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SENATE FILE 397

By COMMITTEE ON CITIES AND TOWNS

See H.F. 514

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

An Act relating to home rule for cities; establishing the City Code of Iowa which provides for powers and duties of cities including the power to impose penalties by ordinance, city development, organization of city government, city elections, city legislation, city finance including the power to issue bonds, city utilities, and administrative agencies of cities; coordinating the Code of Iowa with the City Code of Iowa; repealing incompatible chapters in Title fifteen (15) and reenacting provisions from Title fifteen (15) which belong in other parts of the Code of Iowa; removing inconsistent references, incorrect provisions, limited grants of power, and restrictions based upon population; and providing for a state housing code and penalties for violation thereof, to be enforced in cooperation with city officials.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 DIVISION I. Definitions and Miscellaneous Provisions
2 Section 1. Sections one (1) through two hundred twenty-
3 one (221) of this Act, inclusive, are entitled and may be
4 cited as the "City Code of Iowa".
5 Sec. 2. As used in the City Code of Iowa, unless the
6 context otherwise requires:
7 1. "City" means a municipal corporation including a town,
8 but not including a county, township, school district, or
9 any special purpose district or authority. When used in
10 relation to land area, "city" includes only the area within
11 the city limits.
12 2. "Municipal" means pertaining to or characteristic of
13 a city.
14 3. "Council" means the governing body of a city.
15 4. "Councilman" means a member of a council, including
16 an alderman.
17 5. "Clerk" means the recording and record keeping officer
18 of a city regardless of title.
19 6. "Secretary" of a utility board means the recording
20 and record keeping officer of the utility board regardless
21 of title.
22 7. "Charter" means the form of government selected by
23 a city as provided in division four (IV) of this Act.
24 8. "Officer" means a natural person elected or appointed
25 to a fixed term and exercising some portion of the power of
26 a city.
27 9. "Person" means an individual, firm, partnership, domes-
28 tic or foreign corporation, company, association or joint
29 stock association, trust, or other legal entity, and includes
30 a trustee, receiver, assignee, or similar representative
31 thereof, but does not include a governmental body.
32 10. "Governmental body" means the United States of America
33 or an agency thereof, a state, a political subdivision of
34 a state, a school corporation, a public authority, a public
35 district, or any other public body.

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1 11. "Shall" imposes a duty.
2 12. "Must" states a requirement.
3 13. "May" confers a power.
4 14. "Property", "real property", and "personal property"
5 have the same meaning as provided in section four point one
6 (4.1) of the Code.
7 15. "Voter" means a person eligible to register to vote,
8 or eligible to vote if registration is not required.
9 16. "Qualified voter" means a voter who is also registered
10 if registration is required.
11 17. "Measure" means an ordinance, amendment, resolution,
12 or motion.
13 18. "Ordinance" means a city law of a general and perma-
14 nent nature.
15 19. "Amendment" means a revision or repeal of an existing
16 ordinance or city code.
17 20. "Resolution" or "motion" means a council statement
18 of policy or a council order for action to be taken, but
19 "motion" does not require a recorded vote.
20 21. "Recorded vote" means a record, roll call vote.
21 22. "City utility" means all or part of a waterworks,
22 gasworks, sanitary sewage system, electric light and power
23 plant and system, or heating plant which is owned by a city,
24 including all land, easements, rights-of-way, fixtures,
25 equipment, accessories, improvements, appurtenances, and other
26 property necessary or useful for the operation of the utility.
27 23. "Administrative agency" means an agency established
28 by a city for any city purpose or for the administration of
29 any city facility, as provided in division nine (IX) of this
30 Act, except a board established to administer a municipal
31 utility, a zoning commission and zoning board of adjustment,
32 or any other agency which is controlled by state law. An
33 administrative agency may be designated as a board, board
34 of trustees, commission, or by another title. If an agency
35 is advisory only, such a designation must be included in its

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1 title.
2 Sec. 3. Unless otherwise provided by state law:
3 1. If notice of an election, hearing, or other official
4 action is required by this Act, the notice must be published
5 at least once, not less than ten nor more than twenty-five
6 days before the date of the election, hearing, or other action.
7 2. A publication required by this Act must be in a newspa-
8 per published at least once weekly and having general circula-
9 tion in the city. However, if the city has a population of
10 two hundred or less, a publication may be made by posting
11 in three public places in the city which have been permanently
12 designated by ordinance.
13 Sec. 4. If a petition of the voters is authorized by this
14 Act, the petition is valid if signed by voters of the city
15 equal in number to ten percent of the persons who voted at
16 the last preceding regular city election, but not less than
17 ten persons, unless otherwise provided by state law.
18 Sec. 5. When used in this section, "contract" means any
19 claim, account, or demand against or agreement with a city,
20 express or implied.
21 A city officer or employee shall not have an interest,
22 direct or indirect, in any contract or job of work or material
23 or the profits thereof or services to be furnished or performed
24 for his city. A contract entered into in violation of this
25 section is void. The provisions of this section do not apply
26 to:
27 1. The payment of lawful compensation of a city officer
28 or employee holding more than one city office or position,
29 the holding of which is not incompatible with another public
30 office or is not prohibited by law.
31 2. The designation of a bank or trust company as a deposi-
32 tory, paying agent, or for investment of funds.
33 3. An employee of a bank or trust company, who serves
34 as treasurer of a city.
35 4. Contracts made by a city of less than three thousand

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1 population, upon competitive bid in writing, publicly invited
2 and opened.
3 5. Contracts in which a city officer or employee has an
4 interest solely by reason of employment, or a stock interest
5 of the kind described in subsection nine (9) of this section,
6 or both, if the contracts are made by competitive bid, pub-
7 licly invited and opened, and if the remuneration of employment
8 will not be directly affected as a result of the contract
9 and the duties of employment do not directly involve the
10 procurement or preparation of any part of the contract. The
11 competitive bid requirement of this subsection shall not be
12 required for any contract for professional services not
13 customarily awarded by competitive bid.
14 6. The designation of an official newspaper.
15 7. A contract in which a city officer or employee has
16 an interest if the contract was made before the time he was
17 elected or appointed, but the contract may not be renewed.
18 8. Contracts with volunteer firemen or civil defense
19 volunteers.
20 9. A contract with a corporation in which a city officer
21 or employee has an interest by reason of stockholdings when
22 less than five percent of the outstanding stock of the corpo-
23 ration is owned or controlled directly or indirectly by the
24 officer or employee.
25 10. A contract made by competitive bid, publicly invited
26 and opened, in which a member of a city board of trustees,
27 commission, or administrative agency has an interest if he
28 is not authorized by law to participate in the awarding of
29 the contract. The competitive bid requirement of this
30 subsection does not apply to any contract for professional
31 services not customarily awarded by competitive bid.
32 Sec. 6. A measure voted upon is not invalid by reason
33 of conflict of interest in an officer of a city, unless the
34 vote of the officer was decisive to passage of the measure.
35 If a specific majority or unanimous vote of a municipal body

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1 is required by statute, the majority or vote must be computed
2 on the basis of the number of officers not disqualified by
3 reason of conflict of interest. However, a majority of all
4 members is required for a quorum. For the purposes of this
5 section, the statement of an officer that he declines to vote
6 by reason of conflict of interest is conclusive and must be
7 entered of record.
8 Sec. 7. A valid measure adopted by a city prior to the
9 effective date of this Act remains valid unless the measure
10 is irreconcilable with this Act.
11 Sec. 8. This Act, being necessary for the public safety
12 and welfare, shall be liberally construed to effectuate its
13 purposes. If any provision of this Act, or the application
14 of this Act to any person or circumstance is held invalid,
15 except for section nine (9), subsection two (2), of this Act,
16 the invalidity does not affect other provisions or applications
17 of the Act which can be given effect without the invalid
18 provision or application, and to this end the provisions of
19 this Act are severable.
20 Sec. 9.
21 1. The provisions of this Act take effect on July 1, 1971,
22 except that sections two hundred twenty-two (222) through
23 three hundred seventy-seven (377), inclusive, of this Act
24 take effect on July 1, 1973.
25 2. Between July 1, 1971, and July 1, 1973, a city is not
26 subject to the provisions of sections one (1) through two
27 hundred twenty-one (221), inclusive, of this Act, divisions
28 one (I) through nine (IX) of the City Code of Iowa, unless
29 the council, by resolution, elects to act under and be subject
30 to one or more of the divisions of the City Code of Iowa,
31 in which case conflicting provisions of law are not applicable
32 to that city. Such an election is conclusive until rescinded
33 by the council.
34 3. On and after July 1, 1973, the provisions of sections
35 one (1) through two hundred twenty-one (221), inclusive, of

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1 this Act, divisions one (I) through nine (IX) of the City
2 Code of Iowa, are applicable to all cities.
3 DIVISION II. Powers and Duties of Cities
4 Sec. 10. A city may, except as expressly limited by the
5 Constitution or a state law, exercise any power and perform
6 any function it deems appropriate to protect and preserve
7 the rights, privileges, and property of the city or of its
8 residents, and to preserve and improve the peace, safety,
9 health, welfare, comfort, and convenience of its residents.
10 Sec. 11.
11 1. A power of a city is vested in the city council except
12 as otherwise provided by a state law.
13 2. The enumeration of a specific power of a city does
14 not limit or restrict the general grant of home rule power
15 conferred by the Constitution. A city may exercise its general
16 powers subject only to limitations expressly imposed by a
17 state or city law.
18 3. An exercise of a city power is not inconsistent with
19 a state law unless it is irreconcilable with the state law.
20 Sec. 12. The following are limitations upon the powers
21 of a city:
22 1. A city council shall exercise a power only by the pas-
23 sage of a motion, a resolution, an amendment, or an ordinance.
24 2. A city may not provide a penalty in excess of a one
25 hundred dollar fine or in excess of thirty days imprisonment
26 for the violation of an ordinance.
27 3. A city may not set standards and requirements which
28 are lower or less stringent than those imposed by state law,
29 but may set standards and requirements which are higher or
30 more stringent than those imposed by state law, unless a state
31 law provides otherwise.
32 4. A city may not levy a tax unless specifically autho-
33 rized by a state law.
34 Sec. 13. A city may:
35 1. Acquire, hold, and dispose of property outside the

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1 city in the same manner as within.
2 2. By contract, extend services to persons outside the city.
3 3. Enact and enforce ordinances relating to city property
4 and city-extended services outside the city.
5 Sec. 14. A city or a board established to administer a
6 city utility, in the exercise of any of its powers, may act
7 jointly with any public or private agency as provided in chap-
8 ter twenty-eight E (28E) of the Code.
9 A city may join with any governmental body to form an
10 organization for promotion of city interests. The organization
11 shall file an annual report with the city finance committee
12 established in section ninety-one (91) of this Act.
13 Sec. 15. A city shall substantially comply with a procedure
14 established by a state law for exercising a city power. If
15 a procedure is not established by state law, a city may deter-
16 mine its own procedure for exercising the power.
17 Sec. 16. A city may not dispose of an interest in real
18 property by sale, lease for a term of more than three years,
19 or gift, except in accordance with the following procedure:
20 1. The council shall set forth its proposal in a resolution
21 and shall publish notice as provided in section three (3)
22 of this Act, of the resolution and of a date, time, and place
23 of a public hearing on the proposal.
24 2. After the public hearing, the council may make a final
25 determination on the proposal by resolution.
26 3. A city may not dispose of real property by gift except
27 to a governmental body for a public purpose.
28 Sec. 17. A city may by ordinance require a railroad company
29 operating railroad tracks on or across a city street to con-
30 struct or reconstruct, and maintain, an overpass or underpass
31 to permit the street to pass over or under the tracks, and
32 may establish specifications for the construction or recon-
33 struction of such an overpass or underpass, subject to the
34 following:
35 1. The requirement may not be enforced until the Iowa

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1 state commerce commission approves the specifications for
2 a construction or reconstruction, after examination and a
3 determination that the overpass or underpass is necessary
4 for public safety and convenience.
5 2. The council shall hold a hearing on the matter and
6 shall give not less than twenty days notice of the hearing
7 to the railroad companies involved, served in the same manner
8 as an original notice.
9 3. A city may not require overpasses or underpasses of
10 the same railroad company to be constructed closer than on
11 every fourth parallel street, nor require a company to
12 construct or contribute to the construction of more than one
13 overpass or underpass each year, nor require the construction
14 of approaches longer than a total of eight hundred feet for
15 a single overpass or underpass.
16 4. A city which requires construction or reconstruction
17 of an overpass or underpass shall provide for appraisal and
18 assessment of resulting damage to private property, and shall
19 pay the damages assessed, all as provided in chapter four
20 hundred seventy-two (472) of the Code.
21 5. A city shall pay one-half of all required maintenance
22 costs, and may allocate costs between railroad companies whose
23 tracks are to be crossed by an overpass or underpass.
24 6. A city may enforce a requirement made as provided in
25 this section by an action in mandamus, to be conducted and
26 enforced as provided in section four hundred seventy-four
27 point twenty-five (474.25) of the Code for actions brought
28 by the Iowa state commerce commission. If the city prevails
29 in the mandamus action, in addition to other remedies it may
30 cause the required construction, reconstruction, or maintenance
31 work to be done, and have judgment for the cost of the work
32 against the companies.
33 Sec. 18. A city may require a railroad company to provide
34 necessary structures, temporary and permanent, to carry its
35 tracks during and after construction of a diverted channel

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1 for flood control purposes, subject to the following:
2 1. The city shall give notice to the railroad company,
3 served in the same manner as an original notice, stating:
4 a. The nature of the flood control project.
5 b. The place where the diverted channel will cross the
6 company's right-of-way.
7 c. The specifications for construction of the diverted
8 channel across the company's right-of-way.
9 d. Details of the city's requirement for the company to
10 provide the necessary structures where the diverted channel
11 crosses the right-of-way, including a designated period of
12 time for construction, and a requirement that the construction
13 be in a manner which does not interfere with the construction
14 of the diverted channel or the free flow of water.
15 2. If the company does not comply with the requirement,
16 the city may provide the necessary structures, and the railroad
17 is liable for the cost of the construction, in addition to
18 its liability for assessment for special benefits as other
19 property is assessed. The cost of the construction may be
20 collected by the city from the company by court action.
21 Sec. 19. A city may require a railroad company to place
22 flagmen, or to construct, maintain, and operate suitable
23 mechanical signal devices or gates, at railroad crossings
24 upon public streets. However, the city or the railroad company
25 may submit the matter to the Iowa state commerce commission
26 for a hearing as provided in sections four hundred seventy-
27 eight point twenty-two (478.22) and four hundred seventy-eight
28 point twenty-three (478.23) of the Code, and the commission's
29 determination as to the necessity for crossing protection,
30 and the type of crossing protection required, is conclusive.
31 Sec. 20.
32 1. As used in this section, "property owner" means the
33 contract purchaser if there is one of record, otherwise the
34 record holder of legal title.
35 2. A city is responsible for the care, supervision, and

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1 control of public grounds, streets, sidewalks, alleys, bridges,
2 culverts, overpasses, underpasses, grade crossing separations
3 and approaches, except those lawfully required to be maintained
4 by a railroad company, and the city shall keep all public
5 ways, squares, and commons open, in repair, and free from
6 nuisance, with the following exceptions:
7 a. Public ways and grounds may be temporarily closed by
8 resolution, and may be vacated by ordinance.
9 b. The abutting property owner is responsible for the
10 prompt removal of snow, ice, and accumulations from the
11 sidewalks.
12 c. The abutting property owner may be required by ordinance
13 to maintain all property outside the lot and property lines
14 and inside the curb lines upon the public streets.
15 d. A city may serve notice on the abutting property owner,
16 by certified mail to the property owner as shown by the records
17 of the county auditor, requiring him to repair, replace, or
18 reconstruct sidewalks.
19 e. If the abutting property owner does not perform an
20 action required under this subsection within a reasonable
21 time, a city may perform the required action and assess the
22 costs against the abutting property for collection in the
23 same manner as a property tax.
24 3. A city may:
25 a. Require the abatement of a nuisance, public or private,
26 in any reasonable manner.
27 b. Require the removal of diseased trees or dead wood.
28 c. Require the removal, repair, or dismantling of a danger-
29 ous building or structure.
30 d. Require the numbering of buildings.
31 e. Require connection to public drainage systems from
32 abutting property when necessary for public health or safety.
33 f. Require connection to public sewer systems from abutting
34 property, and require installation of sanitary toilet
35 facilities and removal of other toilet facilities on such

