

TITLE 70
WATERCOURSES AND PORT DISTRICTS

CHAPTER 14
PORT DISTRICTS -- COMMISSIONS IN GENERAL

70-1401. COMMISSION -- ORGANIZATION. Each port commission shall organize by the election from its own members of a president, vice-president, secretary and treasurer. The office of secretary and treasurer may be combined in one (1) commissioner. The commissioners elected at the formation election shall adopt an official seal. Each commission may, by resolution, adopt rules governing the transaction of its business, which rules shall continue in force and effect until altered, changed, amended or voided by the subsequent action of the commission adopting the same, or any subsequent commission.

[70-1401, added 1969, ch. 55, sec. 37, p. 144.]

70-1402. RECORD OF PROCEEDINGS. The proceedings of the meetings of the port commission shall be by motion or resolution recorded in the minutes of such meeting, which shall be kept in a minute book and shall be a public record.

[70-1402, added 1969, ch. 55, sec. 38, p. 144.]

70-1403. QUORUM. A majority of the persons holding the office of port commissioner at any time shall constitute a quorum of the port commission for the transaction of business, and the concurrence of a majority of the persons holding such office at the time shall be necessary and shall be sufficient for the transaction of any port business, but no business shall be transacted unless there are in office at least a majority of the full number of commissioners fixed by law.

[70-1403, added 1969, ch. 55, sec. 39, p. 144.]

70-1404. PER DIEM -- REIMBURSEMENT FOR EXPENSES. There shall be paid to each of the port commissioners from the funds of the district, not more than fifty dollars (\$50.00) per day for each day spent attending meetings, or while engaged in port business authorized by the port commission. In addition, such commissioners and the agents and employees of the district shall be entitled to be reimbursed upon order of the commission, from funds of the district, for all reasonable sums expended by them in furthering the business of the port.

[70-1404, added 1969, ch. 55, sec. 40, p. 144; am. 1984, ch. 128, sec. 1, p. 303.]

70-1405. MILEAGE. Commissioners, agents and employees of port districts, while using their personal vehicles for travel for port purposes, as authorized by the commission, shall be entitled to receive from port funds, mileage reimbursement at a rate per mile to be fixed from time to time by the port commission, but not exceeding the maximum rate allowed to state officials by other agencies of the state of Idaho. Such reimbursement for mileage shall include the mileage of commissioners, agents and employees in

traveling to and from their place of residence for attendance at meetings and for all other authorized port purposes.

[70-1405, added 1969, ch. 55, sec. 41, p. 144.]

70-1406. VACANCY -- HOW CAUSED. A vacancy in the office of port commissioner shall occur by death, resignation, removal from office, conviction of a felony, non-attendance at meetings of the port commission for a period of sixty (60) days unless excused by the port commission, by any statutory disqualification, by the removal of any commissioner of his residence from the port district, or by any permanent disability preventing the proper discharge of his duty.

[70-1406, added 1969, ch. 55, sec. 42, p. 144.]

70-1407. VACANCIES -- HOW FILLED. In the event of any vacancy in the office of port commissioner, such vacancy shall be filled at the next general election, and in the interim the vacancy shall be filled by appointment by a majority vote of the remaining port commissioners, and if said port commissioners shall fail to make such appointment within thirty (30) days after such vacancy occurs, then such appointment shall be made by the county commissioners of the county in which the vacant commissioner district exists.

If there should be at the same time, such number of vacancies that there are not in office a majority of the full number of commissioners fixed by law, the county commissioners of the county of each district in which such vacancy exists shall within thirty (30) days of such vacancy make appointments to fill the vacancies ad interim through the next general election.

[70-1407, added 1969, ch. 55, sec. 43, p. 144.]

