

Duties and Powers of Highway District Commissioners

I.C. 40-1310

Commissioners:

The first road commissioners for the current highway districts in Kootenai County were appointed by Governor Andrus in 1971. General and additional information about Worley Highway District is available on our website. www.worleyhighwaydistrict.com

There are three elected commissioners, one for each sub-district. Each commissioner must reside in the sub- district they represent.

Elections are held on the third Tuesday in May. I.C. 34 Elections Chapter 14; and Title 40 Chapter 13. Please contact the Kootenai County Elections Office for candidacy documents and submittal timelines.

Meetings:

Commissioners attend board meetings, hearings, and Special Meetings as scheduled.

- Regular board meetings are held on the 4th Wednesday of the month.
- Hearings are most often held in conjunction with the regular board meeting.
- Special meetings are called by the Chairman when needed. Historically there are less than 6 of these per year.
- Budget workshops are held twice a year followed by the budget hearing.

Other Meetings:

- The Kootenai Metropolitan Planning Organization meets on the 2nd Thursday of each month. The Chairman normally attends these meetings.
- The Associated Highway Districts of Kootenai County meet on a somewhat quarterly basis. These meetings are a collaborative effort to unify the four districts on various issues related to highway districts.
- The Idaho Association of Highway Districts meets annually. The conference is normally held for 2-3 days in early November and rotates between Boise and Coeur d'Alene. The District pays for hotel and flights when it is held in Boise.

Duties:

The Commissioners are responsible for conducting public meetings, establishing policy, and setting budgets. While it is not a requirement, knowledge of road construction and

maintenance is helpful. We try to keep our local State legislators aware of district-related issues and work with the Idaho Association of Highway Districts on legislative measures.

It is recommended that the commissioners review the board meeting packet information before the meeting. This includes the new business item exhibits, previous minutes, and the Treasury Report.

Commissioners are encouraged to periodically drive the roads in their assigned districts and active projects.

Compensation:

Monthly compensation is approved in the budget.

An email address is provided to active commissioners to ease the sharing of District information and correspondence. Mileage is reimbursed at the going Federal rate for meetings.

Commissioners are offered to enroll in the District's medical, dental, vision, VEBA (health reimbursement account), and life insurance plans. Dependent premiums will be paid by the commissioner.



Idaho Statutes

Idaho Statutes are updated to the website July 1 following the legislative session.

TITLE 40
HIGHWAYS AND BRIDGES
CHAPTER 13
HIGHWAY DISTRICTS

40-1310. POWERS AND DUTIES OF HIGHWAY DISTRICT COMMISSIONERS. (1) The commissioners of a highway district have exclusive general supervision and jurisdiction over all highways and public rights-of-way within their highway system, with full power to construct, maintain, repair, acquire, purchase and improve all highways within their highway system, whether directly or by their own agents and employees or by contract. Except as otherwise provided in this chapter in respect to the highways within their highway system, a highway district shall have all of the powers and duties that would by law be vested in the commissioners of the county and in the district directors of highways if the highway district had not been organized. Where any highway within the limits of the highway district has been designated as a state highway, then the board shall have exclusive supervision, jurisdiction and control over the designation, location, maintenance, repair and reconstruction of it. The highway district shall have power to manage and conduct the business and affairs of the district; establish and post speed and other regulatory signs; make and execute all necessary contracts; have an office and employ and appoint agents, attorneys, officers and employees as may be required, and prescribe their duties and fix their compensation. Highway district commissioners and their agents and employees have the right to enter upon any lands to make a survey, and may locate the necessary works on the line of any highways on any land which may be deemed best for the location.

(2) The highway district shall also have the right to acquire either by purchase, or other legal means, all lands and other property necessary for the construction, use, maintenance, repair and improvement of highways in their system. The highway district may change the width or location, or straighten lines of any highway in their system, and if in the constructing, laying out, widening, changing, or straightening of any highways, it shall become necessary to take private property, the district director of highways, with the consent and on order of the highway district commissioners, shall cause a survey of the proposed highway to be made, together with an accurate description of the lands required. He shall endeavor to agree with each owner of property for the purchase of a right-of-way over the lands included within the description. If the director is able to agree with the owner of the lands, the highway district commissioners may purchase the land and pay for it out of the funds of the highway district, and the lands purchased shall then be conveyed to the highway district for the use and purpose of highways.

(3) Whenever the director of highways shall be unable to agree with any person for the purchase of land, or that person shall be unknown or a nonresident of the county in which the highway district is situated, or a minor, or an insane or incompetent person, the director shall have the

right, subject to the order of the highway district commissioners, to begin action in the name of the highway district in the district court of the county in which the district is situated, to condemn the land necessary for the right-of-way for the highway, under the provisions of chapter 7, title 7, Idaho Code. An order of the highway district commissioners entered upon its minutes that the land sought to be condemned is necessary for a public highway and public use shall be prima facie evidence of the fact.

(4) The highway district has the power to contract for and pay out any special rewards and bounties as may appear expedient or useful in securing proper highway construction and maintenance, and to accept, on behalf of the district, aid or contributions in the construction or maintenance of any highway; to construct or repair, with the consent of the corporate authorities of any city within the district, any highway within a city, upon the division of the cost as may be agreed upon; or to join with the state or any body politic or political subdivision, or with any person in the construction or repair of any highway and to contract for an equitable division of the cost; and all counties, cities, highway districts and other bodies politic and political subdivisions are authorized to contract with any highway district acting through its highway district commissioners in exercise of the powers granted.

