

TITLE 31
COUNTIES AND COUNTY LAW

CHAPTER 7
BOARD OF COUNTY COMMISSIONERS

31-701. CONSTITUTION OF BOARD. Each county must have a board of county commissioners consisting of three (3) members.

[(31-701) 1868, p. 100, sec. 1; R.S., sec. 1745; reen. R.C. & C.L., sec. 1904; C.S., sec. 3402; I.C.A., sec. 30-601.]

31-702. DISTRICT FROM WHICH ELECTED. Each member of a board of commissioners must meet the residency requirements in the county and district which he represents as set out in section [34-617](#), Idaho Code.

[(31-702) 1885, p. 85, sec. 3; R.S., sec. 1746; reen. R.C. & C.L., sec. 1905; C.S., sec. 3403; I.C.A., sec. 30-602; am. 1982, ch. 332, sec. 1, p. 839.]

31-703. TERM OF OFFICE. The term of office of a commissioner shall be as follows:

At the general election in 1936, two members shall be elected for a term of two (2) years and one member for a term of four (4) years; at each biennial election thereafter, one member shall be elected for a term of two (2) years and one for a term of four (4) years, it being further provided that at the general election in 1936, the commissioner from county commissioner's district number one, shall be elected for a term of four (4) years and that the four (4) year term shall be allotted thereafter in rotation to districts number two, three, and one.

[(31-703) 1868, p. 100, sec. 2; R.S., sec. 1747; reen. R.C. & C.L., sec. 1906; C.S., sec. 3404; I.C.A., sec. 30-603; am. 1935, ch. 18, sec. 1, p. 37.]

31-704. COMMISSIONERS' DISTRICTS. At the regular meeting in January, preceding any general election, the board of commissioners must district their county into three (3) districts, as nearly equal in population as may be, to be known as county commissioners' districts, numbers one (1), two (2) and three (3) respectively; provided, that when a new county shall have been created, or the boundary lines of a county shall have been changed, then the board of commissioners of such county may district their county at any general or special meeting of such board.

[(31-704) R.S., sec. 1748; am. 1893, p. 3, sec. 1; reen. 1899, p. 164, sec. 1; am. R.C. & C.L., sec. 1907; C.S., sec. 3405; I.C.A., sec. 30-604; am. 1943, ch. 69, sec. 1, p. 147; am. 1972, ch. 132, sec. 1, p. 261.]

31-705. ELECTION OF CHAIRMAN. The members of the board of commissioners must, at their first regular meeting on the second Monday of January next after their election, elect a chairman from their number.

[(31-705) 1868, p. 100, sec. 6; R.S., sec. 1750; reen. R.C. & C.L., sec. 1908; C.S., sec. 3406; I.C.A., sec. 30-605.]

31-706. QUORUM -- TEMPORARY CHAIRMAN -- ADMINISTERING OATHS. A majority of the board constitutes a quorum. The chairman must preside at all meetings of the board, and in case of his absence or inability to act, the members present must, by an order, select one of their number to act as chairman temporarily. Any member of the board or its clerk may administer oaths to any person concerning any matter submitted to them or connected with their powers or duties.

[(31-706) 1868, p. 100, sec. 6; R.S., sec. 1751; reen. R.C. & C.L., sec. 1909; C.S., sec. 3607; I.C.A., sec. 30-606.]

31-707. CLERK OF BOARD. The county auditor is ex officio clerk of the board of commissioners. The records must be signed by the chairman and the clerk.

[(31-707) 1868, p. 100, sec. 6; R.S., sec. 1752; reen. R.C. & C.L., sec. 1910; C.S., sec. 3408; I.C.A., sec. 30-607.]

31-708. DUTIES OF CLERK. The clerk of the board must:

1. Record all the proceedings of the board.
2. Make full entries of all their resolutions and decisions on all questions concerning the raising of money for, and the allowance of accounts against, the county.
3. Record the vote of each member on any question upon which there is a division, or at the request of any member present.
4. Sign all orders made and warrants issued by order of the board for the payment of money.
5. Record the reports of the county treasurer of the receipts and disbursements of the county.
6. Preserve and file all accounts acted upon by the board.
7. Preserve and file all petitions and applications for franchises; and record the action of the board thereon.
8. Record all orders levying taxes; and,
9. Perform all other duties required by law or any rule or order of the board.

