

Idaho Local Governance



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Local Government Types

- General purpose local government
- Special purpose local government
- Local boards, commissioners, and committees
- Regional boards



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Police Power

Article XII, Section 2. LOCAL POLICE REGULATIONS AUTHORIZED. Any county or incorporated city or town may make and enforce, within its limits, all such local police, sanitary and other regulations as are not in conflict with its charter or with the general laws.



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Organization of Counties

31-101. STATE DIVIDED INTO COUNTIES. The state is divided into the several counties in this chapter named and described. The county seats are located at the cities or villages named after the respective county descriptions.

Article XVIII, Section 5. SYSTEM OF COUNTY GOVERNMENT. The legislature shall establish, subject to the provisions of [this article](#), a system of county governments which shall be uniform throughout the state; and by general laws shall provide for township or precinct organizations.



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County Authority: State Mandates

- General purpose government services for unincorporated residents
- Judiciary
- Jails
- Property tax administration
- Elections
- Public safety
- Prosecution
- Public defense
- Highways
- Junior college tuition
- Solid waste
- Indigent medical
- Non indigent medical
- Indigent burial
- Emergency communications
- Land records management
- Adult and juvenile probation
- Public Health
- Noxious weeds
- Ag extension
- Comprehensive Planning



Organization of Cities

50-101. INCORPORATION. The residents of any unincorporated contiguous area (village) containing not less than 125 qualified electors may present a petition signed by a majority of the said electors to the board of commissioners of the county in which said petitioners reside, praying that they be incorporated as a city, designating the name they wish to assume and the metes and bounds of the proposed city.



City Authority

State Mandates:

Prosecution of misdemeanors charged by city officer

Federal Mandates:

Clean drinking water
Pollutant discharge elimination (safe sewers)

Note: All other city services are discretionary/not mandated.



Organization of Special Purpose Districts

40-1702. COUNTYWIDE ELECTION TO ADOPT METHOD OF SECONDARY HIGHWAY ADMINISTRATION – PROCEDURE. (1) In any county where there is a petition for an election to adopt a new method of administration of the secondary highways in the county, the procedure outlined in this chapter shall be followed.

31-1402. CREATION AND ORGANIZATION OF DISTRICT. (1) Whenever twenty-five (25) or more of the holders of title, or evidence of title, to lands aggregating not less than one thousand (1,000) acres of contiguous territory, or consisting of contiguous territory of less extent but having market value for assessment purposes of at least five hundred thousand dollars (\$500,000) at the last preceding county assessment, desire to provide for the organization of the same as a fire protection district, none of their lands being included within the boundaries of an already created and organized fire protection district under the terms of this chapter, a district may be created and organized as provided in this chapter.

33-2704. PETITION – VERIFICATION – NOTICE AND HEARING. (1) A petition or petitions, signed by fifty (50) or more qualified electors residing in the proposed library district, giving the name of the proposed district, describing the boundaries thereof including a map prepared in a draftsmanlike manner, and praying for the establishment of the territory therein described as a public library district, shall be filed with the clerk or clerks of the boards of county commissioners of the counties in which the proposed district is situated.



Special Purpose District Authority

Special purpose district authority is limited to the purpose for which the district was established:

- Highway district = county highways and bridges
- School district = K-12 education
- Cemetery district = cemeteries
- Water/sewer districts = water or sewer systems



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Organization of Special Boards

- Fair Board
- Planning & Zoning Commission



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Organization of Regional Boards

- Public health districts
- Metropolitan planning organizations (MPOs)
- Magistrate commission
- Joint Power Agreements
 - Regional solid waste
 - Regional juvenile detention facility



Appointment Authority

- Governor appoints BOCC vacancies
- BOCC appoints vacancies in all other county offices.
- City council appoints mayor and city council vacancies.
 - If no quorum, senior member nominates name(s) for governor to establish quorum.
- School board fills vacancy if they have a quorum.
 - BOCC appoints vacancies on School Boards if needed to form quorum.
 - If school board vacancy remains open for 120 Days, then BOCC appoints vacancy.
- Highway District Commissioners appoint vacancy.
 - If commissioners can't agree, then county commission chair becomes temporary board member to make appointments.



Appointment Authority

- Recreation district board fills vacancy ([31-4305](#)).
- Fire district board fills vacancy.
 - If fire commissioners can't agree, then the longest-serving commissioner draws a name from the vacancy applicants to be the new commissioner ([31-1409](#)).
- Cemetery maintenance board fills vacancy ([23-110](#)).
- Ambulance district boards formed after 2020 fill vacancies.
 - If board members can't agree, then the longest-serving commissioner draws a name from the vacancy applicants to be the new commissioner ([31-1409](#)).
 - Water & sewer district board fills vacancy([42-3210](#))
 - If board fails to fill vacancy within 30 days, then the court has jurisdiction to appoint the vacancy.



Law Making Authority

- Counties and cities have law making authority.
 - City ordinances are valid only within city limits.
 - County ordinances are valid only outside of city limits.
- Special purpose districts cannot make law, only district policy.



The County and Other Local Governments

- Budget certification
- Elections
- Enforcement of financial reporting
- Planning and Zoning/Area of City Impact



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Final Thought on Local Units of Government

- Counties and school districts are the only local governments that must exist.
- All other local units of government exist at the will of their constituents.
- How do cities and special purpose districts benefit county governments?
- How do counties benefit from special purpose districts and cities?



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