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1 property.
2 g. Require the cutting or destruction of weeds or other
3 growth which constitutes a health, safety, or fire hazard.
4 h. If the property owner does not perform an action re-
5 quired under this subsection within a reasonable time after
6 notice, a city may perform the required action and assess
7 the costs against the property for collection in the same
8 manner as a property tax. Notice may be in the form of an
9 ordinance or by certified mail to the property owner as shown
10 by the records of the county auditor, and shall state the
11 time within which action is required. However, in an emergency
12 a city may perform any action which may be required under
13 this section without prior notice, and assess the costs as
14 provided in this subsection, after notice to the property
15 owner and hearing.
16 Sec. 21. If any amount assessed against property under
17 section twenty (20) of this Act will exceed one hundred
18 dollars, a city may permit the assessment to be paid in up
19 to ten annual installments, in the same manner and with the
20 same interest rates provided for assessments against benefited
21 property under part four (4), division seven (VII) of this
22 Act.
23 Sec. 22. When action is brought against a city for personal
24 injuries alleged to have been caused by its negligence, the
25 city may notify in writing any person by whose negligence
26 it claims the injury was caused. The notice shall state the
27 pendency of the action, the name of the plaintiff, the name
28 and location of the court where the action is pending, a brief
29 statement of the alleged facts from which the cause arose,
30 that the city believes that the person notified is liable
31 to it for any judgment rendered against the city, and asking
32 the person to appear and defend. A judgment obtained in the
33 suit is conclusive in any action by the city against any
34 person so notified, as to the existence of the defect or other
35 cause of the injury or damage, as to the liability of the

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1 city to the plaintiff in the first named action, and as to
2 the amount of the damage or injury. A city may maintain an
3 action against the person notified to recover the amount of
4 the judgment together with all the expenses incurred by the
5 city in the suit.

6 DIVISION III. City Development

7 Part 1. Definitions.

8 Sec. 23. As used in this division, unless the context
9 otherwise requires:

10 1. "Board" means the city development board established
11 in section thirty (30) of this Act.

12 2. "Committee" means the board members, and the local
13 representatives appointed as provided in section thirty-five
14 (35) of this Act, to hear and make a decision on a petition
15 or plan for city development.

16 3. "City development" means an incorporation, discontinu-
17 ance, or boundary adjustment.

18 4. "Incorporation" means establishment of a new city.

19 5. "Discontinuance" means termination of a city.

20 6. "Boundary adjustment" means annexation, severance, or
21 consolidation.

22 7. "Annexation" means the addition of territory to a city.

23 8. "Severance" means the deletion of territory from a city.

24 9. "Consolidation" means the combining of two or more
25 cities into one city.

26 10. "Territory" means the land area proposed to be incorpo-
27 rated, annexed, or severed.

28 11. "Adjoining" means having a common boundary for not
29 less than two hundred feet. Land areas may be adjoining
30 although separated by a roadway or waterway.

31 12. "Urbanized area" means the land area within three
32 miles of the boundaries of a city of fifteen thousand or more
33 population.

34 Part 2. General Provisions.

35 Sec. 24. A city may change its name as follows:

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1. The council shall propose the name change and shall cause the question to be submitted at the next regular city election.

2. The council shall publish notice, as provided in section three (3) of this Act, of the proposed new name, and of the fact that the question will be submitted at the next regular city election.

3. If a majority of those voting on the question approves the proposed new name, the city clerk shall enter the new name upon the city records and file certified copies of the proceedings, including the council's proposal, proof of publication of notice, and certification of the election result, with the county recorder of each county which contains part of the city, and with the secretary of state. Upon proper filing the name change is complete and effective.

Sec. 25. A city is discontinued if, for a period of six years or more, it has held no city election and has caused no taxes to be levied. If the board receives knowledge of facts which cause an automatic discontinuance under this section, it shall make a determination that the city is discontinued, shall take control of the property of the discontinued city, and shall carry out all necessary procedures as if the city were discontinued under a petition or plan.

Sec. 26. A city may agree with another city or cities to refrain from annexing specifically described territory for a period not to exceed ten years. If such an agreement is in force, the board shall dismiss a petition or plan which violates the terms of the agreement.

Sec. 27. Territory owned by the state of Iowa may be annexed, but the attorney general must be served with notice of the hearing and a copy of the proposal.

Sec. 28. The right of the state highway commission to control access under the provisions of chapter three hundred six A (306A) of the Code is not affected by an annexation.

Sec. 29. All of the owners of land in a territory adjoining

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1 a city may apply in writing to the council of the adjoining
2 city requesting annexation of the territory. The application
3 must contain a map of the territory showing its location in
4 relationship to the city.
5 If the territory is within the urbanized area of a city
6 other than the city to which the request for annexation is
7 directed, the application must be approved by the board.
8 The application must also be approved by the council which
9 receives the application. Upon receiving the required
10 approval, the territory becomes a part of the adjoining city.
11 Part 3. City Development Board.
12 Sec. 30. A city development board is hereby created.
13 The office for planning and programming shall provide office
14 space, staff assistance, and shall budget funds to cover
15 expenses and compensation of the board and committees. The
16 board consists of three members appointed by the governor
17 with the advice and consent of the senate. The initial
18 appointments must be for terms of two, four, and six years.
19 Successive appointments must be for six years, or to fill
20 an unexpired term in case of a vacancy. Members are eligible
21 for reappointment.
22 Each member is entitled to receive from the state his
23 actual and necessary expenses and forty dollars compensation
24 for each day spent in performance of board duties.
25 Sec. 31. The board shall conduct studies of city develop-
26 ment, and shall submit an annual report to the governor and
27 the general assembly.
28 The board may establish rules for the performance of its
29 duties and the conduct of proceedings before it. The board's
30 rules are subject to chapter seventeen A (17A) of the Code,
31 as applicable.
32 Sec. 32. A petition for incorporation, discontinuance,
33 or boundary adjustment may be filed with the board by a city
34 council, a county board of supervisors, a regional planning
35 authority, or ten percent of the voters of a city or territory,

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1 based upon the number of persons who voted for governor at
2 the last preceding general election. Notice of the filing,
3 including a copy of the petition, must be served upon the
4 council of each city for which a discontinuance or boundary
5 adjustment is proposed, the board of supervisors for each
6 county which contains a portion of a city to be discontinued
7 or territory to be incorporated, annexed, or severed, and
8 any regional planning authority for the area involved.
9 Within ninety days of receipt of a petition, the board
10 shall initiate appropriate proceedings or dismiss the petition.
11 The board may combine for consideration petitions or plans
12 which concern the same territory or city.
13 The petition must include substantially the following
14 information as applicable:
15 1. A general statement of the proposal.
16 2. A map of the territory, city, or cities involved.
17 3. Assessed valuation of platted and unplatted land.
18 4. Names of property owners.
19 5. Population density.
20 6. Description of topography.
21 7. Plans for disposal of assets and assumption of liabil-
22 ities.
23 8. Description of existing municipal services, including
24 but not limited to water supply, sewage disposal, and fire
25 and police protection.
26 9. Plans for agreements with any existing special service
27 districts.
28 10. In a case of annexation or incorporation, the petition
29 must state that none of the territory is within a city.
30 11. In a case of incorporation or consolidation, the peti-
31 tion must state the name of the proposed city.
32 Sec. 33. The board may dismiss a petition only if it finds
33 that the petition does not meet the requirements of this part,
34 or that substantially the same incorporation, discontinuance,
35 or boundary adjustment has been disapproved by a committee

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1 formed to consider the proposal, or by the voters, within
2 the two years prior to the date the petition is filed with
3 the board. The board shall file for record a statement of
4 each dismissal and the reason for it, and shall promptly
5 notify the parties to the proceeding of its decision.
6 Sec. 34. Based on the results of its studies, the board
7 may initiate proceedings for the incorporation, discontinuance,
8 or boundary adjustment of a city. The board may request a
9 city to submit a plan for boundary adjustment, or may formulate
10 its own plan for incorporation, discontinuance, or boundary
11 adjustment. A plan submitted at the board's initiation must
12 include the same information as a petition and be filed and
13 acted upon in the same manner as a petition. A petition or
14 plan may include any information relevant to the proposal,
15 including but not limited to results of studies and surveys,
16 and arguments.
17 Sec. 35. If a petition is not dismissed, the board shall
18 direct the appointment of local representatives to serve with
19 board members as a committee to consider the proposal. Each
20 local representative is entitled to receive from the state
21 as compensation forty dollars for each day spent in performance
22 of committee duties, and his actual and necessary expenses.
23 Two board members and one local representative, or if the
24 number of local representatives exceeds one, two board members
25 and at least one-half of the appointed local representatives,
26 are required for a quorum of the committee. A local
27 representative must be a qualified voter of the territory
28 or city he represents, and must be selected as follows:
29 1. From a territory to be incorporated, one representative
30 appointed by the county board of supervisors. If the territory
31 is in more than one county, the board shall direct the appoint-
32 ment of a local representative from each county involved.
33 2. From a city to be discontinued, one representative
34 appointed by the city council.
35 3. From a territory to be annexed to or severed from a

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1 city, one representative appointed by the county board of
2 supervisors.
3 4. From a city to which territory is to be annexed or
4 from which territory is to be severed, one representative
5 appointed by the city council.
6 5. From each city to be consolidated, one representative
7 appointed by each city council.
8 Sec. 36. The committee shall conduct a public hearing
9 on a proposal as soon as practicable. Notice of the hearing
10 must be served upon the council of each city for which a
11 discontinuance or boundary adjustment is proposed, the county
12 board of supervisors for each county which contains a portion
13 of a city to be discontinued or territory to be incorporated,
14 annexed, or severed, and any regional planning authority for
15 the area involved. A notice of the hearing, which includes
16 a brief description of the proposal and a statement of where
17 the petition or plan is available for public inspection, must
18 be published as provided in section three (3) of this Act,
19 except that there must be two publications in a newspaper
20 having general circulation in each city and each territory
21 involved in the proposal. Any person may submit written
22 briefs, and in the committee's discretion, may be heard on
23 the proposal. The committee may consider any information
24 relevant to the proposal. The board may subpoena witnesses
25 and documents relevant to the proposal.
26 Sec 37. Subject to section thirty-eight (38) of this
27 Act, the committee shall approve any proposal which it finds
28 to be in the public interest. A committee shall base its
29 finding upon all relevant information before the committee,
30 including but not limited to the following:
31 1. Statements in the petition or plan, and evidence
32 supporting those statements.
33 2. Recommendations of the regional planning authority
34 for the area.
35 3. Commercial and industrial development.

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1 4. Potential growth in population.
2 5. Cost and adequacy of existing services and facilities.
3 6. Potential effect of the proposal and of possible alter-
4 native proposals on the cost and adequacy of services and
5 facilities.
6 7. Potential effect of the proposal on adjacent areas,
7 and on any unit of government directly affected, including
8 but not limited to the potential effect on future revenues
9 of any such unit of government.
10 Sec. 38. The committee may not approve:
11 1. An incorporation unless it finds that the city to be
12 incorporated will be able to provide customary municipal
13 services within a reasonable time.
14 2. A discontinuance or severance if the city to be discon-
15 tinued or the territory to be severed will be surrounded by
16 one or more cities unless a petition for annexation of the
17 same area is also filed and approved.
18 3. A discontinuance or severance unless it finds that
19 the county or another city will be able to provide necessary
20 municipal services to the residents.
21 4. An annexation unless the territory is adjoining the
22 city to which it will be annexed, and the committee finds
23 that the city will be able to provide to the territory
24 substantial municipal services and benefits not previously
25 enjoyed by such territory, and that the motive for annexation
26 is not solely to increase revenues to the city.
27 5. A consolidation unless the cities are contiguous.
28 6. An incorporation of territory, any part of which is
29 within an urbanized area of a city, unless a petition for
30 annexation of substantially the same territory to such city
31 has been dismissed, disapproved, or voted upon unfavorably
32 within the last five years.
33 Sec. 39. The committee may amend a petition or plan.
34 If a petition or plan is substantially amended, the committee
35 shall continue the hearing to a later date and serve and

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publish a notice describing the amended petition or plan, as required in section thirty-six (36) of this Act.

Sec. 40. The committee shall approve or disapprove the petition or plan as amended, within ninety days of the final hearing, and shall file its decision for record and promptly notify the parties to the proceeding of its decision. If a petition or plan is approved, the board shall set a date within ninety days for a special election on the proposal and shall appoint five election commissioners, except that in the case of a consolidation, the board shall appoint two election commissioners from each city involved. Election commissioners must be voters of the territory, city, or cities involved. In a case of incorporation, qualified voters of the territory may vote, and the proposal is authorized if a majority of those voting approves it. In a case of annexation or severance, qualified voters of the territory and of the city may vote, and the proposal is authorized if a majority of the total number of persons voting approves it. In a case of consolidation, qualified voters of each city to be consolidated may vote, and the proposal is authorized only if it receives a favorable majority vote in each city. The election commissioners shall serve and publish notice of the election as provided in section thirty-six (36) of this Act, and shall conduct the election in the same manner as other special city elections.

Sec. 41. If a proposal is authorized by the voters, and the election commissioners have certified the result, the board shall:

1. Serve and publish notice of the result as provided in section thirty-six (36) of this Act.

2. File with the secretary of state, the clerk of each city incorporated or involved in a boundary adjustment, and with the recorder of each county which contains a portion of any city or territory involved, copies of the proceedings including the original petition or plan and any amendments,

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1 the order of the board approving the petition or plan, proofs
2 of service and publication of required notices, certification
3 of the election result, and any other material deemed by the
4 board to be of primary importance to the proceedings. Upon
5 proper filing and expiration of time for appeal, or upon a
6 subsequent date as provided in the proposal, the incorporation,
7 discontinuance, or boundary adjustment is complete, except
8 that if an appeal to any of the proceedings is pending,
9 completion does not occur until the appeal is decided.
10 Sec. 42. When an incorporation, discontinuance, or boundary
11 adjustment is complete, the board shall supervise procedures
12 necessary to carry out the proposal. In the case of an incor-
13 poration, the election commissioners shall conduct an election
14 for mayor and council of the city, who shall serve until their
15 successors take office following the next regular city
16 election. In the case of a discontinuance, the board shall
17 publish two notices as provided in section thirty-six (36)
18 of this Act that it will receive and adjudicate claims against
19 the discontinued city for a period of six months, and shall
20 cause necessary taxes to be levied against the property within
21 the discontinued city to pay claims allowed. All records
22 of a discontinued city shall be deposited with the county
23 auditor of the county designated by the board, except that
24 court records shall be deposited with the clerk of the district
25 court of the county. In the case of boundary adjustments,
26 the proper city officials shall carry out procedures necessary
27 to implement the proposal.
28 Sec. 43. A city, or a resident or property owner in the
29 territory or city involved may appeal a decision of the board
30 or a committee, or the legality of an election, to the dis-
31 trict court of a county which contains a portion of any city
32 or territory involved.
33 Appeal must be filed within thirty days of the filing of
34 a decision or the second publication of notice of the result
35 of an election.

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Appeal of an approval of a petition or plan does not stay the election.

