

CHAPTER 198

ANNEXATION—NOTICE BY CITIES

H. F. 74

AN ACT to require cities to give notice of annexation to the state department of transportation.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section three hundred sixty-eight point twenty (368.20),
 2 subsection two (2), Code 1975, is amended to read as follows:
 3 2. File with the secretary of state, the clerk of each city incorporated
 4 or involved in a boundary adjustment, and with the recorder of each
 5 county which contains a portion of any city or territory involved, cop-
 6 ies of the proceedings including the original petition or plan and any
 7 amendments, the order of the board approving the petition or plan,
 8 proofs of service and publication of required notices, certification of
 9 the election result, and any other material deemed by the board to be
 10 of primary importance to the proceedings. Upon proper filing and ex-
 11 piration of time for appeal, or upon a subsequent date as provided in
 12 the proposal, the incorporation, discontinuance, or boundary adjust-
 13 ment is complete, except that if an appeal to any of the proceedings is
 14 pending, completion does not occur until the appeal is decided. *The*
 15 *clerk of each city incorporated or involved in a boundary adjust-*
 16 *ment shall also file with the state department of transportation and*
 17 *with the city development board a copy of the plat and legal land*
 18 *description of each completed annexation.*

Approved April 28, 1975

CHAPTER 199

MUNICIPAL ELECTRICAL FACILITIES

H. F. 908

AN ACT to amend chapter three hundred ninety (390) of the Code relating to the authority of cities to participate in and finance jointly-owned facilities for the generation, acquisition, or transmission of electric energy, making its provisions retroactive and providing for the validity of contracts executed under said chapter.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section three hundred ninety point one (390.1), subsec-
 2 tions six (6) and seven (7), Code 1975, are amended to read as follows:
 3 6. "Participant" means a city ~~utility~~, electric cooperative or private-
 4 ly owned utility company which is a party to a joint agreement.
 5 7. "Governing body" means the public body which by law is charged
 6 with the management and control of a city utility *as defined in sec-*
 7 *tion three hundred eighty-four point eighty (384.80), subsection four*
 8 *(4), of the Code.*

1 SEC. 2. Section three hundred ninety point two (390.2), Code 1975,
 2 is amended to read as follows:
 3 **390.2 Additional power.** In addition to other powers conferred
 4 by the Constitution and laws of this state, any city *having established*
 5 *a utility which operates an existing electric generating facility or dis-*

6 tribution system may enter into and carry out joint agreements with
7 other participants for the acquisition of ownership of an undivided in-
8 terest in a joint facility and for the planning, financing, operation and
9 maintenance of the joint facility.

1 SEC. 3. Section three hundred ninety point three (390.3), Code
2 1975, is amended to read as follows:

3 **390.3 Hearing—exception to general statutes.** Before a city
4 utility may enter into or amend a joint agreement, ~~its~~ *the* governing
5 body shall adopt a proposed form of agreement and give notice and
6 conduct a public hearing on the agreement in the manner provided by
7 sections 23.1 to 23.11, which action shall be subject to appeal as provid-
8 ed in chapter 23.

9 However, in the performance of a joint agreement, the governing
10 body shall not be subject to statutes generally applicable to public con-
11 tracts, including hearings on plans, specifications, form of contracts,
12 costs, notice and competitive bidding required under chapter 23 or
13 chapter 397 of the 1973 Code or sections 384.95 to 384.103, unless all
14 parties to the joint agreement are ~~city utilities~~ *cities* located within the
15 state of Iowa.

1 SEC. 4. Section three hundred ninety point four (390.4), unnum-
2 bered paragraph one (1), and subsections six (6), eight (8), and nine
3 (9), Code 1975, are amended to read as follows:

4 A *In substance*, a joint agreement shall:

5 6. Provide that a participant ~~shall~~ *may* be liable only for its own
6 acts with regard to the joint facility, *or as principal for the acts of the*
7 *manager in proportion to its percentage of ownership*, and shall not
8 be jointly or severally liable for the acts, omissions or obligations of
9 other participants.

