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CHAPTER 115  
CIVIL SERVICE LIST

H. F. 44

AN ACT relating to certification of more than ten persons who receive the highest standings on a city civil service examination in case of ties.

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

Section 1. Section four hundred point eleven (400.11), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

The commission shall, within ninety days after the beginning of each competitive examination for original appointment or for promotion, certify to the city council a list of the names of the ten persons who qualify with the highest standing as a result of each examination for the position they seek to fill, or such number as may have qualified if less than ten, in the order of their standing, and all newly created offices or other vacancies in positions under civil service which shall occur before the beginning of the next examination for such positions shall be filled from said lists, or from the preferred list existing as provided for in case of diminution of employees, within thirty days. If a tie occurs in the examination scores which would qualify persons for the tenth position on the list, the list of the names of the persons who qualify with the highest standing as a result of each examination shall include all persons who qualify for the tenth position. Preference for temporary service in civil service positions shall be given those on such lists.

Sec. 2. This Act is effective January 1, 1978.

Approved April 4, 1977

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CHAPTER 116  
MUNICIPAL HOUSING LAW

H. F. 536

AN ACT to change the title of the low-rent housing law chapter of the Code to the municipal housing law.

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

Section 1. Section four hundred three A point one (403A.1), Code 1977, is amended to read as follows:

403A.1 SHORT TITLE. This chapter shall be known and may be cited as the "Low-Rent Municipal Housing Law."

Sec. 2. Section four hundred three A point two (403A.2), subsection seventeen (17), Code 1977, is amended to read as follows:

17. "Agency" or "~~low-rent~~ municipal housing agency" shall mean a public agency created under the provisions of section 403A.5.

Sec. 3. Section four hundred three A point five (403A.5), Code 1977, is amended to read as follows:

403A.5 EXERCISE OF MUNICIPAL HOUSING POWERS--~~LOW-RENT MUNICIPAL HOUSING AGENCY~~. Any municipality may create, in such municipality, a public body corporate and politic to be known as the "Low-Rent Municipal Housing Agency" of such municipality except that such agency shall not transact any business or exercise its powers hereunder until or unless the local governing body has elected to exercise its municipal housing powers through such an agency as prescribed in this section.

If the ~~low-rent~~ municipal housing agency is authorized to transact business and exercise powers hereunder, the mayor, by and with the advice and consent of the local governing body, shall appoint a board of commissioners of the ~~low-rent municipal housing agency~~ which board shall consist of five commissioners. The term of office for three of ~~said the~~ commissioners originally appointed shall be two years and the term of office for two of ~~said the~~ commissioners originally appointed shall be one year. Thereafter the term of office for each commissioner shall be two years.

A commissioner shall receive no compensation for ~~his~~ services, but ~~he~~ shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of ~~his-duties~~ a duty. Each commissioner shall hold office until ~~his~~ a successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk of the municipality, and ~~such the~~ certificate shall be conclusive evidence of the due and proper appointment of ~~such the~~ commissioner.

The powers of a ~~low-rent~~ municipal housing agency shall be exercised by the commissioners ~~thereof~~. A majority of the commissioners shall constitute a quorum for the purpose of conducting business and exercising the powers of the agency, and for all other purposes. Action may be taken by the agency

upon a vote of a majority of the commissioners present, unless in any case the bylaws shall require a larger number. Any persons may be appointed as commissioners if they reside within the area of operation of the agency, which area shall be coterminous with the area of operation of the municipality, and if they are otherwise eligible for such appointments under this chapter.

The mayor shall designate a chairman and vice-chairman from among the commissioners. An agency may employ an executive director, technical experts and such other agents and employees, permanent and temporary, as it may require, and the agency may determine their qualifications, duties and compensation. For such legal service as it may require, an agency may employ or retain its own counsel and legal staff. An agency authorized to transact business and exercise powers under this chapter shall file, with the local governing body, on or before September 30 of each year, a report of its activities for the preceding fiscal year, which report shall include a complete financial statement setting forth its assets, liabilities, income and operating expense as of the end of such fiscal year. At the time of filing the report, the agency shall publish in a newspaper of general circulation in the community a notice to the effect that such report has been filed with the municipality, and that the report is available for inspection during business hours in the office of the city clerk and in the office of the agency.

For inefficiency, or neglect of duty, or misconduct in office, a commissioner may be removed by a majority vote of the governing body of the municipality only after a hearing before ~~said~~ the body, and after ~~he~~ the commissioner shall have been given a copy of the charges at least ten days prior to such hearing, and after ~~he~~ the commissioner shall have had an opportunity to be heard in person or by counsel.

A municipality may itself exercise the powers in connection with municipal housing as defined in this chapter, or may, if the local governing body by resolution determines such action to be in the public interest, elect to have such powers exercised by the ~~low-rent~~ municipal housing agency, if one exists or is subsequently established in the community. In the event the local governing body makes such determination, the ~~low-rent~~ municipal housing agency shall be vested with all of the ~~low-rent~~ municipal housing project powers in the same manner as though all such powers were conferred on such agency instead of the municipality. If the local governing

body does not elect to make such determination, the municipality in its discretion may exercise its ~~low-rent~~ municipal housing project powers through a board or commissioner, or through such officers of the municipality as the local governing body may by resolution determine.

