

TITLE 22
AGRICULTURE AND HORTICULTURE

CHAPTER 2
COUNTY FAIR BOARDS

22-201. CREATION OF COUNTY FAIR BOARDS. County fair boards for the purpose of conducting county fairs may be created in the following manner: A petition signed by at least five (5) and not more than ten (10) persons, each of whom must be a qualified elector of the county may be filed with the clerk of the board of county commissioners of any county. Upon receipt of such petition the board of county commissioners shall immediately cause the clerk to give notice by publication in a newspaper of general circulation printed within the county, for not less than two (2) weeks, to the effect that a petition for the creation of a county fair board has been filed with the clerk of the board of county commissioners and that a hearing on the petition will be held by the board of county commissioners on a date named in such notice not less than three (3) nor more than six (6) weeks from the date of the first publication of such notice.

Whenever a county has conducted a county fair for at least two (2) consecutive years immediately prior to the enactment of this act, it shall not be necessary to file a petition, but in such case the board of county commissioners may cause the clerk to publish a notice in a newspaper of general circulation printed within the county, for at least two (2) weeks, to the effect that it is the intention of the board of county commissioners of such county to create a county fair board for the purpose of conducting a county fair in accordance with the provisions of this act, and that a hearing on the same will be held by the board of county commissioners on a date named in such notice not less than three (3) nor more than six (6) weeks from the date of the first publication of such notice.

[(22-201) 1929, ch. 208, sec. 1, p. 411; I.C.A., sec. 22-201; am. 1963, ch. 128, sec. 1, p. 379.]

22-202. HEARING OF OBJECTIONS -- ORDER CREATING BOARD -- APPOINTMENT AND SELECTION OF MEMBERS. The board shall meet on the day fixed, at which time any voter or taxpayer residing within the county may appear and object to the form of the petition, the genuineness of the signatures, or may make any other objection as to the legality of the proceedings of the board; or, any pertinent objection or objections to the creation of the county fair board.

After hearing and considering the objections, if any, made to the proceedings or to the creation of a county fair board, the board shall, if it deems it for the best interests of the county that a county fair be conducted by the county, create a county fair board by an order duly spread upon its minutes.

(A) If the board in a county with a population of two hundred thousand (200,000) persons or less orders the creation of a county fair board, it shall immediately appoint either five (5) or seven (7) persons to membership thereof, and shall fix the place within the county at which such fair shall be held, and make its action a matter of record. The members shall as nearly as possible be selected from the different industries and localities of the county. If seven (7) persons are appointed on January 18, 1988, appointments shall be made as follows: four (4) members shall be appointed for a term of two (2) years and three (3) members shall be appointed for a term of three

(3) years. Thereafter, each appointment shall be made for terms of four (4) years. Appointments shall expire on the third Monday in January.

If five (5) persons are appointed on January 18, 1988, 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 fair board shall be filled by appointment by the county commissioners at their first regular meeting after the occurrence of such vacancy.

(B) In a county with a population of two hundred thousand one (200,001) or more persons, the board, if it orders the creation of a county fair board, shall immediately appoint either five (5) or seven (7) persons to membership thereon, in the manner provided herein.

If seven (7) persons are appointed on January 17, 1977, appointments shall be made as follows: four (4) members shall be appointed for a term of two (2) years and three (3) members shall be appointed for a term of three (3) years. Thereafter, each appointment shall be made for terms of four (4) years. Appointments shall expire on the third Monday in January.

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County fair boards created after the effective date of this act shall be appointed for staggered terms assuming that the appointments are made on the third Monday in January.

[(22-202) 1929, ch. 208, sec. 2, p. 411; I.C.A., sec. 22-202; am. 1963, ch. 113, sec. 1, p. 336; am. 1976, ch. 347, sec. 1, p. 1155; am. 1987, ch. 184, sec. 1, p. 363; am. 2000, ch. 347, sec. 1, p. 1172.]