70-1408. EMPLOYEES. The port commission shall have authority to retain legal counsel, and other professional and technically trained persons, on general or special retainer, and to create and fill positions, to fix wages and salaries thereof, to pay costs and assessments involved in securing or arranging to secure employees, and to establish such benefits for employees, including holiday pay, vacations or vacation pay, retirement and pension benefits, medical, surgical or hospital care, life, accident, or health disability insurance, and similar benefits, as commonly established by other employers of similar employees, as the port commission shall provide. The port commission shall have authority to provide or pay such benefits directly, or to provide for such benefits by the purchase of insurance policies or by entering into contracts with and compensating a person, firm, agency or organization furnishing such benefits, or by making contributions to vacation plans or funds, or health and welfare plans and funds, or pension plans or funds, or similar plans or funds, as commonly established by other employers of similar employees and in which the port district is permitted to participate for particular classifications of its employees by the trustee or other persons responsible for the administration of such established plans or funds. The port commission shall have the authority to utilize and compensate agents for the purpose of paying, in the name and by the check of such agent or agents or otherwise, wages, salaries and other benefits to employees, or particular classifications thereof, and for the purpose of withholding payroll taxes and paying over tax moneys so withheld to appropriate governmental agencies, on a combined basis with the wages,

salaries, benefits, or taxes of other employers or otherwise; to enter into such contracts and arrangements with and to transfer by check such funds from time to time to any such agent or agents so appointed as are necessary to accomplish such salary, wage, benefit, or tax payments as though the port district were a private employer, notwithstanding any other provision of the law to the contrary. The funds of a port district transferred to such an agent or agents for the payment of wages or salaries of its employees in the name or by the check of such agent or agents shall be subject to garnishments with respect to salaries or wages so paid, notwithstanding any provision of the law relating to municipal corporations to the contrary.

[70-1408, added 1969, ch. 55, sec. 44, p. 144.]

70-1409. FIDELITY BONDS. The port auditor, the port treasurer and the port manager shall execute and file with the commission fidelity bonds, with a surety company lawfully doing business within the state of Idaho, satisfactory to the commission, in such amount as the commission shall from time to time determine, which amount shall not be less than five thousand dollars (\$5,000) as to each such person, which bonds shall be conditioned for the faithful performance by such persons of their official duties as such port officials.

The commission in like manner may require a bond of such other of its officers, agents and employees, as it shall determine, in such amount and upon such conditions as it shall from time to time determine.

[70-1409, added 1969, ch. 55, sec. 45, p. 144.]

70-1410. INTEREST IN CONTRACTS PROHIBITED -- EXCEPTIONS. No port commissioner or employee shall be beneficially interested, directly or indirectly, in any contract which may be made by, through or under the supervision of such commission or employee, in whole or in part, or which may be made for the benefit of his office, or accept, directly or indirectly, any compensation, gratuity or award in connection with such contract from any person beneficially interested therein.

This section shall not apply in the following cases:

(1) The furnishing of electrical, water or other utility services by a municipality or private corporation engaged in the business of furnishing such services at the same rates and on the same terms as are available to the public generally;

(2) The designation of public depositories for municipal funds;

(3) The publication of legal notices required by law to be published by the port commission, upon competitive bidding or at rates not higher than are charged members of the general public;

(4) Any contract in such port district in which the total volume of business represented by such contract or contracts in which a particular commissioner or employee is interested, in the aggregate, as measured by the dollar amount of port's liability thereunder, shall not exceed two hundred dollars (\$200) in any calendar month;

(5) Ownership of any interest in, or any participation in any cooperative warehouse or facility within the port district, for the cooperative storage and/or marketing of farm or other goods or products, provided, that, such exclusion shall not extend to officers, elected officials or paid employees of any such cooperative warehouse or facility;

(6) Any such contract, where the same shall have been approved by order of the judge of the district court of the county in which is located the city for which the district is named, upon the petition of the port commission, or of any party interested in such contract. Notice of hearing on such petition shall be given for such time and in such manner as such court by order directs.

[70-1410, added 1969, ch. 55, sec. 46, p. 144.]