The court's review on appeal of a decision is limited to questions relating to jurisdiction, regularity of proceedings, and whether the decision appealed from is arbitrary, unreasonable, or without substantial supporting evidence. The court may reverse and remand a decision of the board or a committee, with appropriate directions.

DIVISION IV. Organization of City Government

Part 1. Forms of Government.

Sec. 44. The forms of city government are:

1. Mayor-council, or mayor-council with appointed manager.
2. Commission.
3. Council-manager-at-large.
4. Council-manager-ward.
5. Home rule charter.
6. Special charter.

A city when first incorporated has the mayor-council form. A city retains its form of government until it adopts a different form as provided in this part.

Upon the effective date of this Act, a city shall adopt by ordinance a charter embodying its existing form of government, which must be one of the forms provided in this part, and shall file a copy of its charter with the secretary of state, and maintain copies available for public inspection.

Sec. 45. A city may adopt a different form of government not oftener than once in a six-year period. A different form, other than a home rule charter or special charter, must be adopted as follows:

1. Voters of the city, equal in number to at least twenty-five percent of the persons who voted at the last regular city election, may petition the mayor to adopt a different form of city government.

2. Within ten days after receiving a valid petition, the mayor shall proclaim a special city election to be held within

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sixty days to determine whether the city shall change to a different form of government.

3. If a majority of the persons voting at the special election approves the proposed form, it is adopted.

4. If a majority of the persons voting at the special election does not approve the proposed form, that form may not be resubmitted to the voters within the next four years.

5. If the proposed form is adopted:

a. The elective officers provided for in the adopted form are to be elected at the next regular city election held more than sixty days after the special election at which the form was adopted, and the adopted form becomes effective at the beginning of the fiscal year which follows such regular city election.

b. The change of form does not alter any right or liability of the city in effect at the time of the special election at which the form was adopted.

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

d. All measures in effect remain effective until amended or repealed, unless they are irreconcilable with the adopted form.

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

Sec. 46. The filing of a petition for appointment of a home rule charter commission stays the special election on adoption of another form of government until the charter proposed by the commission is filed, and both forms must be published as provided in section fifty-two (52) of this Act, and submitted to the voters at the special election.

Sec. 47. A city governed by the mayor-council form has a mayor and five councilmen elected at large, unless by ordinance a city so governed chooses to have a mayor elected at

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large and an odd number of councilmen but not less than five, including at least two councilmen elected at large and one councilman elected by and from each ward.

The mayor shall appoint a councilman as mayor pro tem, and a marshal or chief of police. Other officers must be selected as directed by the council. The mayor is not a member of the council and may not vote as a member of the council.

The council may by ordinance provide for a city manager, and prescribe his powers, duties, and compensation.

Sec. 48. A city governed by the commission form has five departments as follows:

1. Department of public affairs.
2. Department of accounts and finances.
3. Department of public safety.
4. Department of streets and public improvements.
5. Department of parks and public property.

A city governed by the commission form has a council composed of a mayor and four councilmen elected at large. The mayor administers the department of public affairs and each other councilman is elected to administer one of the other four departments.

A city governed by the commission form and having a council composed of a mayor and two councilmen elected at large may continue with a council of three until the form of government is changed as provided in section forty-five (45) or section fifty-two (52) of this Act.

The mayor shall supervise the administration of all departments and report to the council all matters requiring its attention. The mayor is a member of the council and may vote on all matters before the council.

The councilman elected to administer the department of accounts and finances is mayor pro tem.

The council may appoint a city treasurer or may, by ordinance, provide for his election.

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1 Sec. 49. A city governed by the council-manager-at-large
2 form has five councilmen elected at large for staggered four-
3 year terms. At the first meeting after each city election,
4 the council shall elect one of the councilmen to serve as
5 mayor, and one to serve as mayor pro tem. The mayor is a
6 member of the council and may vote on all matters before the
7 council. As soon as possible after each city election, the
8 council shall appoint a manager.
9 The council may by ordinance provide that the city will
10 be governed by council-manager-ward form. The ordinance must
11 provide for the election of the mayor and councilmen required
12 under council-manager-ward form at the next regular city elec-
13 tion.
14 Sec. 50. A city governed by council-manager-ward form
15 has a council composed of a mayor and two councilmen elected
16 at large, and one councilman elected from each of four wards.
17 The mayor and other councilmen serve four-year staggered
18 terms. The mayor is a member of the council and may vote
19 on all matters before the council.
20 As soon as possible after each city election, the council
21 shall appoint a city manager, and a councilman to serve as
22 mayor pro tem.
23 Sec. 51. When a city adopts a council-manager-at-large
24 or council-manager-ward form of government:
25 1. The city manager is the chief administrative officer
26 of the city.
27 2. The city manager shall:
28 a. Supervise enforcement and execution of the city laws.
29 b. Attend all meetings of the council.
30 c. Recommend to the council any measures necessary or
31 expedient for the good government and welfare of the city.
32 d. Supervise the official conduct of all officers of the
33 city whom he has appointed, and take active control of the
34 police, fire, and engineering departments of the city.
35 e. Supervise the performance of all contracts for work

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1 to be done for the city, make all purchases of material and
2 supplies, and see that such material and supplies are received,
3 and are of the quality and character called for by the
4 contract.
5 f. Supervise the construction, improvement, repair,
6 maintenance, and management of all city property, capital
7 improvements, and undertakings of the city, including the
8 making and preservation of all surveys, maps, plans, drawings,
9 specifications, and estimates for capital improvements, except
10 property, improvements, and undertakings managed by a utility
11 board of trustees.
12 g. Cooperate with any administrative agency or utility
13 board of trustees.
14 h. Be responsible for the cleaning, sprinkling, and light-
15 ing of streets, alleys, and public places, and the collection
16 and disposal of waste.
17 i. Provide for and cause records to be kept of the issuance
18 and revocation of licenses and permits authorized by city
19 law.
20 j. Keep the council fully advised of the financial and
21 other conditions of the city, and of its future needs.
22 k. Prepare and submit to the council annually the required
23 budgets.
24 l. Conduct the business affairs of the city and cause
25 accurate records to be kept by modern and efficient accounting
26 methods.
27 m. Make to the council not later than the tenth day of
28 each month an itemized financial report in writing, showing
29 the receipts and disbursements for the preceding month.
30 Copies of financial reports must be available at the clerk's
31 office for public distribution.
32 n. Appoint a treasurer subject to the approval of the
33 council.
34 o. Perform other duties at the council's direction.
35 3. The city manager may:

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1 a. Appoint administrative assistants, with the approval
2 of the council.
3 b. Employ, reclassify, or discharge all employees and
4 fix their compensation, subject to civil service provisions
5 and chapter seventy (70) of the Code, except the city clerk,
6 deputy city clerk, and city attorneys.
7 c. Make all appointments not otherwise provided for.
8 d. Suspend or discharge summarily any officer, appointee,
9 or employee that he has power to appoint or employ, subject
10 to civil service provisions and chapter seventy (70) of the
11 Code.
12 e. Summarily and without notice investigate the affairs
13 and conduct of any department, agency, officer, or employee
14 under his supervision, and compel the production of evidence
15 and attendance of witnesses.
16 f. Administer oaths.
17 4. The city manager shall not take part in any election
18 for councilmen, other than by casting his vote, and shall
19 not appoint a councilman to city office or employment, nor
20 shall a councilman accept such appointment.
21 Sec. 52. A city to be governed by the home rule charter
22 form shall adopt a home rule charter in which its form of
23 government is set forth. A city may adopt a home rule charter
24 only by the following procedures:
25 1. A home rule charter may be proposed by:
26 a. The council, causing a charter to be prepared and filed
27 and by resolution submitting it to the voters.
28 b. Voters of the city equal in number to at least twenty-
29 five percent of the persons who voted at the last regular
30 city election petitioning the council to appoint a charter
31 commission to prepare a proposed charter. The council shall,
32 within thirty days of the filing of a valid petition, appoint
33 a charter commission composed of not less than five nor more
34 than fifteen members. The charter commission shall, within
35 six months of its appointment, prepare and file with the

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1 council a proposed charter.
2 2. When a charter is filed, the council shall publish
3 it at least twice in the manner provided in section three
4 (3) of this Act, except that the publications must occur
5 within sixty days of the filing of the home rule charter,
6 with a two-week interval between each publication. The council
7 shall provide copies of a proposed charter for public distri-
8 bution by the city clerk.
9 3. The proposed home rule charter must be submitted at
10 a special city election on a date selected by the mayor.
11 The date of the election must be not less than thirty nor
12 more than sixty days after the last publication of the proposed
13 home rule charter.
14 4. If a proposed home rule charter is rejected by the
15 voters, it may not be resubmitted in substantially the same
16 form to the voters within the next four years. If a proposed
17 home rule charter is adopted by the voters, no other form
18 of government may be submitted to the voters for six years.
19 5. If a petition for the appointment of a charter commis-
20 sion is filed at any time within two weeks after the second
21 publication of a charter proposed by the council, the submis-
22 sion to the voters of a charter proposed by the council must
23 be delayed, a charter commission appointed, and the council
24 proposal and the charter proposed by the charter commission
25 must be submitted to the voters at the same special election.
26 6. The ballot submitting a proposed charter or charters
27 must also submit the existing form of government as an alter-
28 native.
29 7. If only two forms of government are being voted upon,
30 the form of government which receives the highest number of
31 votes is adopted.
32 If more than two forms are being voted upon and no form
33 receives a majority of the votes cast in the special election,
34 there must be a run-off election between the two proposed
35 forms which receive the highest number of votes in the special

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1 election. The run-off election must be held within thirty
2 days following the special election and must be conducted
3 in the same manner as a special city election.
4 8. If a home rule charter is adopted:
5 a. The elective officers provided for in the charter are
6 to be elected at the next regular city election held more
7 than sixty days after the special election at which the charter
8 was adopted, and the adopted charter becomes effective at
9 the beginning of the fiscal year which follows such regular
10 city election.
11 b. The adoption of the charter does not alter any right
12 or liability of the city in effect at the time of the special
13 election at which the charter was adopted.
14 c. All departments and agencies shall continue to operate
15 until replaced.
16 d. All measures in effect remain effective until amended
17 or repealed, unless they are irreconcilable with the charter.
18 e. Upon the effective date of the home rule charter, the
19 city shall adopt by ordinance the home rule charter, and shall
20 file a copy of its charter with the secretary of state, and
21 maintain copies available for public inspection.
22 Sec. 53. A home rule charter must contain and is limited
23 to provisions for:
24 1. A council of an odd number of members, not less than five.
25 2. A mayor, who may be one of those council members.
26 3. Two-year or staggered four-year terms of office for
27 the mayor and council members.
28 4. The powers and duties of the mayor and the council,
29 consistent with the provisions of this Act.
30 Sec. 54. A home rule charter may be amended by one of
31 the following methods:
32 1. The council, by resolution, may submit a proposed
33 amendment to the voters at a special city election, and the
34 proposed amendment becomes effective if approved by a majority
35 of those voting.

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1 2. The council, by ordinance, may amend the charter.
2 However, within thirty days of publication of the ordinance,
3 if a petition valid under the provisions of section four (4)
4 of this Act is filed with the council, the council must submit
5 the ordinance amendment to the voters at a special city
6 election, and the amendment does not become effective until
7 approved by a majority of those voting.
8 3. If a petition valid under the provisions of section
9 four (4) of this Act is filed with the council proposing an
10 amendment to the charter, the council must submit the proposed
11 amendment to the voters at a special city election, and the
12 amendment becomes effective if approved by a majority of those
13 voting.
14 Sec. 55. A city may not adopt the special charter form
15 but a city governed by a special charter on the effective
16 date of this Act is considered to have the special charter
17 form although it may utilize elements of the mayor-council
18 form in conjunction with the provisions of its special charter.
19 In adopting and filing its charter as required in section
20 forty-four (44) of this Act, a special charter city shall
21 include the provisions of its charter and any provisions of
22 the mayor-council form which are followed by the city on the
23 effective date of this Act.
24 A special charter city may utilize the provisions of chapter
25 four hundred twenty (420) of the Code in lieu of conflicting
26 sections of this Act, until the city changes to one of the
27 other forms of government as provided in this division.
28 Part 2. City Officers.
29 Sec. 56. The council.
30 1. A majority of all councilmen is a quorum.
31 2. A vacancy in an elective city office during a term
32 of office must be filled by the council for the period of
33 time until the next regular city election.
34 3. The council shall appoint a city clerk to maintain
35 city records and perform other duties prescribed by state

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1 or city law.
2 4. Except as otherwise provided by state or city law,
3 the council may appoint and remove city officers and employees,
4 and prescribe their powers, duties, compensation, and terms.
5 The appointment of a city manager must be made on the basis
6 of his qualifications and not on the basis of political
7 affiliation.
8 5. The council shall determine its own rules and maintain
9 records of its proceedings. City records and documents or
10 accurate reproductions thereof, must be maintained for at
11 least ten years, except that ordinances, council proceedings,
12 and records and documents relating to real property
13 transactions or bond issues must be maintained permanently.
14 6. Immediately following a regular or special meeting
15 of the council, the clerk shall prepare a condensed state-
16 ment of the proceedings of the council, including the total
17 expenditure from each city fund, and cause the statement to
18 be published in a newspaper of general circulation in the
19 city. The statement shall include a list of all claims al-
20 lowed and a summary of all receipts, and shall show the gross
21 amount of the claim. However, in cities having more than
22 one hundred fifty thousand population the council shall each
23 month print in pamphlet form a detailed itemized statement
24 of all receipts and disbursements of the city, and a summary
25 of its proceedings during the preceding month, and furnish
26 copies to the state library, the city library, the daily
27 newspapers of the city, and to persons who apply at the of-
28 fice of the city clerk, and the pamphlet shall constitute
29 publication as required. Failure by the clerk to make pub-
30 lication is a misdemeanor. The provisions of this subsec-
31 tion are applicable in cities in which a newspaper is pub-
32 lished, or in cities of two hundred population or over, but
33 in all other cities, posting the statement in three public
34 places in the city which have been permanently designated
35 by ordinance is sufficient compliance with this subsection.

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7. By ordinance, the council may divide the city into wards based upon population, change the boundaries of wards, or create new wards.

8. By ordinance, the council shall prescribe the compensation of the mayor, councilmen, and other elected city officers, but an increase in the compensation of the mayor or councilmen shall not become effective during the term in which the increase is adopted, and the council shall not adopt such an ordinance during the months of November and December immediately following a regular city election.

9. A councilman, during the term for which he is elected, is not eligible for appointment to any city office if the office has been created or the compensation of the office has been increased during the term for which he is elected. A person who resigns from an elective office is not eligible for appointment to the same office during the time for which he was elected if during that time, the compensation of the office has been increased.

Sec. 57. The mayor.

1. The mayor is the chief executive officer of the city and presiding officer of the council. Except for the supervisory duties which have been delegated by law to a city manager, the mayor shall supervise all city officers and departments.

2. The mayor may take command of the police and govern the city by proclamation when he determines a time of emergency or public danger exists. Within the city limits, he has all the powers conferred upon the sheriff to suppress disorders.

