

**Description
Of
Elected
Offices &
County
Government**

County Elected Officials

(Numbers in parenthesis refer to the Idaho Code)

ASSESSOR

The county assessor primarily determines equitable values on both real and personal property for tax purposes (63-207). However, the office has one other function that is detailed and time-consuming. The assessor acts as the agent of the Department of Idaho Transportation in titling vehicle (49-401) and in handling vehicle licensing (49-113 and 49-3210). The law also provides that if the governor calls up a militia, he may order the assessor to carry out a registration of all county residents liable for such service (46-104). Election of the county assessor occurs every four years.

CLERK/RECORDER/AUDITOR

Constitutional and statutory laws have given this one elective county officer five distinct titles: clerk of the district court, auditor, recorder, clerk of the board of county commissioners and chief elections officer of the county. The Idaho Constitution established the position of clerk of the district court and provides for the election of this position every four years (Article 5, Section 16). A separate section of the state constitution provides that the clerk of the district court shall be ex-officio auditor and recorder (Article 18, Section 6). State law provides that the clerk of the district court be ex-officio auditor, recorder and clerk of the board of county commissioners (34-2001 and 34-112). In addition the election laws specify the duties of the county clerk as clerk of the district court in the electoral process (32-112).

COMMISSIONERS

Currently, a three-member board of county commissioners is the governing body in each Idaho county. Two county commissioners are elected every four years - one for a two-year term and one for a four-year term (Article 18, Section 10). State law specifies how to determine 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 55 and 56 allow the size of the board to increase to either five or seven members. Chapters 55 and 56 allow the executive functions to be vested in an executive board of three members chosen by the commission as a whole. Chapters 52 through 56 have a provision for all commissioners, regardless of number, to serve four-year terms.

CORONER

The Idaho Constitution established the office of county coroner providing the position be filled by election every four years beginning in the general election of 1986 (Article 18, Section 6). However, because of the constitutional amendment (Article 18, Section 12) allowing optional forms of county government, the coroner may be appointed, have a different term of office or the office may be eliminated as a separate office if voters chose to adopt a different form of county government (Title 31, Chapters 52-56, Idaho Code). The county coroner plays an important role in law enforcement within the county. He or she investigates and holds an inquest to determine facts surrounding the death of a county resident. References should be made to the Idaho Code for complete information about what types of deaths the county coroner investigates.

PROSECUTING ATTORNEY

A county prosecutor is required to be a licensed and practicing attorney of law at the time he or she takes office and also a resident and elector of the county from which they are elected (Article 5, Section 18, 31-2601 and 34-623). The Idaho Constitution states that a prosecuting attorney shall be elected in each county and hold office for a term of four years. However, if a county chooses an optional form of county government, the structure of the office could change. Possible changes include: the term of office, the individual could be appointed rather than elected or eliminating

the office – leaving the responsibilities up to other elected or appointed individuals or by an individual on a contractual basis. Regardless of any change, the person exercising the functions of prosecuting attorney still must be licensed to practice law in the state of Idaho. The duties of the office could not be combined with those of the sheriff or the clerk of the district court (Title 31, Chapters 52-56).

SHERIFF

The Idaho Constitution (Article 18, Section 6) and state law (31-2001 and 31-2003) establishes the office of sheriff and authorizes the elected official to appoint deputies and clerical assistants. Sheriffs are elected to serve four-year terms. The structure of the office of county sheriff could change if a county chooses to adopt an optional form of county government. Possible changes to the office include: changing the term of office, appointing an individual to the office or eliminating the office – leaving the responsibilities up to other elected or appointed individuals. If the office is eliminated as a separate office, it cannot be combined with or assigned to any other elected office (Title 31, Chapters 52-56).