[(31-708) 1868, p. 100, sec. 6; R.S., sec. 1753; reen. R.C. & C.L., sec. 1911; C.S., sec. 3409; I.C.A., sec. 30-608.]

31-709. RECORDS TO BE KEPT. The board must cause to be kept permanently and indefinitely, in accordance with the provisions of section [31-871A](#), Idaho Code:

1. Minute records, in which must be recorded all orders and decisions made by them, and the daily proceedings had at all regular and special meetings.
2. Allowance records, in which must be recorded all orders for the allowance of money from the county treasury, to whom made, and on what account, dating, numbering and indexing the same through each year.
3. Road records, containing all proceedings and adjudications relating to the establishment, maintenance, change and discontinuance of roads, road districts, and overseers thereof, their reports and accounts.
4. Franchise records, containing all franchises granted by them, for what purpose, the length of time and to whom granted, the amount of bond and license tax required.

5. Warrant records, to be kept by the county auditor, in which must be entered, in the order of drawing, all warrants drawn on the treasury, with their number and reference to the order on the minute book, with the date, amount, on what account, and name of payee.

6. Ordinance records, containing all ordinances, stating the date enacted.

7. Resolutions records, containing all resolutions, stating the date adopted.

[(31-709) R.S., sec. 1754; am. R.C. & C.L., sec. 1912; C.S., sec. 3410; I.C.A., sec. 30-609; am. 1989, ch. 93, sec. 1, p. 219; am. 1993, ch. 140, sec. 3, p. 373; am. 1995, ch. 61, sec. 1, p. 135; am. 2016, ch. 47, sec. 14, p. 109.]

31-710. MEETINGS. (1) The regular meetings of the boards of commissioners must be held at their respective county seats on the second Monday of each month of the year, or if the board determines that county affairs require regular meetings more often, then at such times as may be provided for in advance by ordinance, and must continue from time to time until all the business before them has been addressed. Such other meetings must be held, to canvass election returns, equalize taxation, and for other purposes as are prescribed by law or provided for by the board.

(2) Adjourned meetings may be provided for, fixed and held for the transaction of business, by an order duly entered of record, in which must be specified the character of business to be transacted at such meetings, and none other than that specified must be transacted.

(3) Notifications of meetings of the board shall be held in accordance with the open meetings law as provided in [chapter 2, title 74](#), Idaho Code.

(4) All meetings of the board must be public, and the books, records, and accounts must be kept at the office of the clerk, open at all times for public inspection, free of charge.

[31-710, added 1968, p. 100 secs. 4, 5, 8; 1883, p. 10, sec. 1; R.S., sec. 1755; reen. R.C. & C.L., sec. 1913; C.S., sec. 3411; I.C.A., sec. 30-610; am. 1935, ch. 110, sec. 1, p. 259; am. 1937, ch. 23, sec. 1, p. 33; am. 1939, ch. 119, sec. 1, p. 215; am. 1989, ch. 65, sec. 1, p. 105; (these sections combined in 31-710, 1989; sec. 31-711, 1869, p. 100, sec. 4, R.S., sec. 1756, reen. R.C. & C.L., sec. 1914, C.S., sec. 3412; I.C.A., sec. 30-611; sec. 31-712, 1869, p. 100, sec. 5, R.S., sec. 1757; reen. R.C. & C.L., sec. 1915; C.S., sec. 3413; I.C.A., sec. 30-612; sec. 31-713, 1869, p. 100, secs. 5, 8; R.S., sec. 1758; reen. R.C. & C.L., sec. 1916; C.S., sec. 3414; I.C.A., sec. 30-613;) am. and redesig. 1989, ch. 93, sec. 2, p. 219; am. 2017, ch. 99, sec. 2, p. 247.]

31-714. ORDINANCES -- PENALTIES. The board of county commissioners may pass all ordinances and rules and make all regulations, not repugnant to law, necessary for carrying into effect or discharging the powers and duties conferred by the laws of the state of Idaho, and such as are necessary or proper to provide for the safety, promote the health and prosperity, improve the morals, peace and good order, comfort and convenience of the county and the inhabitants thereof, and for the protection of property therein, and may enforce obedience to such ordinances with such fines or penalties, including infraction penalties, as the board may deem proper; provided, that the punishment of any offense shall be by fine of not more than one thousand dollars

(\$1,000) or by imprisonment not to exceed six (6) months, or by both such fine and imprisonment.