A municipality or a "~~Low-Rent~~ Municipal Housing Agency" may not proceed with a housing project until a study or a report and recommendation on housing available within the community is made public by the municipality or agency and is included in its recommendations for a housing project. ~~Such recommendations~~ Recommendations must receive majority approval from the local governing body before proceeding on the housing project.

Sec. 4. Section four hundred three A point twenty-one (403A.21), subsection eight (8), Code 1977, is amended to read as follows:

8. Enter into agreements which may extend over any period, notwithstanding any provision or rule of law to the contrary with any municipality respecting action to be taken by such state public body pursuant to any of the powers granted by this chapter. If at any time title to, or possession of, any project is held by any public body or governmental agency authorized by law to engage in the development or administration of ~~low-rent~~ municipal housing or slum clearance projects, including any agency or instrumentality of the United States of America, the provisions of such agreements shall insure to the benefit of and may be enforced by such public body or governmental agency.

Sec. 5. Section four hundred three A point twenty-two (403A.22), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

No public official or employee of a municipality or board or commission thereof and no commissioner or employee of a ~~low-rent~~ municipal housing agency which has been vested with ~~low-rent~~ municipal housing project powers under section 403A.5, shall voluntarily acquire any personal interest, as hereinafter defined, whether direct or indirect, in any municipal housing project, or in any property included or planned to be included in any municipal housing project of such municipality, or in any contract or proposed contract in connection with such municipal housing project. Where such acquisition is not voluntary, the interest acquired shall be immediately disclosed in writing to the local governing body, and such disclosure

shall be entered upon the minutes of the governing body. If any such official, commissioner or employee presently owns or controls, or has owned or controlled within the preceding two years, any interest, as hereinafter defined, whether direct or indirect, in any property which he-knows it is known is included or planned to be included in a municipal housing project, he the commissioner shall immediately disclose this fact in writing to the local governing body, and such disclosure shall be entered upon the minutes of the governing body; and any such official, commissioner or employee shall not participate in any action by the municipality, or board or commission thereof affecting such property, as the terms of such proscription are hereinafter defined. For the purposes of this section the following definitions and standards of construction shall apply:

Sec. 6. Section four hundred three A point twenty-two (403A.22), subsection two (2), Code 1977, is amended to read as follows:

2. Employment by a state public body, its agencies, and institutions or by any other person as defined in subsection 16 of section 403.17, having such an interest shall not be deemed an interest by such employee or of any ownership or control by such employee of interests of his employer. Such an employee may participate in a low-rent municipal housing project so long as any benefits of such participation accrue to the public generally, such participation affects all or a substantial portion of the properties included or planned to be included in such a project, or such participation promotes the public purposes of such project, and shall limit only that participation by an employee which directly or specifically affects property in which an employer of an employee has an interest.

Sec. 7. Section four hundred three A point twenty-eight (403A.28), Code 1977, is amended to read as follows:

403A.28 PUBLIC HEARING REQUIRED. The low-rent municipal housing agency shall not undertake any low-cost housing project until such time as a public hearing has been called, at which time the agency shall advise the public of the name of the proposed project, its location, the number of living units proposed and their approximate cost. Notice of the public hearing on the proposed project shall be published at least once in a newspaper of general circulation within the municipality, at least fifteen days prior to the date set for the hearing.

Sec. 8. This Act is effective January 1, 1978.  
Approved June 24, 1977

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CHAPTER 117  
PLATTING OF LAND

S. F. 379

AN ACT relating to the platting of land.

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

Section 1. Section four hundred nine point one (409.1), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

409.1 SUBDIVISIONS OR ADDITIONS. Every ~~original~~ proprietor of any tract or parcel of land of forty acres or less or of more than forty acres if divided into parcels any of which are less than forty acres and every ~~original~~ proprietor of any tract or parcel of land of any size located within a city or within two miles of a city subject to the provisions of section 409.14, who shall subdivide the same into three or more parts, shall cause a registered land surveyor's plat of such subdivision, with references to known or permanent monuments, to be made by a registered land surveyor holding a certificate issued under the provisions of chapter 114, giving the bearing and distance from some corner of the subdivision to some corner of the congressional division of which it is a part, which shall accurately describe all the subdivisions thereof, numbering the same by progressive numbers, giving their dimensions by length and breadth, and the breadth and courses of all the streets and alleys established therein.

Sec. 2. Section four hundred nine point one (409.1), unnumbered paragraphs two (2) and three (3), Code 1977, are amended by striking the paragraphs.

Sec. 3. Section four hundred nine point nine (409.9), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

Every plat shall be accompanied by a complete abstract of title and an opinion from an attorney at law showing that the fee title is in the proprietor and that the land platted is free from encumbrance, or is free from encumbrance other than that secured by the bond provided for in section 409.11,