10 8. Provide for the management and operation of the affairs of the
11 joint facility, *and the indemnification of the manager*, which may
12 include a provision that the joint facility shall be managed and operat-
13 ed by one or more of the participants.

14 9. Provide that no participant may withdraw from the joint agree-
15 ment *during its duration* so long as obligations payable in whole or in
16 part from revenues derived from the operation of the joint facility, and
17 issued by a city ~~utility~~, are outstanding, unless prior consent is first
18 granted by each of the other participants *either in the joint agree-*
19 *ment or otherwise*.

1 SEC. 5. Section three hundred ninety point five (390.5), Code 1975,
2 is amended to read as follows:

3 **390.5 Financing.** A city ~~utility~~ may finance its share of the cost
4 of a joint facility by the use of any method of financing available ~~to~~
5 *for* city utilities under the statutes of this state, for the financing of
6 electric generation or transmission facilities to be owned by a city ~~utili-~~
7 ~~ty~~ in their entirety, including but not limited to the provisions of
8 chapters 397 and 407, Code 1973, and sections 384.23 to 384.36 and sec-
9 tions 384.80 to 384.94 as applicable. Revenues derived by a city utility
10 from its share of ownership or operation of a joint facility shall be
11 deemed to be revenues of the city utility for all purposes including the
12 issuance and payment of bonds secured by or payable from the reve-
13 nues of a city utility. *A joint agreement shall be deemed payable*
14 *from revenues or revenue bonds of a city utility in the absence of*
15 *provision to the contrary or a referendum approving the issuance of*
16 *general obligation bonds.*

1 SEC. 6. The provisions of this Act are retroactive in application to
 2 all joint agreements entered into and executed prior to July 1, 1975,
 3 under chapter three hundred ninety (390) of the Code, on behalf of cit-
 4 ies which, on the date of executing the agreements, operated existing
 5 electric generating or distribution facilities. However, all such joint
 6 agreements which complied with the provisions of chapter three
 7 hundred ninety (390) of the Code prior to amendment by this Act are
 8 also in full force and effect according to their terms, and are not ren-
 9 dered invalid in any respect by any provision of this Act.

Approved July 8, 1975

This Act was passed by the G.A. prior to July 1, 1975; see §3.7 of the Code

CHAPTER 200

CIVIL SERVICE

H. F. 395

AN ACT relating to the civil service systems of cities.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section four hundred point eight (400.8), Code 1975, is
 2 amended to read as follows:

3 **400.8 Original entrance examination—appointments.**

4 1. The commission shall, ~~during the month of April~~ of each year,
 5 ~~and~~ at such ~~other~~ times as shall be found necessary under such rules,
 6 including minimum and maximum age limits, as shall be prescribed
 7 and published in advance by the commission and posted in the city
 8 hall, hold examinations for the purpose of determining the qualifica-
 9 tions of applicants for positions under civil service, other than promo-
 10 tions, which examinations shall be practical in character and shall
 11 relate to such matters as will fairly test the mental and physical ability
 12 of the applicant to discharge the duties of the position to which he
 13 seeks appointment. Provided, however, that such physical examination
 14 of applicants for appointment to the positions of policeman, police-
 15 woman, police matron or fireman shall be held under the direction of
 16 and as specified by the boards of trustees of the fire or police retire-
 17 ment systems established by section 411.5.

18 2. *The commission shall establish the guidelines for conducting*
 19 *the examinations under subsection one (1) of this section. It may*
 20 *prepare and administer the examinations or may hire persons with*
 21 *expertise to do so if the commission approves the examinations. It*
 22 *may also hire persons with expertise to consult in the preparation of*
 23 *such examinations if the persons so hired are employed to aid per-*
 24 *sonnel of the commission in assuring that a fair examination is*
 25 *conducted. A fair examination shall explore the competence of the*
 26 *applicant in the particular field of examination.*

27 3. All appointments to such positions shall be conditional upon a
 28 probation period of not to exceed six months, and in the case of police
 29 patrolmen ~~in cities operating a police academy~~, and firemen a proba-
 30 tion period not to exceed twelve months, during which time the ap-
 31 pointee may be removed or discharged from such position by the
 32 appointing person or body without the right of appeal to the commis-