

## CHAPTER 2

### COUNTY COMMISSIONERS

Currently, a three-member board of county commissioners is the governing body in each Idaho County. Two county commissioners are elected each biennium--one for a two year term and one for a four year term (Article 18, Section 10). State law specifies the procedure for determining which commissioner is to be elected for a four-year term, and which is to be elected for a two-year term (31-703). Commissioners may appoint an administrative assistant or appoint a member of the commission to act as the administrator (31-818(2)). If a county chooses to adopt an optional form of county government, there could be changes to the office of commissioners. Title 31, Chapter 52 provides for a commission-executive form of government. In this instance, an executive is elected to perform the executive functions of the county while the commissioners retain the legislative functions. Chapter 53 of Title 31 allows the commissioners to appoint a manager to be the administrative head of the county. Chapters 52, 53, 55 and 56 allow the size of the board to increase to 5 or 7 members. Chapters 55 and 56 allow the executive functions to be vested in an executive board of 3 members chosen by the commission as a whole. Chapters 52 through 56 have a provision for all commissioners, regardless of number, to serve 4-year terms.

Vacancies in the office of county commissioners are filled by the governor (59-906A). In the event of a vacancy, the governor fills it from a list of three nominations presented to him by the county central committee of the former county commissioner's political party. The appointee serves until the expiration of the term in which the vacancy occurred (59-906A).

At their regular January meeting preceding each general election, the board of county commissioners must divide their county into commissioner districts. These districts must be as nearly equal in population as possible (31-704, 31-5206, 31-5304, 31-5503, 31-5603). Prior to the primary election, the candidate must have been a resident of the district for 90 days (34-617). At the time of the general election, commissioners must be a resident of the county and the district they represent and must be an elector in their district (31-702). However, commissioners are elected by the voters of the entire county (Cunningham v. George, 3 Idaho [Hasb.] 456, 31 Pac. 809).

### COMPENSATION

The salaries of county commissioners were formerly set by state law, but this law was repealed in 1982. Currently, the board of county commissioners has the responsibility of fixing the annual salaries of all county elected officials (including themselves) through the county budget process (31-3106). The salaries are set for the fiscal year running from October 1 through September 30 and may be changed for the next fiscal year.

### MEETINGS OF THE COUNTY BOARD

Regular meetings of the board of county commissioners must be held at the county seat on the second Monday of each month, or more often if determined necessary. Regular meetings may continue for up to one month (31-710). A majority of the board of county commissioners constitutes a quorum (31-706). When county business extends beyond a single day, a recess adjournment may be declared. An adjournment is considered a recess adjournment when it clearly appears by the order of adjournment that the regular business of the board has not been completed and that incomplete regular business will be considered at a future date (Gilbert v. Canyon County, 14 Idaho 449, 94 P. 1033(1908). If an adjournment is not a "recess adjournment" for completion of regular business, then the order of adjournment must specify the character of business to be transacted, and no other business may be transacted (31-710). A majority of the board of commissioners may also call a special meeting after giving five days notice (31-710). The order calling the special meeting must specify the business to be transacted (31-710).

All meetings of the board of commissioners must be public, and the books, records, and accounts of the meetings must be kept open for public inspection at the office of the clerk of the board of commissioners (31-710). The clerk of the board must give five days public notice of all special and adjourned meetings by posting three notices in conspicuous places, one of which shall be the courthouse door.

All meetings may be conducted using telecommunications devices which enable all members of a governing body participating in the meeting to communicate with each other. Such devices may include, but are not limited to, telephone or video conferencing devices and similar communications equipment. Participation by a member of the governing body through telecommunications devices shall constitute presence in person by such member at the meeting; provided however, that at least one (1) member of the governing body, or the director of the public agency, or the chief administrative officer of the public agency shall be physically present at the location designated in the meeting notice, as required under section 67-2343, Idaho Code, to ensure that the public may attend such meeting in person (67-2342).

#### CHAIRMAN OF THE BOARD OF COMMISSIONERS

The board of county commissioners elects one of its members as a chairman at its first regular meeting. This meeting is held on the second Monday in January after each general election (31-705). The chairman presides at all meetings of the board, and if absent or unable to act, a temporary chairman is selected (31-706) unless the county has adopted the commission-executive form of government, in which case the executive presides over the meeting (31-5204). Neither the chairman nor any other commissioner may act alone. The board can act only collectively (Rankin v. Jauman, 4 Idaho 394, 39 P. 1111; Miller v. Smith, 7 Idaho 204, 61 P. 824 (1900).

#### CLERK OF THE BOARD OF COMMISSIONERS

The clerk of the district court serves as ex officio clerk of the board of county commissioners, as well as ex-officio auditor and recorder of the county (31-707 and 31-2001). The clerk records all proceedings of the board and must preserve and file the minutes and other official documents. Records must be signed by both the chairman of the board of county commissioners and the clerk (31-707).

The commissioners and clerks work very closely together and in many cases, the clerk acts as the unofficial administrator of the county. Such issues include, but not limited to budget, health care, etc. This relationship is very important to the efficient and effective conduct of county business.

#### LEGAL COUNSEL FOR THE BOARD

The prosecuting attorney is the legal advisor of the board of county commissioners, as well as of other county officers, and must attend board meetings when required (31-2604 and 31-2607). She/he must also oppose all claims and accounts against the county when she/he deems them unjust or illegal (31-2607). Upon approval of the commissioners, any county elected official may hire outside counsel as legal advisor to that official (31-2014).

The commissioners are authorized to employ special counsel to prosecute or defend cases to which the county is a party (31-813). The commissioners may not employ outside counsel on a long-term basis but can only do so after a case-by-case analysis specific factual determination that outside counsel is needed (Attorney General Opinion 93-8). In some circumstances, the prosecuting attorney or the commissioners may ask a district court to appoint a special prosecuting attorney (31-2603). The prosecuting attorney should be consulted for the appointment of outside counsel and approval sought whenever possible.