3. The mayor pro tem is vice-president of the council. When the mayor is absent or unable to act, the mayor pro tem shall perform the mayor's duties, except that the mayor pro tem may not appoint, employ, or discharge officers or employees without the approval of the council. Official actions of the mayor pro tem when the mayor is absent or unable to act are legal and binding to the same extent as if done by

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1 the mayor. The mayor pro tem retains all his powers as a
2 councilman.
3 DIVISION V. City Elections
4 Sec. 58. A city shall hold a regular city election on
5 the first Tuesday after the first Monday in November of each
6 odd-numbered year. A city may hold special, primary, or run-
7 off city elections as provided by state law. All applicable
8 provisions of state law relating to elections apply to city
9 elections, unless inconsistent with the provisions of this
10 division.
11 Sec. 59. Terms of city officers begin and end at noon
12 on the first day in January which is not a Sunday or legal
13 holiday, following a regular city election.
14 Except as otherwise provided by state law or the city char-
15 ter, terms for elective offices are two years. However, the
16 term of an elective office may be changed to two or four years
17 by petition and election. Upon receipt of a valid petition
18 as defined in section four (4) of this Act, requesting that
19 the term of an elective office be changed, the council shall
20 submit the question at a special city election to be held
21 within thirty days. If a majority of the persons voting at
22 the special election approves the changed term, the term must
23 be established by ordinance to be effective at the beginning
24 of the term following the next regular city election. If
25 a majority does not approve the changed term, the mayor shall
26 not submit the same proposal to the voters within the next
27 four years.
28 At the first regular city election after the terms of coun-
29 cilmen are changed to four years, terms shall be staggered
30 as follows:
31 1. If an even number of councilmen are elected at large,
32 the half of the elected councilmen who receive the highest
33 number of votes are elected for four-year terms. The remainder
34 are elected for two-year terms.
35 2. If an odd number of councilmen are elected at large,

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1 the majority of the elected councilmen who receive the highest
2 number of votes are elected for four-year terms. The remain-
3 der are elected for two-year terms.
4 3. In case of a tie the mayor and clerk shall determine
5 by lot which councilmen are elected for four-year terms.
6 4. If the councilmen are elected from wards, the council-
7 men elected from the odd-numbered wards are elected for four-
8 year terms and the councilmen elected from even-numbered wards
9 are elected for two-year terms.
10 Sec. 60. Candidates for elective city offices must be
11 nominated as provided in sections sixty-one (61) through
12 sixty-six (66), inclusive, of this Act, unless by ordinance
13 a city chooses the provisions of chapters forty-four (44)
14 or forty-five (45) of the Code. However, a special charter
15 city may continue to hold partisan elections as provided in
16 sections forty-three point one hundred twelve (43.112) through
17 forty-three point one hundred eighteen (43.118), inclusive,
18 and four hundred twenty point one hundred twenty-six (420.126)
19 through four hundred twenty point one hundred thirty-eight
20 (420.138), inclusive, of the Code.
21 Sec. 61. A voter of a city may become a candidate for
22 an elective city office by filing with the city clerk a valid
23 petition requesting that his name be placed on the ballot
24 for that office. The petition must be filed at least four
25 weeks before the date of the election, and must be signed
26 by voters equal in number to at least two percent of those
27 who voted to fill the same office at the last regular city
28 election, but not less than ten persons.
29 The petitioners for an individual seeking election from
30 a ward must be residents of the ward at the time of signing
31 the petition. An individual is not eligible for election
32 from a ward unless he is a resident of the ward at the time
33 he files the petition and at the time of election.
34 The petition must include the signature of the petitioners,
35 a statement of their place of residence, and the date on which

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1 they signed the petition.
2 The petition must include the affidavit of at least one
3 voter other than the petitioners and the individual for whom
4 the petition is being filed, stating the affiant's knowledge,
5 information, and belief as to the residence of the petitioners.
6 The petition must include the affidavit of the individual
7 for whom it is filed, stating his name, his residence, that
8 he is a candidate and eligible for the office, and that if
9 elected he will qualify for the office.
10 The city clerk shall accept the petition for filing if
11 on its face it appears to have the requisite number of
12 signatures and if it is timely filed.
13 Sec. 62. Notice and a copy of the ballot for each regular,
14 special, primary, or run-off city election must be published
15 as provided in section three (3) of this Act, except that
16 notice of a regular, primary, or run-off election may be
17 published not less than five days before the date of the
18 election. The published ballot must contain the names of
19 all candidates, and may not contain any party designations.
20 The published ballot must contain any question to be submitted
21 to the voters.
22 A qualified voter may vote in the precinct in which he
23 has been a resident for at least ten days immediately preceding
24 the election.
25 Sec. 63. An individual for whom a valid petition is filed
26 becomes a candidate in the regular city election for the
27 office for which he has filed, except that a primary election
28 must be held for offices for which the number of individuals
29 for whom valid petitions are filed is more than twice the
30 number of positions to be filled. However, the council may
31 by ordinance choose to have a run-off election, as provided
32 in section sixty-six (66) of this Act, in lieu of a primary
33 election.
34 Sec. 64. If a primary election is necessary, it must be
35 held on the Tuesday two weeks before the date of the regular

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1 city election.
2 The names of those candidates who receive the highest num-
3 ber of votes in the primary, to the extent of twice the number
4 of unfilled positions, must be placed on the ballot for the
5 regular city election as candidates for the office for which
6 they have filed.
7 Sec. 65. In a regular city election following a primary,
8 the candidates who receive the highest number of votes cast
9 for the office for which they have filed are elected, to the
10 extent necessary to fill the positions for which they have
11 filed. In a regular city election when a council has chosen
12 a run-off election in lieu of a primary, the candidates who
13 receive the highest number of votes and a majority of the
14 votes cast for the office for which they have filed are
15 elected, to the extent necessary to fill the positions for
16 which they have filed.
17 Sec. 66. A run-off election may be held only for positions
18 unfilled because of failure of a sufficient number of candi-
19 dates to receive a majority vote in the regular city election.
20 Candidates who do not receive a majority of the votes cast
21 for the office for which they have filed, but who receive
22 the highest number of votes cast for that office in the regular
23 city election, to the extent of twice the number of unfilled
24 positions, are candidates in the run-off election.
25 Run-off elections must be held two weeks after the date
26 of the regular city election and must be conducted in the
27 same manner as regular city elections except that only voters
28 qualified to vote in the last preceding regular city election
29 are qualified to vote in the run-off.
30 Candidates in the run-off election who receive the highest
31 number of votes cast for the office for which they have filed
32 are elected to the extent necessary to fill the positions
33 for which they have filed.
34 Sec. 67. A nomination or election to a city office may
35 be contested in the manner provided in chapter sixty-two (62)

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of the Code for contesting elections to county offices, except that a statement of intent to contest must be filed with the city clerk within ten days after the nomination or election. The mayor is presiding officer of the court for the trial of a nomination or election contest, except that if the mayor's nomination or election is contested, the council shall elect one of its members other than the mayor to serve as presiding officer.

DIVISION VI. City Legislation.

Sec. 68. The subject matter of an ordinance or amendment must be generally described in its title.

Sec. 69. An amendment to an ordinance or to a city code must specifically repeal the ordinance or code, or the section or subsection to be amended, and must set forth in full the ordinance, code, section, or subsection as amended.

Sec. 70. A proposed ordinance or amendment must be received and placed on file at two council meetings prior to the meeting at which it is to be finally acted upon, unless this requirement is suspended by a recorded vote of not less than three-fourths of the council members.

However, if a summary of the proposed ordinance or amendment is published as provided in section three (3) of this Act, prior to its first filing, and copies are available at the time of publication at the office of the city clerk, the ordinance or amendment must be received and placed on file at one meeting prior to the meeting at which it is to be finally acted upon, unless this requirement is suspended by a recorded vote of not less than three-fourths of the council members.

Sec. 71. Passage of a measure requires an affirmative vote of not less than a majority of the council members. Each councilman's vote on an ordinance, amendment, or resolution must be recorded.

Sec. 72. The mayor may sign, veto, or take no action on an ordinance, amendment, or resolution passed by the council.

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1 Sec. 73. Measures passed by the council, other than
2 motions, become effective in one of the following ways:
3 1. If the mayor signs the measure, a resolution becomes
4 effective immediately upon signing and an ordinance or
5 amendment becomes a law when published, unless a subsequent
6 effective date is provided within the measure.
7 2. If the mayor vetoes the measure, he shall explain his
8 reasons for the veto in a message to the council at the time
9 of the veto. Within thirty days after the mayor's veto, the
10 council may pass the measure again by a vote of not less than
11 two-thirds of the council members. If the mayor vetoes a
12 measure and the council repasses the measure after the mayor's
13 veto, a resolution becomes effective immediately upon
14 repassage, and an ordinance or amendment becomes a law when
15 published, unless a subsequent effective date is provided
16 within the measure.
17 3. If the mayor takes no action on the measure, a
18 resolution becomes effective fourteen days after the date
19 of passage and an ordinance or amendment becomes a law when
20 published, but not sooner than fourteen days after the date
21 of passage, unless a subsequent effective date is provided
22 within the measure.
23 Sec. 74. The city clerk shall:
24 1. Promptly record each measure, with a statement, where
25 applicable, indicating whether the mayor signed, vetoed, or
26 took no action on the measure, and whether the measure was
27 repassed after the mayor's veto.
28 2. Publish all ordinances and amendments in the manner
29 provided in section three (3) of this Act.
30 3. Authenticate all measures except motions with his
31 signature and certification as to time and manner of
32 publication, if any. The clerk's certification is presumptive
33 evidence of the facts stated therein.
34 4. Maintain for public use copies of all effective ordin-
35 ances and codes.

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1 Sec. 75. At least once every five years, a city shall
2 compile and adopt by ordinance a city code containing all
3 of the city ordinances in effect, except grade ordinances,
4 bond ordinances, zoning ordinances, and ordinances vacating
5 streets and alleys.
6 If a proposed city code contains only existing ordinances
7 edited and compiled without change in substance, the council
8 may adopt the code.
9 If a proposed city code contains a proposed new ordinance
10 or amendment, the council shall hold a public hearing on the
11 proposed code before adoption. The clerk shall publish notice
12 of the hearing as provided in section three (3) of this Act.
13 Copies of the proposed city code must be available at the
14 city clerk's office and the notice must so state. Within
15 thirty days after the hearing, the council may adopt the
16 proposed city code, which becomes law upon publication of
17 the ordinance adopting it. If the council substantially
18 amends the proposed city code after a hearing, notice and
19 hearing must be repeated.
20 Ordinances and amendments which become effective after
21 adoption of a city code may be compiled as supplements to
22 the code, and upon adoption of the supplement by ordinance,
23 become part of the city code.
24 An adopted city code is presumptive evidence of the passage,
25 publication, and content of the ordinances therein as of the
26 date of the clerk's certification of the ordinance adopting
27 the code or supplement.
28 Sec. 76. The compensation paid to a newspaper for any
29 publication required by this division may not exceed three-
30 fourths of the fee provided in section six hundred eighteen
31 point eleven (618.11) of the Code.
32 Sec. 77. A city may adopt the provisions of any code or
33 portions of any code by an ordinance which identifies the
34 code by subject matter, source, and date, and incorporates
35 the provisions by reference without setting them forth in

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full. Such code or portion must be adopted in the manner provided in section seventy-five (75) of this Act.

Sec. 78. Immediately after the effective date of a measure establishing any zoning district, building lines, or fire limits, the city clerk shall certify the measure and a plat showing the district, lines, or limits, to the recorder of any county which contains part of the city. The county recorder shall record the measure and plat in the miscellaneous record or other book provided for special records, and shall index the record. The city shall pay the recording fee.

DIVISION VII. City Finance

Part 1. Taxes and Funds.

Sec. 79. A city may certify taxes to be levied by the county on all taxable property within the city limits, for all city government purposes. However, the tax levied by a city on lots of more than ten acres and the personal property thereon, occupied and used for agricultural or horticultural purposes, may not exceed one and one-fourth mills in any year. A city's tax levy for the general fund may not exceed thirty mills on the dollar of taxable value in any tax year, except for the levies authorized in section ninety (90) of this Act.

Sec. 80. Except as otherwise provided for special charter cities, a city's fiscal year and tax year is from January first through December thirty-first, inclusive. All city property taxes must be certified by a city to the county auditor on or before the fifteenth day of October of each year, unless otherwise provided by state law.

The county auditor shall place city taxes and assessments upon the tax list for the current year, and the county treasurer shall collect city taxes and assessments in the same manner as other taxes. Delinquent city taxes and assessments draw the same interest and penalties as other taxes. Sales for delinquent city taxes and assessments must be made in the manner provided in chapter four hundred forty-six (446)

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1 of the Code. The county treasurer shall combine in one tax
2 sale all taxes and assessments due from the same person and
3 collectible by the county.
4 Sec. 81. All moneys received for city government purposes
5 from taxes and other sources must be credited to the general
6 fund of the city, except that moneys received for the purposes
7 of the debt service fund, the trust and agency fund, the cap-
8 ital improvements reserve fund, the emergency fund, and other
9 funds established by state law must be deposited as otherwise
10 required or authorized by state law. All moneys received
11 by a city from the federal government must be reported to
12 the office for planning and programming.
13 Sec. 82. A city shall establish a debt service fund and
14 shall certify taxes to be levied for the debt service fund
15 in the amount necessary to pay:
16 1. Judgments against the city, except those authorized
17 by state law to be paid from other funds.
18 2. Interest as it becomes due and the amount necessary
19 to pay, or to create a sinking fund to pay, the principal
20 at maturity of all general obligation bonds issued by the
21 city.
22 Moneys pledged or available to service general obligation
23 bonds, and received from sources other than property taxes,
24 must be deposited in the debt service fund.
25 Sec. 83. A tax levied for the debt service fund is not
26 invalid if it raises moneys in excess of those needed for
27 a specific purpose. Only excess moneys remaining after
28 retirement of all indebtedness payable from the fund may be
29 transferred from the debt service fund to any other city fund,
30 subject to the terms of the original bond issue, and as
31 provided in rules promulgated by the city finance committee
32 created in section ninety-one (91) of this Act.
33 Sec. 84. A city may establish a trust and agency fund
34 for the following purposes:
35 1. Accounting for pension and related employee benefit

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1 funds. A city may certify taxes to be levied for the trust
2 and agency fund in the amount necessary to meet such
3 obligations.
4 2. Accounting for gifts received by the city for a partic-
5 ular purpose.
6 3. Accounting for money and property received and handled
7 by the city as trustee or custodian or in the capacity of
8 an agent.
9 Sec. 85. A city may establish a capital improvements
10 reserve fund, and may certify taxes not to exceed two and
11 one-half mills on the dollar of taxable value each year to
12 be levied for the fund for the purpose of accumulating moneys
13 for the financing of specified capital improvements, or
14 carrying out a specific capital improvement plan.
15 If the total of the levies for the capital improvements
16 reserve fund and the general fund will not exceed thirty
17 mills, the capital improvements reserve fund levy may be
18 certified after inclusion in the city budget, subject to
19 budget hearing and protest procedures.
20 If the total of the levies for the capital improvements
21 reserve fund and the general fund will exceed thirty mills,
22 the question of the establishment of a capital improvements
23 reserve fund, the time period during which a levy will be
24 made for the fund, and the millage to be levied therefor is
25 subject to approval by the voters, and may be submitted at
26 any city election upon the council's motion, or shall be
27 submitted at the next regular city election upon receipt of
28 a valid petition as provided in section four (4) of this Act.
29 If a continuing capital improvements levy is established
30 by election, it may be terminated in the same manner, upon
31 the council's motion or upon petition. Balances in a capital
32 improvements reserve fund are not unencumbered or
33 unappropriated funds for the purpose of reducing tax levies.
34 Transfers may be made between the capital improvements reserve
35 fund, construction funds, and the general fund, as provided

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in rules promulgated by the city finance committee created in section ninety-one (91) of this Act.

Sec. 86. A city may establish an emergency fund and may certify taxes not to exceed one mill on the dollar of taxable value each year to be levied for the fund. Transfers may be made from the emergency fund to the general fund as provided in rules promulgated by the city finance committee created in section ninety-one (91) of this Act.

Sec. 87. A city may establish other funds and may certify taxes to be levied for the funds as provided by state law. The status of each account or fund must be included in the annual report required in section one hundred (100) of this Act.

Sec. 88. A city may negotiate short-term loans, and may issue warrants as provided in chapter seventy-four (74) of the Code, in anticipation of and not in excess of its estimated revenues for the current fiscal year, except that natural disaster loans from the state or federal government may be negotiated in anticipation of revenues for a period of time longer than the current fiscal year.

