

TITLE 50
MUNICIPAL CORPORATIONS

CHAPTER 21
CONSOLIDATION OF CITIES

50-2101. CONSOLIDATION OF CITIES. Two (2) or more cities, each one of which is contiguous to the other, or to one of the other of said cities, all of which shall be incorporated under general law, may become consolidated into one (1) city, to be thereafter governed in the name and under the government of the greater or greatest in population, as shown by the last federal census, pursuant to proceedings had and taken in accordance with the provisions of sections [50-2101](#) through [50-2114](#).

[50-2101, added 1967, ch. 429, sec. 418, p. 1249.]

50-2102. RESOLUTION FOR JOINT SESSION OF GOVERNING BODIES. The mayor and council of any city, desiring consolidation with the adjacent city or cities, may institute proceedings for consolidating by passing a resolution wherein it shall be stated that such city desires to be consolidated with the adjacent city or cities and shall also request the governing body or bodies of such adjacent city or cities to fix a time and place for a joint session of the governing bodies of the cities to consider consolidation.

[50-2102, added 1967, ch. 429, sec. 419, p. 1249.]

50-2103. PETITION FOR CONSOLIDATION. The citizens of one or more contiguous cities may institute proceedings for consolidation by petition. Upon receiving a petition for consolidation by either of the cities proposed to be consolidated, which petition shall be signed by registered electors of the city equal in number to twenty percent (20%) of the number of electors registered to vote at the last general city election held in the city for the election of officers, the clerk shall duly record the same and give notice to each of the cities proposed to be consolidated. Within thirty (30) days following the giving of notice, it shall be incumbent on the council(s) to proceed as hereinafter provided.

[50-2103, added 1967, ch. 429, sec. 420, p. 1249; am. 1987, ch. 136, sec. 1, p. 270.]

50-2104. JOINT SESSION -- RESOLUTION SPECIFYING TIME OF ELECTION. When a majority of the governing bodies of each of the cities desires consolidation, or petitions signed by the requisite number of qualified electors in each city have been duly received and recorded by each city, a joint resolution signed by the respective mayors, shall set a time for a special election to be held in each of the cities desiring consolidation. The election shall be held on the next date authorized by section [50-405](#), Idaho Code, which is more than forty-five (45) days after final adoption, of the joint resolution.

[50-2104, added 1967, ch. 429, sec. 421, p. 1249; am. 2009, ch. 341, sec. 129, p. 1058.]

50-2105. SUBMISSION OF QUESTION TO ELECTORS -- ELECTION. In each of the cities proposed to be consolidated, on the date fixed by resolution, there shall be held an election for the purpose of submitting to the qualified electors of each of said cities, the question whether such cities shall become consolidated into one (1) city.

[50-2105, added 1967, ch. 429, sec. 422, p. 1249; am. 2007, ch. 202, sec. 17, p. 626; am. 2009, ch. 341, sec. 130, p. 1058.]

50-2106. RESULTS OF ELECTION CERTIFIED TO SECRETARY OF STATE. If a majority of the qualified electors of each city vote in favor of consolidation, the county clerk shall certify the results of the election to the board of county commissioners. The county clerk shall transmit the original abstract of the results of the election to the board of county commissioners. The county clerk shall thereupon transmit the original abstract of the results of the election to the office of the secretary of state. Upon receipt of the original abstract, the secretary of state shall transmit to the county clerk a certificate indicating that the original abstract has been received and filed in his office.

[50-2106, added 1967, ch. 429, sec. 423, p. 1249; am. 2009, ch. 341, sec. 131, p. 1059.]

50-2107. ELECTION OF OFFICERS OF CONSOLIDATED CORPORATIONS. In the event that the majority of the votes cast by the electors of each and all such cities proposed to be consolidated shall favor consolidation, the city shall proceed to call an election to be held in all the cities so proposed to be consolidated for the election of officers of the new corporation. Such election shall be held on the next date authorized by section [50-405](#), Idaho Code, which is more than forty-five (45) days after receipt of the original abstract by the secretary of state.

[50-2107, added 1967, ch. 429, sec. 424, p. 1249; am. 2009, ch. 341, sec. 132, p. 1059.]

50-2108. EFFECTIVE DATE. From and after the date of filing an abstract of results of election of officials with the secretary of state, such consolidation shall be deemed to be completed, and such cities shall be deemed to be consolidated into a new corporation under the name of the corporation of the greater or greatest population, and thereupon such new corporation shall be governed in the name of and under the laws and ordinances applicable to such larger or largest city. The officials elected at a special election shall be immediately entitled to enter upon the duties of their respective offices, upon qualifying in accordance with law, and shall hold said offices respectively only until the next general city election in such newly consolidated city, and until their successors are elected and qualified. At the first general city election following the effective date of such newly consolidated city, one-half (1/2) of the city council shall be elected for two (2) year terms, and one-half (1/2) shall be elected for four (4) year terms. The mayor, at such first general city election, shall be elected for a four (4) year term.