22-202A. DESIGNATION OF COUNTY FAIR BOARD AS ADVISORY BODY. In counties with a population of two hundred thousand (200,000) persons or more, the board of county commissioners may provide by ordinance that the county fair board shall function as an advisory board to the board of county commissioners. If such an ordinance is adopted, the board of county commissioners shall retain and may exercise the powers, duties, and responsibilities otherwise charged to the county fair board by the provisions of this chapter. Any such ordinance shall set forth the powers, duties, responsibilities, compensation, and terms of office of the county fair board and may provide for any such other rules and regulations under which the county fair board shall advise the board of county commissioners and conduct its operations. Any such ordinance may be repealed at any time, and if repealed, the provisions of this chapter shall apply as if no such ordinance had been adopted. The provisions of this section shall not be applicable to fair districts in two (2) or more counties organized pursuant to [chapter 3, title 22](#), Idaho Code.

[22-202A, added 1989, ch. 234, sec. 1, p. 571; am. 1993, ch. 210, sec. 1, p. 571.]

22-203. TIME FOR CREATION. The county fair board may be created under the provisions of this act at any time before the first Monday in July in any year.

[(22-203) 1929, ch. 208, sec. 3, p. 411; I.C.A., sec. 22-203.]

22-204. DUTIES OF COUNTY FAIR BOARD -- BONDS OF MEMBERS -- MEETINGS -- FURTHER DUTIES. The county fair board shall be charged with the care and custody of all property belonging to the county and used for fair purposes, and shall be responsible for all moneys received by it, raised by tax levy or levies for fair purposes as well as all receipts from the operation of the fair and any other moneys received from other sources for fair purposes. Each member of the county fair board shall file with the board of county commissioners a bond or other form of financial responsibility suitable to the county commissioners in the sum of not less than one thousand dollars (\$1,000) to be approved by the board of county commissioners. The county fair board shall conduct all of its business at the place designated by the board of county commissioners as the place for conducting the county fair, which shall be the place of business of the county fair board. It shall meet at such times and places as the county fair board deems necessary in compliance with the open meeting law.

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 fair, 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 fair or fairs, within ninety (90) days after the holding of any such fair within the county.

It shall take charge of and manage all such property as the county may have acquired or set aside for fair purposes pursuant to the provisions of section [31-822](#), Idaho Code. It may recommend to the board of county commissioners that such board purchase such real and personal property as may be needed for fair purposes. It shall have power to employ labor, award prizes, make exhibition contracts, fix and charge admission and entrance fees, let contracts for concessions or services to be conducted at the fair or under the direction of the county fair board, but if any concession or service is to extend for a period of less than twelve (12) days in a calendar year, the concession or service may be awarded without bid, and do all other things necessary for holding county fairs. It shall fix the salaries of the secretary and treasurer and prescribe the time and manner of payment. The county fair 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 fair receipts, nor shall it mortgage or otherwise pledge or encumber any of the real or personal property owned by the county and used for fair purposes.

[(22-204) 1929, ch. 208, sec. 4, p. 411; I.C.A., sec. 22-204; am. 1973, ch. 179, sec. 1, p. 412; am. 1981, ch. 47, sec. 1, p. 70; am. 1988, ch. 228, sec. 1, p. 440; am. 2000, ch. 17, sec. 1, p. 33.]

22-205. SECRETARY AND TREASURER OF COUNTY FAIR BOARD. The county fair board shall select and employ a competent secretary whom they shall vest with general managerial powers subject to the provisions of this act. 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.

[(22-205) 1929, ch. 208, sec. 5, p. 411; I.C.A., sec. 22-205.]