[31-714, added 1965, ch. 159, sec. 1, p. 308; am. 1976, ch. 145, sec. 1, p. 530; am. 1978, ch. 260, sec. 1, p. 566; am. 2000, ch. 35, sec. 1, p. 63; am. 2005, ch. 359, sec. 14, p. 1143.]

31-715. STYLE OF ORDINANCES -- WHEN EFFECTIVE -- PUBLICATION. The style of all ordinances shall be: "Be it ordained by the board of county commissioners of county, Idaho"; and all ordinances of a general nature shall, before they take effect and within one (1) month after they are passed, be published in at least one (1) issue of a newspaper published in the county, but if no paper be published in the county, then in some paper having general circulation therein; provided, however, that in cases of riot, infectious or contagious diseases, or other impending danger requiring its immediate operation, such ordinances shall take effect upon the proclamation of the board of county commissioners, posted in at least five (5) public places in the county; provided further that whenever a revision or codification of ordinances is made and the revised or codified ordinances are published by authority of the board of county commissioners in book or pamphlet form no further publication thereof shall be deemed necessary, provided that when codes establishing rules and regulations for the construction, alteration or repair of buildings, the installation of plumbing, the installation of electric wiring, sanitary regulations or health measures, or other related or similar work, have been regularly adopted as a code by such board, they shall take effect without publication or posting thereof if reference be made to such code in a regularly adopted and published ordinance without including in such regularly adopted and published ordinance more than a particular reference to such code, provided, however, that one (1) copy of such code duly certified by the clerk of the board of county commissioners shall have been filed for use and examination by the public in the office of the clerk of the board of county commissioners prior to the adoption of said ordinance by the clerk of the board of county commissioners, and thereafter kept on file in such office.

[31-715, added 1965, ch. 159, sec. 2, p. 308; am. 1987, ch. 15, sec. 1, p. 19.]

31-715A. SUMMARIZATION OF ORDINANCES PERMITTED -- REQUIREMENTS. (1) The county may publish a summary of the ordinance which summary shall be approved by the board of county commissioners and which shall include:

- (a) The name of the county;
- (b) The formal identification or citation number of the ordinance;
- (c) A descriptive title;
- (d) A summary of the principal provisions of the ordinance, including penalties provided and the effective date;
- (e) Any other information necessary to provide an accurate summary; and
- (f) A statement that the full text is available and the name, location, and office hours of the agency where a complete copy may be obtained.

(2) Subsection (1) of this section notwithstanding, whenever any publication is made under this section and the proposed or adopted ordinance contains legal descriptions, or contains provisions regarding taxation or penalties concerning real property, then the sections containing this matter shall be published in full and shall not be summarized. When a legal de-

scription of real property is involved, the notice shall also include the street address or addresses of the property described, if any. In the case of descriptions covering one or more street addresses, the street addresses of the corners of the area described shall meet this requirement. Maps may be substituted for written legal description of property provided they contain sufficient detail to clearly define the area with which the ordinance is concerned.

(3) Before submission of a summary to a newspaper for publication under this section, the county clerk under seal of the board of county commissioners shall sign a statement, which shall be filed with the ordinance, that the summary is true and complete and provides adequate notice to the public.

(4) The full text of any ordinance which is summarized by publication under this section shall be promptly provided to any citizen on personal request.

[31-715A, added 1981, ch. 136, sec. 1, p. 240; am. 1989, ch. 74, sec. 3, p. 128.]

31-716. PROOF OF ORDINANCES. All ordinances shall be passed pursuant to such rules and regulations not inconsistent with the general laws relating thereto as the board of county commissioners may provide; and all such ordinances may be proved by the certificate of the clerk under the seal of the board of county commissioners, and when printed or published in book or pamphlet form by authority of the board of county commissioners, shall be read and received in evidence in all courts and places without further proof.

[31-716, added 1965, ch. 159, sec. 3, p. 308.]

31-718. ADVISORY BALLOT QUESTIONS. The board of county commissioners shall have the authority to place a question on the ballot pertaining to any issue before the citizens of that county during a primary or general election. The results of such an election shall be advisory only.

[31-718, added 1994, ch. 372, sec. 2, p. 1200.]