[50-2108, added 1967, ch. 429, sec. 425, p. 1249.]

50-2109. NEW CORPORATE SUCCESSOR TO FORMER CORPORATIONS. Any city, created by the consolidation of two (2) or more cities under the provisions of section[s] 50-2101 through 50-2114[, Idaho Code], shall for all purposes be deemed and taken to be the successor of the several corporations so consolidated therein; and the title to any property owned or held by any such corporations, in trust or otherwise for public use, shall, upon such consolidation being completed as hereinbefore provided, ipso facto be vested in such new corporation, or any officer of board thereof which has the power to hold or control such property under the law under which the greater or greatest in population of the cities so consolidated was theretofore governed. The governing body of such newly consolidated corporation shall provide for the payment of the indebtedness of each of the cities consolidated therein, and shall levy against the property obligated therefor at the time of the completion of such consolidation and collect the necessary taxes therefor and cause them to be paid to the persons entitled thereto, and for that purpose and for all other purposes, such new consolidated city and its officers shall be deemed the successor and successors of such cities so consolidated and their respective offices, and succeed to both the property and liabilities of such corporation, not otherwise provided for under sections [50-2101](#) through [50-2114](#).

[50-2109, added 1967, ch. 429, sec. 426, p. 1249.]

50-2110. NO PROPERTY TO BE TAXED FOR PRIOR INDEBTEDNESS. No property in any of the cities consolidated under the provisions of sections [50-2101](#) through [50-2114](#) shall ever be taxed to pay any portion of any indebtedness of any of the other corporations contracted, or incurred prior to or existing at the time of such consolidation. The governing body of such newly consolidated corporation shall provide for the payment of the indebtedness of each of the consolidated cities therein and shall levy against the property obligated therefor at the time of the completion of such consolidation and collect the necessary taxes therefor and cause them to be paid to the persons entitled thereto.

[50-2110, added 1967, ch. 429, sec. 427, p. 1249.]

50-2111. PRIOR OBLIGATIONS OR PROCEEDINGS. Consolidation of cities effected under the provisions of sections [50-2101](#) through [50-2114](#) shall not affect any debts, demands, liabilities or obligations of any kind existing in favor of or against any such city so consolidated at the time of such consolidation or any action or proceeding then pending in any court in which any such debt, demand, liability or obligation of any kind may be involved, or any action or proceeding brought by or against any such city prior to such consolidation; but all such proceedings shall be continued and concluded, by final judgment or otherwise, in all respects the same as if such consolidation had not been effected.

[50-2111, added 1967, ch. 429, sec. 428, p. 1249.]

50-2112. EFFECT OF ORDINANCES OF CONSOLIDATED CITIES. All ordinances of any city or cities consolidated under the provisions of sections [50-2101](#) through [50-2114](#), except those of the one having the greater or greatest population and those not in conflict therewith, shall be deemed repealed and of no further force and effect; provided, however, that such repeal shall not

operate to discharge any person from any liability, civil or criminal, then existing, nor to affect any prosecution then pending for any violation of any such ordinances; and all cases then pending in any justices' court, police court or court of record, except of the one having the greater or greatest population, shall upon such consolidation being effected be deemed ipso facto to be transferred to justices' court, police court, or court of record, of the greater or greatest population having jurisdiction of proceedings or of other actions, civil or criminal, of the character so transferred; provided, further, that such repeal shall not apply to ordinances under which vested rights have accrued, or to ordinances relating to proceedings for street or other public improvements or to proceedings for opening, extending, widening or straightening streets or other public places or to proceedings for changing the grade thereof, all of which proceedings shall be continued and conducted by and under the authority of the newly consolidated corporation, with the same force and effect as if continued and conducted by and under the authority of the corporation by which they were commenced. Except as hereinbefore provided, all ordinances of the corporation having the greater or greatest population shall, upon the completion of such consolidation, ipso facto have full force and effect in and throughout the newly consolidated corporation.

[50-2112, added 1967, ch. 429, sec. 429, p. 1249.]

50-2113. BOOKS OF SMALLER CITY(IES) PROPERTY OF NEW CITY. All records, papers and documents of the smaller city or cities, in the hands of the clerk of such city or cities, shall be transmitted to the clerk of the newly consolidated city and the treasurer of such smaller city or cities shall on demand turn over all money, books, papers or records in his hands belonging to such smaller city or cities to the treasurer of the new corporation.

[50-2113, added 1967, ch. 429, sec. 430, p. 1249.]

50-2114. EXPENSES OF CONSOLIDATION. All proper expenses of proceedings for consolidation shall, if the consolidation is made and completed, be paid by the consolidated city; with the exception of costs of conducting the election, which shall be paid by the county. If consolidation is not completed, each city shall pay its respective share of the expenses of the proposed consolidation, with the exception of the costs of conducting the election, which shall be paid by the county.

[50-2114, added 1967, ch. 429, sec. 431, p. 1249; am. 2009, ch. 341, sec. 133, p. 1059.]