#### RECORDS AND PUBLICATIONS OF PROCEEDINGS

State law requires the board of county commissioners to keep the following books and records "permanently and indefinitely" (31-709):

1. A minute book, in which all orders and decisions made by the commissioners and the proceedings at all regular and special meetings, must be recorded. All proceedings relating to the equalization of assessments, the allowance of exemptions, and all changes, corrections and orders made by the board and names of all persons appearing on assessment matters must be recorded in the minute book (63-507);
2. An allowance book, in which all orders for the allowance of money from the county treasury, must be recorded;
3. A road book containing all the proceedings and adjudications relating to the establishment, maintenance, change and discontinuance of roads and road districts;

4. A franchise book containing a description of all franchises granted by the commissioners;
5. A warrant book, kept by the county auditor, in which the number, reference, amount and payee of warrants are to be recorded;
6. An ordinance book containing all ordinances, stating the date enacted;
7. A resolutions book containing all resolutions, stating the date adopted;
8. A "Record of Official Bonds" book (59-809).

In addition, county records must be classified as permanent, semi-permanent and temporary as outlined in Section 31-871. Permanent records are kept for not less than 10 years; semi-permanent, not less than 5 years; and temporary, not less than 2 years. No records may be destroyed unless there is (1) an audit; (2) the advice of the prosecuting attorney is sought; and (3) a resolution for destruction is made by the board of county commissioners. The resolution must list, in detail, the records to be destroyed (31-871).

The board of county commissioners must have published monthly "such statements as will clearly give notice to the public of all its acts and proceeding" (31-819). The board shall also publish a brief financial statement indicating the total amount spent from each county fund during the month and a more detailed annual financial report. They may also adopt a county seal for their board (31-821).

#### SUMMONING WITNESSES AND ADMINISTERING OATHS

The commissioners may issue subpoenas to compel the attendance of witnesses and the productions of any books, papers, or other items related to the affairs of the county (31-844). A witness thus called is required to attend the board meeting and must answer all questions he/she would have to answer before a court of justice (31-845 and 31-706). The board may compensate witnesses for their services and attendance (31-846).

#### THE BOARD AS A LEGISLATIVE BODY

The board of county commissioners is the legislative body of county government in Idaho, just as the city council is the legislative body of Idaho cities. The board has the power to pass ordinances, adopt a budget, fix tax rates, and oversee county administration.

#### **Ordinance and Rule-Making Powers**

Section 31-820 of the *Idaho Code* gives the county commissioners the power "to make and enforce

such rules and regulations for the government of their body, the preservation of order, and the transaction of business as may be necessary." These powers were supplemented with the specific power to enact ordinances. The current law states:

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 thereto; and for the protection of property therein, and may enforce obedience to such ordinances with such fines and 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).

If a county chooses to have an elected county executive, the executive has authority to sign or veto any ordinance or budget resolution adopted by the governing board. The governing board may override the veto with a two-thirds vote of all its members (31-5205). State law prescribes the procedure for the enactment of ordinances. Each ordinance shall have an enacting clause which states "Be it ordained by the board of county commissioners of \_\_\_\_\_ County, Idaho" (31-715). All county ordinances must be published in a county newspaper within one month after they are passed and before they take effect (31-715). If no newspaper is published in the county, the ordinance must be published in some newspaper having general circulation within the county.

There are three exceptions to the general rule that all county ordinances must be published in county newspapers before they take effect (31-715):

1. In case of riot, infections, or contagious disease or other impending danger requiring an ordinance to go into immediate effect, the ordinance can take effect after a proclamation is posted in at least five places in the county;
2. If the board of county commissioners publishes a revision or codification of ordinances in book or pamphlet form, no further publication is necessary;
3. When codes establishing rules and regulations for the construction or alteration of buildings, the installation of plumbing, the installation of electric wiring, sanitary regulations or health measures have been regularly adopted as code by the county board they shall take effect without publication or posting. However, reference must be made to such code in a regularly adopted and published ordinance and one copy of such code must be filed in the office of the clerk for examination by the public (31-715).

## **Budget and Tax Powers**

The board of county commissioners must convene on or before the first Monday in August of each year to consider the county budget (31-1604). The budget is submitted to commissioners by the county clerk/auditor/recorder in his/her role as budget officer; the county manager; or the county executive. The commissioners may make changes or answer questions about their budget requests. A tentative budget is then adopted.

The county budget officer must publish the tentative budget in the newspaper not later than the third week in August (31-1604), and must announce that the commissioners will hold a public hearing and adopt a final county budget on or before the Tuesday following the first Monday in September (31-1605). The budget powers of the commissioners and budget procedures are described in greater detail in Chapter 15.

The board of county commissioners has the power to establish county tax rates subject to legal limitations (63-801(1)). The commissioners may also authorize the issuance of bonds within limits prescribed by law when a bond issue has been approved by a two-thirds vote of the qualified voters of the county (31-1903). Tax limitations are further described, indicating maximum tax levies, in Appendix B and limitations on indebtedness in Chapter 15.

### **Corporate Powers**

The county is described by state law as "a body politic and corporate" (31-601). In this capacity, the county has the power to sue, to be sued, to purchase and hold lands, and the power to make contracts (31-602).

Because of the debt limitations imposed by Article VIII, Section 3 of the Idaho Constitution, the board of county commissioners may not enter into contract beyond one year unless the contract clearly sets forth a "non-appropriations" clause. This simply means that each contract is subject to annual renewal by the board of commissioners through the adoption of the annual budget that includes a provision for payment under the terms of the budget. Otherwise, a two-year supplemental override election or bond election must be held to approve the debt.

The law makes clear that the corporate powers of the county can be exercised only by the board of county commissioners or by agents and officers acting for the board or under the authority of law (31-602). Thus, the commissioners have powers similar in many respects to those held by the board of trustees of a private corporation. However, the board has, and may exercise, only these powers as are expressly or through implication conferred upon it by statute (see Prothero v. Board, 22 Idaho 598, 127 P. 175 (1912)).

### **Legislative Review of Administration**

The county commissioners, like other legislators, are expected to oversee all aspects of county government. If the weed control supervisor accidentally sprays a garden along a county road, the commissioners are likely to get a call from an irate homeowner, or if taxpayers feel that they are unfairly assessed, they will contact the commissioners. Commissioners are expected to review the

work of the county administrative officers and appointed boards and commissions, and answer questions concerning this work. The commissioners are charged with the duty of supervising the official conduct of all county officers and appointed boards and commissions (31-802, White v. Bear Lake Co.). However, the oversight generally is related to the financial operations of the elected official's office and compliance with the county's officially adopted budget. The commissioners have no authority to discipline or otherwise remove another elected county official.

