

by the continuing education requirements of section 441.8 divided by seventy-two. If the number of credits necessary for certification for appointment as determined under this paragraph results in a partial credit hour, the credit hour shall be rounded to the nearest whole number.

Sec. 2. Section 441.10, Code 1987, is amended by inserting after unnumbered paragraph 1 the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. Following the administration of the examination, the director of revenue and finance shall establish a register containing the names, in alphabetical order, of all individuals who are eligible for appointment as a deputy assessor. The test scores of individuals on the register shall be given to a city or county conference board upon request. All eligible individuals shall remain on the register for a period of two years following the date of certification granted by the director.

NEW UNNUMBERED PARAGRAPH. Incumbent deputy assessors who have served six consecutive years shall be placed on the register of individuals eligible for appointment as assessor or deputy assessor. In order to be appointed to the position of deputy assessor, the deputy assessor shall comply with the continuing education requirements. The number of credits required for certification as eligible for appointment as a deputy assessor in a jurisdiction other than where the deputy assessor is currently serving shall be prorated according to the percentage of the deputy assessor's term which is covered by the continuing education requirements of section 441.8. The credit necessary for certification for appointment is the product of ninety multiplied by the quotient of the number of months served of a deputy assessor's term covered by the continuing education requirements of section 441.8 divided by seventy-two. If the number of credits necessary for certification for appointment as determined under this paragraph results in a partial credit hour, the credit hour shall be rounded to the nearest whole number.

Sec. 3. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 12, 1988

CHAPTER 1229

LOCAL GOVERNMENT REORGANIZATION

H.F. 278

AN ACT authorizing a city to establish an administrative agency to manage and control a city airport, and authorizing local government reorganization by the establishment of an alternative form of county government or city-county government, or by consolidating county governments, and making corresponding amendments to the Code.

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

Section 1. NEW SECTION. 330.23 NO RESTRICTION ON ADMINISTRATIVE AGENCIES.

This chapter does not prohibit a city from establishing an administrative agency pursuant to chapter 392 to manage and control all or part of its airport in lieu of an airport commission under this chapter. A city may abolish an airport commission and provide for the management and control of its airport by an administrative agency.

Sec. 2. Section 331.101, Code 1987, is amended by adding the following new subsections:

NEW SUBSECTION. 16. "Commission" means a body of eligible electors authorized to study, review, analyze, and recommend an alternative form of county government.

NEW SUBSECTION. 17. "Charter" means a formal document establishing the functions, powers, organization, structure, privileges, rights, and duties of county government not inconsistent with state law.

Sec. 3. NEW SECTION. 331.217 ALTERNATIVE FORMS OF COUNTY GOVERNMENT.
The alternative forms of county government are as follows:

1. Board of supervisor form as provided in division II.
2. Board-elected executive form as provided in section 331.225.
3. Board-manager form as provided in section 331.227.
4. Charter government form as provided in section 331.232.
5. City-county consolidated form as provided in section 331.233.
6. County-county consolidated form as provided in section 331.239.

Sec. 4. NEW SECTION. 331.218 PLAN FOR AN ALTERNATIVE FORM OF GOVERNMENT.

1. A charter to change a form of county government may be submitted to the electors of a county only by a commission established by resolution of the board upon petition of the number of eligible electors of the county equal to at least twenty-five percent of the votes cast in the county for the office of president of the United States or governor at the preceding general election or the signatures of at least ten thousand eligible electors of the county, whichever number is fewer.

2. An alternative form of county government shall be submitted to the county electorate by the commission in the form of a charter or charter amendment.

Sec. 5. NEW SECTION. 331.219 APPOINTMENT OF COMMISSION MEMBERS.

1. Within forty-five days after the adoption of the resolution creating the commission, the members of the commission shall be appointed as follows:

a. Two members shall be appointed by each of the following officers:

- (1) County auditor.
- (2) County recorder.
- (3) County treasurer.
- (4) County sheriff.
- (5) County attorney.

b. Two members shall be appointed by each member of the board.

c. Two members shall be appointed by each state representative whose legislative district is located in the county if a majority of the constituents of that legislative district resides in the county. However, if a county does not have a state representative's legislative district which has a majority of a state representative's constituency residing in the county, the state representative having the largest plurality of constituents residing in the county shall appoint two members.