TREASURER

The county treasurer is also ex-officio tax collector and public administrator (31-2102). The county treasurer is elected every four years (34-620) unless an optional form of government is adopted pursuant to Title 31, Chapters 52-56 of Idaho Code. The county treasurer is separately bonded for each of the separate responsibilities of the office (31-2015). Such bond is furnished by the county. The county treasurer is authorized to appoint as many deputies as may be necessary to discharge the duties of the office within budgetary limits approved by the county commissioners (31-2003 and 31-1605).

Issues

As a county elected official you are faced with issues including:

- **Board of Equalization (BOE)**

The tax administration process starts in the county assessor's office where values are set. The major task is to achieve equity in values for different property types by assessing all properties at market value. The county commissioners sit as a BOE to review property tax valuations and determine whether assessments are equitable. (Chapters 3, 5 and 8, Title 63 *Idaho Code*) (Appendix A *County Elected Official's Handbook*)

After a BOE decision, any party affected by the decision may appeal to the state Board of Tax Appeals or directly to the district court. Once values and levies are set, it is the responsibility of the county treasurer to collect taxes.

- **Conducting Public Hearings**

For a public hearing to be successful, it is important to pay attention to even the smallest detail before the hearing gets underway. The manner in which the public hearing is prepared reflects the conduct of the hearing, the public's judgment of the local government and the public's perception of the hearing at hand.

Citizens often feel nothing constructive happens as a result of the hearing, so a follow-up program to a public hearing can greatly improve this situation and give the public a greater feeling of participation and involvement. (Chapter 19, *County Elected Official's Handbook*)

- **County Finances and Budgeting**

The budgeting and financial process of the county involves every elected and appointed county official. All county officials prepare budget requests and thus play a part in the county financial process. (Chapters 15-16, Title 31, *Idaho Code*)

- **Emergency Management**

Counties are required to maintain an emergency management agency or participate in an intergovernmental emergency management agency. The county and/or the inter-

governmental emergency management agency has jurisdiction over and serves the entire county in the work of disaster prevention, preparedness, response, and recovery. (Chapter 10, Title 46, *Idaho Code*)

- **Employment Practices**

The responsibilities of a public employer are different from those in the private sector. Employees are accorded different rights and many federal standards not applicable to small, private employers apply to the public sector. Wage and overtime statutes, fair treatment regardless of gender or disability, constitutional interest in public employment and related principles require a county to be aware of a liability exposure in employment practices.

- **Ethics/Conflict of Interest**

State laws and local ordinances govern circumstances where personal interests may come into conflict with public responsibilities. Such statutes require both disclosure and nonparticipation at appropriate times. Respect for those who may disagree with you in the governing process requires adherence to ethical standards and disclosure of public information to friend and foe alike. Even strong opinions must be balanced by respect for the procedural rights of others. (Chapter 13, Title 18, *Idaho Code*) (Another valuable resource is the Idaho Ethics in Government Manual found on the Idaho attorney general's Web site:
<http://www2.state.id.us/ag/manuals/ethicsingovernment.pdf>

- **Health Care/Indigent Assistance**

Basic preventative health care services are provided by the seven public health districts, which are governed for the most part by the counties. For those citizens who have no health care coverage, do not qualify for Medicaid, or have no other resources, the county provides coverage for the first \$10,000 of a claim and the state Catastrophic Health Care Cost Program (CAT) provides for the payment of the remaining balance.

Counties by law are considered the last resource when it comes to determining whether an individual can pay a medical bill or needs other non-medical assistance. Counties must receive and investigate applications for assistance. Counties can look to the resources of an individual as well as record a lien on

property to seek reimbursement for medical care. (Chapters 34-35, Title 31, *Idaho Code*)

- **Highway Administration**

County and Highway Districts have no responsibility for any highway on the state Highway System unless they have contracted with the state for maintenance or construction first. The board of county commissioners has extensive power over highway administration in all but those counties covered entirely by highway and road districts. (Title 40, *Idaho Code*)