## EXECUTIVE AND ADMINISTRATIVE POWERS OF THE BOARD

County commissioners in Idaho have executive as well as legislative responsibilities (31-828) unless the county has a county executive (31-5204) or the executive function has been delegated to an executive board (31-5504, 31-5604). In addition, the appointed county manager has some executive functions, such as appointing, supervising and suspending county personnel (31-5303). The commissioners are granted not only those specific executive powers stipulated in law, but also implied powers, which may be necessary to the full discharge of the duties of the chief executive authority of county government (31-828). The county commissioners are not the only persons having executive power in Idaho county government. When the county auditor, treasurer, sheriff, coroner, and assessor are also elected directly by the county voters, they exercise administrative powers.

Executive powers include the following:

1. Appointing, supervising, suspending and removing county personnel;
2. Making nominations and appointing additional offices, advisory boards and committees;
3. Furnishing the board with information concerning operations of county departments, boards or commissions;
4. Preparing and submitting an annual budget for the county to the governing board;
5. Seeing that ordinances and resolutions are complied with and faithfully executed;
6. Keeping the governing board apprised of the financial condition and needs of the county;
7. Executing all contracts and conveyances in the name of and on behalf of the county;
8. Presiding over meetings of the governing board.

Many specific executive powers are included in the detailed list of powers of county commissioners provided at the end of this Chapter.

County commissioners have some responsibility which might be termed administrative rather than executive. The commissioners in some Idaho counties personally review applications for emergency relief. In areas not within highway districts, county commissioners have also taken over supervision of county highway work when the position of county director of highways has been vacant.

## SPECIFIC LEGAL POWERS OF COUNTY COMMISSIONERS

There are more than 500 specific references to the powers of Idaho county commissioners in state law. The following is a listing and brief description of most of these powers.

### Accounting and Auditing

1. Allowing Accounts: The commissioners are authorized to examine, settle, and allow all accounts legally chargeable against the county and to order warrants drawn on the county treasury in payment of these accounts (31-810). All claims against the county presented by members of the board of commissioners must be certified in the same manner as other claims (31-1506 and 31-1517). Restrictions on commissioners in allowing accounts are specified in Section 31-1503.
2. Audit: The commissioners are authorized to examine and audit the accounts of all county officers (31-809). The commissioners are required to have a complete audit made annually (31-1701). One copy of the audit report must be filed with the legislative council within ten days after delivery by the contracting auditor (31-1701; 67-450B).
3. Financial Statement: In January the auditor prepares a full statement of the financial condition of the county in a form prescribed by the board of county commissioners and filed in the office of the auditor and county commissioners. (31-819, within 30 days of audit period)

### Agriculture

1. Agricultural Extension Agents: The commissioners are authorized to appropriate funds for demonstration work in agriculture and home demonstration work in cooperation with the University of Idaho and the United States Department of Agriculture (31-826 and 31-839). The board pays a portion of the salaries and expenses of extension agents from either the general tax dollars, county fair fund or other available funds (31-840).
2. Fairs: The commissioners are authorized to create county fair boards (22-201 and 22-202A), and to levy taxes for county fairs (22-206) and fair buildings (31-822). They have duties when joint county fair districts are created (22-301 through 22-308). They may also levy a tax to provide funds for displaying the products and



industries of the county at domestic and foreign exhibitions (31-823).

3. Herd Districts: The commissioners have the power to create, modify, or eliminate herd districts (25-2401 through 25-2409). "On and after January 1, 1990, no county shall regulate or otherwise control the running at large of horses, mules, asses, cattle, sheep, or goats within the unincorporated areas of the county unless such regulation or control is provided by the creation of a herd district pursuant to the provisions of this chapter" (25-2401). "The provisions of this chapter shall not apply to any herd district or herd ordinance in full force and effect prior to January 1, 1990, but shall apply to any modification thereof" (25-2401). They may designate trails and highways to be used by livestock (40-2313); however, herd districts cannot prohibit the trailing or driving of livestock from one location to another on public roads or recognized livestock trails (25-2404). The commissioners have the power to levy tax within the herd district for fencing and cattle guards (25-2402(6)).
4. Irrigation, Drainage and Reclamation Projects: The county commissioners are authorized to construct and maintain public drainage or irrigation systems, reservoirs, drains, and ditches (42-2801 through 42-2823). They are authorized, after a public hearing, to fix maximum rates for irrigation water (42-1001 through 42-1005).
5. Livestock and Other Animal Diseases: The commissioners are required to cooperate with the State Department of Agriculture in the eradication of brucellosis in cattle and other animals (25-601 through 25-604). The commissioners are given general power to appropriate funds for the control and eradication of any infectious animal disease (25-302).
6. Predators and Pests: The commissioners are authorized to levy a tax for the purpose of exterminating predatory animals (25-2601 and 25-2602). They may create special extermination districts (25-2604). They may employ persons to carry out extermination programs against predatory animals and other pests (25-2605).
7. Reclamation, Drainage and Drought Relief: The commissioners are authorized to cancel or adjust property taxes on certain lands for drought relief (31-901 through 31-906).
8. Soil Conservation District: The commissioners are authorized to provide a sufficient amount of money from their general fund for allocation to the soil conservation districts to be used for any purpose authorized by law. In lieu of such allocation, they may hire employees to assist the supervisors of soil conservation districts in the performance of their work. (22-2726)
9. Confined Animal Feeding Operations: For information regarding certain cattle, swine, and dairy operations, see chapter 10.

## Appointments, Salaries, and Other Personnel Matters

1. Appointments: The commissioners, county executive (31-5204), or county manager (31-5303) have the power to appoint many specific county employees and board members, including the following:
  - a. Burn-seeding supervisors (38-507);
  - b. County fair board members (22-202 and 22-202A);
  - c. District board of health (39-411);
  - d. Hospital board members (31-3603);
  - e. Joint city-county hospital board members (31-3705);
  - f. Mosquito abatement district trustees (39-2803);
  - g. Planning commission members (67-6504);
  - h. **Animal Control Districts (25-2612)**;
  - i. County director of highways (40-604 and 40-618);
  - j. Snowmobile Advisory Committee (67-7107);
  - k. Veteran's service officer (65-601);
  - l. Zoning commission members;
  - m. Emergency Management director/coordinator (46-1009); and
  - n. County Museum Board Members (31-4702);

It should be noted that county commissioners may not appoint deputies, although any other elected county officer may do so (31-2003). This prohibition stems from the principle that commissioners cannot delegate their authority. Commissioners may appoint staff assistants (Prothero v. Board, 22 Idaho 598, 127 P 175 (1912); Atty. Gen. Opinion No. 86-10; 31-602 and 31-828). Some Idaho counties have such administrative and service departments as data processing, building maintenance, and personnel placed under the supervision of the board.