Sec. 89. On or before the third Monday of each month, the county treasurer shall pay to each city the tax revenues collected for each city fund up to the first day of that month, and the city shall credit the revenues to the proper fund and shall issue a receipt to the county treasurer.

Sec. 90. A city may certify, for the general fund levy, taxes which are not subject to the thirty-mill limit provided in section seventy-nine (79) of this Act, and which are in addition to any other moneys the city may wish to spend for such purposes, as follows:

1. A tax not to exceed one-half mill for voting machines, as provided in section fifty-two point three (52.3) of the Code.

2. A tax not to exceed one-half mill for the support of a municipal band, subject to the following:

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a. Upon receipt of a petition valid under the provisions of section four (4) of this Act, the council shall submit to the voters at the next regular city election the question of whether a tax shall be levied.

b. If a majority approves the levy, it may be imposed.

c. The levy can be eliminated by the same procedure of petition and election.

d. A tax authorized by an election held prior to the effective date of this Act may be continued until eliminated by the council, or by petition and election.

3. A tax not to exceed five mills for development, operation, and maintenance of a memorial building or monument, subject to the procedure provided in subsection two (2) of this section.

4. A tax not to exceed one-eighth mill for support of a symphony orchestra, subject to the provisions of subsection two (2) of this section.

5. A tax not to exceed one mill for the operation of cultural and scientific facilities, subject to the provisions of subsection two (2) of this section, except that the question may be submitted on the council's own motion.

6. A tax to aid in the construction of a county bridge, subject to the provisions of subsection two (2) of this section, except that the question must be submitted at a special election. The expense of a special election under this subsection must be paid by the county. The notice of the special election must include full details of the proposal, including the location of the proposed bridge, the rate of tax to be levied, and all other conditions.

7. A tax to aid a company incorporated under the laws of this state in the construction of a highway or combination bridge across any navigable boundary river of this state, commencing or terminating in the city and suitable for use as highway, or for both highway and railway purposes. This tax levy is subject to the provisions of subsections two (2)

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1 and six (6) of this section. The levy is limited to one-half
2 of one percent of the assessed value of taxable property in
3 the city. The estimated cost of the bridge must be at least
4 ten thousand dollars, and the city aid may not exceed one-
5 half of the estimated cost. The notice of the special election
6 must include the name of the corporation to be aided, and
7 all conditions required of the corporation. Tax moneys
8 received for this purpose may not be paid over by the county
9 treasurer until the city has filed a statement that the
10 corporation has complied with all conditions.
11 8. If a tax has been voted for aid of a bridge under sub-
12 section seven (7) of this section, a further tax may be voted
13 for the purpose of purchasing the bridge, subject to the pro-
14 visions of subsection two (2) of this section. The levy under
15 this subsection is limited to one and one-fourth percent of
16 the assessed value of the taxable property in the city, payable
17 in not less than ten annual installments.
18 9. A tax for the purpose of carrying out the terms of
19 a contract for the use of a bridge by a city situated on a
20 river over which a bridge has been built. The tax may not
21 exceed two and one-half mills each year.
22 10. A tax for aid to a public transportation company,
23 subject to the procedure provided in subsection two (2) of
24 this section, except the question must be submitted at a
25 special election. The levy is limited to one-eighth mill.
26 In addition to any other conditions the following requirements
27 must be met before moneys received for this purpose may be
28 paid over by the county treasurer:
29 a. The public transportation company shall provide the
30 city with copies of state and federal income tax returns for
31 the five years preceding the year for which payment is
32 contemplated or for such lesser period of time as the company
33 has been in operation.
34 b. The city shall, in any given year, be authorized to
35 pay over only such sums as will yield not to exceed two percent

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of the public transportation company's investment as the same is valued in its tax depreciation schedule, provided that corporate profits and losses for the five preceding years or for such lesser period of time as the company has been in operation shall not average in excess of a two percent net return. Taxes levied under this subsection may not be used to subsidize losses incurred prior to the election required by this subsection.

11. A tax for the operation and maintenance of a municipal transit system, and for the creation of a reserve fund for the system, in an amount not to exceed two mills each year, when the revenues from the transit system are insufficient for such purposes, but proceeds of the tax may not be used to pay interest and principal on bonds issued for the purposes of the transit system.

12. If a city has entered into a lease of a building or complex of buildings to be operated as a civic center, a tax sufficient to pay the installments of rent and for maintenance, insurance, and taxes not included in the lease rental payments.

13. A tax not to exceed one-half mill each year for operating and maintaining a civic center owned by a city.

14. A tax not to exceed one-fourth mill for planning a sanitary disposal project.

15. A tax not to exceed one mill each year for an aviation authority as provided in section three hundred thirty A point fifteen (330A.15) of the Code.

16. If a city has joined with the county to form an authority for a joint county-city building, as provided in section three hundred seven (307) of this Act, and has entered into a lease with the authority, a tax sufficient to pay the annual rent payable under the lease.

17. A tax not to exceed one-fourth mill each year for a levee improvement fund in special charter cities as provided in section four hundred twenty point one hundred fifty-five

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1 (420.155) of the Code.
2 18. A tax not to exceed one and one-fourth percent on
3 the assessed value to aid a railway as provided in section
4 four hundred eighty-three point one (483.1) of the Code.
5 19. A tax not to exceed three-fourths mill each year to
6 maintain an institution received by gift or devise, as pro-
7 vided in section five hundred sixty-five point eight (565.8)
8 of the Code.
9 20. A tax to pay the premium costs on tort liability in-
10 surance as provided in section six hundred thirteen A point
11 seven (613A.7) of the Code.
12 Part 2. Budgeting and Accounting.
13 Sec. 91. As used in this part, unless the context other-
14 wise requires, "committee" means the city finance committee.
15 A nine-member city finance committee is hereby created. Mem-
16 bers of the committee are:
17 1. The auditor of state or his designee.
18 2. The state comptroller or his designee.
19 3. A representative of the division of municipal affairs
20 within the office for planning and programming, to be desig-
21 nated by the director of the office for planning and program-
22 ming.
23 4. Four city officials who are regularly involved in
24 budget preparation. One official must be from a city with
25 a population of at least two thousand but not over five
26 thousand, one from a city with a population of over five
27 thousand but not over fifteen thousand, one from a city with
28 a population of over fifteen thousand but not over fifty
29 thousand, and one from a city with a population of over fifty
30 thousand. The governor shall select the city officials from
31 a slate of three for each position nominated by the league
32 of Iowa municipalities.
33 5. One certified public accountant experienced in city
34 accounting, to be selected by the governor.
35 6. One operations research analyst experienced in cost

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1 effectiveness analysis of city services to be selected by,
2 and serve at the pleasure of, the budget and financial control
3 committee of the general assembly.
4 City official members and the certified public accountant
5 are appointed for a four-year term, except that of the initial
6 appointments, two city official members are to be appointed
7 for a two-year term. When a city official member no longer
8 holds the office which qualified him for appointment, he may
9 no longer be a member of the committee. Any person appointed
10 to fill a vacancy during a term is appointed to serve for
11 the unexpired portion of the term. Any member is eligible
12 for reappointment.
13 Sec. 92. The committee is located for administrative pur-
14 poses within the office of the state comptroller. The comp-
15 troller shall provide office space, staff assistance, and
16 shall budget funds to cover expenses of the committee.
17 Each member is entitled to receive his actual and necessary
18 expenses incurred in the performance of committee duties.
19 Each member other than the state official members is also
20 entitled to receive forty dollars compensation for each day
21 spent in performance of committee duties.
22 Sec. 93. The committee shall:
23 1. Promulgate rules relating to budget amendments and
24 the procedures for transferring moneys between funds, and
25 other rules and regulations necessary or desirable in order
26 to exercise its powers and perform its duties. The committee's
27 rules are subject to chapter seventeen A (17A) of the Code,
28 as applicable.
29 2. Select its officers, except that the state comptroller
30 or his designee shall serve as chairman.
31 3. Conduct protest hearings as provided in section ninety-
32 seven (97) of this Act.
33 4. Establish guidelines for program-performance budgeting
34 and accounting and the preparation of capital improvement
35 plans by cities. The guidelines should provide that budgets,

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1 accounts, and financial reports of cities account for all
2 city receipts and expenditures in terms of city government
3 programs and anticipated or actual performance levels within
4 each program wherever practicable. The guidelines and the
5 deadlines for initiation of program-performance budgeting
6 and accounting and for preparation of capital improvement
7 plans may be modified for different cities. However, as soon
8 as practicable, the committee may require all cities of over
9 two thousand population to prepare and adopt a tentative
10 budget for a two-year or a three-year period and a capital
11 improvement plan for a five-year period. The budget for the
12 second and third following years may be less detailed than
13 that for the next following year. A city shall hold a public
14 hearing on its capital improvement plan before adoption of
15 the plan. The committee shall, where practicable, utilize
16 recommendations from the national committee on governmental
17 accounting.
18 5. Review and comment on the form of proposed budgets
19 of selected cities, chosen as determined by its rules. The
20 committee may require the submission of a city's form of
21 budget presentation at any time. The committee shall not
22 disapprove the form of any proposed budget which substantially
23 meets the guidelines it has established, but may make
24 recommendations to a city for improvement of its subsequent
25 budgets at the earliest practicable time. If the committee
26 disapproves the form of a proposed city budget, it shall
27 notify the mayor as soon as possible, and shall specify in
28 detail the changes recommended before future budgets will
29 be acceptable. At the request of the council, at least two
30 members of the committee shall meet with city officials to
31 advise and assist them in complying with the recommendations
32 of the committee.
33 6. Conduct studies of municipal revenues and expenditures,
34 including comparative evaluations of the efficiency and effec-
35 tiveness of programs of public service in comparable cities.

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1 Study areas may be selected each year by the committee. Cit-
2 ies must submit any information requested by the committee
3 during the conduct of any of its studies. Forty-five days
4 prior to the approval of any study by the committee, a draft
5 report must be made available to each city mentioned in the
6 study and written comments of any such city must be attached
7 to the final report describing the study.
8 Sec. 94. Annually, a city shall prepare and adopt a budget,
9 and shall certify taxes as follows:
10 1. A budget must be prepared for at least the following
11 fiscal year. When required by rules of the committee, a ten-
12 tative budget must be prepared for one or two ensuing years.
13 A proposed budget must show estimates of the following:
14 a. Expenditures for each program.
15 b. Income from sources other than property taxation.
16 c. Amount to be raised by property taxation, and the prop-
17 erty tax rate expressed in dollars per one thousand dollars
18 assessed valuation.
19 A budget must show comparisons between the estimated expen-
20 ditures in each program in the following year and the actual
21 expenditures in each program during the two preceding years.
22 Wherever practicable, as provided in rules of the committee,
23 a budget must show comparisons between the levels of service
24 provided by each program as estimated for the following year,
25 and actual levels of service provided by each program during
26 the two preceding years.
27 2. Not less than twenty days before the date that a budget
28 must be certified to the county auditor, the clerk shall pro-
29 vide a sufficient number of copies of the budget to meet rea-
30 sonable demands of taxpayers, and have them available for
31 distribution at the offices of the mayor and clerk and at
32 the city library, if any, or at three places designated by
33 ordinance for posting notices.
34 3. The council shall set a time and place for public hear-
35 ing on the budget before the final certification date and

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1 shall publish notice before the hearing as provided in section
2 three (3) of this Act. Proof of publication must be filed
3 with the county auditor.
4 4. At the hearing, any resident or taxpayer of the city
5 may present to the council objections to any part of the
6 budget for the following fiscal year or arguments in favor
7 of any part of the budget.
8 5. After the hearing, the council shall adopt a budget
9 for at least the following fiscal year, and the clerk shall
10 certify the necessary tax levy for the following year to the
11 county auditor and the county board of supervisors. The tax
12 levy certified may be less than but not more than the amount
13 estimated in the proposed budget, unless an additional tax
14 levy is approved at a city election. A copy of the complete
15 budget as adopted must be transmitted to the county auditor
16 and the state comptroller.
17 Sec. 95. At the time required by law, the county board
18 of supervisors shall levy the taxes necessary for each city
19 fund for the following fiscal year. The levy must be as shown
20 in the adopted city budget and as certified by the clerk,
21 subject to any changes made by the council after a protest
22 hearing, and any additional tax rates approved at a city
23 election. A city levy is not valid until proof of publication
24 or posting of notice of a budget hearing is filed with the
25 county auditor.
26 Sec. 96. A city budget as finally adopted for the following
27 fiscal year becomes effective January first and constitutes
28 the city appropriation for each program and purpose specified
29 therein until amended as provided in this section. A city
30 budget for the current fiscal year may be amended for any
31 of the following purposes:
32 1. To permit the appropriation and expenditure of unex-
33 pended, unencumbered cash balances on hand at the end of the
34 preceding fiscal year which had not been anticipated in the
35 budget.

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1 2. To permit the appropriation and expenditure of amounts
2 anticipated to be available from sources other than property
3 taxation, and which had not been anticipated in the budget.
4 3. To permit transfers from the debt service fund, the
5 capital improvements reserve fund, the emergency fund, or
6 other funds established by state law, to any other city fund,
7 unless specifically prohibited by state law.
8 4. To permit transfers between programs within the general
9 fund.
10 A budget amendment must be prepared and adopted in the
11 same manner as the original budget, as provided in section
12 ninety-four (94) of this Act, and is subject to protest as
13 provided in section ninety-seven (97) of this Act, except
14 that the committee may by rule provide that amendments of
15 certain types or up to certain amounts may be made without
16 public hearing and without being subject to protest.
17 Sec. 97. Within a period of ten days after the final date
18 that a budget or amended budget may be certified to the county
19 auditor, persons affected by the budget may file a written
20 protest with the county auditor, specifying their objections
21 to the budget or any part of it. A protest must be signed
22 by qualified voters equal in number to one-fourth of one
23 percent of the votes cast for governor in the last preceding
24 general election in the city, but not less than ten persons,
25 and at least three of the signers must have filed a written
26 objection or appeared and objected to the budget at the budget
27 hearing held by the council.
28 Upon receipt of a valid protest, the county auditor shall
29 notify the committee within ten days and transmit copies of
30 the protest, together with copies of the budget or the part
31 of it to which objection is made, to the council and the com-
32 mittee.
33 The committee shall fix a date and place within the city
34 for hearing on the protest, which shall be within a period
35 of twenty days after the committee receives notification from

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1 the county auditor, shall designate a person to hold the
2 hearing, and shall give notice of the hearing by certified
3 mail to the mayor and to the first ten qualified voters whose
4 names appear upon the protest. Notice must be mailed not
5 less than five days before the date set for the hearing.
6 At the hearing, the city may be required to show that any
7 protested item of the budget is necessary, reasonable, and
8 in the public interest.
9 The hearing officer shall make a permanent record of the
10 hearing, and at the request of either the city or the
11 protesters shall, or at his own discretion, may employ a
12 stenographer to record the proceedings and prepare a
13 transcript. The expense of a transcript requested by the
14 city or the protesters shall be paid by the protesters if
15 the protest is unsuccessful, otherwise by the city.
16 Within ten days after a protest hearing, the committee
17 shall review the hearing officer's record and any transcript
18 of the hearing and if it determines that any protested
19 expenditure or levy is unnecessary, unreasonable, or not in
20 the public interest, it may require the council to reconsider
21 the city budget. The council shall then reconsider the budget
22 and adopt and certify a final budget as provided in section
23 ninety-four (94), subsection five (5), of this Act. An
24 additional budget hearing is not required.
25 Sec. 98. A city shall keep separate accounts corresponding
26 to the programs and items in its adopted or amended budget,
27 as recommended by the committee.
28 A city shall keep accounts which show an accurate and de-
29 tailed statement of all public funds collected, received,
30 or expended for any city purpose, by any city officer,
31 employee, or other person, and which show the receipt, use,
32 and disposition of all city property. Public moneys may not
33 be expended or encumbered except under an annual or continuing
34 appropriation.
35 Sec. 99. If a city has an encumbrance system and

