

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 467

BY LOCAL GOVERNMENT COMMITTEE

AN ACT

1 RELATING TO LOCAL IMPROVEMENT DISTRICTS; AMENDING SECTION 50-1709, IDAHO
2 CODE, TO REMOVE PROVISIONS REGARDING CERTAIN AUTHORITY OF A CITY COUN-
3 CIL AND A BOARD OF COUNTY COMMISSIONERS REGARDING A PROPOSAL FOR THE
4 CREATION OF A LOCAL IMPROVEMENT DISTRICT.
5

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 50-1709, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 50-1709. PROTESTS AND HEARING. Any owner of property to be assessed in
10 the proposed local improvement district described in the notice of inten-
11 tion shall have the right, in advance of the hearing, to file in writing a
12 protest to the creation of the district or making any other objections in re-
13 lation thereto. At the date, time and place specified in the notice of in-
14 tention the council shall in open and public session consider all protests
15 which have been filed in writing in advance of the hearing, and the hear-
16 ing may be adjourned from time to time to a fixed future time and place for
17 the same until all such protests have been heard. The decision of the coun-
18 cil as to all protests shall be conclusive and final, and if it should so de-
19 termine, the council may delete any improvements or any property which had
20 originally been contemplated in the said notice. If owners of more than two-
21 thirds (2/3) of the property to be assessed protest any of the proposed im-
22 provements which affect their property, the council shall not proceed fur-
23 ther with the work so protested unless a majority of the members of the full
24 council shall vote to proceed with such work. The vote on the hereinafter
25 mentioned ordinance creating the improvement district shall constitute the
26 vote as to whether or not the council will proceed. Any property owner who
27 fails to file a protest within the time specified, or having filed one with-
28 draws said protest, shall be deemed to have waived any objection to the cre-
29 ation of the district, the making of the improvements, and the inclusion of
30 his property in the district. Such waiver shall not preclude his right to ob-
31 ject to the amount of the assessment at the later hearing provided for such
32 purpose.

33 ~~In cases where the creation of a local improvement district has been~~
34 ~~proposed by the governing board of an entity other than a city council or~~
35 ~~board of county commissioners, and where written protests are filed and~~
36 ~~sixty percent (60%) of the resident owners or the owners of two-thirds (2/3)~~
37 ~~of the lots and lands subject to assessment within such proposed improvement~~
38 ~~district have signed such protest, the governing board of the governmental~~
39 ~~entity proposing the local improvement district shall not be allowed to~~
40 ~~proceed with the creation of the district for a period of one hundred eighty~~
41 ~~(180) days. During this one hundred eighty (180) day period, the city coun-~~
42 ~~cil shall act as a review board for as much of the proposed district as is~~

1 ~~situated within the boundaries of the city, and the board of county commis-~~
2 ~~sioners shall act as a review board for that portion of the proposed local~~
3 ~~improvement district as is situated within the unincorporated portion of the~~
4 ~~county. As a review board, the city council or board of county commissioners~~
5 ~~shall review the record of the proposal, including conformance with proced-~~
6 ~~ural provisions of law. The city council or board of county commissioners~~
7 ~~shall also evaluate the necessity or desirability of the proposed district,~~
8 ~~and shall take into consideration the creation of the proposed local im-~~
9 ~~provement district as it relates to the following:~~

10 ~~(a) the health, safety and welfare of the residents of the proposed dis-~~
11 ~~trict, or of persons having the necessity to travel through the district; and~~

12 ~~(b) the financial impact of the creation and implementation of the ob-~~
13 ~~jectives of the proposed district upon the property owners within the pro-~~
14 ~~posed district, especially in light of projects recently undertaken or con-~~
15 ~~templated for the near future within the district.~~

16 ~~After its evaluation, the city council shall approve, modify or reject~~
17 ~~the proposal for the creation of a local improvement district for as much of~~
18 ~~the proposed district as is situated within the boundaries of the city, and~~
19 ~~the board of county commissioners shall approve, modify or reject the pro-~~
20 ~~posal for the creation of a local improvement district for as much of the~~
21 ~~proposed district as is situated within the unincorporated portion of the~~
22 ~~county.~~