2. Bonds: The official bonds of county and precinct officers must be reviewed and approved by the board of county commissioners periodically and at least twice each year. If a bond appears to be insufficient, the board may order the official to appear and show cause why he should not be required to give a new bond. Statutes provide a procedure after which the district court may even declare the office vacant (59-806). Commissioners may also approve the bonds of county officials (31-802).
3. Filling Vacancies: The board of county commissioners is authorized to fill all vacancies in county offices except in the office of county commissioners (31-817). Vacancies in the office of county commissioner are filled by the governor (59-905). In the case of a vacancy in the office of the clerk/auditor/recorder or treasurer, the board of county commissioners is responsible for assuming the duties of the office if a senior deputy is not available to act in the position (59-915). In filling vacancies for elected county offices the board of county commissioners shall use the following procedure (59-906):

- a. The county central committee of the same political party of the county official whose position is vacant shall submit a list of three nominations within an additional fifteen (15) days from the day the office is vacant;
- b. The board of county commissioners shall fill the vacancy by appointment from the submitted list within fifteen (15) days;

If the board of county commissioners does not make the appointment within fifteen (15) days, the county central committee of the political party submitting the nominations shall designate one of its three nominees to fill the vacancy. The person selected shall possess the same qualifications at the time of appointment as required for election to the office. If the county central committee fails to act within fifteen (15) days, the board of county commissioners can, within five (5) days, select any person having the same qualifications as noted above, as provided by law (59-906). When written notice of an elected official's intent to resign is available, the newly appointed person shall be selected from the central committee process with the term of office to begin the day following the resignation. In the event that the county official rescinds his notice to resign in writing to the board of county commissioners, all actions taken by the county central committee and the board of commissioners are null and void.

If the person who has vacated the county office has not been affiliated with a political party, the vacancy should be filled by the board of county commissioners by appointment of a person having the same qualifications at the time of appointment as required for election to office, as provided by law (59-906). No matter who makes the appointment, the person appointed must possess the qualifications as provided by law for the office. When a vacancy is filled by appointment, that appointment lasts until the next primary or general election when such vacancy must be filled by election.

4. Employment of Prisoners: (See Jails and Corrections).
5. Leave of Absence: The county commissioners may grant any county officer leave of absence from his county and the state for a period not exceeding ninety (90) days (31-847). Absences of more than twenty (20) days must be acted upon (31-2013).
6. Nepotism: A direct relative (dependent or spouse) who is a state or county employee can only receive merit-based raises and promotions if the employee was hired prior to the County Commissioners' election (18-1359).
7. Salaries: The county commissioners set the salaries for all county officers through the county budget process (31-816 and 31-3106). Salaries of county commissioners

and prosecuting attorneys are also set by the board of county commissioners as part of the regular budget process.

8. Supervision: The commissioners, county executive ( 31-5204) or county manager (31-5303) are authorized to supervise the official conduct of all county officers and appointed boards or commissions charged with the management of public funds (31-802). The secretary of state distributes copies of the *Idaho Code*, supplements, and legislative session law to county commissioners and all other county office holders (67-903; 67-904; 73-212). The commissioners should periodically check to see if these materials are in use and are available for public information within the offices.

### **Appropriation**

1. Budgeting Powers: The budgetary powers of appropriation held by the commissioners are covered in Chapter 15.
2. Specific Powers: The commissioners are given specific authorization to appropriate funds for agricultural extension agents (31-826 and 31-839), veterans' services offices (65-602), employees for soil conservation districts (22-2726), a Justice Fund (31-4601 through 31-4603), and many other specific purposes.

### **Armories and Air Facilities**

1. Armories: The commissioners are authorized to **levy a special tax up to two hundredths percent (.02%)** for repairs, rent, maintenance, and operation of armory buildings and air facilities (46-722).
2. Airport Construction and Maintenance: The commissioners are authorized to levy up to four hundredths percent (.04%) of market value for assessment purposes per year for the purpose of building and maintaining an airport (21-404) and to issue bonds authorized by a two-thirds vote of qualified electors of the county (21-401).

**Auditing** (See Accounting and Auditing)

**Budget** (See Appropriations)

### **Building and Property**

1. Acquisition and Purchase of County Property: The commissioners are authorized to purchase, receive by donation, or lease any real or personal property necessary for use by the county (31-807). No real property may be purchased unless the value of this property has been previously estimated by a real estate appraiser licensed to appraise real property in the state of Idaho, and the purchase price must not exceed the appraised value (31-807). The commissioners may exchange land for land of equal value in order to consolidate land or to aid in the control and management or

use of county land (21-808A). Refer also to (31-604).

2. Conveyance of Land to Other Units of Government: The commissioners may grant, give or deed land to the United States government, the State of Idaho, school districts, junior college (also known as community college) districts, cities, and cemetery districts (31-808 and 33-2101A). Authorization to transfer property to the United States for reclamation is provided by Section 42-2707. The United States should coordinate its real property acquisitions with the board of county commissioners of the county in which the land is located (58-702).
3. Insurance on County Buildings: The commissioners are authorized to insure county property (31-814).
4. Lease of County Property: The commissioners are authorized to lease county property for a term not exceeding five years without public auction, with certain exceptions. Hospital equipment may be leased for twenty years, and land for hospitals may be leased for ninety-nine years. Land to be used for play fields, recreation parks and gymnasiums which will serve as memorials to deceased veterans of World War II may be leased for ninety-nine years (31-836). County property may be leased without public auction to any nonprofit corporation to provide shelter for victims of domestic violence or sexual abuse for twenty years (31-836). Property leased for aviation purposes is not subject to any time limitation (21-401).
5. Management and Control of County Property: The commissioners are authorized to preserve, take care of, manage and control county property (31-807). If it is found that an emergency exists, the board may take any steps necessary to provide services to preserve and maintain property in a special district that has ceased to function (63-4104).
6. Sale of County Property: The commissioners are authorized to sell county real and personal property that is not needed by the county (31-808). Section 31-808 also authorizes sale of land acquired through issuance of tax deeds.
7. Survey of County Lands and Boundaries: The duties formerly delegated to the county surveyor now rest with the county commissioners, whose duty it is to select and retain the services of a registered surveyor for all surveys, maps, and plots (31-2707), and for the establishment of county boundaries (31-2705).
8. County Building Construction Fund: (31-1008).
9. Payment Bonds Required of Public Works Contractors: The commissioners are liable to pay for materials and labor on a public works project when they have failed to require payment bonds of public works contractors (54-1928).