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1 encumbrances are not liquidated by December thirty-first of
2 the year in which obligations have been encumbered, such
3 unliquidated encumbrances may be retained upon the books of
4 the city until liquidated, all in accordance with generally
5 accepted governmental accounting practices approved by the
6 committee. Liquidated encumbrances must be reported in the
7 same manner as expended funds.
8 Sec. 100. Not later than April first of each year, a city
9 shall publish an annual report as provided in section three (3)
10 of this Act, containing a summary for the preceding fiscal year
11 of all collections and receipts, all accounts due the city, and
12 all expenditures, the current public debt of the city, and the
13 legal debt limit of the city for the current fiscal year.
14 Part 3. General Obligation Bonds.
15 Sec. 101. As used in parts three (3) through seven (7)
16 inclusive, of this division, the use of the conjunctive "and"
17 includes the disjunctive "or" and the use of the disjunctive
18 "or" includes the conjunctive "and", unless the context clearly
19 indicates otherwise.
20 Sec. 102. As used in this part, unless the context other-
21 wise requires:
22 1. "General obligation bond" means a negotiable bond is-
23 sued by a city and payable from the levy of unlimited ad
24 valorem taxes on all the taxable property within the city
25 through its debt service fund which is required to be estab-
26 lished by section eighty-two (82) of this Act.
27 2. "City enterprise" means any of the following, includ-
28 ing the real estate, fixtures, equipment, accessories, appur-
29 tenances, and all property necessary or useful for the opera-
30 tion of any of the following:
31 a. Parking facilities systems, which may include parking
32 lots and other off-street parking areas, parking ramps and
33 structures on, above, or below the surface, parking meters,
34 both on-street and off-street, and all other fixtures, equip-
35 ment, accessories, appurtenances, and requisites useful or

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1 convenient for the successful operation of a parking facilities
2 system.
3 b. Civic centers or civic center systems, which may in-
4 clude auditoriums, music halls, theatres, sports arenas, ar-
5 mories, exhibit halls, meeting rooms, convention halls, or
6 combinations of these.
7 c. Recreational facilities or recreational facilities
8 systems, including, without limitation, real and personal
9 property, water, buildings, improvements, and equipment use-
10 ful and suitable for administering recreation programs, and
11 also including without limitation, zoos, museums, and centers
12 for art, drama, and music, as well as those programs more
13 customarily identified with the term "recreation" such as
14 public sports, games, pastimes, diversions, and amusement,
15 on land or water, whether or not such facilities are located
16 in or as a part of any public park.
17 d. Port facilities or port facilities systems, including
18 without limitation, real and personal property, water, build-
19 ings, improvements and equipment useful and suitable for tak-
20 ing care of the needs of commerce and shipping, and also in-
21 cluding without limitation, wharves, docks, basins, piers,
22 quay walls, warehouses, tunnels, belt railway facilities,
23 cranes, dock apparatus, and other machinery necessary for
24 the convenient and economical accommodation and handling of
25 watercraft of all kinds and of freight and passengers.
26 e. Airport and airport systems.
27 f. Solid waste collection systems and disposal systems.
28 g. Bridge and bridge systems.
29 h. Hospital and hospital systems.
30 i. Transit systems.
31 j. Stadiums.
32 3. "Essential corporate purpose" means:
33 a. The opening, widening, extending, grading, and draining
34 the right-of-way of streets, highways, avenues, alleys, public
35 grounds, and market places, and the removal and replacement

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1 of dead or diseased trees thereon; the construction,
2 reconstruction, and repairing of any street improvements;
3 the acquisition, installation, and repair of traffic control
4 devices; and the acquisition of real estate needed for any
5 of the foregoing purposes.
6 b. The acquisition, construction, improvement, and instal-
7 lation of street lighting fixtures, connections, and
8 facilities.
9 c. The construction, reconstruction, and repair of side-
10 walks and pedestrian underpasses and overpasses, and the ac-
11 quisition of real estate needed for such purposes.
12 d. The acquisition, construction, reconstruction, exten-
13 sion, improvement, and equipping of works and facilities use-
14 ful or convenient for the collection, treatment, and disposal
15 of sewage and industrial waste in a sanitary manner, for the
16 collection and disposal of solid waste, and for the collection
17 and disposal of surface waters and streams.
18 e. The acquisition, construction, reconstruction, enlarge-
19 ment, improvement, and repair of bridges, culverts, viaducts,
20 underpasses, grade crossing separations, and approaches
21 thereto.
22 f. The settlement, adjustment, renewing, or extension
23 of any part or all of the legal indebtedness of a city, whether
24 evidenced by bonds, warrants, or judgments, or the funding
25 or refunding of the same, whether or not such indebtedness
26 was created for a purpose for which general obligation bonds
27 might have been issued in the original instance.
28 g. The undertaking of any project jointly or in coopera-
29 tion with any other governmental body which, if undertaken
30 by the city alone, would be for an essential corporate purpose,
31 including the joint purchase, acquisition, construction,
32 ownership, or control of any real or personal property.
33 h. The acquisition, construction, reconstruction, improve-
34 ment, and extension of works and facilities useful or conven-
35 ient for the control and elimination of any and all sources

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of air, water, and noise pollution, and the acquisition of real estate needed for such purposes.

i. The acquisition, construction, reconstruction, and improvement of all water, and real and personal property, useful for the protection or reclamation of property situated within the corporate limits of cities from floods or high waters, and for the protection of property in cities from the effects of flood waters, including the deepening, widening, alteration, change, diversion, or other improvement or watercourses, within or without the city limits, the construction of levees, embankments, structures, impounding reservoirs, or conduits, and the establishment, improvement, and widening of streets, avenues, boulevards, and alleys across and adjacent to the project, as well as the development and beautification of the banks and other areas adjacent to flood control improvements.

4. "General corporate purpose" means:

a. The acquisition, construction, reconstruction, extension, improvement, and equipping of city utilities, city enterprises, and public improvements as defined in section one hundred sixteen (116) of this Act, other than those which are essential corporate purposes.

b. The acquisition, construction, reconstruction, enlargement, improvement, and equipping of community center houses, recreation grounds, recreation buildings, juvenile playgrounds, swimming pools, recreation centers, parks, and golf courses, and the acquisition of real estate therefor.

c. The acquisition, construction, reconstruction, enlargement, improvement, and equipping of city halls, jails, police stations, fire stations, garages, libraries, and hospitals, including buildings to be used for any combination of the foregoing purposes, and the acquisition of real estate therefor.

d. The acquisition, construction, reconstruction, and improvement of dams.

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1 e. The equippping of fire, police, sanitation, street,
2 and civil defense departments.
3 f. The acquisition and improvement of real estate for
4 cemeteries, and the construction, reconstruction, and repair
5 of receiving vaults, mausoleums, and other cemetery facilities.
6 g. The acquisition of ambulances and ambulance equipment.
7 h. The removal, replacement, and planting of trees, other
8 than those on public right-of-way.
9 i. The acquisition, purchase, construction, reconstruc-
10 tion, and improvement of greenhouses, conservatories, and
11 horticultural centers for growing, storing, and displaying
12 trees, shrubs, plants, and flowers.
13 j. The aiding in the planning, undertaking, and carrying
14 out of urban renewal projects under the authority of chapter
15 four hundred three (403) of the Code, and all of the purposes
16 set out in section four hundred three point twelve (403.12)
17 of the Code.
18 k. The undertaking of any project jointly or in coopera-
19 tion with any other governmental body which, if undertaken
20 by the city alone, would be for a general corporate purpose,
21 including the joint purchase, acquisition, construction,
22 ownership, or control of any real or personal property.
23 l. Any other facilities or improvements which are neces-
24 sary or useful for the operation of the city or the health
25 and welfare of its citizens.
26 5. The "cost" of any project for an essential corporate
27 purpose or general corporate purpose includes construction
28 contracts and the cost of engineering, architectural, tech-
29 nical, and legal services, preliminary reports, property val-
30 uations, estimates, plans, specifications, notices, acquisi-
31 tion of real and personal property, consequential damages
32 or costs, easements, rights-of-way, supervision, inspection,
33 testing, publications, printing and sale of bonds, and pro-
34 visions for contingencies.
35 Sec. 103.

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1 1 A city which proposes to carry out any essential cor-
2 porate purpose within or without its corporate limits, and
3 to contract indebtedness and issue general obligation bonds
4 to provide funds to pay all or any part of the cost of a
5 project must do so in accordance with the provisions of this
6 division.
7 2. Before the council may institute proceedings for the
8 issuance of bonds for an essential corporate purpose, a no-
9 tice of the proposed action, including a statement of the
10 amount and purposes of the bonds, and the time and place of
11 the meeting at which the council proposes to take action for
12 the issuance of the bonds, must be published as provided in
13 section three (3) of this Act. At the meeting, the council
14 shall receive oral or written objections from any resident
15 or property owner of the city. After all objections have
16 been received and considered, the council may, at that meeting
17 or any adjournment thereof, take additional action for the
18 issuance of the bonds or abandon the proposal to issue the
19 bonds. Any resident or property owner of the city may appeal
20 the decision of the council to take additional action to the
21 district court of the county in which any part of the city
22 is located, within fifteen days after the additional action
23 is taken, but the additional action of the council is final
24 and conclusive unless the court finds that the council exceeded
25 its authority. The provisions of this subsection with respect
26 to notice, hearing, and appeal, are in lieu of the provisions
27 contained in chapter twenty-three (23) of the Code, or any
28 other law.
29 Sec. 104.
30 1. A city which proposes to carry out any general corpor-
31 ate purpose within or without its corporate limits, and to
32 contract indebtedness and issue general obligation bonds to
33 provide funds to pay all or any part of the costs of a project,
34 must do so in accordance with the provisions of this division.
35 2. Before the council may institute proceedings for the

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1 issuance of bonds for a general corporate purpose, a notice
2 of the proposed action, including a statement of the amount
3 and purposes of the bonds, and the time and place of the meet-
4 ing at which the council proposes to take action for the issu-
5 ance of the bonds, must be published as provided in section
6 three (3) of this Act. At the meeting the council shall
7 receive oral or written objections from any resident or prop-
8 erty owner of the city. After all objections have been re-
9 ceived and considered, the council may, at the meeting or
10 any adjournment thereof, take additional action for the
11 issuance of the bonds or abandon the proposal to issue the
12 bonds. Any resident or property owner of the city may appeal
13 the decision of the council to take additional action to the
14 district court of the county in which any part of the city
15 is located, within fifteen days after the additional action
16 is taken, but the additional action of the council is final
17 and conclusive unless the court finds that the council exceeded
18 its authority. The provisions of this subsection with respect
19 to notice, hearing, and appeal, are in lieu of the provisions
20 contained in chapter twenty-three (23) of the Code and any
21 other law.
22 3. If at any time before the date fixed in the notice
23 for taking action for the issuance of bonds for any general
24 corporate purpose, a petition is filed with the city clerk,
25 signed by qualified voters of the city equal in number to
26 two percent of those who voted for the office of governor
27 at the last preceding general election as shown by the election
28 registers or poll lists, asking that the question of issuing
29 bonds be submitted to the voters of the city, the council
30 shall either abandon the proposal by resolution or shall call
31 a special city election to vote upon the question of issuing
32 the bonds.
33 4. If a petition is filed and the council calls an election
34 to vote on the question of issuing general corporate purpose
35 bonds, the proposition must be submitted in the following

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form:

"Shall the (insert the name of the city) issue its bonds in an amount not exceeding the amount of $_____ for the purpose of _____?.

5. Notice of the election must be given by publication once each week for at least three consecutive weeks in a newspaper of general circulation in the city. The notice must state the date of the election, the hours of opening and closing the polls and the location thereof, and the question to be submitted. The election must he held on a date not less than five nor more than twenty days after the last publication of the notice. Such notice is sufficient and is in lieu of any other notice required by any other statute. At the election the ballot used for the submission of the proposition must be in substantially the form for submitting special questions at general elections.

6. The proposition of issuing general corporate purpose bonds is not carried or adopted unless the vote in favor of the proposition is equal to at least a majority of the total vote cast for and against the proposition at the election. If the proposition of issuing the general corporate purpose bonds is approved by the voters, the city may proceed with the issuance of the bonds.

Sec. 105.

1. A city may sell general obligation bonds at public or private sale in the manner prescribed by chapter seventy-five (75) of the Code.

2. General obligation funding or refunding bonds issued for the purposes specified in section one hundred two (102), subsection four (4), paragraph f, of this Act may be exchanged for the evidences of the legal indebtedness being funded or refunded, or such funding or refunding bonds may be sold in the manner prescribed by chapter seventy-five (75) of the Code and the proceeds applied to the payment of such indebtedness. Funding or refunding bonds may bear interest

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at the same rate as, or at a higher or lower rate or rates of interest than the indebtedness being funded or refunded.

Sec. 106. A city may issue general obligation bonds pursuant to a resolution adopted at a regular or special meeting by a majority of the total number of members to which the council is entitled. Each paragraph of section one hundred two (102), subsections four (4) and five (5), of this Act, describes a separate category. Separate categories of essential corporate purposes and of general corporate purposes may be incorporated in a single notice of intention to institute proceedings for the issuance of bonds, or separate categories may be incorporated in separate notices, and after an opportunity has been provided for filing petitions and objections, or after a favorable election has been held, if required, the council may include in a single resolution and sell as a single issue of bonds, any number or combination of essential corporate purposes or general corporate purposes. If an essential corporate purpose is combined with a general corporate purpose in a single notice of intention to institute proceedings to issue bonds, then the entire issue is subject to the referendum requirement provided in section one hundred four (104) of this Act.

Sec. 107. As provided by resolution of the council, general obligation bonds may:

1. Bear dates.

2. Bear interest at rates not exceeding the limitations imposed by chapter seventy-five (75) of the Code.

3. Mature in one or more installments.

4. Be in either coupon or registered form.

5. Carry registration and conversion privileges.

6. Be payable as to principal and interest at times and places.

7. Be subject to terms of redemption prior to maturity with or without premium.

8. Be in one or more denominations.

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9. Be designated with a brief reference to purpose, or if issued for a combination of purposes, be designated "corporate purpose bond".

10. Contain other provisions not in conflict with the laws of the state of Iowa.

Sec. 108. General obligation bonds must be executed by the mayor and city clerk. If coupons are attached to the bonds, they must be executed with the original or facsimile signature of the clerk. A general obligation bond is valid and binding if it bears the signatures of the officers in office on the date of the execution of the bonds, notwithstanding that any or all such persons whose signatures appear thereon have ceased to be such officers prior to the delivery thereof.

Sec. 109. General obligation bonds issued pursuant to this part are negotiable instruments.

Sec. 110. General obligation bonds issued pursuant to this part, and the interest thereon, are exempt from taxation by the state of Iowa and its political subdivisions.

Sec. 111. Taxes for the payment of general obligation bonds must be levied in accordance with chapter seventy-six (76) of the Code, and the bonds are payable from the levy of unlimited ad valorem taxes on all the taxable property within the city through its debt service fund authorized by section eighty-two (82) of this Act.

Sec. 112. No action may be brought which questions the legality of general obligation bonds or the power of the city to issue the bonds or the effectiveness of any proceedings relating to the authorization and issuance of the bonds from and after sixty days from the time the bonds are ordered issued by the city.

Sec. 113. The provisions of chapter twenty-four (24) of the Code do not apply to any bonds issued pursuant to this part.