2. The membership shall be bipartisan. In counties having multiple state legislative districts, the districts shall be represented as equally as possible. Only eligible electors of the county not holding a city, county, or state office shall be members of the commission. A vacancy on the commission shall be filled by appointment in the same manner as the original appointment. The county auditor shall notify the appropriate appointing authority of a vacancy.

Sec. 6. NEW SECTION. 331.220 ORGANIZATION AND EXPENSES.

1. Within thirty days after the appointment of the members of the commission, the county auditor shall give written notice of the date, time, and location of the first meeting of the commission. At the first meeting the commission shall organize by electing a chairperson, vice

chairperson, and other officers as necessary. The commission shall adopt rules governing the conduct of its meetings, subject to chapter 21.

2. The members of the commission shall serve without compensation, but they are entitled to travel and other necessary expenses relating to their duties of office.

3. The board shall provide office space, rooms, supplies, and equipment for the commission and shall pay the necessary expenses of the commission including compensation for secretarial, clerical, professional, and consultant services. The total expenses shall not exceed one hundred thousand dollars. The commission may employ staff as necessary.

4. The expenses of the commission may be paid from the general fund of the county or from any combination of public or private funds available for that purpose.

Sec. 7. NEW SECTION. 331.221 COMMISSION PROCEDURES AND REPORTS.

1. Within sixty days after its organization, the commission shall hold at least one public hearing for the purpose of receiving information and material which will assist in the drafting of a charter. Notice of the date, time, and place of the hearing shall be given as provided in chapter 21.

2. Within nine months after the organization of the commission, the commission shall submit a preliminary report to the board, which report may include the text of the proposed charter. If a proposed charter is included in the preliminary report, the report shall also include an analysis of the fiscal impact of the proposed charter. Sufficient copies of the report shall be made available for distribution to residents of the county who request a copy. The commission shall hold at least one public hearing after submission of the preliminary report to obtain public comment.

3. Within fifteen months after organization, the commission shall submit the final report to the board. If the commission recommends a charter including a form of government other than the existing form of government, the final report shall include the full text and an explanation of the proposed charter, an analysis of the fiscal impact of the proposed charter, any comments deemed desirable by the commission, a written opinion by the attorney general stating that the proposed charter is not in conflict with constitutional or statutory law, and any minority reports. The final report may recommend no change to the existing form of government and that no charter be submitted to the electorate. The final report shall be made available to the residents of the county upon request. A summary of the final report shall be published in the official newspaper of the county. If a charter is not recommended, the commission is dissolved upon submission of its final report to the board.

4. The commission is dissolved on the date of the general election at which the proposed charter is submitted to the electorate. If a charter is not recommended, the commission is dissolved upon submission of its final report to the board.

Sec. 8. NEW SECTION. 331.222 BALLOT REQUIREMENTS.

The existing form of government shall be printed as the first item on the ballot and the proposed alternative form following in the same order on all ballots.

1. The question of adopting the proposed alternative form of government shall be submitted to the electors in substantially the following form:

Vote for one:

_____ For (the existing form of government).

_____ For adoption of the (charter or amendment to the existing form of county government) proposed for (insert name of local government).

2. If an existing office is affected by the proposed alternative form of government, a separate vote for each affected office shall be included on the ballot. The separate vote on the affected office becomes effective only if the proposed alternative form of government is adopted.

_____ For election.

_____ For appointment.

3. If consolidation is proposed, the affected county or city shall be separately listed as provided in section 331.238 or 331.241 as appropriate.

Sec. 9. NEW SECTION. 331.223 REFERENDUM — EFFECTIVE DATE.

1. If a proposed charter for county government is received not later than sixty days before the next general election, the board shall direct the county commissioner of elections to submit to the qualified electors of the county at the next general election the question of whether the proposed charter shall be adopted. If a majority of the votes cast on the question is in favor of the proposal, the proposal is adopted.

2. If a proposed charter for county government is adopted:

a. The adopted charter shall take effect July 1 following the general election at which it is approved unless the charter provides a later effective date. If the adopted charter calls for a change in the form of government, a special election shall be called to elect the new elective officers. If the adopted charter provides for a special election, the board shall direct the county commissioner of elections to conduct the election.

b. The adoption of the alternative form of county government does not alter any right or liability of the county in effect at the time of the election at which the charter was adopted.

c. All departments and agencies shall continue to operate until replaced.

d. All ordinances or resolutions in effect remain effective until amended or repealed, unless they are irreconcilable with the adopted charter.

e. Upon the effective date of the adopted charter, the county shall adopt the alternative form by ordinance, and shall file a copy with the secretary of state, and maintain available copies for public inspection.

