

TITLE 31  
COUNTIES AND COUNTY LAW

CHAPTER 37  
JOINT CITY AND COUNTY HOSPITALS

31-3701. ACQUISITION AND OPERATION AUTHORIZED. Any county and city located in such county are hereby authorized to create a joint county-city hospital authority, to jointly purchase, build, maintain and operate hospitals, hospital grounds, nurses homes, superintendent's quarters and any other necessary buildings and equipment, on such terms and paying for the same in such proportions as such governing bodies of such county and city may determine, and may jointly operate any hospital or hospitals which are separately owned by the county or the city as a joint county-city hospital authority. A joint county-city hospital authority may be created under this chapter by joint agreement approved by resolution of the board of county commissioners of the county and the city council of the city. A joint county-city hospital authority created under this chapter shall be an independent legal entity with the powers set forth in this chapter.

[31-3701, added 1947, ch. 222, sec. 1, p. 534; am. 1995, ch. 221, sec. 1, p. 766.]

31-3702. BOND ELECTION. The governing bodies of said county and city, when they deem the welfare of their respective municipalities requires it, and when petitioned thereto by a number of taxpayers, in the case of the city equal to thirty per cent (30%) of the number of persons voting for mayor of said city at the last city election held therein, and in the case of the county, when petitioned thereto by a number of resident taxpayers of such county equal to thirty per cent (30%) of the number of persons voting for the secretary of state of the state of Idaho at the last election preceding the date of such petition, shall submit to the qualified electors of such city or county, as the case may be, at any general election to be held therein, or at an election called therein by the governing bodies of such city or county, subject to the provisions of section [34-106](#), Idaho Code, the proposition whether the negotiable coupon bonds of such city and/or county to the amount stated in such proposition shall be issued and sold for the purposes mentioned and described in section [31-3701](#), Idaho Code; Provided, however, in case that either such city or county entering into such contract provided for in section [31-3701](#), Idaho Code, shall have already voted bonds of such city or county for the purpose of building therein a hospital, such city or county shall be authorized to use the proceeds of such bonds so already voted to pay for its proportionate part of the cost and expense of building, maintaining and operating the facilities provided for in section [31-3701](#), Idaho Code.

[31-3702, added 1947, ch. 222, sec. 2, p. 534; am. 1995, ch. 118, sec. 36, p. 459.]

31-3703. LEASE OR SALE OF HOSPITAL. Such city and county acting through the respective governing bodies of such municipality and county shall have the right to lease such hospital upon such terms and for such a length of time as they may decide, or to sell the same; provided, however, that no such leasing or sale shall be final or valid unless and until it has been approved by a majority of the qualified electors of such county and city voting on such

question at an election called for that purpose, subject to the provisions of section [34-106](#), Idaho Code.

[31-3703, added 1947, ch. 222, sec. 3, p. 534; am. 1995, ch. 118, sec. 37, p. 459.]

31-3704. HOSPITAL BOARD. The management and operation of any hospital which is jointly owned by any county and city in this state may, by resolution of the board of county commissioners of such county and the city council of such city in all cases where both county and city are engaged in the joint operation of such hospital, and in other cases by resolution of either the board of commissioners of the county or the council of the city which is operating such hospital, be delegated to and vested in a board composed of five (5) electors of such county, to be known and designated as the "Hospital Board of ..... County."

The management and operation of any hospital or hospitals jointly owned or jointly operated by a joint county-city hospital authority shall be vested in a board of trustees consisting of not less than five (5) nor more than ten (10) members, as shall be specified in the agreement between the county and city creating such joint county-city hospital authority, which board of trustees shall be appointed and shall be subject to removal in the manner set forth in section [31-3705](#), Idaho Code.

[31-3704, added 1935, ch. 125, sec. 1, p. 293; am. 1995, ch. 221, sec. 2, p. 766.]

31-3705. APPOINTMENT AND REMOVAL OF BOARD MEMBERS -- OFFICERS -- MEETINGS. In cases where the city and county are jointly operating such hospital, and where a hospital or hospitals are being operated by a joint county-city hospital authority, the members of said hospital board or board of trustees shall be appointed by the board of county commissioners and the city council in such manner as may be agreed between them, and where either county or city is alone operating the jointly owned hospital, by the board of county commissioners of the county or the council of the city which is so operating the same. All members of the board shall be subject to removal at any time by the body appointing them, but unless removed shall hold office until the second Monday in the first month of the hospital's fiscal year next following the date of their appointment and until their successors are appointed and qualified; provided, that members of the board of trustees of a joint county-city hospital authority may be removed only for conviction of a felony, mental incapacity, failure to attend meetings of the board as required in the bylaws of the board, or other good and sufficient cause.