10. Erection of Buildings, Furnishing Offices, Contracts, Lease of Premises for Courthouse or Jail, Books and Stationary: The board may erect or furnish a courthouse, jail and other such buildings as may be necessary, and must provide offices with necessary furnishings (31-1001). Refer also to Chapter 10, Title 31.

## **Cemeteries**

1. Cemetery Districts: The laws governing the creation and maintenance of cemetery districts are covered in Sections 27-101 through 27-128. The board of county commissioners may grant real property, with or without compensation, to cemetery districts located wholly or partially in the county (31-808).
2. Tax Exemptions: Public cemeteries are exempt from taxation (63-602F). Lots in perpetual care or endowed care cemeteries are taxed until sold. The exemption on such lots begins in the year after the sale (27-422).
3. Servicemen's Memorials: (see Veteran's Affairs).

## **Emergency Management**

1. Organization: The commissioners are to establish a county agency, intergovernmental agency or liaison office for the purpose of facilitating disaster emergency mitigation, preparedness, response and recovery (46-1009).
2. Plans: The county prepares and keeps current a county or intergovernmental emergency operations plan under the supervision of the commissioners (46-1009).
3. Disaster/Emergency Declarations: The chairman of the county commissioners may declare a disaster emergency. An order or proclamation activates the county emergency operations plan and authorizes the furnishings of aid and assistance thereunder (46-1011).
4. Floodplain Zoning Ordinances: Each local government is encouraged to adopt a floodplain map and floodplain management ordinance which identifies these floodplains and which requires, at a minimum, that any development in a floodplain must be constructed at a flood protection elevation and/or have adequate flood proofing (46-1022).
5. Federal Funds to Political Subdivisions: (46-1025)

## **Elections**

1. Canvassing of Election Returns: The commissioners serve as the county board of canvassers, and must meet within seven days after a primary election and within ten days after a general election to canvass the election returns of all precincts within the

county (34-1205).

2. Election Precincts: The commissioners are authorized to establish, abolish or change election precincts (31-804 and 34-301). **The board shall have all changes made by January 15 in a general election year. However, the January 15 deadline shall be waived during a general election year in which a legislative or court-ordered redistricting plan is adopted.** (34-301). A precinct with less than 125 voters in the last general election may be designated by the commissioners as a mail-in precinct. (34-308).
3. Election Supplies: The commissioners must provide poll lists, poll books, ballots and other election supplies (31-804 and 34-902). The commissioners are responsible for procuring voting machines or vote tally systems, although they must consult with the county clerk before doing so (34-2405).
4. Polling Places: The commissioners are required to designate and appoint suitable polling places throughout the county and properly equip these polling places (34-302). Polling places must be accessible to the physically handicapped (34-302).
5. Election administration as it relates to election consolidation is located in Title 34, Chapter 14.

## **Fairs**

1. County Fair Budget: The county commissioners approve the fair budget set up by the county fair board (22-206).
2. County Fairgrounds: The commissioners may make a levy for a county fair fund for buildings and maintenance of county fairgrounds (22-206; 31-822; 31-823).
3. Levies for Fair Purposes: See Appendix B.
4. County Fair Boards: May advise the county commissioners pursuant to Section 22-202A.

**Finance** (See Accounting, Auditing and/or Appropriation).

## **Fire Protection Districts**

1. The commissioners have certain responsibilities in the establishment and maintenance of fire protection districts, such as canvassing the votes cast at an election to create a fire protection district (31-1407), and making tax levies for these districts (31-1420 and 31-1421).

## **Forestry**

1. Seeding of Burned Areas: The commissioners are authorized to create reseeding areas in burned-over forest land. They may employ a county burn seeding supervisor, and they may cooperate with other agencies in this work (38-501 through 38-511).
2. Forest Protective Districts: The county commissioners are often challenged during the tax equalization period about charges levied against land for forest protection (38-107). This is a fire protection charge administered and apportioned by the department of lands, but extended on the tax rolls by the county auditor (38-105).
3. Reforestation Districts: County commissioners need to know about reforestation districts during equalization. Section 38-211 states that if forest lands in a reforestation district are more valuable than \$1.00 assessed valuation per acre, the excess value shall be exempt from taxation. The districts are organized according to the existing boundaries of forest protective districts (38-202).
4. Stumpage Districts: After petition by a majority of landowners in a district and a public hearing, the county commissioners may establish a stumpage district and appoint three stumpage district commissioners (38-1005 and 38-1006). This is a type of local improvement district, and the costs are apportioned according to benefit.

## **Health and Hospitals**

1. Ambulance Service: The commissioners are authorized to provide an ambulance service to all areas which do not have an existing ambulance service readily available (31-3901). This may be inter-county (31-3906 and 67-2332) or it may embrace cities and the county (31-3901). Upon petition properly executed, the commissioners must initiate procedures set forth in *Idaho Code*, Section 31-3908, and determine whether or not to establish an ambulance service district. If such district is established, the commissioners serve as the governing board of the district which is recognized as a separate taxing district. A separate tax levy is authorized for operation of the district (see 31-3908). See 49-452 for emergency medical service fees.
2. County Hospital Operations: The commissioners are authorized to build, purchase or acquire a hospital (31-3601), establish a county hospital board (31-3602) and appoint the members of this board (31-3603). They may levy a tax of up to six hundredths percent (.06%) of market value for assessment purposes to meet the operating budget of the county hospital (31-3503).
3. County Hospital, Nursing Home, Shelter Care Facilities, and Medical Clinics: The commissioners may provide for the building or equipment costs of county hospitals, nursing homes, shelter care facilities, and medical clinics (as the term is defined in



39-1319) and levy a tax of up to six hundredths percent (.06%) of market value for assessment purposes for this purpose (31-3503). ~~The cost of renovation and remodeling is recognized by Section 56-108 which provides, in part, for the Medicaid reimbursement system.~~

