TITLE 31
COUNTIES AND COUNTY LAW

CHAPTER 56
SEVEN-MEMBER BOARD OF COUNTY COMMISSIONERS

31-5601. SEVEN-MEMBER BOARD OF COUNTY COMMISSIONERS. The form of government provided in this chapter shall consist of an elected board of county commissioners comprised of seven (7) members and the other officers specified in the resolution or petition from the choices provided in sections 31-5606 through 31-5611, Idaho Code.

[31-5601, added 1996, ch. 283, sec. 7, p. 941.]

31-5602. BOARD OF COUNTY COMMISSIONERS -- CHANGE IN TERM OF OFFICE. (1) The petition or resolution shall specify the terms of office of the seven-member board of county commissioners, which may be as provided in this section.

(2) Except as provided in subsection (3) of this section, the additional members of the board of county commissioners shall be elected for a term of two (2) years, with the allotment of the four-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.

[31-5602, added 1996, ch. 283, sec. 7, p. 941.]

31-5603. SEVEN-MEMBER BOARD -- DISTRICTS TO BE REDRAWN -- ELECTION OF ADDITIONAL COMMISSIONERS. (1) Upon the adoption of the form of government provided in this chapter, 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.

(2) The four (4) additional commissioners shall be elected at the general election following the adoption of the form of government provided in this chapter.

(3) In no event shall the term of office of any incumbent member of the board of county commissioners be affected by the adoption of the form of government provided in this chapter.

[31-5603, added 1996, ch. 283, sec. 7, p. 941.]

31-5604. BOARD OF COUNTY COMMISSIONERS -- LEGISLATIVE AND EXECUTIVE AUTHORITY -- OPTIONAL EXECUTIVE BOARD. (1) Upon the adoption of the form of county government provided in this chapter, the legislative authority of the county and, except as provided in subsection (2) of this section, the executive authority of the county shall be vested in the seven (7) member board of county commissioners.

(2) The executive authority of the county may be vested in an executive board comprised of three (3) members of the board of county commissioners chosen by the board as a whole, in a manner to be determined by the board. If the board of county commissioners determines to vest the executive authority of the county in an executive board, the board shall identify the manner in which the executive board shall be chosen and shall choose the executive board within thirty (30) days of the adoption of the form of government provided in this chapter.

[31-5604, added 1996, ch. 283, sec. 7, p. 941.]

31-5605. OTHER OFFICES. (1) The resolution or petition to adopt the form of government provided in this chapter 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 31-5606 through 31-5611, 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.

[31-5605, added 1996, ch. 283, sec. 7, p. 942.]

31-5606. 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 to 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 of the office; or

(3) Shall be appointed by the board of county commissioners or the executive board with the advice and consent of the entire board of county commissioners, be supervised by the entire board or the executive board, as applicable, and perform all the duties and responsibilities 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, duties and responsibilities of 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 resolution. The petition or resolution shall 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 consolidated with the office of the sheriff or prosecuting attorney.

[31-5606, added 1996, ch. 283, sec. 7, p. 942; am. 1996, ch. 326, sec. 2, p. 1114.]

31-5607. 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 board of county commissioners or the executive board with the advice and consent of the entire board of county commissioners, be supervised by the entire board or the executive board, as applicable, 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, duties and responsibilities of 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 resolution. The petition or resolution shall specifically identify those duties of the office for which each other officer or appointee shall be responsible.

[31-5607, added 1996, ch. 283, sec. 7, p. 942; am. 1996, ch. 326, sec. 2, p. 1115.]

31-5608. 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 board of county commissioners or the executive board with the advice and consent of the entire board of county commissioners, be supervised by the entire board or the executive board, as applicable, 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 elected officers or appointed persons as provided in the resolution or petition. The resolution or

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

[31-5608, added 1996, ch. 283, sec. 7, p. 943; am. 1996, ch. 326, sec. 2, p. 1116.]

31-5609. 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 board of county commissioners or the executive board with the advice and consent of the entire board of county commissioners, be supervised by the entire board or the executive board, as applicable, 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 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 identify those duties of the county sheriff for which each other officer or appointee shall be responsible.

[31-5609, added 1996, ch. 283, sec. 7, p. 943; am. 1996, ch. 326, sec. 2, p. 1116.]

31-5610. 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 board of county commissioners or the executive board with the advice and consent of the entire board of county commissioners, be supervised by the entire board or the executive board, as applicable, 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 elected officers or appointed persons as provided in the resolution or petition. The resolution or petition shall identify those duties of the office for which each other officer or appointee shall be responsible.

[31-5610, added 1996, ch. 283, sec. 7, p. 944; am. 1996, ch. 326, sec. 2, p. 1116.]

31-5611. 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 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 board of county commissioners or the executive board with the advice and consent of the entire board of county commissioners, be supervised by the entire board or the executive board, as applicable, 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, appointed persons or persons retained 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 identify those duties of the office for which each other officer, appointee or party to the contract shall be responsible.

[31-5611, added 1996, ch. 283, sec. 7, p. 944; am. 1996, ch. 326, sec. 2, p. 1117.]