3. If a charter is submitted to the electorate, another charter shall not be submitted to the electorate for six years.

Sec. 10. NEW SECTION. 331.224 LIMITATIONS TO ALTERNATIVE FORMS OF COUNTY GOVERNMENT.

1. A county may adopt or amend an alternative form of county government subject to the requirements and limitations provided in this section.

2. An alternative form of county government shall provide for the exercise of home rule power and authority not inconsistent with state law and may include provisions for any of the following:

a. A board of an odd number of members which may exceed the number of members specified in sections 331.201, 331.203, and 331.204.

b. A supervisor representation plan for the county which may differ from the supervisor representation plans as provided in division II.

c. The initial compensation for members of the board which, thereafter, shall be determined as provided in section 331.215.

d. The method of selecting officers of the board and fixing their terms of office which may differ from the requirements of sections 331.208 through 331.211.

e. Determining meetings of the board and rules of procedure which may differ from the requirements of section 331.213, except the meetings shall be scheduled and conducted in compliance with chapter 21.

f. The combining of duties of elected county officials which may differ from the requirements of section 331.323.

g. The organization of county departments, agencies, or boards. The organization plan may provide for the abolition or consolidation of a board or a commission and the assumption of its powers and duties by the board of supervisors or another officer. This paragraph does not apply to the board of trustees of a county hospital.

h. In lieu of the election or appointment of township trustees, a method providing for the exercise of their powers and duties by the board of supervisors or other governing body of the county or another office.

i. Consolidating city-county government or government functions.

j. Consolidating county-county government or government functions.

k. A charter or charter amendment shall not contain a provision which relates to the method of conducting nominations or elections pursuant to chapters 43 and 49.

BOARD-ELECTED EXECUTIVE FORM

Sec. 11. NEW SECTION. 331.225 BOARD-ELECTED EXECUTIVE FORM.

The board-elected executive form consists of an elected board of an odd number with staggered terms of office and one elected executive whose term shall be the same as that of a member of the board. If the administrative offices of the county, excluding the county executive, are appointive under the plan, the board shall have at least five members. The board shall have a chairperson who shall be elected by the members of the board from their own number for a term established by ordinance, and who shall vote as a member of the board. The elected executive may veto ordinances and resolutions, subject to an override by a two-thirds vote of the board.

Sec. 12. NEW SECTION. 331.226 DUTIES OF EXECUTIVE.

The executive shall:

1. Enforce laws, ordinances, and resolutions of the county.
2. Perform duties required by law, ordinance, or resolution of the county.
3. Administer affairs of the county government.
4. Carry out policies established by the board.
5. Recommend measures to the board.
6. Report to the board on the affairs and financial condition of the county government.
7. Execute bonds, notes, contracts, and written obligations of the board, subject to the approval of the board.
8. Report to the board as the board may require.
9. Attend board meetings and take part in discussion, but shall not vote.
10. Prepare and execute the budget adopted by the board.
11. Appoint, with the consent of the board, all members of county boards, except the executive may appoint without the consent of the board temporary advisory committees established by the executive.
12. Appoint and remove all employees.

BOARD-MANAGER GOVERNMENT

Sec. 13. NEW SECTION. 331.227 BOARD-MANAGER FORM.

The board-manager form consists of an elected board and a manager appointed by the board, who shall be the chief administrative officer of the county government. The board shall have staggered terms of office. The chairperson shall be elected by the members of the board from their own number for a term established by ordinance and shall vote as a member of the board. If the administrative offices of the county are appointive under the plan, the board shall have at least five members.

The manager shall be appointed by the board and removed only by a majority vote of the membership of the board. The manager shall be responsible to the board for the administration of all county government affairs placed in the manager's charge by law, ordinance, or resolution.

Sec. 14. NEW SECTION. 331.228 DUTIES OF MANAGER.

The manager shall:

1. Enforce laws, ordinances, and resolutions.
2. Perform the duties required of the manager by law, ordinance, or resolution.
3. Administer the affairs of the county government.
4. Direct, supervise, and administer all departments, agencies, and offices of the county government unit except as otherwise provided by law or ordinance.
5. Carry out policies established by the board.
6. Prepare the board agenda.
7. Recommend measures to the board.
8. Report to the board on the affairs and financial condition of the county government.
9. Execute bonds, notes, contracts, and written obligations of the board, subject to the approval of the board.
10. Report to the board as the board may require.
11. Attend board meetings and take part in the discussion, but shall not vote.
12. Prepare and present the budget to the board for its approval and execute the budget adopted by the board.
13. Appoint, suspend, and remove all employees of the county government except as otherwise provided by law or ordinance.
14. Appoint members of temporary advisory committees.