4. Hospital Districts: The county commissioners have some responsibilities with respect to hospital districts, including formally declaring the establishment of a hospital district after voters has approved such district (39-1324). See also Sections 39-1321, 39-1323, 39-1336 and 31-836.
5. Charities and Indigency: The commissioners shall provide care for the medically or non-medically indigent and are authorized to levy a tax for that purpose not to exceed ten one-hundredths of one percent (.10%) of the market value for assessment purposes of all taxable property in the county (31-3401 and 31-3503). ~~This levy is exempt from the provisions of Section 63-1313(1).~~
6. Joint City-County Hospital Districts: County commissioners have some responsibilities with respect to joint city-county hospital districts, including appointment of some of the board members of these districts (31-3705).
7. Abatement District: Abatement districts may be established either by presentation of a petition requesting the formation of an abatement district, which is signed by property owners of the territory of the proposed abatement district, equal to not less than ten percent (10%) of the property owners within the proposed district; or by the board of county commissioners placing a question on the ballot during a primary or general election. The commissioners may establish abatement districts after approval by a majority vote in the proposed district (39-2802). The powers and duties of abatement districts are located in section 39-2805, Idaho Code. They may levy a tax of up to ten hundredths percent (.10%) of market value for assessment purposes for these districts (39-2805). Contiguous land may be annexed if more than half of the taxable property owners and a majority of the legal voter's petition for annexation or if all members of the board of county commissioners submit a request (in writing) to the trustees of the abatement district for annexation (39-2806).
8. Preventive Health Services: The commissioners are authorized to levy a tax of four hundredths percent (.04%) of market value for assessment purposes for preventive health services by district boards of health (31-862).
9. T.B. Patient Care: County application for T.B. hospitalization is made by filing a petition with the Department of Health and Welfare (66-1007). If the department determines that hospitalization is required, a petition is submitted to the county commissioners where the person resides requesting participation in the care of the patient. The state and county share the cost of the treatment and the county pays for transportation. If the county commissioners refuse to accept these costs, the administrator of the Department of Health and Welfare may appeal to the district

court for a determination.

10. Emergency Medical Services Fee: An emergency medical services fee shall be collected in addition to each motor vehicle registration to be retained for emergency medical service costs as provided by Section 49-452.

## **Highways, Roads, and Bridges**

1. Bids and Procurement: Procurement of public works construction, procuring services or personal property, joint purchasing agreements and emergency expenditures shall be governed by Chapter 28, Title 67, Idaho Code.
2. Assumption of Highways: (40-203(B)).
3. County Highways, Roads, and Bridges: The commissioners have the power to exercise general supervision over county highways, roads, and bridges (40-604(1) and 31-805). They may appoint a county director of highways (40-618), let contracts for the improvement of highways (40-501), purchase rights-of-way (40-604(8)), and levy a property tax for highway purposes (40-604). See Sections 31-805; 40-619; 40-910 through 40-915; 40-1334; 40-1701; 40-2311; and Chapter 13 of this handbook for further details.
4. County-Wide Highway Districts: In counties with a population of 75,000 or more the county commissioners may hold a special election, based on 10% of qualified electors of each sub-district petitioning, to determine whether a county-wide highway district controlling all city highways and a county secondary highways district should be established. If the voters approve, the commissioners have certain responsibilities in connection with organizing the county-wide highway district, appointing district commissioners, and dissolving existing city and county highway systems and highway districts (40-1401 through 40-1415; and 40-712). See Chapter 13 for further discussion of county-wide highway districts.
5. Highway Districts: The commissioners have some responsibility with respect to highway districts, such as legalizing their establishment (40-601 through 40-619). See also the county highway reorganization chapter, Sections 40-1701 through 40-1713; 40-1819 through 40-1821; 40-801 and 40-710.

## **Historical Societies (See Libraries)**

## **Housing**

1. State law provides that there may be created in any county a housing authority which may provide decent, safe and adequate housing for low-income groups in rural or urban areas (31-4201 to 31-4226). The county is empowered to aid financially in establishing such housing (31-4209).

## **Indigence (See Health and Hospitals; and Welfare)**

### **Insurance**

1. Insurance of County Property: The county commissioners may, in their discretion, make contracts of insurance with any insurance company authorized to transact business within the state in order to protect any or all property belonging to the county. The board may create or participate in a self-insured risk program with a fund balance which may be carried over from year to year, said fund balance not to exceed ten million dollars \$10,000,000.00 (31-814).
2. Payment of Insurance: (41-4816).

### **Jails and Correction**

1. Detention Home for Children: The commissioners are required to provide a home or homes for the temporary detention of children (20-517).
2. Employment of Prisoners: The commissioners are authorized to require inmates of the county jail to work upon public roads, public works, or for municipalities and other special taxing districts within the county under such regulations as are prescribed by law and by the commissioners and sheriffs (20-617 and 31-824).
3. Jails: Counties in Idaho have a county jail (20-601). Additional jail keeping powers are covered in sections 20-601 through 20-628, *Idaho Code*. Counties are able to seek reimbursement for expenses incurred in relation to charges when a person is sentenced to a jail for not more than \$25 per day up to a maximum of \$500 (20-607).
4. Cost of Confinement: The county in which a court orders a person confined shall pay the costs of confinement with certain exceptions. Unless otherwise agreed or ordered, these costs shall be \$35.00 per day per prisoner, plus the actual cost of any medical and dental services. If the person confined is eligible for any local, county, state, federal, or private program that covers these expenses, the person will be required to apply for those benefits and those benefits may be applied to the county's cost for those expenses (20-605).
5. Juvenile Corrections: In 1995, the Idaho Legislature revised the law on juveniles and adopted the Juvenile Corrections Act (20-501 through 20-548). The Juvenile Corrections Act places greater responsibility on county government in Idaho for funding and operations of the juvenile corrections system. Included are the responsibility of county commissioners for juvenile detention facilities (20-517), appointment of county juvenile probation officers (20-529) and the creation of new juvenile programs through the use of the tobacco tax and state juvenile block grant money.

## **Judicial Administration**

1. District Magistrate's Commission: The chairman of the board of county commissioners of each county within a judicial district (or another commissioner appointed by him or her) serves as a member of the district magistrate's commission (1-2203).
2. Magistrate's Division of the District Court: Suitable and adequate facilities, equipment, and supplies must be provided for the magistrate's division of the district court (1-2217).
3. Law Library: The commissioners are authorized to provide and maintain a county law library (31-825).
4. Jury Room: The commissioners must provide a room for the use of the jury in its deliberations (19-2201).
5. Return of Fugitives: The commissioners are authorized to pay the expenses of persons returning fugitives for trial in the county (19-4528).