Sec. 114. The enumeration in this part of specified powers

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1 and functions is not a limitation of the powers of cities,
2 but the provisions of this part and the procedures prescribed
3 for exercising the powers and functions enumerated in this
4 part shall control and govern in the event of any conflict
5 with the provisions of any other section, part, or division
6 of this Act or with the provisions of any other law.
7 Sec. 115. Projects and proceedings for the issuance of
8 general obligation bonds commenced before the effective date
9 of this Act may be consummated and completed as required or
10 permitted by any statute or other law amended or repealed
11 by this Act as though the repeal or amendment had not occurred,
12 and the rights, duties, and interests flowing from such pro-
13 jects and proceedings remain valid and enforceable. Without
14 limiting the foregoing, projects commenced prior to the ef-
15 fective date may be financed by the issuance of general ob-
16 ligation bonds under any such amended or repealed law or by
17 the issuance of general obligation bonds under this Act.
18 For the purposes of this section, commencement of a project
19 includes but is not limited to action taken by the council
20 or authorized officer to fix a date for a hearing in connection
21 with any part of the project, and commencement of proceedings
22 for the issuance of general obligation bonds includes but
23 is not limited to action taken by the council to fix a date
24 for either a hearing or a sale in connection with any part
25 of the general obligation bonds, or to order any part thereof
26 to be issued.
27 Part 4. Special Assessments.
28 Sec. 116. As used in this part, unless the context other-
29 wise requires:
30 1. "Public improvement" includes the principal structures,
31 works, component parts, and accessories of any of the follow-
32 ing:
33 a. Sanitary, storm, and combined sewers.
34 b. Drainage conduits, channels, and levees.
35 c. Street grading, paving, graveling, macadamizing, curb-

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ing, guttering, and surfacing with oil, oil and gravel, or chloride.

d. Street lighting fixtures, connections, and facilities.

e. Sewage pumping stations, and disposal and treatment plants.

f. Underground gas, water, heating, sewer, and electrical connections located in streets for private property.

g. Sidewalks and pedestrian underpasses or overpasses.

h. Drives and driveway approaches located within the public right-of-way.

i. Waterworks, water mains, and extensions.

j. Plazas, arcades, and malls.

k. Parking facilities.

l. Removal of diseased or dead trees from any public place, publicly owned right-of-way, or private property.

2. "Construction" includes materials, labor, acts, operations, and services necessary to complete a public improvement.

3. "Repair" includes materials, labor, acts, operations, and services necessary for the repair, reconstruction, reconstruction by widening, or resurfacing of a public improvement.

4. "Street" means a public street, highway, boulevard, avenue, alley, parkway, public place, plaza, mall, or publicly owned right-of-way or easement within the limits of the city.

5. "Lot" means a lot, part of lot, tract, or parcel of land under one ownership, including improvements. Two or more contiguous lots, tracts, or parcels upon which a single improvement has been erected by a common owner are one lot for purposes of this part.

6. "Total cost" or "cost" of a public improvement includes the cost of engineering, preliminary reports, property valuations, estimates, plans, specifications, notices, legal services, acquisition of land, consequential damages or costs, easements, rights-of-way, construction, repair, supervision,

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1 inspection, testing, notices and publication, interest during
2 construction and for not more than six months thereafter,
3 and printing and sale of bonds.
4 7. "Gravel" includes gravel, crushed rock, cinders, shale,
5 and similar materials suitable for street construction or
6 repair.
7 8. "Oil" means any asphaltic or bituminous material suit-
8 able for street construction or repair.
9 9. "Sewer" means structures designed, constructed, and
10 used for the purpose of controlling or carrying off streams,
11 surface waters, waste, or sanitary sewage.
12 10. "Main sewer" means a sewer which serves as an outlet
13 for two or more lateral sewers, and which is commonly referred
14 to as an intercepting sewer, outfall sewer, or trunk sewer.
15 11. "Lateral sewer" means a sewer which contributes sewage,
16 or surface or ground water from a local area to a main sewer
17 or outlet.
18 12. "Sewer systems" are composed of the main sewers, sew-
19 age pumping stations, treatment and disposal plants, lateral
20 sewers, drainage conduits or channels, and sewer connections
21 in public streets for private property.
22 13. "District" means the lots or parts of lots within
23 boundaries established by the council for the purpose of the
24 assessment of the cost of a public improvement.
25 14. "Private property" means all property within the dis-
26 trict except streets, property owned by the United States,
27 and property owned by the city.
28 15. "Abutting lot" means a lot which abuts or joins the
29 street in which the public improvement is located or which
30 abuts the right-of-way of the public improvement.
31 16. "Adjacent lot" means a lot within the district which
32 does not abut upon the street or right-of-way of the public
33 improvement.
34 17. "Street improvement" means the construction or repair
35 of a street by grading, paving, curbing, guttering, and sur-

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1 facing with oil, oil and gravel, or chloride, and street
2 lighting fixtures, connections, and facilities.
3 18. "Proposal" means a legal bid on work advertised for
4 a public improvement under part six (6) of this division.
5 19. "Paving" means any kind of hard street surface, includ-
6 ing, but not limited to, concrete, bituminous concrete, brick,
7 stabilized gravel, or combinations of these, together with
8 or without curb and gutter.
9 20. "Engineer" means a professional engineer, registered
10 in the state of Iowa, authorized by the council to render
11 services in connection with the public improvement.
12 21. "Grade" means the longitudinal reference lines, as
13 established by the council, which designate the elevations
14 at which a street or sidewalk is to be built.
15 22. "Final grade" means the grade to which the public
16 improvement is proposed to be constructed or repaired as shown
17 on the final plans adopted by the council.
18 23. "Railways" means all railways except street railways.
19 24. "Publication" means public notice given in the manner
20 provided in section three (3) of this Act.
21 25. "Property owner" or "owner" means the owner or owners
22 of property, as shown by the transfer books in the office
23 of the county auditor of the county in which the property
24 is located.
25 26. "Parking facilities" means parking lots or other off-
26 street areas for the parking of vehicles, including areas
27 below or above the surface of streets.
28 Sec. 117. A city may assess to private property within
29 the city the cost of construction and repair of public
30 improvements within the city, and main sewers, sewage pumping
31 stations, disposal and treatment plants, waterworks, water
32 mains, extensions, and drainage conduits extending outside
33 the city.
34 Sec. 118. Paving, curbing, guttering, or sidewalks may
35 not be constructed unless the improvement, when completed,

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will be to grade.

Sec. 119. A city may include underground gas, water, heating, sewer, or electrical connections to the street or property line for private property as a part of the public improvement, or a city may order the property owner to make, repair, or relocate such connections by publication of a notice once each week for two consecutive weeks in the manner provided by section three (3) of this Act, and if the order is not complied with at the end of thirty days after the date of the first publication, the city may cause the work to be done and assess the cost against the property served by the connection.

Sec. 120.

1. Property owners may initiate a plan for a public improvement to be paid for in whole or in part by special assessments, by written contract to be approved by the city and signed by all of the owners of record of all property affected by the proposed assessment. If all owners of record of all the property to be affected by the public improvement petition the council, said owners may, in their petition, waive notice to property owners by publication and mailing, as provided in section one hundred twenty-nine (129) of this Act, and the council may proceed to adopt a preliminary resolution, a plat, schedule and estimate, and resolution of necessity, and order preparation of detailed plans and specifications. Special assessments initiated without notice under this section are liens upon the property to be affected by the assessment, to the same extent as provided in section one hundred forty-four (144), subsection five (5), of this Act, except that they shall be subordinate to any perfected lien unless the holder of such perfected lien consents in writing to the initiation of the public improvement.

2. A petition may be filed subsequent to the initiation by the council of a plan for a public improvement, and if

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1 the pecition is received prior to advertising for bids, the
2 public improvement petitioned for may be added by amendment
3 to the resolution of necessity. If the petition is received
4 subsequent to advertising for bids and prior to the comple-
5 tion of the work under contract, the council may, in its dis-
6 cretion, approve the petition and contract with the contractor
7 at a cost not to exceed the unit prices bid at public letting
8 for the construction of the public improvements petitioned
9 for by property owners.
10 3. This section does not limit the power of a city to
11 initiate a public improvement project on its own motion.
12 Sec. 121. To construct or repair a public improvement,
13 the council shall proceed as follows:
14 1. Arrange for engineering services to prepare the plats,
15 schedules, estimates of cost, plans, and specifications, and
16 to supervise construction of the proposed improvement.
17 2. Adopt a preliminary resolution by the vote of a majority
18 of all the members of the council. The preliminary resolution
19 shall contain the following:
20 a. A description of the types or alternate types of im-
21 provement proposed.
22 b. The beginning and terminal points or general location
23 of the proposed improvement.
24 c. An order to the engineer to prepare preliminary plans
25 and specifications, estimated total cost of the work, and
26 a plat and schedule, and to file them with the clerk.
27 d. A general description of the property or a designation
28 of the lots which the council believes will be specially bene-
29 fited by the improvement.
30 3. The preliminary resolution may also contain the follow-
31 ing:
32 a. A statement of the proportion of the total cost which
33 the council proposes to assess against benefited property.
34 b. A short and convenient designation for the public im-
35 provement by which it may be referred to in all subsequent

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1 proceedings.
2 4. A preliminary resolution may include more than one
3 improvement or class of improvement.
4 5. A single improvement may be in more than one locality
5 or street, and that portion of the street which has been im-
6 proved by any railway, or which the city may require the
7 railway to improve under franchise or contract, may be ex-
8 cluded.
9 Sec. 122. Preliminary plans and specifications must only
10 be in sufficient detail to advise any person interested of
11 the general nature, character, and type of the improvement.
12 Sec. 123. The estimated total cost of any public improve-
13 ment constructed under this part must include all of the items
14 of cost listed in section one hundred sixteen (116), subsec-
15 tion six (6), of this Act, which the council proposes to in-
16 clude as a part of the cost of the public improvement, and
17 may include an item to be known as the default fund amounting
18 to not more than ten percent of the portion of the total cost
19 of the improvement which the council proposes to assess against
20 benefited property.
21 Sec. 124. The plat as prepared and filed by the engineer
22 must show the following information:
23 1. The boundaries of the district containing the lots
24 proposed to be assessed.
25 2. The location of each lot under separate ownership with-
26 in the district, including the property of all railways and
27 utilities subject to assessment.
28 3. The location of the improvement within the district,
29 together with the terminal points of all major parts proposed
30 to be assessed.
31 4. The type and general details of the improvement.
32 Sec. 125. Upon completion of the plat, the council shall
33 determine the valuation of each lot within the proposed assess-
34 ment district and shall report the valuations to the engineer,
35 who shall show such valuations on the schedule before it is

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filed with the clerk. A valuation must be the present fair market value of the property with the proposed public improvement completed. As an aid in determining valuations, the council may appoint a committee of three persons skilled in the knowledge of real estate values within the city to appraise the present fair market value of each lot within a district and to file a written report of its appraisals with the council.

Sec. 126. The schedule, as prepared by the engineer, must show the following information for each lot within the district:

1. A description of each lot and the name of the property owner.

2. The valuation of each lot as determined by the council.

3. The total amount proposed to be assessed to each lot, including the assessment for the default fund, if any.

4. The amount of deficiency, if any, between the amount proposed to be assessed and the proportion of the estimated total cost of the public improvement allocated to each lot.

Sec. 127. When the plat, schedule, and estimate of cost have been filed, the council may, before adopting a proposed resolution of necessity, cause the estimate, valuation, or assessment of any lot or the boundaries of the district as reported by the engineer to be amended, and may adopt the plat, schedule, and estimate as amended or as filed.

Sec. 128. If, upon adoption of the plat, schedule, and estimate, the council determines to proceed with all or any part of the public improvement, it shall cause a proposed resolution of necessity to be prepared and introduced.

1. The resolution of necessity must include all of the following:

a. A brief description of the proposed public improvement.

b. A statement that there is on file in the office of the clerk an estimated total cost of the work, and a preliminary plat and schedule showing the amount proposed

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to be assessed to each lot for the improvement.

c. The date, time, and place the council will hear property owners subject to the assessment and interested parties for or against the improvement, its cost, the assessment, or the boundaries of the district.

2. A resolution of necessity may include:

a. Any number of streets or sewer lines for improvement.

b. All improvements which are included in the preliminary resolution.

c. A provision that unless a property owner files objections with the clerk at the time of hearing on the resolution of necessity, he is deemed to have waived all objections.

Sec. 129. The clerk shall publish notice of the date, time, and place of the hearing once each week for two consecutive weeks in the manner provided by section three (3) of this Act, the first publication of which shall be not less than ten days before the date of the hearing. The notice must be in substantially the following form:

NOTICE TO PROPERTY OWNERS

Notice is given that there is now on file for public inspection in the office of the clerk of _____, Iowa, a proposed resolution of necessity, an estimate of cost, and a plat and schedule showing the amounts proposed to be assessed against each lot and the valuation of each lot within a district approved by the council of _____, Iowa, for a _____ improvement of the type(s) and in the location(s) as follows: _____.

The council will meet at _____ o'clock __.m., on _____ _____, 19__, at the _____, at which time the owners of property subject to assessment for the proposed improvement or any other person having an interest in the matter may appear and be heard for or against the making of the improvement, the boundaries of the district, the cost, the assessment against any lot, or the final adoption of a resolution of necessity. A property owner will be deemed to have

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1 waived all objections unless at the time of hearing he has
2 filed objections with the clerk.
3
4 _____
Clerk.
5 Not less than ten days before the hearing, the clerk shall
6 send a copy of the notice by certified mail to each property
7 owner whose property is subject to assessment for the improve-
8 ment at the address as shown by the records of the county
9 auditor. If a property is shown to be in the name of more
10 than one owner at the same mailing address, a single notice
11 may be mailed addressed to all owners at that address. Failure
12 to receive a mailed notice is not a defense to the special
13 assessment.
14 Sec. 130. The council shall meet as specified in the pub-
15 lished notice, and after hearing all objections and endorse-
16 ments from property owners and other persons having an interest
17 in the matter, and after considering all filed, written ob-
18 jections, may adopt or amend and adopt the proposed resolution
19 of necessity, or may defer action until a subsequent meeting.
20 A resolution of necessity requires for passage the vote of
21 three-fourths of all the members of the council, or, in cities
22 having but three members of the council, the vote of two mem-
23 bers, and where a remonstrance has been filed with the clerk,
24 signed by the owners subject to seventy-five percent of the
25 amount of the proposed assessments for the entire public im-
26 provement included in the resolution of necessity, a resolu-
27 tion of necessity requires a unanimous vote of the council.
28 An amendment which extends the boundaries of a district, in-
29 creases the amount to be assessed against a lot, or adds
30 additional public improvements, is not effective until an
31 amended plat, schedule, and estimate have been prepared and
32 adopted, a notice published and mailed to all affected prop-
33 erty owners, and hearing held in the same manner as the orig-
34 inal proceedings, or until all affected property owners agree
35 in writing to the change. The adoption of a resolution of

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1 necessity is a legislative determination that the improvement
2 is expedient and proper and that property assessed will be
3 benefited thereby and this determination of the council is
4 conclusive. Ownership of property to be assessed by any
5 improvement shall not, except for fraud or bad faith,
6 disqualify a council member from voting on any measure.
7 Sec. 131. After adopting a resolution of necessity, the
8 council may, by resolution, order the engineer to prepare
9 and file with the clerk detailed plans and specifications,
10 and order the engineer and city attorney, or any attorney
11 designated by the council, to prepare and file with the clerk
12 a notice to bidders and form of contract.
13 Sec. 132. Contract letting procedures shall be as provided
14 in part six (6) of this division. The council may award any
15 number of contracts for construction of any public improvement.
16 Sec. 133. At any time after final adoption of the resolu-
17 tion of necessity, but before awarding the contract, the coun-
18 cil may proceed as follows:
19 1. To direct the city attorney to file, in the district
20 court of the county in which the property proposed to be as-
21 sessed is located, a petition praying that the acts done by
22 the council relative to the proposed public improvement be
23 confirmed by decree.
24 2. The following must be filed with the petition in the
25 office of the clerk of the court:
26 a. A copy of the resolution of necessity as adopted by
27 the council.
28 b. A copy of the proposed schedule of assessments as
29 adopted by the council under sections one hundred twenty-seven
30 (127) and one hundred thirty (130) of this Act, which schedule
31 shows the maximum amount that the council proposes to assess
32 against any lot.
33 c. Preliminary plans and specifications, or, if available,
34 detailed plans and specifications as prepared by the engineer.
35 d. A copy of the proposed contract if prepared.