Sec. 15. NEW SECTION. 331.229 EMPLOYEES OF BOARD-MANAGER GOVERNMENT.

1. Employees appointed by the manager or subordinates shall be administratively responsible to the manager.
2. The board or its members shall not dictate the appointment or removal of any employee appointed by the manager or any subordinate of the manager.
3. Except for the purpose of inquiry or investigation, the board or its members shall deal with the county employees who are subject to the direction and supervision of the manager solely through the manager, and the board or its members shall not give orders to an employee under the manager's direction or supervision.

AMENDMENT TO COUNTY GOVERNMENT

Sec. 16. NEW SECTION. 331.230 AMENDMENT TO COUNTY GOVERNMENT.

1. An amendment to county government organization shall only be made by submitting the question of amendment to the electors of the county government pursuant to section 331.222. To become effective, a proposed amendment must receive an affirmative vote of a majority of the electors voting on the question. An amendment approved by the electors becomes effective pursuant to section 331.223.
2. An amendment to a county government organization may be proposed by initiative upon petition of the number of eligible electors of the county equal to at least ten percent of the votes cast at the preceding election for the office of president of the United States or governor, or by resolution adopted by the governing body. The question on amendment of county government organization shall be submitted to the electors as soon as possible after the submission of a petition or adoption of a resolution, either at a general election or at a special election.

Sec. 17. NEW SECTION. 331.231 LIMITATIONS ON AMENDMENTS TO COUNTY GOVERNMENT.

The electors of a county who have adopted an amendment to county government may not vote on the question of amending the county government for two years. An amendment shall not include an alternative form of county government.

CHARTER FORM

Sec. 18. NEW SECTION. 331.232 CHARTER FORM OF GOVERNMENT.

The charter form of government shall be specified in a proposed charter written by a charter committee. The proposed charter shall establish an elected legislative body. The charter shall specify the number of members and term of office pursuant to section 331.224. If the administrative offices of the county, excluding an elected county executive, are appointive under the charter, the board shall have at least five members. The charter may establish legislative or administrative organizational structure. The charter may include the provisions necessary to permit an orderly transition to the charter form of government. However, the provisions shall be limited in scope consistent with the intent of, and in accordance with, section 331.224.

CITY-COUNTY CONSOLIDATION

Sec. 19. NEW SECTION. 331.233 CITY-COUNTY CONSOLIDATION FORM.

1. A county and one or more cities within the county may unite to form a single unit of local government in accordance with this part.

2. An alternative form of government, including a charter form, for a consolidated unit of government may be submitted to the voters only by a commission established under this chapter and one or more commissions established by the affected cities under section 372.9 that have cooperated in the formulation of the charter. A majority vote by each of the affected county charter commission and city charter commission is required for the submission of an alternative form of government for a consolidated unit of local government. The affected county charter commission and city charter commission submitting a consolidated form shall issue a single joint report and proposal.

3. An alternative form of government for a consolidated unit of local government does not need to include more than one city. A city shall not be included unless the charter commission of the affected city participates in the cooperative study, its commission by a majority vote approves the proposed charter for consolidated government, and a majority of the electors of the affected city voting approves the proposed charter for the consolidated government.

4. If an alternative form of government for a consolidated unit of local government is proposed, approval of the consolidation charter shall be a separate ballot issue from approval of the alternative form of government in those cities proposed to be included in the consolidation. The consolidation charter shall be effective in regard to a city government only if a majority of the voters of the city voting on the question voted for participation in the consolidation charter.

Sec. 20. NEW SECTION. 331.234 CHARTER OF CONSOLIDATION.

1. The affected county charter commission and city charter commission proposing consolidation shall prepare, adopt, and submit to the voters a consolidation charter including an alternative form of government.

2. The consolidation charter shall:

a. Provide for adjustment of existing bonded indebtedness and other obligations in a manner which will provide for a fair and equitable burden of taxation for debt service.

b. Provide for establishment of service areas.

c. Provide for the transfer or other disposition of property and other rights, claims, assets, and franchises of local governments consolidated under the alternative form.

d. Provide the official name of the consolidated unit of local government.

e. Provide for the transfer, reorganization, abolition, absorption, and adjustment of boundaries of all existing boards, bureaus, commissions, agencies, special districts, and political subdivisions of the consolidated government.

f. Include other provisions which the county charter commission and the city charter commission elect to include and which are not inconsistent with state law.

