1) If the size of the board of county commissioners is increased, the additional commissioners shall be elected at the following general election.

(2) Except as provided in subsection (3) of this section, the additional members shall be elected for a term of two (2) years, with the allotment of the four (4) year term between the entire commission to proceed in numerical rotation in accordance with the provisions of section [31-703](#), Idaho Code.

(3) Notwithstanding the provisions of section [31-703](#), Idaho Code, or any other provision of law to the contrary, the petition or resolution to adopt the optional form of government provided in this chapter may provide that all members of the board of county commissioners for the county be elected to serve terms of four (4) years. If approved by the electors, the commissioner for each additional district shall be elected to a term of four (4) years and commissioners for existing districts shall be elected to a term of four (4) years upon the expiration of the commissioner's current term of office.

[31-5207, added 1996, ch. 283, sec. 3, p. 925.]

31-5208. OTHER OFFICES. (1) The resolution or petition to adopt the commission-executive form of government shall further define the structure of the form by including one (1) selection from the choices specified for each of the offices listed in sections [31-5209](#) through [31-5214](#), Idaho Code.

(2) If the resolution or petition provides for the election of any new officers, such officers shall be elected at the general election following the adoption of the optional form of county government provided for in this chapter, or such earlier election date, subject to the provisions of section [34-106](#), Idaho Code, as provided in the petition or resolution.

[31-5208, added 1996, ch. 283, sec. 3, p. 926.]

31-5209. COUNTY CLERK, EX OFFICIO AUDITOR AND RECORDER. For purposes of this act the duties and responsibilities of the county clerk shall be as provided in [chapter 10, title 1](#), Idaho Code, and [chapter 7, title 31](#), Idaho Code, or as otherwise prescribed by law; the duties of the county clerk as ex

officio county auditor shall be as provided in [chapter 23, title 31](#), Idaho Code, or as otherwise prescribed by law; and the duties of the county clerk as ex officio county recorder shall be as provided in [chapter 24, title 31](#), Idaho Code, or as otherwise prescribed by law. A county clerk, ex officio auditor and recorder:

(1) Shall continue to be elected to a term of four (4) years and perform all the duties and responsibilities of the office; or

(2) Shall be elected to a different term of office specified in the petition or resolution, but not to exceed four (4) years, and perform all the duties and responsibilities of the office; or

(3) Shall be appointed by the executive with the advice and consent of the board of county commissioners, be supervised by the executive and perform the duties and responsibilities of the county clerk, ex officio auditor and recorder; or

(4) The office shall be divided into two (2) or three (3) separate offices, with the persons to fill those offices to be elected or appointed in the manner provided in subsection (1), (2) or (3) of this section. The petition or resolution shall identify the name of each office and the duties and responsibilities assigned to each office; or

(5) The office shall be eliminated as a separate office with the duties and responsibilities of the county clerk, ex officio auditor and recorder to be performed by one (1) or more other qualified elected officers or appointed persons as provided in the petition or resolution. The petition or resolution shall specifically identify the duties of the office for which each other officer or appointee shall be responsible. The duties of the office as provided in [chapter 10, title 1](#), Idaho Code, may not be combined with or assigned to the office of the sheriff or prosecuting attorney.

[31-5209, added 1996, ch. 283, sec. 3, p. 926.]

31-5210. COUNTY TREASURER, EX OFFICIO TAX COLLECTOR AND PUBLIC ADMINISTRATOR. For purposes of this act, the duties of the county treasurer as ex officio public administrator shall be as provided in [chapter 1, title 14](#), Idaho Code; and the duties of the county treasurer as county treasurer and ex officio tax collector shall be as provided in chapters 15 and 21, [title 31](#), Idaho Code, and [title 63](#), Idaho Code, and as otherwise prescribed by law. A county treasurer, ex officio tax collector and public administrator:

(1) Shall continue to be elected to a term of four (4) years and to perform all the duties and responsibilities of the office; or

(2) Shall be elected to a different term of office to be specified in the petition or resolution, but not to exceed four (4) years, and perform all the duties and responsibilities of the office; or

(3) Shall be appointed by the executive with the advice and consent of the board of county commissioners, be supervised by the executive and perform all the duties of the office; or

(4) The office shall be divided into two (2) or three (3) separate offices, with the persons to fill those offices to be elected or appointed in the manner provided in subsection (1), (2) or (3) of this section. The petition or resolution shall identify the name of each office and the duties and responsibilities assigned to each office; or

(5) The office shall be eliminated as a separate office with the duties and responsibilities of the office to be performed by one (1) or more other elected officers or appointed persons as provided in the petition or resolu-

tion. The petition or resolution shall specifically identify those duties of the office for which each other officer or appointee shall be responsible.