## **Judicial Proceedings**

1. Directing Prosecution and Defense by County: The commissioners have the direction and control of the prosecution and defense of all suits to which the county is a party and employ counsel to conduct the suits, with or without the prosecuting attorney (31-813). This applies only to civil cases, not to criminal or quasi-criminal, Juvenile Corrections Act, Child Protective Act, mental, or other cases brought in the name of the state of Idaho by the prosecuting attorney.
2. Subpoenas: The commissioners have the power to issue subpoenas to compel the attendance of any person and require him to produce any books or papers relating to the affairs of the county (31-844).

## **Libraries, Museums and Historical Societies**

1. Historical Societies and Museums: The commissioners may extend annually such amounts as are necessary for the support of county local historical societies which are incorporated as Idaho nonprofit corporations and which support museums or historical restoration projects (31-864). The commissioners may levy a tax of not more than twelve thousandths percent (.012%) of market value for assessment purposes for this purpose (31-864) may review the budget of these non-profit corporations and require an audit of their funds.

2. Library Districts: The commissioners have responsibilities with respect to the formation of library districts (33-2703 and 33-2722).
3. County Museum Boards: (31-4701 through 31-4707).

### **Licensing and Regulation of Business**

1. Liquor by the Drink: The commissioners are authorized to license the sale of liquor by drink in establishments outside of the limits of incorporated cities in the county (23-916). They may fix a fee for the license and regulate and control the use of licenses (23-916).
2. Liquor Catering Permits: The commissioners act upon applications for liquor by the drink at a private party or convention (23-934).
3. Beer: The commissioners license county beer retailers (23-1015).
4. County Option Kitchen and Table Wine Act: The commissioners may permit retail sale of, and license the distributors and retailers of, kitchen and table wines (23-1304).
5. Local Option Sunday Liquor Sales: The commissioners, or a vote of the county, may pass a legislation to provide for the sale or delivery of any alcoholic liquor from a state run liquor store on Sunday, provided that Sunday is not Christmas.
6. Fireworks: The commissioners are empowered to issue written permits for the public display or exhibition of fireworks in the unincorporated areas of the county (39-2602).
7. Oil and Gas Pipelines: The commissioners are authorized to grant permission to oil and gas pipeline companies to acquire rights-of-way and construct pipelines in the county (62-1102).

### **Miscellaneous**

1. County Seal: The commissioners may adopt a seal for their board (31-821).
2. Postcard Notice of Proposed Incorporation: The commissioners shall mail a postcard notice of the filing of a petition of incorporation of a taxing district or other political subdivision to each taxpayer in the area affected (31-863).
3. Authority to Perform Other Acts Required by Law Which Are Not Enumerated by Law: (31-828).

4. Penalties for Neglect of Duties: (31-855).
5. Publishing Monthly Statements of the Acts and Proceedings of the Board and Publishing a Brief Financial Statement for the Month: (31-819).
6. Horse Racing: Fair boards or fair districts which conduct race meets in conjunction with regularly scheduled annual fairs shall pay part of the gross betting receipts to the Idaho Horse Racing Committee (54-2514).
7. Computerized Mapping: If the county develops a computerized mapping system, the board of county commissioners may impose and collect fees for the use of the system (31-875).
8. Irrigation Local Improvement Districts: The commissioners act as the review board for local improvement irrigation district projects in the county. After evaluation, the commissioners may approve, modify or reject proposals (43-2507).
9. Board of Community Guardian: The board may create and budget for a board of community guardian after making a determination that a need exists (15-5-601). The board of community guardian shall operate under the laws of Idaho guardianship, conservatorship and trust laws. Members of the board may be appointed for four year, staggered terms, and continue to serve until a successor is appointed (15-5-602).
10. Inter-modal Commerce Authority: The board may create a county-based intermodal commerce authority to create, stimulate, and advance commerce, but will not have taxing authority (70-2203). The Board may also abolish this authority. A board of commissioners will be appointed by the County Commissioners and will serve as the management team.

**Museums** (See Libraries, Museums, and Historical Societies)

**Ordinance and Rule-Making Powers** (See The Board as Legislative Body)

### **Parks and Recreation**

1. Parks: The commissioners may purchase, lease or obtain, by gift or grant, property for use for park or recreation purposes (63-805). They may dedicate county land as a park. They may improve the park area and operate a park or recreation area (63-805). They may levy a tax of up to one hundredth percent (.01%) of market value for assessment purposes for the acquisition, maintenance, and operation of public parks and recreational facilities (63-805).
2. Waterways: The commissioners may appoint waterways advisory committees (67-7012) and may use moneys in the county vessel account for maintaining and

improving public waters of the state within the county and for law enforcement activities related to boating safety (67-7013).

3. Snowmobile Program: The county commissioners may establish a bona fide county snowmobile program and appoint a snowmobile advisory committee (67-7107). A bona fide snowmobile program is one which provides services to snowmobilers such as snowmobile trail grooming, trail signing, and the plowing and maintaining of snowmobile parking areas that meet the approval of the Idaho Department of Parks and Recreation (67-7107). Each county with a bona fide snowmobile program is entitled to receive from the Department of Parks and Recreation each year 85% of the moneys generated in that county from snowmobile registration for use in the snowmobile program (67-7106). Up to 15% of this 85% may be used for snowmobile law enforcement (67-7106). Counties without a bona fide snowmobile program remit the entire amount of snowmobile registration fees to the state treasurer and receive none of these fees.
4. Recreation Districts: Commissioners approve or dismiss petitions for formation of recreation districts, and if a petition is approved, order and conduct an election upon the formation of the proposed district (31-4304).