(5) The highway district has the power to receive highway petitions and lay out, alter, create and abandon and vacate public highways and public rights-of-way within their respective districts under the provisions of sections 40-202, 40-203 and 40-203A, Idaho Code. Provided however, when a public highway, public street and/or public right-of-way is part of a platted subdivision which lies within an established county/city impact area or within one (1) mile of a city if a county/city impact area has not been established, consent of the city council of the affected city, when the city has a functioning street department with jurisdiction over the city streets, shall be necessary prior to the granting of acceptance or vacation of said public street or public right-of-way by the highway district board of commissioners.

(6) The highway district is empowered to take conveyance or other assurances, in the name of the highway district, for all property acquired by it under the provisions of this chapter for the purposes of this title. The highway district may institute and maintain any and all actions and proceedings, suits at law and in equity, necessary or proper in order to carry out the provisions of this chapter, or to enforce, maintain, protect or preserve any and all rights, privileges and immunities provided in this chapter. In all courts, actions, suits or proceedings, the highway district may sue, appear and defend, in person or by attorneys, and in the name of the highway district.

(7) The highway district is empowered to hold, use, acquire, sell, manage, occupy and possess property. The highway district may create highway subdistricts, which must be carefully and distinctly defined and described. Highway subdistricts may be revised or modified by the highway district commissioners, as changes in conditions demand.

(8) The highway district board of commissioners shall have the exclusive general supervisory authority over all public highways, public streets and public rights-of-way under their jurisdiction, with full power to establish design standards, establish use standards, pass resolutions and establish regulations in accordance with the provisions of title 49,

Idaho Code, and control access to said public highways, public streets and public rights-of-way.

(9) By July 1, 2000, and every five (5) years thereafter, the highway district board of commissioners shall have published in map form and made readily available the location of all public rights-of-way under its jurisdiction. Any highway district board of commissioners may be granted an extension of time with the approval of the legislature by adoption of a concurrent resolution.

(10) In its discretion, the highway district may purchase equipment at a public auction, if the highway district board of commissioners has made a finding that such equipment may be purchased at a competitive price. Prior to the public auction, the highway district commissioners shall, at a regular meeting of the district or at a special hearing, notice of which is published in accordance with the provisions of section 40-206, Idaho Code, review any documentation available as to the items to be auctioned at the public sale and determine which items the district may bid on, and establish a maximum amount the district will bid for such item.

History:

[40-1310, added 1985, ch. 253, sec. 2, p. 650; am. 1986, ch. 328, sec. 9, p. 807; am. 1993, ch. 412, sec. 8, p. 1513; am. 1994, ch. 324, sec. 4, p. 1040; am. 1998, ch. 184, sec. 3, p. 675; am. 1999, ch. 291, sec. 1, p. 722; am. 1999, ch. 332, sec. 8, p. 902; am. 2003, ch. 68, sec. 4, p. 230.]

How current is this law?



Idaho Statutes

Idaho Statutes are updated to the website July 1 following the legislative session.

TITLE 40
HIGHWAYS AND BRIDGES
CHAPTER 6

COUNTY COMMISSIONERS AND HIGHWAY OFFICERS

40-604. DUTIES AND POWERS OF COMMISSIONERS. Commissioners shall:

(1) Exercise general supervision over all highways in the county highway system, including their location, design, construction, reconstruction, repair and maintenance, and develop general policies regarding highway matters.

(2) Cause to be surveyed, viewed, laid out, recorded, opened and worked, any highways or public rights-of-way as are necessary for public convenience under the provisions of sections 40-202 and 40-203A, Idaho Code.

(3) Cause to be recorded all highways and public rights-of-way within their highway system.

(4) Have authority to abandon and vacate any highway or public right-of-way within their highway system under the provisions of section 40-203, Idaho Code.

(5) Designate county highways, or parts of them, as controlled-access highways and regulate, restrict or prohibit access to those highways so as best to serve the traffic for which the facility is intended.

(6) Have authority to make agreements with any incorporated city, other county, a highway district, the state, or the United States, its agencies, departments, bureaus, boards, or any government owned corporation for the construction, reconstruction, or maintenance of the county's highway system by those entities or for the construction, reconstruction, or maintenance of the highway systems of those entities by the county's highway organization. The county shall compensate or be compensated for the fair cost of the work except as otherwise specifically provided in this title.

(7) Contract, purchase, or otherwise acquire the right-of-way over private property for the use of county highways and for this purpose may institute proceedings under the code of civil procedure.

(8) Levy an ad valorem tax to be paid into the county highway fund and cause the tax collected each year to be paid into that fund and kept by the treasurer as a separate fund. When all of the territory of a county is included in one (1) or more highway districts the commissioners shall not make any levy for general highway purposes.

(9) Audit and draw warrants on the county highway fund required for payment for rights-of-way improvement.

(10) Rename any highway within the county, excepting those situated within the territorial limits of incorporated cities, when the renaming will eradicate confusion.

(11) Cause guide posts properly inscribed to be erected and maintained on designated highways.

(12) Exercise other powers as may be prescribed by law.

[(13)](14) By July 1, 2000, and every five (5) years thereafter, the commissioners shall have published in map form and made readily available the location of all public rights-of-way under their jurisdiction. The commissioners of a district may be granted an extension of time with approval of the legislature by adoption of a concurrent resolution.

History:

[40-604, added 1985, ch. 253, sec. 2, p. 616; am. 1986, ch. 328, sec. 7, p. 805; am. 1988, ch. 117, sec. 1, p. 216; am. 1993, ch. 412, sec. 7, p. 1511; am. 1998, ch. 154, sec. 1, p. 528; am. 1998, ch. 184, sec. 2, p. 674.]

How current is this law?