

Roles & Responsibilities — of — *the Board of County Commissioners*

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The County Executive Branch

- The BOCC is the executive branch of county government
- The BOCC has appointment authority
- The BOCC has administrative authority
 - Departments under supervisions of BOCC
 - County commissions, boards, and committees created by the BOCC
- The BOCC has budget authority
- The BOCC has rule/policy making authority

The BOCC as a Body

- Makes decisions
- Appointments of department heads and elected county officials (vacancy)
- Adopts the county budget
- Approves claims
- Enacts ordinances and policies

The BOCC and Advisory Boards

Fair Board

Planning and Zoning Commission

Waterways Committee

Snowmobile Grooming Committee

Airport Board

Historical Board

All BOCC created boards, committees, and commissions are subject to Idaho's Open Meeting Law, Public Records Act, Ethics in Government Act, etc.

Specific laws apply to fair boards and planning and zoning commissioners.

The BOCC sets terms and conditions for other advisory boards



Election of Chairman

- A chairman of the board of county commissioners (BOCC) must be elected at the first regular BOCC meeting on the second Monday of January ([§31-705](#))

The BOCC Chairman

- Presides at BOCC meetings
- Serves on the Magistrate Commission ([§1-2203](#))
- Serves on the budget committee of the local public health district ([§39-423](#))
- Declares a local disaster emergency ([§46-1011](#))

BOCC Meetings

- Regular meetings held in the county seat no less than monthly on the second Monday of the month ([§31-710](#))
- Regular meetings may happen more frequently if need arises with the meeting schedule set by resolution
- Special meetings may be held in between regular meetings
- All BOCC meetings are to be held in public and records are to be kept

The BOCC and County Policies

- BOCC is the governing body of county and as such sets county policies (§31-714).
- Common county policies include:
 - Personnel policies
 - Procurement policies
 - Vehicle use policies
 - Social media policies
 - Information systems use policies

The County Personnel Policy

- BOCC has authority to set personnel policies for the county, including establishing policies for compensation and classification of employees.
- All departments and elected offices must follow BOCC adopted personnel policies.
- BOCC has authority to approve positions through the annual budget setting process.
- However, BOCC does not have authority over who is hired or fired by county officials.
- Case law: *Hansen v White* (Bear Lake County), *Barth v Canyon*

County Harassment Policies

- BOCC and county elected officials are responsible for maintaining a safe workplace.
- BOCC may adopt policies related to harassment in the workplace.
- Failure to maintain workplace free of harassment increases liability.

The County Legislative Branch

- 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 may enforce obedience to such ordinances with such fines or penalties... (§31-714).

Quasi Judicial Branch

- BOCC acts as “judges” when making certain decisions, including:
 - Board of equalization
 - Granting property tax exemptions
 - Issuing licenses (denial)
 - Site specific land use decisions
- Quasi judicial decision made by BOCC can be appealed to district court or other appellate body (i.e.: board of tax appeals).

Ordinance Authority

- Only the BOCC may adopt county ordinances and resolutions:
 - “The BOCC may pass all ordinances and rules and make all regulations ... necessary for carrying into effect or discharging [their] powers and duties...” ([§31-714](#))
- The BOCC may enact an ordinance as long as the ordinance does not conflict with state or federal law

General Powers

- The BOCC as a body (not an individual commissioner) have power to act as long as the BOCC is not otherwise limited or restricted by state or federal law ([§31-801](#))

Supervision of County Officers

- The BOCC may adopt county policies that govern how the county, county elected officials, and county employees operate (i.e.: personnel policies, procurement policies, IT policies, travel policies, budget policies, etc.)
- This does not give the BOCC the authority to directly oversee or otherwise direct the work of county elected officials which are charged with overseeing their respective county offices

BOCC Responsibility vs Authority

- Doesn't BOCC function as county administrator?
- Difference between responsibility and authority.
- What about supervisory authority in §31-802, Idaho Code?
 - Board can only act collectively (*Rankin v Jauman, Miller v Smith*)
 - Board only has express powers granted by statute (*Prothero v BOCC*)

Acquisition, Management, and Sale of County Property

- The BOCC is authorized to
 - Acquire county property through purchase, lease, donation or eminent domain ([§31-806](#))
 - Preserve, take care of, manage, and insure county property ([§31-807](#), [§31-814](#))
 - Sale county property at public auction ([§31-808](#))
 - Purchase and sale of personal property ([§31-829](#))
 - Note that a county is required to first seek an appraisal prior to acquiring real property and may not pay more than the appraised value to acquire the property ([§31-807](#))

BOCC District and Precinct Boundaries

- The BOCC is required by law to divide the county into three county commissioner districts ([§31-704](#)) and election precincts ([§31-804](#))

County Finances

- Adopt an annual budget ([Title 31, Ch. 16](#))
- Authorize an annual audit of county funds ([§31-809](#), [§31-1701](#))
- Establish county budget funds for the receipt and expenditure of money (various statutes)
- Establish fees for county services ([§31-870](#))
- Levy taxes to fund county services ([§31-811](#))
- Approval and payment of claims/expenses ([§31-810](#))
- Fix salary of county officers and employees ([§31-816](#))

