

# A BILL

FOR AN ACT TO PROVIDE FOR THE CREATION OF THE OFFICE OF COUNTY HIGHWAY ENGINEER AND TO DEFINE THE DUTIES THEREOF.

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

SECTION 1. There is hereby created in the several counties of the State of Iowa the office of  
2 county highway engineer, and the boards of supervisors of each county in this State are  
3 hereby authorized and empowered to appoint, and shall appoint, a highway engineer within  
4 and for their respective counties, at the first regular meeting of such board in the month of  
5 June, 1909, and at the January meeting every two years thereafter. Such county highway  
6 engineer so appointed shall serve for a period of two years, and until his successor is ap-  
7 pointed and qualified.

SEC. 2. Before entering upon the performance of his duties, the county highway engineer  
2 and his assistants shall take and subscribe to oath of office for the faithful performance of the  
3 duties of his office, and shall execute and deliver to the board of supervisors a bond in such  
4 sum as may be fixed by the board, with two or more sufficient sureties, to be approved by the  
5 board, conditioned for the faithful discharge of his duties as such highway engineer; and that  
6 he will account for and deliver to his successor in office, at the expiration of his term of office,  
7 all tools, machinery, books, papers and other property belonging to the county and road dis-  
8 tricts thereof.

SEC. 3. The county highway engineer shall receive such compensation as may be fixed by  
2 order of the board of supervisors of his respective county; provided, his salary shall not be less  
3 than nine hundred dollars (\$900) nor more than twenty-four hundred dollars (\$2,400) per an-  
4 num.

SEC. 4. The county highway engineer shall be a resident of the State of Iowa, and shall be  
2 skilled in the laying of drains, in bridge, culvert and road building and general road work,  
3 and he shall have a practical knowledge of civil engineering. He may be removed from office  
4 by the supervisors upon the grounds of incompetency, neglect of duty, or for any other good  
5 or sufficient cause.

SEC. 5. The county highway engineer shall maintain an office at the county seat of the  
2 county of which he is an officer, and his office room shall be provided him at the expense of  
3 the county.

SEC. 6. The county highway engineer shall devote his entire time to the duties of his office, and shall engage in no other avocation; provided, however, the board of supervisors of any county in this State may appoint the county surveyor of such county to the office of county highway engineer, provided he is competent, as required by this act, and he shall receive the compensation fixed by the county as provided in section 3 of this act, in lieu of all fees, except such fees as are allowed by law for his services as county surveyor. In the event that the county highway engineer cannot properly perform all the duties of his office, he may, with the approval of the board of supervisors, appoint an assistant, who shall receive such compensation as may be fixed by the board.

SEC. 7. The county highway engineer shall be custodian of all tools and machinery belonging to the townships and to the county. When delivering to any road superintendent the tools and machinery belonging to the district, he shall require from the superintendent an inventory and receipt for all tools and machinery, and the superintendent shall be responsible for the proper care and handling of said tools and machinery, and shall see that they are properly kept when not in use, and shall account for the same to the county highway engineer.

SEC. 8. The county highway engineer shall have direct supervision over all the public roads of the county and over the road superintendents and of the expenditure of all county and township funds made by the road superintendents of the county. He shall also have the supervision over the construction and maintainance of all culverts, bridges and roads. No county shall issue warrants in payment for road work done under contract until the claim therefor shall have been examined and approved by the county engineer.

SEC. 9. The county highway engineer shall personally inspect the condition of the roads, culverts and bridges of each township as often as practicable, and upon the written complaint of three freeholders in any such township of the bad and dangerous condition of the roads, culverts or bridges of such township, or the neglect of any contractor on roads let by contract, it shall be the duty of the county highway engineer to at once visit said road and investigate the complaint, and if found necessary, to at once cause such road to be placed in good condition.

SEC. 10. The county highway engineer shall, at each regular meeting of the board, and as often as the board of supervisors may require him to do so, file a statement of the conditions of the roads, and the amount of money available for each township, with his recommendation as to what section should be taken by the board for the repair and improvement of the roads.