**Personnel** (See Appointments, Salaries, and Other Personnel Matters)

### **Planning and Subdivision Controls**

1. Joint Service Function: The commissioners may enter into intergovernmental cooperative agreements with any city, county, or other political subdivision of the state, with agencies of state government, with the United States government, and with agencies and political subdivisions of other states (67-2326 through 67-2333). Any agreement with an agency or political subdivision of another state must be filed with the secretary of state and must be approved as constitutional by the attorney general before it becomes binding (67-2329). If the agreement involves services or facilities over which an officer or agency of the state government has control, then the agreement must be submitted to that officer or agency for approval before it becomes binding (67-2330).
2. Planning: The board of county commissioners may act as the planning and zoning commission for unincorporated areas of the county or it may choose to establish, by ordinance, a planning commission and a zoning commission or a planning and zoning commission, which may act with the same authority (excluding the power to enact ordinances) of the commissioners serving as the planning and zoning commission. Legally authorized commissions in existence before the Local Planning Act of 1975 may continue to function. For a detailed discussion, see Chapter 12.
3. Subdivision Regulations: The commissioners are authorized to approve plats

outside the corporate limits of a city (50-1308). The county shall choose and require a legally qualified professional land surveyor to perform land surveying in Idaho (50-1305). However, plats in an area of city impact may be approved by the city council (50-1306). If there is no area of city impact, plats within one mile outside the limits of an incorporated city must receive prior approval of the city council of the city involved (50-1306). The commissioners are authorized to hear and approve petitions for the vacation of lots, streets, alleys, and roads in unincorporated areas (50-1317 through 50-1324).

4. Building Code: If the county has a building code, it must adopt, by ordinance, a permitting and inspection process for installation of manufactured homes (44-2201).
5. Urban Renewal Agencies: A county may create an urban renewal agency and adopt an urban renewal plan or create a competitively disadvantaged border community area, to eradicate deteriorating areas or “slums” in a community (50-2903).

### **Public Defender**

1. Position of Public Defender: The commissioners may, at their discretion, create the position of public defender. The public defender's term of office must be not less than two years. His compensation must not be less than the compensation paid to the county prosecutor for that portion of his practice devoted to criminal law. Two or more counties may join together in the creation of the office apportioning the expenses (19-859 through 19-866).

### **Publication of Proceedings (31-819)**

1. A monthly statement must be published which includes the acts and proceedings of the county as well as a brief financial summary indicating the total amount spent from each county fund during the month. A full financial report must be made available annually which shows fund sources, expenditures, current fund balances, and other financial information as determined by the board.
2. Within thirty (30) days of the annual audit's preparation as provided in section 31-1701, Idaho Code, the board shall cause to be published a summary of the balance sheet and a summary of the statement of revenues and expenditures. Such statements as well as all other public notices of proceedings of, or to be had before the board, not otherwise specially provided for, must be published in accordance with the requirements of chapter 1, title 60, Idaho Code.

### **Solid Waste Disposal, Sewer and Water Services**

1. The board of county commissioners is authorized to provide for a system of solid



waste disposal through exclusive or non-exclusive means (31-4401 through 31-4411). See Chapter 13 for a discussion of this subject.

2. Creation of Solid Waste Disposal Districts: Sections 31-4901 through 31-4921.
3. Water and Sewer Services: The board of county commissioners has the authority to provide water and sewer services to any part of the county that does not receive these services (31-877).

## **Taxes**

1. Equalization of Valuations: The commissioners equalize property tax valuations and determine complaints regarding such market values for assessment purposes (31-812 and 63-501). They are required to meet at least once each month until the fourth Monday of June each year to equalize assessments on the property roll. On the fourth Monday of June, they must meet to complete the equalization and to hear and determine complaints. This session may be continued from day to day, but must adjourn on the second Monday in July or earlier (63-501). They meet on the fourth Monday of November in each year to equalize assessments on all property entered upon the subsequent property assessment rolls (63-501). The equalization process is described in more detail in Chapter 14.
2. Extension of Time for Personal Property Tax Payments: Under certain conditions, the commissioners may grant an extension of time up to four months for personal property tax payments (63-904).
3. Tax Levies: The commissioners are authorized to levy taxes for the current expenses of the county (31-811) and for a number of specific purposes. These levies and tax rate limits are described in Chapter 14.
4. Exemptions: (63-602) (See Chapter 14).
5. Special Roll for Personal Property Taxes in Excess of Value of Real Estate: The commissioners are empowered to order the removal of personal property taxes and delinquencies and to have them placed on a special roll for collection by the office of the tax collector.
6. Supervision of Public Moneys and Revenues: (31-802 and 31-809).

## **Veterans' Affairs**

1. Veterans' Services: The commissioners are authorized to appoint a service officer whose duty shall be to give assistance to veterans or dependents of veterans (65-601). The commissioners fix the compensation of this service officer, or the county contribution if the officer serves more than one county. They provide office space,

clerical help, and other necessities for carrying out the responsibilities (65-602).

Preference is to be given to disabled war veterans, and veterans who served on active duty for more than 180 days, except where confidential secretarial positions are involved (65-502 through 65-505). Records and documents necessary for establishing claims to benefits under the World War Veterans Act and other legislation providing benefits to veterans must be provided without fee by the county (65-301).

2.  Servicemen's Memorials : The commissioners are authorized to levy an annual special tax levy of not more than one hundredths percent (.01%) of market value for assessment purposes, for the purpose of creating a fund to be used for maintenance, upkeep, and repair of servicemen's memorials (65-103).
3.  Burial of Indigent Veterans and Certain Dependents : (31-3412).

### **Weed Control**

1.  Control and Eradication of Noxious Weeds : County commissioners are responsible for weed control in their county (22-2405). See Chapter 10 for further discussion of this responsibility.

### **Welfare**

1.  Care for the Medically or Otherwise Indigent : (31-3503) (See Health and Hospitals).
2.  Certification of Medically Indigent, Sick, or Otherwise Indigent and Destitute and Provisions for Their Care : (Title 31, Chapters 34 and 35; See Chapter 11).
3.  Contract for Maintenance of the Indigent : (31-3402).
4.  Employment of Physician for Patients of the County Hospital and Other Persons Receiving Medical Attention at County Expense : (31-3521).
5.  Migrant Labor : The commissioners cooperate in plans for the furnishing of housing, lands, labor, and material for a migratory labor program sponsored by the United States government (31-856).
6.  Membership on County Council of Public Assistance : Each board of county commissioners selects one of its members to serve on their respective council of public assistance. The other four members of this five-member council are appointed by the governor (56-301).
7.  Optional Cooperative Agreements Between County and State to Provide Public

Assistance and Public Services: (56-217).

8. Contracts With Private Nonprofit Corporations: The commissioners may make contracts with private nonprofit corporations to promote, maintain and administer projects and programs which will be of public benefit, and the purpose of which is to carry on programs concerning the aged (31-866).

**NOTES**