

IN THE SENATE

SENATE BILL NO. 1085

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE BOARD OF COUNTY COMMISSIONERS; PROVIDING LEGISLATIVE IN-  
2 TENT; AND AMENDING SECTION 31-710, IDAHO CODE, TO REVISE A PROVISION  
3 REGARDING NOTIFICATION OF MEETINGS OF THE BOARD AND TO REMOVE A PROVI-  
4 SION REGARDING PUBLIC NOTICE FOR CERTAIN MEETINGS.  
5

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

7 SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature to  
8 clarify which meeting notification requirements apply to boards of county  
9 commissioners. Section 31-710, Idaho Code, requires a county to provide  
10 five days' notice for special meetings. On the other hand, Section 74-204,  
11 Idaho Code, requires only a twenty-four hour notice for special meetings.  
12 In determining which notice requirement applied to these special meetings,  
13 the Idaho Supreme Court in *Nelson v. Boundary County*, 109 Idaho 205, 208  
14 (Ct. App. 1985) held that the twenty-four hour provision applied because  
15 that notice provision was enacted later in time. By enacting this legisla-  
16 tion, the Legislature intends to remove any confusion and to clarify that  
17 the notice requirements of Chapter 2, Title 74, Idaho Code, apply to county  
18 commissioners.

19 SECTION 2. That Section 31-710, Idaho Code, be, and the same is hereby  
20 amended to read as follows:

21 31-710. MEETINGS. (1) The regular meetings of the boards of commis-  
22 sioners must be held at their respective county seats on the second Monday  
23 of each month of the year, or if the board determines that county affairs re-  
24 quire regular meetings more often, then at such times as may be provided for  
25 in advance by ordinance, and must continue from time to time until all the  
26 business before them has been addressed. Such other meetings must be held,  
27 to canvass election returns, equalize taxation, and for other purposes as  
28 are prescribed by law or provided for by the board.

29 (2) Adjourned meetings may be provided for, fixed and held for the  
30 transaction of business, by an order duly entered of record, in which must be  
31 specified the character of business to be transacted at such meetings, and  
32 none other than that specified must be transacted.

33 ~~(3) If at any time after the adjournment of a regular meeting the busi-~~  
34 ~~ness Notifications of the county requires a meetings of the board, a special~~  
35 ~~meeting may shall be ordered by a majority of the board. The order must be~~  
36 ~~entered of record, and five (5) days' notice thereof must, by the clerk, be~~  
37 ~~given to each member not joining in the order. The order must specify the~~  
38 ~~business to be transacted, and none other than that specified must be trans-~~  
39 ~~acted at such special meeting held in accordance with the open meetings law~~  
40 ~~as provided in chapter 2, title 74, Idaho Code.~~

1           (4) All meetings of the board must be public, and the books, records,  
2 and accounts must be kept at the office of the clerk, open at all times for  
3 public inspection, free of charge. ~~The clerk of the board must give five (5)~~  
4 ~~days' public notice of all special or adjourned meetings, stating the busi-~~  
5 ~~ness to be transacted, by posting three (3) notices in conspicuous places,~~  
6 ~~one (1) of which shall be at the courthouse door.~~