IDAHO ASSOCIATION OF COUNTIES

Where the Rubber Meets the Road

Land use, public works, and county facilities

STRONGER COUNTIES — STRONGER IDAHO

OVERVIEW

Four areas the board is responsible for

Land use

Plan for growth, adopt zoning, and decide land-use applications

Idaho Code Title 67, Chapter 65

Highways

Supervise, fund, and report on county roads — or work alongside the highway districts that do

Idaho Code Title 40, Chapters 6, 7, 8, and 13

Public facilities

Provide the courthouse, jail, and offices county government runs from

Idaho Code Title 31, Chapter 10

Solid waste

Acquire sites and operate a disposal system open to every resident

Idaho Code Title 31, Chapter 44

LAND USE

Land use starts with a plan

01

Comprehensive plan

The county's long-range vision for land, growth, and services

02

Zoning ordinances

The rules that put the plan into effect, parcel by parcel

03

Decisions

Rezones, permits, and plats heard by planning and zoning and the board

Most land-use decisions are quasi-judicial. Decide on the record after notice and a public hearing, explain the decision in writing, and avoid outside (ex parte) contact.

Local Land Use Planning Act (LLUPA), Idaho Code §67-6501 et seq.

PUBLIC WORKS · HIGHWAYS

Who maintains the roads?

County highway system

- The board supervises location, design, construction, and maintenance
- Roads are recommended each year for the official county system
- The board may appoint a director of highways to run daily operations

Highway districts

- The board may create a district by order for defined territory
- Districts elect their own commissioners and levy their own taxes
- If districts cover the whole county, no county general highway levy

Idaho Code §§40-601, 40-603, 40-604, 40-618, 40-1305

PUBLIC WORKS · HIGHWAYS

What the board does for county roads

Supervise
Location, design, construction, and repair

Record
Survey, lay out, and record public rights-of-way

Vacate
Abandon or vacate a highway by statutory process

Control access
Designate controlled-access highways

Acquire
Buy or condemn right-of-way, generally 50 feet minimum

Map
Publish a public rights-of-way map every five years

Idaho Code §§40-604, 40-605, 40-606

PUBLIC WORKS · HIGHWAYS

Where road money comes from

40%
of the state Highway Distribution Account goes to local governments

0.2%
base highway levy on market value; half of what is raised inside a city goes to that city

0.284%
combined cap on highway and bridge levies, including a 0.084% special levy

The local share is split by formula: 30 percent to cities by population; of the rest, 10 percent is shared equally among counties and 45 percent by vehicle registrations.

Idaho Code §§40-701, 40-709, 40-801

PUBLIC WORKS · HIGHWAYS

Bid it, bond it, and report it

REQUIREMENT	WHAT THE LAW SAYS
Condition report	By November 1 each year, report on road work and condition, with maps
Financial statement	By November 1, file it and publish it in a county newspaper
Repair contracts	Publish notice for sealed bids; every bid carries a performance bond
Conflict of interest	No commissioner may hold any interest in a county contract — a misdemeanor and forfeiture of office

Idaho Code §§40-610, 40-611, 40-612, 40-617

PUBLIC FACILITIES

The board must house county government

The board **must** provide a courthouse and jail as necessary, plus offices, furniture, and record books for county officers.

Sheriff · Clerk, auditor, and recorder · Treasurer · Prosecuting attorney · Assessor · Surveyor

How buildings get built

- **Build:** 30 days' notice for proposals; award to the lowest bidder who gives security
- **Lease:** up to five years by the board; up to 30 years with a simple-majority public vote
- **Partner:** co-own and share costs of buildings with a city or another county

Idaho Code §§31-1001, 31-1005, 31-1006, 31-1007

PUBLIC FACILITIES

Three ways to pay for a courthouse or jail

Bonds

When the cost exceeds one year's revenue for that purpose

Voters: two-thirds approval

Building fund levy

Up to 0.06 percent of market value a year; fund capped at 2 percent of assessed value

Voters: two-thirds approval

Critical-need fund

For justice and law enforcement facilities; save unspent and non-property-tax revenue

Board finding; no vote

Idaho Code §§31-1002, 31-1003, 31-1008, 31-1009

PUBLIC WORKS · SOLID WASTE

Solid waste is a duty, not an option

"It shall be the duty of the board of county commissioners … to acquire sites or facilities, and maintain and operate solid waste disposal systems."

Idaho Code §31-4403

The board chooses how to deliver it

- County employees and equipment
- Private contracts or franchises
- Another government or other counties
- Any combination, with or without competitive bidding

Every resident must have reasonable, convenient access, and sites follow Department of Environmental Quality (DEQ) rules.

Idaho Code §§31-4401, 31-4402, 31-4403, 31-4405, 31-4409

PUBLIC WORKS · SOLID WASTE

Paying for solid waste

Property tax
Up to 0.04 percent of market value; not in cities that run their own site

User fees
Charged to those who use the disposal facilities

Special assessment
Collection fees certified against the property served

Current revenues
Funded from the county's regular budget

Other sources
Grants, bonds, or any other lawful money

Any mix
The law allows any combination of these tools

Illegal dumping is a misdemeanor, with civil damages of three times the actual damage.

Idaho Code §§31-4402, 31-4404, 31-4410

TAKEAWAYS

Five things to remember

01 **Know "shall" from "may"** — duties versus discretion

02 **Bid, bond, and publish** — the law favors an open process

03 **Big debt goes to voters** — usually two-thirds

04 **Partner** — cities, counties, and districts can share costs

05 **Decide on the record** — and keep out of county contracts