SEC. 11. It shall be the duty of the county highway engineer to call a meeting at the county seat each year of all road superintendents and township trustees of the county. Such meeting shall be held at a time designated by the highway engineer, between the first and the fifteenth day of March. At the meeting of road superintendents and township trustees the county highway engineer shall instruct the superintendents and trustees in the best and most economical

6 plans for working and improving the roads, collecting and expending the township road funds,  
7 and if practicable, adopt a uniform system of road work for the county.

SEC. 12. All superintendents shall follow the plans and instructions of the county highway  
2 engineer in all matters concerning the expenditure of the funds and improving the roads, and  
3 should any road superintendent fail or refuse, without sufficient cause, to follow the plans and  
4 instructions of the county highway engineer, the county highway engineer may suspend such  
5 superintendent, and shall at once report the matter to the supervisors, and said supervisors,  
6 upon hearing, may remove such superintendent from office.

SEC. 13. The county highway engineer shall, during the month of January in each year,  
2 prepare a map of the county, showing the township lines, and his recommendations as to the  
3 number, size and boundaries of road districts, and all public roads of the county. He shall  
4 also advise the county board as to what road work, in his opinion, should be let under con-  
5 tract, as hereinafter provided, at the regular meeting of the county board of supervisors in  
6 January of each year.

SEC. 14. The county board of supervisors, at any regular meeting thereof, shall, by an  
2 order of record, designate any road work, such as reducing the road bed to an established  
3 grade, surfacing any road with stone or gravel or other material, the digging of ditches and  
4 placing of drains, the building of culverts or bridges to be let under contract. The board  
5 shall direct the county highway engineer to enter into contracts, in writing, with any suitable  
6 persons, subject to the approval of the board, for any road or bridge work so ordered to be  
7 let under contract. The county highway engineer shall draw plans and specifications for any  
8 such road or bridge work, which shall conform to the standard plans and specifications which  
9 shall be prepared and furnished by the Iowa Highway Commission for such work. The coun-  
10 ty highway engineer shall use his discretion as to the best and most economical means of keep-  
11 ing in repair the roads of the county. He may authorize the road superintendents to enter into  
12 contracts with any suitable persons to maintain any road or part of road by use of the road  
13 drag, or any other plan that he may deem expedient, and may include the repairing, renewing  
14 and building of bridges and culverts costing not more than two hundred dollars (\$200.00).  
15 Specifications shall be drawn by the highway engineer for each separate piece of work, and  
16 each piece of work shall be let under separate and distinct contract. The specifications drawn  
17 by the county highway engineer shall be subject to the approval of the county board. Before  
18 any bid for working the roads or for any bridge or other work shall be opened the county high-  
19 way engineer shall file with the county clerk his estimate of the cost of such work, and no con-  
20 tract shall be let for an amount which shows an unreasonable discrepancy between the esti-  
21 mated cost and the price bid. Such contract shall be let to the lowest and best bidder, in pursu-  
22 ance of not less than two weeks public notice of the time and place when and where sealed  
23 bids will be received, said notice to be published by the highway engineer in some newspa-

24 per of general circulation in the county. The county highway engineer may reject any and all  
25 bids made, and the acceptance of any bid shall have the approval of the board of supervisors.  
26 The county highway engineer shall require each contractor to enter into a bond to the county  
27 in a sum not less than twenty-five per cent (25 per cent) of the contract price, as may be  
28 ordered by the board, with not less than three resident freeholders of the county as sureties,  
29 conditioned for the faithful performance of his contract, and to pay all damages that may  
30 accrue to any person by reason of his failure to comply with the terms of his contract. The  
31 county highway engineer shall present such contract to the board of supervisors, and the board  
32 shall approve or reject such contract or bonds to be entered into by such contractors, or may  
33 order the county highway engineer to enter into contracts with other parties for such road  
34 work, and in such time as the board may direct. Such contract and bond as shall be approved  
35 by the board shall be filed in the office of the county clerk. The same person may be awarded  
36 the contract for one or more pieces of work, but a separate and distinct contract and bond shall  
37 be entered into by the contractor for such separate piece of work awarded him.

