

TITLE 31
COUNTIES AND COUNTY LAW

CHAPTER 47
MUSEUM BOARDS

31-4701. CREATION OF COUNTY MUSEUM BOARD. A county museum board may be created as follows:

(1) In addition to the procedures provided in subsections (2), (3) and (4) of this section, the county commissioners may adopt a resolution and incorporate in its minutes to signify that it is the intention of the board of county commissioners to create a county museum board in accordance with the provisions of this chapter. The board of county commissioners shall fix a date, not less than three (3) nor more than six (6) weeks from the date of the adoption of the resolution for a public hearing, and shall order the clerk of the board to publish notice of the hearing in one (1) or more newspapers of general circulation in the county, which notice shall include the time and place of the hearing at which the board of county commissioners will hear any person or persons interested upon the matter of whether a county museum board shall be created pursuant to this chapter. If after the hearing provided for in this section, the board of county commissioners shall then deem it for the best interests of the county that a county museum board be created, the county commissioners shall enter an order to that effect and calling an election upon the formation of the proposed county museum board as provided in this section.

(2) Any person or persons may file a petition for the formation of a county museum board with the clerk. The petition which may be in one (1) or more papers shall be signed by not less than ten percent (10%) of the registered voters residing within the county.

(3) The clerk shall, within ten (10) days after the filing of the petition, estimate the cost of advertising and holding the election provided in this section and notify in writing the person or any of the persons filing the petition as to the amount of the estimate. The person or persons shall within twenty (20) days after receipt of the written notice deposit the estimated amount with the clerk in cash, or the petition shall be deemed withdrawn. If the deposit is made and the county museum board is formed, the person or persons so depositing the sum shall be reimbursed from the first moneys collected by the county museum board from the taxes authorized to be levied by this chapter.

(4) Within thirty (30) days after the filing of the petition together with the map and the making of the cash deposit, the county commissioners shall determine whether or not they substantially comply with the requirements of this section. If the county commissioners find that there has not been substantial compliance with the requirements, the county commissioners shall enter an order to the effect specifying the particular deficiencies, dismissing the petition and refunding the cash deposit. If the county commissioners find that there has been substantial compliance with the requirements, the county commissioners shall forthwith enter an order to that effect and calling an election upon the formation of the proposed county museum board as provided in this section.

(5) If the county commissioners order an election as provided in this section, the election shall be conducted on the first Tuesday succeeding the first Monday of November in any year, and in accordance with the general

election laws of the state. The county commissioners shall establish election precincts, and the county clerk shall design and print voter's oaths, ballots and other necessary supplies, appoint election personnel and provide for the conduct and tally of the election. Each registered voter of the county shall be entitled to vote in the election in accordance with the provisions of [title 34](#), Idaho Code. The county clerk shall give notice of the election which notice shall clearly state the question of whether a county museum board shall be formed and shall state the date of the election. The notice shall be published as provided in [chapter 14, title 34](#), Idaho Code, in a newspaper published within the county.

(6) Immediately after the election, the judges at the election shall forward the ballots and results of the election to the county clerk. The county commissioners shall canvass the vote within ten (10) days after the election. If forty-five percent (45%) or more of the votes cast at the election are against the formation of the county museum board, the county commissioners shall enter an order so finding and declaring that the county museum board shall not be formed. If more than fifty-five percent (55%) of the votes cast at the election are in favor of forming the county museum board, the county commissioners shall enter an order so finding, declaring the county museum board duly organized. The county commissioners shall cause one (1) certified copy of the order to be filed in the office of the county recorder of the county and shall cause one (1) certified copy of the order to be transmitted to the governor. Immediately upon the entry of the order, the organization of the county museum board shall be complete.

(7) After the election, the validity of the proceedings hereunder shall not be affected by any defect in the petition, if any, or in the number or qualification of the signers thereof, and in no event shall any action be commenced or maintained or defense made affecting the validity of the organization of the county museum board after six (6) months have expired from the date of entering the order declaring the formation of the county museum board.

[31-4701, added 1990, ch. 393, sec. 1, p. 1101; am. 1991, ch. 322, sec. 1, p. 837; am. 2009, ch. 341, sec. 23, p. 1007.]

31-4702. ORDER CREATING BOARD -- APPOINTMENT AND SELECTION OF MEMBERS. If the board enters an order creating a county museum board pursuant to subsection (6) of section [31-4701](#), Idaho Code, it shall immediately appoint five (5) persons to membership thereof, and make its action a matter of record. The members shall as nearly as possible be selected from the different localities of the county.

Appointments shall be made as follows: Three (3) members shall be appointed for a term of two (2) years and two (2) members shall be appointed for a term of three (3) years. Thereafter, each appointment shall be made for terms of three (3) years. Appointments shall expire on the third Monday in January. Any vacancy occurring on such county museum board shall be filled by appointment by the county commissioners at their first regular meeting after the occurrence of such vacancy.