- **Law Enforcement Basics**

The sheriff enforces all penal provisions of the law in the unincorporated areas of the county. (Chapter 22, Title 31, *Idaho Code*) The sheriff and the prosecuting attorney are the primary law enforcement personnel for each county. The sheriff is responsible for detaining prisoners in the county jail. Prisoners must be segregated according to law and provided with various services. Minimum jail standards have been established to help protect counties and the jails from lawsuits. (Chapter 6, Title 20, *Idaho Code*)

The prosecuting attorney prosecutes all criminal cases and provides civil assistance to the various county offices. The county coroner determines the cause of violent and suspicious causes of death. They may conduct inquests as needed.

- **Open Meetings/Public Records**

With the exception of an executive session, all government meetings, including any sub-agency or commission created by the government, must be open to the public and held where there is no discrimination practiced. (Chapters 67-234 through 67-2345 and 9-335 through 9-388, *Idaho Code*) And for more information, visit the attorney general's Web site:
<http://www2.state.id.us/ag/manuals/openmeeting.pdf>

- **Planning and Zoning**

Comprehensive planning, zoning and subdivision regulations are used by counties and cities in Idaho to provide for orderly change and growth as well as to stabilize and protect property values.

- **Property Taxes**
 County government, together with the State Tax Commission, must administer the property tax system for all taxing authorities. All county officials have responsibilities with the tax system. (Chapters 1-17, Title 63, *Idaho Code*)
- **Property Tax Collection/Public Administration**
 The county treasurer is responsible for investing idle or surplus monies. The tax collector collects and accounts for all property taxes. The treasurer manages estates when no heir or other qualified person is available. (Chapter 21, Title 31, Chapters 8-9, Title 63, *Idaho Code*)
- **Purchasing Contracts**
 Public officials must purchase public property in accordance with specific state statutes designed to provide openness and fairness in the process. The need for public business to be accountable requires that contractual relationships be carried out by written agreement, rather than mere oral promises. Formalities are often necessary to validate agreements with public entities which include the competitive bid process. Adherence to these laws is necessary to avoid claims of unlawful conduct and unfair business practices. (Chapter 28, Title 67, *Idaho Code*)
- **Risk Management/Liability**
 Thirty years ago lawsuits against public entities and public officials were rare. Now specific statutes authorize actions against public agencies and address the rights and responsibilities of all public employees and officials. Counties have developed programs to manage liability risks to avoid public costs while allowing local government to function. Certain immunities may apply to governmental actions and officials must know these important laws to minimize the cost of government and personal liability exposure. ICRMP is Idaho counties' program and source for information and assistance for all risk management and liability needs. For more information, visit ICRMP's Web site: www.icrmp.com
- **Solid Waste Management**
 Idaho Code makes the county responsible for operating solid waste disposal systems and gives the board of county commissioners the authority to acquire, establish, and maintain such systems. (Chapter 44, Title 31, *Idaho Code*)



TITLE 31 COUNTIES AND COUNTY LAW

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TITLE 31
COUNTIES AND COUNTY LAW
CHAPTER 8
POWERS AND DUTIES OF BOARD
OF COMMISSIONERS

31-801. GENERAL POWERS AND DUTIES. The boards of county commissioners in their respective counties shall have jurisdiction and power, under such limitations and restrictions as are prescribed by law.

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SHERIFF

31-2202. DUTIES OF SHERIFF. The policy of the state of Idaho is that the primary duty of enforcing all penal provisions and statutes of the state is vested with the sheriff of each county as provided in section 31-2227, Idaho Code. The sheriff shall perform the following:

- (1) Preserve the peace.
- (2) Arrest and take before the nearest magistrate for examination all persons who attempt to commit or who have committed a public offense, unless otherwise provided by law.
- (3) Prevent and suppress all affrays, breaches of the peace, riots and insurrections which may come to his knowledge.
- (4) Attend all courts, including magistrate's division of the district court when ordered by a district judge, at their respective terms held within his county, and obey the lawful orders and directions of the courts.
- (5) Command the aid of as many inhabitants of the county as he may think necessary in the execution of these duties.
- (6) Take charge of and keep the county jail and the prisoners therein.
- (7) Indorse upon all process and notices the year, month, day, hour and minute of reception, and issue therefor to the person delivering it, on payment of fees, a certificate showing the names of the parties, title of paper and time of reception.
- (8) Serve all process and notices in the manner prescribed by law.
- (9) Certify under his hand upon process or notices the manner and time of service, or, if he fails to make service, the reasons of his failure, and return the same without delay.
- (10) Perform such other duties as are required of him by law.
- (11) Keep a record of all stolen cars reported within his county, which record shall contain the name of the motor vehicle, the engine number thereof, a complete description of such vehicle and such other information as may aid in the identification of the stolen car. Such record shall be open to public inspection during office hours, and immediately upon receiving a report of a stolen car the sheriff shall prepare and forward a copy thereof to the director of the Idaho state police and he shall also notify the director of the Idaho state police of any and all cars recovered.
- (12) At the specific request of the governor or his designated agent prevent the unauthorized importation of wild omnivores or carnivores capable of causing injury to people or their property.

[13.] Work in his county with the Idaho state police in the following respects:

- (a) Require all persons using the highways in the state to do so carefully, safely and with exercise of care for the persons, property and safety of others;
- (b) Safeguard and protect the surface and other physical portions of the state highways;
- (c) Enforce all of the laws of the state enacted for the identification, inspection and transportation of livestock and all laws of the state designed to prevent the theft of livestock;
- (d) Regulate traffic on all highways and roads in the state; and respond to calls following wrecks and make investigations relative thereto;
- (e) Use whatever force is necessary to protect the public from wild or domestic omnivores or carnivores in a manner that is consistent with 50 C.F.R. section 17.84(i).

(14) Work in his county with the Idaho transportation department to give examinations for and sell drivers' licenses and identification cards.

(15) Expeditiously and promptly investigate all cases involving missing children when such cases are reported to him.

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CHAPTER 26
PROSECUTING ATTORNEY

31-2604. DUTIES OF PROSECUTING ATTORNEY. It is the duty of the prosecuting attorney:

1. To prosecute or defend all actions, applications or motions, civil or criminal, in the district court of his county in which the people, or the state, or the county, are interested, or are a party; and when the place of trial is changed in any such action or proceeding to another county, he must prosecute or defend the same in such other county.

2. To prosecute all felony criminal actions, irrespective of whom the arresting officer is; to prosecute all misdemeanor or infraction actions for violation of all state laws or county ordinances when the arresting or charging officer is a state or county employee; to conduct preliminary criminal examinations which may be had before magistrates; to prosecute or defend all civil actions in which the county or state is interested; and when a written contract to do so exists between the prosecuting attorney and a city, to prosecute violations for state misdemeanors and infractions and violations of county or city ordinances committed within the municipal limits of that city when the arresting or charging officer is a city employee.

3. To give advice to the board of county commissioners, and other public officers of his county, when requested in all public matters arising in the conduct of the public business entrusted to the care of such officers.

4. To attend, when requested by any grand jury for the purpose of examining witnesses before them; to draw bills of indictments, informations and accusations; to issue subpoenas and other process requiring the attendance of witnesses.

5. On the first Monday of each month to settle with the auditor, and pay over all money collected or received by him during the preceding month, belonging to the county or state, to the county treasurer, taking his receipt therefor, and to file, on the first Monday of October in each year, in the office of the auditor of his county, an account verified by his affidavit, of all money received by him during the preceding year, by virtue of his office, for fines, forfeitures, penalties or costs, specifying the name of each person from whom he receives the same, the amount received from each, and the cause for which the same was paid.

6. To perform all other duties required of him by any law.

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