County Public Works

- The BOCC is required by code to establish, maintain, and operate county roads and bridges (unless a highway district or districts exist in the county) ([§31-805](#), [Title 40](#))
- The BOCC is required by code to establish solid waste disposal sites ([Title 31, Ch. 44](#)), or regional solid waste disposal districts ([Title 31, Ch. 49](#))
- Counties may provide water and sewer services where water or sewer services do not exist or when a water or sewer district dissolves ([§31-877](#))

Fair Grounds and Ag Extension Agents

- The BOCC is required to fund the maintenance of county fair grounds and fair exhibits ([§31-822](#), [§31-823](#), [Title 22, Ch. 2](#))
- The BOCC is also required to fund the salary of agriculture extension agents ([§31-840](#))

Nonmedical Indigent Assistance

- The BOCC must provide for burial or cremation of deceased indigent persons ([§31-3412](#))
- The BOCC may (but is not required) to provide other forms of nonmedical indigent assistance, including:
 - Rental assistance
 - Utility assistance
 - Food assistance
- If the BOCC chooses to provide nonmedical indigent assistance, the BOCC must first adopt a resolution outlining the conditions under which it will provide nonmedical indigent assistance ([§31-3401](#))

Judiciary

- The BOCC must provide “suitable and adequate” facilities, equipment, supplies, and personnel for the district court ([§1-1613](#)) and magistrate division of the district court ([§1-2217](#)) and maintain a county law library ([§31-825](#))
- The BOCC must provide misdemeanor probation services for the supervision of misdemeanor offenders ([§31-878](#))
- The BOCC must maintain and operate juvenile detention facilities ([§20-517](#)) and fund county juvenile probation services ([§20-529](#))
- Provide public defender service via contract or the hiring of institutional public defenders (until Oct. 1, 2025) ([§19-859](#))

County Justice Services

“31-4601. PURPOSE. The legislature recognizes that the counties of the state perform vital functions in administering and delivering law enforcement services to all residents of the state. The legislature further finds it is necessary that the boards of county commissioners of the counties of the state be able to address the needs of county-provided components of the justice system by funding them at levels which do not compromise the performance of the justice system as a whole and which advance the interests of the public, while protecting the rights of individuals involved with the justice system.”



Public Health Districts

- The BOCC provides funding and governance to public health districts ([Title 39, Ch. 4](#))

Property Tax Administration

- The BOCC approves applications for property tax exemptions ([§63-602](#))
- The BOCC grants hardship exemptions and cancels property taxes when required ([§63-711](#))
- The BOCC serves as the county board of equalization (BOE) and is required to ([§63-501](#)):
 - Equalize the assessment of all property in the county
 - Hear appeals to property assessments

Local Land Use Planning Act

- Each county is required to have a comprehensive plan ([§67-6509](#))
- The comprehensive plan is adopted following mandatory notice and hearing procedures
- The comprehensive plan must include a number factors including demographics, economics, natural resources, land use, and infrastructure ([§67-6508](#))

P&Z Process and Procedures

- Do you have a planning and zoning commission?
- The planning process
- Planning and zoning procedures
 - Application procedures
 - Notice procedures
 - Hearing procedures

Planning & Zoning Topics

- Zoning Ordinances ([§67-6511](#))
- Subdivision Ordinances ([§67-6513](#))
- Special Use Permits ([§67-6512](#))
- Variances ([§67-6516](#))
- Development Agreements ([§6511A](#))
- Planned Unit Developments ([§67-6515](#))
- Emergency Ordinances and Moratoriums ([§67-6523](#))
- Interim Ordinances and Moratoriums ([§67-6524](#))

Building and Development Services

- The BOCC is authorized to develop, administer, and enforce county building codes ([§39-4103](#), [§39-4104](#), [§39-4116](#))
- County building codes must be adopted by ordinance ([§39-4116](#))
- A county adopting and enforcing building codes may do so by employing county staff or contracting with another public or private agency ([§39-4116](#))

The BOCC and City Officials

- The BOCC may adopt an area of city impact
- An area of city impact is adopted by ordinance
- A county's zoning and building codes apply within the area of city impact
- An area of city impact is necessary for a city to perform a category B or C annexation

The BOCC and Other Taxing Districts

- Creation of special taxing districts:
 - Ambulance service ([Title 31, Ch. 39](#))
 - Fire protection services ([Title 31, Ch. 14](#))
 - County Hospitals ([Title 31, Ch. 35](#) and [Ch. 36](#))
 - Recreation services ([Title 31, Ch. 43](#))
 - Regional solid waste services ([Title 31, Ch. 49](#))
 - County museums ([Title 31, Ch. 47](#))
- Appointment of vacancies in special taxing district boards under certain circumstances
- Certification of property tax budgets and levies