The officers of the hospital board shall be a president, secretary and treasurer and such other officers as the board shall designate, all of whom shall be elected by such board. The president must be a member of the board but the secretary and treasurer need not be. It shall be the duty of the secretary of the board to keep an accurate and complete record of all acts and proceedings of the board. It shall be the duty of the treasurer to have custody of all funds coming into the custody of the board and he shall perform such other duties as are herein specified, and he shall give bond in such amount as shall be fixed by the board in the same manner and on the same terms and conditions as required for the official bonds of county officers. All officers of the hospital board shall be subject to removal by said board at any time. The hospital board and any of its officers or members may be paid

reasonable compensation as shall be authorized by the board and/or council authorized to appoint the members of the board.

Meetings of the hospital board shall be held at such time and place and under such rules and regulations as the board may establish. A majority of the board shall constitute a quorum for the transaction of business, and a majority vote of the members present at any meeting properly called shall govern as to all questions coming before the meeting.

[31-3705, added 1935, ch. 125, sec. 2, p. 293; am. 1982, ch. 348, sec. 1, p. 863; am. 1995, ch. 221, sec. 3, p. 766.]

31-3706. POWERS OF HOSPITAL BOARD -- EXPENSES OF OPERATION. All hospital boards, including boards of trustees of joint county-city hospital authorities, so appointed are authorized, subject to such special regulations as may be from time to time imposed by the county commissioners and/or city council appointing said board, or, in the case of joint county-city hospital authorities, as may be provided in the agreement creating such authority:

1. To take entire charge of and run, manage and operate the hospital for which they were appointed.

2. To promulgate such rules and regulations for the management and operation of such hospital and the conduct of its business and the business of the board as they may deem expedient, not inconsistent with law or the special regulations imposed by the county commissioners and/or city council appointing the board, or, in the case of a county-city hospital authority, with the agreement creating such authority.

3. To employ such persons as they may deem necessary for or in the operation of said hospital and/or the conduct of the business of the board, to fix their compensation and to discharge them at pleasure.

4. To collect and receive all funds accruing from the operation of said hospital and all those appropriated or provided for the management, operation and/or conduct thereof by the city and/or county, and all such funds shall be paid over to the hospital board and held and disbursed by it as herein provided.

5. To exercise such other powers as the appointing authority may delegate to the board.

Said hospital board shall allow and pay all expenses for the management, maintenance and operation of said hospital and the expenses of said board from such funds or any other funds in said board's control, without allowance by either the board of county commissioners or the city council, but no funds in the custody of said hospital board or its treasurer shall be paid out except on order of such hospital board, and said board shall not, without special authorization of the board of county commissioners, create any debt or debts chargeable against the county, nor without special authorization of the city council create any debt or debts chargeable against the city, exceeding in the aggregate the total of the cash in the custody of the hospital board and the appropriations previously made by the city and/or county, available for the payment thereof.

[31-3706, added 1935, ch. 125, sec. 3, p. 293; am. 1995, ch. 221, sec. 4, p. 767.]

31-3707. DEPOSIT OF HOSPITAL FUNDS. No funds coming into the custody of the hospital board under the provisions of this act need be deposited with the treasurer of either the city or county, but the same, including all

checks, drafts and other instruments for the payment of money acceptable for deposit in banks, may be deposited in a bank or trust company in accordance with the provisions of the public depository law.

[31-3707, added 1935, ch. 125, sec. 4, p. 293; am. 1969, ch. 255, sec. 1, p. 787.]

31-3709. LIABILITY OF DEPOSITORY OR BOARD MEMBER OR OFFICER. No bank or trust company accepting such deposits shall have any duty or obligation whatsoever as to the disposition of any funds so deposited by either said board or any member, officer or agent thereof, or by the person designated to check against the same, nor be liable in any respect for the misappropriation, misapplication or wrongful use or disposal thereof by such board or any officer, member or agent thereof, or by any person designated to check against the same, and neither the board nor any member, officer or agent thereof shall be liable either personally or on any bond for the nonpayment by any bank or trust company of funds deposited with it pursuant to and in conformity with the provisions of this act.

[31-3709, added 1935, ch. 125, sec. 6, p. 293.]

31-3710. FINANCIAL REPORTS. The treasurer of every such hospital board shall make an annual financial report and accounting to the board of county commissioners and the city council owning and/or operating such hospital, within thirty (30) days after the acceptance of the annual hospital audit after the close of the fiscal year, which report shall show all moneys received and the source thereof, and all moneys paid out and the purpose thereof, during the period covered by the report, together with the balances remaining on hand and the amount, if any, of the unpaid obligations. The board of every such hospital shall also prepare in its regular course of business unaudited monthly financial reports reflecting the financial operations of the hospital. Every such hospital board shall provide a copy of those monthly reports to the respective governing bodies of such municipality and county.

[31-3710, added 1935, ch. 125, sec. 7, p. 293; am. 1982, ch. 348, sec. 2, p. 863.]