[31-4702, added 1990, ch. 393, sec. 1, p. 1103.]

31-4703. TIME FOR CREATION. The county museum board may be created under the provisions of this chapter at any time before the first Monday in July in any year.

[31-4703, added 1990, ch. 393, sec. 1, p. 1103.]

31-4704. DUTIES OF COUNTY MUSEUM BOARD -- BONDS OF MEMBERS -- MEETINGS -- FURTHER DUTIES. The county museum board shall be charged with the care and custody of all property belonging to the county and used for museum purposes, and shall be responsible for all moneys received by it, raised by tax levy or levies for museum purposes as well as all receipts from the operation of the museum and any other moneys received from other sources for museum purposes. Each member of the county museum board shall file with the board of county commissioners a bond in the sum of not less than one thousand dollars (\$1,000) to be approved by the board of county commissioners. It shall meet at its place of business on the first Monday of January each year, and thereafter bi-monthly on the first Monday of the month, except as herein otherwise provided; provided, that it shall meet on the first Monday after the creation of such board under the provisions hereof.

It shall safely keep or cause to be safely kept all moneys coming into its care, custody or possession in strict compliance with the provisions of the public depository law of this state. It shall formulate in writing and file in its office all plans adopted by it from time to time in connection with the conduct of the business of the county museum, and also file a copy of the same with the board of county commissioners of the county. It shall keep or cause to be kept proper records of its proceedings, business transactions, and true and proper accounts of all moneys received by it and expended or on hand; and it shall require proper vouchers evidencing all disbursements of money. The records of the board shall be open to inspection by any taxpayer or voter within the county during all regular office hours. The board shall publish in at least one (1) issue of the official newspaper of the county a detailed statement of all moneys received and expended in connection with the operation of any museum.

It shall take charge of and manage all such property as the county may have acquired or set aside for museum purposes. It may recommend to the board of county commissioners that such board purchase such real and personal property as may be needed for museum purposes. It shall have power to employ labor, award prizes, make exhibition contracts, fix and charge admission and entrance fees. It shall fix the salaries of the secretary and treasurer and prescribe the time and manner of payment. The county museum board shall not have the power to create any indebtedness in excess of the amount to be derived from the special levies for each year and the estimated income from annual museum receipts, nor shall it mortgage or otherwise pledge or encumber any of the real or personal property owned by the county and used for museum purposes.

[31-4704, added 1990, ch. 393, sec. 1, p. 1103.]

31-4705. SECRETARY AND TREASURER OF COUNTY MUSEUM BOARD. The county museum board shall select and employ a competent secretary whom they shall vest with general managerial powers subject to the provisions of this chapter. It shall also appoint a treasurer. The office of secretary may be combined with the office of treasurer and held by the same person. The treasurer shall be required to furnish a bond in such sum as may be fixed by the board of county commissioners, and when furnished to be approved by it.

[31-4705, added 1990, ch. 393, sec. 1, p. 1104.]

31-4706. BUDGET OF FUNDS FOR COUNTY MUSEUM PURPOSES -- MAINTENANCE OF IDLE PROPERTY. For the purpose of determining what funds must be raised by taxes for county museum purposes, the county museum board shall meet at such time as may be provided by law for the preparation of budgets, and shall make a budget of the amounts required for museum purposes, including all salaries to be paid for the current year, and shall deduct therefrom any balance remaining in its treasury, and shall then certify to the board of county commissioners the amount of said budget. The board of county commissioners may make a levy upon all taxable property in the county in the amount requested by the county museum budget. No levy for the purposes of this chapter shall exceed three-hundredths percent (.03%) on each dollar of market value for assessment purposes of taxable property in the county. When such taxes have been collected, the same shall be paid to the treasurer of the county museum board to be used for the purposes authorized by this chapter. Upon the creation and appointment of the museum board by the county commissioners, it hereby becomes a taxing unit separate and distinct from any other taxing unit or tax levy within the county under the provisions of the Idaho budget law and as such is empowered to issue tax anticipation notes or warrants as provided by law for maintaining, carrying on, conducting, payment of obligations and all other necessary expenses, incurred or to be incurred in maintaining a museum. It may be the duty of the county commissioners of any county, where property for county museum purposes is located, to levy an amount sufficient to maintain and protect such museum grounds and property.

[31-4706, added 1990, ch. 393, sec. 1, p. 1104; am. 1991, ch. 52, sec. 1, p. 95; am. 1996, ch. 208, sec. 6, p. 663; am. 1996, ch. 322, sec. 18, p. 1044; am. 1997, ch. 117, sec. 4, p. 302.]

31-4707. EXPENSES OF BOARD MEMBERS. The members of the county museum board shall be paid their actual and necessary expenses out of the funds provided for museum purposes, upon approval of claims for the same by the board of county commissioners.

[31-4707, added 1990, ch. 393, sec. 1, p. 1105.]