SEC. 15. It shall be the duty of each contractor who has entered into contract for any road  
2 work to report, in writing, under oath, to the county highway engineer, on or before the sec-  
3 ond day of each month, setting forth the amount and character of work done by him during  
4 the preceding month, the number of hands and teams employed and the total number of days  
5 work done by them, and the cost of such hands and teams, the material purchased, and its  
6 cost, and where applied, and any other facts or statements that the county highway engineer  
7 may require. The county highway engineer shall carefully examine such reports, and shall  
8 indicate, in writing attached to the report, any error therein or any explanation that he may  
9 deem necessary for the information of the board, and if found to be correct, shall so state;  
10 and on or before the first day of the regular meeting of the county board he shall file same in  
11 the office of the county board for the use of the board. The board shall, at such regular meet-  
12 ing, examine such reports, and may correct and approve the same, and order such amounts to  
13 be paid thereon as the board may deem safe and just, but the board shall not pay in full for any  
14 work to be performed by contract until the same has been completed and accepted by the  
15 county highway engineer and approved by the board. Upon the completion of any piece of  
16 work according to the terms of the contract, to the satisfaction of the board, the board shall  
17 settle in full with the contractor, but no such settlement shall be a bar to the county or to any  
18 individual recovering any damages that may be sustained by reason of any defective work or  
19 other failure on the part of the contractor to perform the duties required in his contract. Be-  
20 fore any final settlement is made with any contractor, the county highway engineer, or his duly  
21 authorized assistant, shall first have made a personal inspection of the work performed, and  
22 shall certify, under oath of his office, that he has made such personal inspection and that the  
23 contractor has performed his work according to contract.

SEC. 16. If any contractor shall fail to perform any work within the time specified in his  
2 contract, the county highway engineer shall be authorized to have such work done by other per-  
3 sons, and shall report to the county board, with the cost thereof, and the board shall deduct  
4 such cost from the amount that may be then or thereafter due such contractor; and if such  
5 cost exceeds the total amount that may be thereafter due such contractor, the board shall order  
6 suit to be brought on such contractor's bond for such amount of costs as remain unpaid.  
7 Nothing herein shall prevent the contractor from pleading as a defense to such failure to per-  
8 form his work in the time specified in the contract, that the same was caused by unusual  
9 weather, and that with ordinary care he could not have avoided such delay; and if the county  
10 highway engineer shall be satisfied that such has been the cause of the delay he shall give  
11 permission in writing to such contractor for further reasonable time to perform such work,  
12 and the contractor shall not be liable for any damage to the county for such delay.

SEC. 17. The county highway engineer shall inspect the work contracted for from time to  
2 time, and shall make reports to the county board at the regular meeting thereof, or more fre-  
3 quent, if required, showing the conditions and progress of the work. If the board shall find,  
4 upon report of the county highway engineer that any work has not been done according to  
5 the contract, the board shall order the county highway engineer to have such work done ac-  
6 cording to the terms of the contract, and the expense thereof shall be adjudged against the  
7 contractor and the sureties on his bond, together with ten per cent of the cost thereof, as a  
8 penalty for such failure to perform the work according to the contract.

SEC. 18. At the request of the State Highway Commission the county engineer shall make  
2 a sworn statement of all highway and bridge work carried on since the last similar report, to-  
3 gether with such detailed information as may be requested by the commission, for publica-  
4 tion in their annual report to the Governor.

SEC. 19. All acts or parts of acts inconsistent with the provisions of this act are hereby re-  
2 pealed.

3 This act, being deemed of immediate importance, shall take effect immediately after its pub-  
4 lication in the Des Moines Capital, and the Register and Leader, newspapers published in  
5 Des Moines, Iowa.