[31-5210, added 1996, ch. 283, sec. 3, p. 926.]

31-5211. COUNTY ASSESSOR. For purposes of this act, the duties of the county assessor shall be as provided in [title 63](#), Idaho Code, and as otherwise prescribed by law. A county assessor:

(1) Shall continue to be elected to a term of four (4) years and to perform all the duties and responsibilities of the office; or

(2) Shall be elected to a different term of office as provided in the resolution or petition, but not to exceed four (4) years, and perform all the duties of the office; or

(3) Shall be appointed by the executive with the advice and consent of the board of county commissioners, be supervised by the executive and perform all the duties of the office; or

(4) The office shall be eliminated as a separate office with the duties and responsibilities of the office to be performed by one (1) or more other qualified elected officers or appointed persons as provided in the resolution or petition. The resolution or petition shall specifically identify those duties of the office for which each other officer or appointee shall be responsible.

[31-5211, added 1996, ch. 283, sec. 3, p. 927.]

31-5212. COUNTY SHERIFF. For purposes of this act, the duties of the county sheriff shall be as provided in [chapter 22, title 31](#), Idaho Code, and as otherwise prescribed by law. A county sheriff:

(1) Shall continue to be elected to a term of four (4) years and to perform all the duties and responsibilities of the office; or

(2) Shall be elected to a different term of office as provided in the resolution or petition, but not to exceed four (4) years, and perform all the duties of the office; or

(3) Shall be appointed by the executive with the advice and consent of the board of county commissioners, be supervised by the executive and perform all the duties of the office; or

(4) The office shall be eliminated as a separate office with the duties and responsibilities of the office to be performed by one (1) or more other qualified elected officers or appointed persons as provided in the resolution or petition. The office of sheriff may not be consolidated with the office of the prosecuting attorney or the office of the clerk of the district court. The resolution or petition shall specifically identify those duties of the county sheriff for which each other officer or appointee shall be responsible.

[31-5212, added 1996, ch. 283, sec. 3, p. 927.]

31-5213. COUNTY CORONER. For purposes of this act the duties of the county coroner shall be as provided in [chapter 28, title 31](#), Idaho Code, and as otherwise prescribed by law. A county coroner:

(1) Shall continue to be elected to a term of four (4) years and to perform all the duties and responsibilities of the office; or

(2) Shall be elected to a different term of office as provided in the resolution or petition, but not to exceed four (4) years, and perform all the duties of the office; or

(3) Shall be appointed by the executive with the advice and consent of the board of county commissioners, be supervised by the executive and perform all the duties of the office; or

(4) The office shall be eliminated as a separate office with the duties and responsibilities of the office to be performed by one (1) or more other qualified elected officers or appointed persons as provided in the resolution or petition. The resolution or petition shall specifically identify those duties of the office for which each other officer or appointee shall be responsible.

[31-5213, added 1996, ch. 283, sec. 3, p. 928.]

31-5214. COUNTY PROSECUTING ATTORNEY. For purposes of this act, the duties of the county prosecuting attorney shall be as provided in [chapter 26, title 31](#), Idaho Code, and as otherwise prescribed by law. A county prosecuting attorney:

(1) Shall continue to be elected to a term of four (4) years and to perform all the duties and responsibilities of the office; or

(2) Shall be elected to a different term of office as provided in the resolution or petition, but not to exceed four (4) years, and perform all the duties of the office; or

(3) Shall be appointed by the executive with the advice and consent of the board of county commissioners, be supervised by the executive, and perform all the duties of the office; or

(4) The office shall be eliminated with the duties and responsibilities of the office to be performed by one (1) or more other qualified elected officers or appointed persons, or by a qualified person retained by the county on a contractual basis, as provided in the resolution or petition. The office of prosecuting attorney may not be consolidated with the office of sheriff or the office of clerk of the district court. The resolution or petition shall specifically identify those duties of the office for which each other officer, appointee, or party to the contract shall be responsible.

[31-5214, added 1996, ch. 283, sec. 3, p. 928.]