3. The charter may grant the legislative body of the consolidated government the authority to transfer, reorganize, and provide a method for adjusting the boundaries of the entities within the consolidated government.

Sec. 21. NEW SECTION. 331.235 EFFECT OF CONSOLIDATION.

1. As a political subdivision of the state, the consolidated unit of local government shall have the status of a county and a city for all purposes and shall replace and be the successor of the county and the affected city.

2. On its effective date, the alternative form of government and consolidation charter operate to dissolve county and city governments within the area of consolidation in accordance with its provisions. On the effective date, the separate corporate existence of the county and of each participating city shall be consolidated into one local government unit under the name selected, designated, and adopted. The consolidated local government shall succeed to, possess, and own all of the property and assets of every kind and description and shall, except as otherwise provided, become responsible for all the obligations and liabilities of the county and cities so consolidated.

3. All provisions of law authorizing contributions of any kind, in money or otherwise, from the state or federal government to counties and cities shall remain in full force with respect to a consolidated local government.

Sec. 22. NEW SECTION. 331.236 GENERAL POWERS OF CONSOLIDATED LOCAL GOVERNMENTS.

A consolidated local government shall have and may exercise all powers that are conferred on counties and cities by the constitution and laws of the state. The consolidated local government may levy all taxes which counties and cities are authorized to levy except that city taxes shall be levied only within areas of the consolidated local government designated as urban service areas.

Sec. 23. NEW SECTION. 331.237 RULES, ORDINANCES, AND RESOLUTIONS OF CONSOLIDATED UNIT.

Within two years after ratification of the consolidation, the governing body of the consolidated unit of local government shall revise, repeal, or reaffirm all rules, ordinances, and resolutions in force within the participating county and cities at the time of consolidation. Each rule, ordinance, or resolution in force at the time of consolidation shall remain in force within the former geographic jurisdiction until superseded by action of the new governing body. Ordinances and resolutions relating to public improvements to be paid for in whole or in part by special assessments shall remain in effect until paid in full.

Sec. 24. NEW SECTION. 331.238 FORM OF BALLOT.

Pursuant to section 331.222, the question of county-city consolidation shall be submitted to the electors in substantially the following form:

_____ For (the existing forms of government).

_____ For the consolidation of the corporate existence and governments of the county of _____ and the cities of _____ and _____ into one joint county-municipal corporation government.

If section 331.233, subsection 4, applies, the following question shall be placed on the ballot of each participating city:

_____ For participating in the consolidation charter.

_____ Against participating in the consolidation charter.

COUNTY-COUNTY CONSOLIDATION

Sec. 25. NEW SECTION. 331.239 REQUIREMENTS FOR COUNTY-COUNTY GOVERNMENT CONSOLIDATION.

1. Consolidation may be placed on the ballot only by a joint report by contiguous counties.
2. A final report must contain a consolidation charter if county-county consolidation is recommended. The consolidation charter must conform to the provisions and requirements in accordance with this part.

Sec. 26. NEW SECTION. 331.240 CHARTER OF CONSOLIDATION.

When county consolidation is recommended, a petition must contain a consolidation charter which provides for:

1. Adjustment of existing bonded indebtedness and other obligations in a manner which assures a fair and equitable burden of taxation for debt service.
2. Establishment of subordinate service districts.
3. The transfer or other disposition of property and other rights, claims, assets, and franchises of the counties consolidated under the charter.
4. The official name of the consolidated county.
5. The transfer, reorganization, abolition, adjustment of boundaries, or absorption of existing boards, subordinate service districts, local improvement districts, and agencies of the consolidated counties.

The consolidation charter may include other provisions that are not inconsistent with state law.

Sec. 27. NEW SECTION. 331.241 FORM OF BALLOT.

Pursuant to section 331.222, the question of county-county consolidation shall be submitted to the electors in substantially the following form:

_____ For (the existing forms of government).

_____ For the consolidation of the corporate existence and governments of the county of _____ and the county of _____ into one county corporation and government.

Sec. 28. CODIFICATION. The Code editor shall codify new sections 331.217 through 331.241 as a new part or parts of division II of chapter 331.

Approved May 12, 1988