22-206. BUDGET OF FUNDS FOR COUNTY FAIR PURPOSES -- TAXING UNIT UNDER IDAHO BUDGET LAW -- MAINTENANCE OF IDLE PROPERTY. For the purpose of determining what funds must be raised by taxes for county fair purposes, the county fair board shall meet on the first Monday of February of each year, or at such other time as may be provided by law for the preparation of budgets, and shall make a budget of the amounts required for fair purposes, including all salaries to be paid for the current year, and shall deduct therefrom the probable income from such fair or fairs to be conducted by the board during the current year and any balance remaining in its treasury, and shall then certify to the board of county commissioners the amount of said budget; and the amount to be raised by the county for fair purposes shall in no case be in excess of the difference between the total of said budget and the probable income of such fair and the balance on hand in the treasury. The board of county commissioners shall thereafter approve or make such amendments or modifications in the county fair budget as it deems proper, and include the same in its annual county budget. No levy for the purposes of this act shall exceed one hundredth percent (.01%) of the market value for assessment purposes on all taxable property in the county. When such taxes have been collected, the same shall be paid to the treasurer of the county fair board to be used for the purposes authorized by this act. Such special levy, together with any other special levy made pursuant to the provisions of section [31-823](#), Idaho Code, shall in no case exceed two hundredths percent (.02%) of the market value for assessment purposes on all taxable property in the county. Upon the creation and appointment of the fair board by the county commissioners, it hereby becomes a taxing unit 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, premiums, prizes and all other necessary expenses, incurred or to be incurred in conducting a fair. It may be the duty of the county commissioners of any county, where property for county fair purposes is located, to levy an amount sufficient to maintain and protect such fair grounds and property and to pay any deficit or indebtedness then accrued from previous fairs.

[(22-206) 1929, ch. 208, sec. 6, p. 411; am. 1931, ch. 137, sec. 1, p. 234; I.C.A., sec. 22-206; am. 1933, ch. 85, sec. 1, p. 136; am. 1995, ch. 82, sec. 2, p. 220.]

22-207. DISPOSITION OF MONEYS REMAINING AFTER FAIR CONDUCTED OR AWARDS PAID. (1) Any moneys remaining on hand after a county fair has been conducted

within the county pursuant to the provisions of this act shall not be paid into the current expense fund of such county, but shall be retained in the custody of the treasurer of the county fair board, and may be used in the conduct of a county fair in the succeeding year or years; provided, however, that such moneys shall be paid into the current expense fund of the county upon order of the board of county commissioners in case the board of county commissioners shall at any time discontinue the holding of annual county fairs.

(2) In any case in which a county fair board, or any person, association or corporation with which the fair board has contracted to conduct activities permitted by law, has paid out moneys by check or warrant in the form of premiums, awards, winnings, prizes, or return of entry fees, and such check or warrant remains uncashed or unclaimed after one (1) year from date of issue, such check or warrant shall be presumed abandoned, and legal title shall revert to the issuer, and such check or warrant may be voided or canceled. The proceeds of such abandoned check or warrant shall not be subject to the provisions of [chapter 5, title 14](#), Idaho Code.

[(22-207) 1929, ch. 208, sec. 7, p. 411; I.C.A., sec. 22-207; am. 1985, ch. 7, sec. 1, p. 11.]

22-208. EXPENSES OF BOARD MEMBERS. The members of the county fair board shall be paid their actual and necessary expenses out of the funds provided for fair purposes, upon approval of claims for the same by the board of county commissioners.

[(22-208) 1929, ch. 208, sec. 8, p. 411; I.C.A., sec. 22-208.]

22-209. POLICE AND FIRE PROTECTION FOR COUNTY FAIRS. Notwithstanding any law to the contrary, any municipality in this state, having contiguous to its boundaries an established county fair ground, may by ordinance duly passed, extend to such county fair grounds, the police and fire protection of said municipality and any county, to which such protection is given, shall pay the costs thereof. Said sums to be paid out of the current expense fund of said county for the protection of county property on said fair grounds.

[22-209, added 1941, ch. 83, sec. 1, p. 157.]