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1 3. Notice of the filing of the petition must be given
2 in the same manner as is provided for service of original
3 notice by publication by the rules of civil procedure, except
4 as follows:
5 a. No affidavit of inability to obtain personal service
6 within the state of Iowa is required.
7 b. The original notice must name as defendants those prop-
8 erty owners who, on the date of filing the petition, have
9 an interest in the real property to be assessed as a part
10 of the public improvement, and the original notice must state
11 that a plat and schedule is on file in the office of the clerk
12 of the district court where the action is pending. No property
13 owner is an indispensable party to the action. Publication
14 of plat and schedule as part of the original notice is not
15 required, nor shall reference in the original notice to
16 specific descriptions of affected real property or the amounts
17 of proposed assessments be necessary.
18 4. The petition must be given precedence over any other
19 business of the court, except criminal cases. The court shall
20 set the petition for hearing within thirty days from the date
21 of final publication of notice. As a part of its order, the
22 court may provide for a pretrial conference to be held not
23 earlier than twenty days from the date of final publication
24 of notice and require the appearance at the pretrial confer-
25 ence of all interested parties. Failure to appear at the
26 pretrail conference may be grounds for dismissing any
27 objection.
28 5. If no person having an interest in property proposed
29 to be assessed has entered an appearance or filed an answer
30 within the time set for hearing on the petition, the court
31 shall confirm the assessment, and order the clerk of court
32 to certify its decree to the city clerk.
33 6. If any person having an interest in property proposed
34 to be assessed has entered an appearance or filed an answer
35 to the petition, the court shall hear the cause as an action

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1 triable in equity.
2 7. Upon the hearing the court may correct any irregulari-
3 ties or inequalities in valuations or in the schedule of as-
4 sessments, and shall consider any objections because of al-
5 leged illegal procedure or fraud.
6 8. The court shall render a decision upon the hearing
7 within seven days after the final submission of the cause.
8 If a decision is not rendered within seven days, upon
9 application, the clerk of court shall immediately confirm
10 the assessments and certify his action to the city clerk.
11 9. The clerk of the court shall certify to the city clerk
12 the final action of the court, within three days from the
13 date of the final decree upon the petition, showing assessments
14 as confirmed in the schedule of assessments.
15 10. An appeal from the decree of the district court must
16 be perfected within thirty days from the date of the decree
17 and the abstract must be served and filed in the office of
18 the clerk of the supreme court within ninety days from the
19 date of the district court decree.
20 11. A contract may or may not be let, in the discretion
21 of the council, until appeals are finally determined, but
22 the appeals need not delay the letting and execution of a
23 contract for the work, if the council concludes the appeals
24 were not taken in good faith.
25 12. An appeal does not, in the discretion of the council,
26 delay the certification of an assessment or progress of an
27 improvement, but upon decision of the appeal the assessment
28 appealed from must be corrected and collected in the same
29 manner as provided in section one hundred fifty-three (153)
30 of this Act.
31 13. Corrections of assessments or valuations made by order
32 of the district court are conclusive and not subject to review
33 on appeal, or otherwise, except as provided in subsections
34 ten (10) through twelve (12), inclusive, of this section.
35 When court confirmation is obtained there is no right of

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appeal under the provisions of section one hundred forty-five (145) of this Act.

14. If no contract is entered into within ninety days from the date of confirmation by the district court or within a further time allowed by the court on subsequent application, and if no appeal is pending, the court shall cancel the assessment, upon application of the city attorney.

15. The cost of all court proceedings are a legitimate item of expense in connection with a public improvement, and may be included within the final assessment against any property proposed to be improved.

Whenever on a hearing by the court, the amount of any assessment is reduced or canceled so that there is a deficiency in the total amount remaining assessed in the proceeding, the court may distribute the deficiency upon the other property abutting upon or adjacent to the improvement or in the district assessed, in a manner the court finds to be just and equitable, not exceeding, however, the amount the property would be benefited by the improvement, and not exceeding twenty-five percent of the value of the lot as shown by the plat and schedule of assessments.

Sec. 134. In cities having a water utility under the management of a board of trustees and in which water connections are not installed by the trustees at public expense, the council shall notify the board at the time of the adoption of a preliminary resolution, of any proposed street paving projects. The board shall report to the council the number of connections from water mains in streets to the curb lines of the proposed improvement necessary to serve private property dependent upon those particular mains for water supply, and the numbers of the lots to be served by the connections, and the names of the owners. Notice must be given to property owners, at the same time and in the same manner as the notice provided in section one hundred twenty-nine (129) of this Act, to install the necessary connections within thirty days

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1 after hearing. For the purposes of the hearing, property
2 owners who are notified to install water connections, but
3 whose property is not within the proposed assessment dis-
4 trict, may appear as interested parties. If upon hearing,
5 the council determines to proceed with the improvement, and
6 any property owner fails to make connections as required,
7 the board of waterworks trustees shall cause them to be made
8 and certify the cost to the council to be assessed against
9 the property and collected in the same manner as provided
10 in section one hundred nineteen (119) of this Act for other
11 underground connections.
12 Sec. 135.
13 1. Cities may assess the cost of a public improvement
14 which extends through, abuts upon, or is adjacent to lands
15 owned by the state, and the executive council shall pay the
16 assessable portion of the cost of the improvement through
17 or along the lands as provided. The executive council shall
18 pay assessments from any funds of the state not otherwise
19 appropriated.
20 2. When a state park or institutional road abutting on
21 or adjacent to state lands on one side of the road is improved
22 by paving, the state shall pay one-half the total assessed
23 cost of the portion of the improvement abutting, or adjacent
24 to state lands, lots, or portions thereof, but for any other
25 type of improvement so constructed and located, the state
26 shall pay the portion of the cost which would be assessable
27 against state lands if they were privately owned.
28 3. When any portion of the cost of a public improvement
29 is to be paid by the state under this section, the clerk shall
30 send, at the time of publication of the notice required by
31 section one hundred twenty-nine (129) of this Act, a copy
32 of the notice to the secretary of the executive council by
33 restricted certified mail.
34 4. Cities in which state buildings are located shall per-
35 mit sewers for such buildings to be constructed through or

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1 under the streets of the city, and connections to be made
2 to the sewer system of the city under the same regulations
3 as for sewer connections to private property.
4 5. Subsections one (1) and three (3) of this section do
5 not apply to lands under the jurisdiction and control of the
6 state highway commission.
7 Sec. 136. The city may contract to pay not to exceed
8 ninety percent of the engineer's estimated value of the
9 acceptable work completed during the month to the contractor
10 at the end of each month. Payment may be made in warrants
11 drawn on any fund or funds from which payment for the work
12 may be made. The warrants, unless paid upon presentation,
13 draw interest at a rate not to exceed seven percent per annum
14 from and after the date of presentation for payment. If such
15 funds are depleted, anticipatory warrants may be issued, which
16 do not constitute a violation of section eighty-eight (88)
17 of this Act, even if the collection of taxes or special
18 assessments or income from the sale of bonds applicable to
19 the public improvement is after the end of the fiscal year
20 in which the warrants are issued. If the city arranges for
21 the private sale of anticipatory warrants, they may be sold
22 and the proceeds used to pay the contractor. Such warrants
23 may also be used to pay other persons furnishing services
24 constituting a part of the cost of the public improvement.
25 Sec. 137.
26 1. The engineer for the city shall inspect all work done
27 under this part, and within fifteen days of the final comple-
28 tion of the public improvement, he shall file a certificate
29 with the clerk stating:
30 a. That he has inspected the completed work.
31 b. That the work has or has not been performed in compli-
32 ance with the terms of the contract, and the particulars, if
33 any, in which the work varies from the terms.
34 c. The total cost of the completed work.
35 2. Within fifteen days after the filing of the engineer's

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1 certificate, the council shall by resolution accept or reject
2 the work.
3 3. Upon accepting the work, or within ten days thereafter,
4 the council shall ascertain the total cost and by resolution
5 determine the proportion or amount of the cost to be assessed
6 against private property within the assessment district.
7 If the council has elected to award more than one contract
8 for the work, the council may elect to proceed separately
9 with the acceptance and levy of assessments for the work done
10 under each contract.
11 4. Upon accepting the work, the council may order payment
12 of any amount due the contractor, to be made by warrants is-
13 sued in the manner provided by section one hundred thirty-
14 six (136) of this Act.
15 Sec. 138. Within thirty days after the council adopts
16 a resolution fixing the amount to be assessed against private
17 property, the engineer shall file with the clerk an assessment
18 schedule showing:
19 1. A description of each lot to be assessed.
20 2. The valuation of each lot as fixed by the council.
21 3. The amount to be assessed against each lot, which shall
22 include the assessment for the default fund, if any.
23 Sec. 139. Within ten days after filing of the assessment
24 schedule, the council shall meet, consider, and adopt or amend
25 and adopt, by resolution, the final assessment schedule.
26 The resolution must:
27 1. Confirm and levy assessments.
28 2. State the number of installments, not exceeding fif-
29 teen, into which assessments of fifty dollars or more are
30 divided.
31 3. Provide for interest on all unpaid installments at not
32 more than seven percent per annum.
33 4. State the time when assessments are payable.
34 5. Direct the clerk to certify the final schedule to the
35 auditor of the county or counties in which the assessed prop-

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1 erty is located, and to publish notice thereof once each week
2 for two consecutive weeks in the manner provided in section
3 three (3) of this Act, the first publication of which shall
4 be not more than fifteen days from the date of filing of the
5 final schedule. On or before the second publication of the
6 notice, the clerk shall send by certified mail to each property
7 owner whose property is subject to assessment for the
8 improvement, as shown by the records in the office of the
9 county auditor, a copy of the notice. If a property is shown
10 by the records to be in the name of more than one owner at
11 the same mailing address, a single notice may be mailed to
12 all owners at that address. Failure to receive a mailed no-
13 tice is not a defense to the special assessment.
14 The county auditor shall place on the tax list the amounts
15 to be assessed against each lot within the assessment dis-
16 trict, as certified.
17 Sec. 140. The total cost of a public improvement, except
18 for that part for which railways are liable or which is to
19 be otherwise paid, must be assessed against all lots within
20 the assessment district in accordance with the special benefits
21 conferred upon the property, and not in excess of such bene-
22 fits.
23 If an owner of property subject to special assessment di-
24 vides the property into two or more lots, and if the plan
25 of division is approved by the council, he may discharge the
26 lien upon any of the lots by payment of the amount unpaid,
27 calculated as determined by the council.
28 Sec. 141. A special assessment against a lot for a public
29 improvement may not be in excess of the amount of the assess-
30 ment, as shown in the schedule confirmed by the court, or
31 if court confirmation is not utilized, then on the original
32 plat and schedule adopted by the council, and an assessment
33 may not exceed twenty-five percent of the value of the lot
34 as shown by the plat and schedule approved by the council.
35 However, special assessments for the construction or repair

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of underground connections for private property for gas, water, sewers, or electricity may be assessed to each lot for the actual cost of each connection for that lot, and the twenty-five percent limitation does not apply.

Sec. 142. If the special assessment which may be levied against a lot is insufficient to pay its proportion of the cost of the improvement, or if no special assessment may be levied against a lot, the deficiency may be paid from the city fund or funds designated by the council.

Sec. 143. The right-of-way of a railway company is subject to special assessments for public improvements, and such assessments constitute a debt due the city which is a paramount lien upon the track of the railway company owning or leasing the right-of-way within the limits of the city. The property of a railway to which a lien for unpaid special assessment has attached may not be released from the lien until the whole assessment is paid.

Sec. 144.

1. The first installment of each assessment, or the total amount if less than fifty dollars, is due and payable on January first next succeeding the date of the levy, unless the assessment is filed with the county auditor less than thirty days prior to January first. The first installment shall bear interest on the whole assessment from the date of acceptance of the work by the council to the first day of June following the due date.

2. The succeeding annual installments, with interest on the whole unpaid amount, to the first day of June following the due date, are respectively due on January first annually, and must be paid at the same time and in the same manner as the March semiannual payment of ordinary taxes.

3. All future installments of an assessment may be paid on any date by payment of the then outstanding balance, plus interest to June first following the due date of the next maturing installment.

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4. Each installment of an assessment with interest on the unpaid balance is delinquent after the thirty-first day of March next after its due date, and bears the same delinquent interest with the same penalties as ordinary taxes. When collected, the interest and penalties must be credited to the same fund as the special assessment.

5. From the date of adoption of the resolution of necessity, all special assessments with all interest and penalties become and remain a lien on the benefited properties until paid, and have equal precedence with ordinary taxes, and are not divested by any judicial sale.

6. The council may provide for semiannual payment of installments of an assessment in the resolution confirming and levying assessments. The election to provide for semiannual payments of installments of an assessment must be certified by the clerk to the auditor of the county or counties in which the assessed property is located, at the same time as the final schedule of assessments.

Sec. 145.

1. A person having an interest in property subject to special assessment may, within twenty days after the adoption of a resolution of necessity, test the regularity of the proceedings by a petition in equity filed in the district court of the county where the property is located. A petition does not stay further proceedings on the improvement by the council, unless there is also filed a bond in an amount and with security approved by the court.

2. A person having an interest in any property specially assessed may appeal from the amount of the assessment, at any stage of the special assessment procedure up to twenty days after the final publication of notice of filing of the final assessment schedule, by petition to the district court of the county where the property is located, if an objection to the amount of the assessment was timely filed at the hearing on the resolution of necessity, but such appeal is only to

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1 the amount of that assessment and does not stay further
2 proceedings by the council on the improvement. No action
3 shall be brought appealing the amount of any special assessment
4 from and after twenty days after said final publication.
5 3. A person having an interest in property subject to
6 special assessment has a right of appeal to the district court
7 on the ground of fraud.
8 4. No action may be brought questioning the regularity
9 of the proceedings pertaining to special assessments or the
10 validity of any special assessment levied for any public im-
11 provement under this part, from and after sixty days after
12 the final publication of notice of filing the final assessment
13 schedule.
14 Sec. 146. Assessments levied and certified under the pro-
15 visions of this part, including installments and interest,
16 are payable at the office of the county treasurer of the
17 county where the property assessed is located, except that
18 assessments may be paid in full and without interest within
19 thirty days after the date of certification, at the office
20 of the county treasurer or the city clerk.
21 Sec. 147.
22 1. After certification of the final assessment schedule,
23 the city may, by resolution, authorize and issue bonds in
24 anticipation of the collection of unpaid special assessments.
25 However, the total principal amount of bonds issued for a
26 public improvement may not exceed the total amount of unpaid
27 special assessments less the proportionate unpaid amount
28 assessed for the default fund.
29 2. All special assessment bonds are negotiable, must state
30 on their face that they are issued under the provisions of
31 this part, and are payable as to both principal and interest
32 from the proceeds of the special assessments levied for the
33 public improvement. Such bonds may bear interest at a rate
34 not exceeding seven percent per annum payable annually or
35 semiannually, must mature serially on June first of the years

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1 in which any of the principal is scheduled to become due,
2 and may contain a provision that the city reserves the right
3 and option of calling and redeeming any or all of the bonds
4 prior to maturity on any interest payment date or within
5 forty-five days thereafter upon the terms specified therein.
6 Such bonds must be called "improvement bonds", must desig-
7 nate the general type of improvement or improvements for which
8 issued, and may be issued in any denomination, not exceeding
9 ten thousand dollars.
10 Improvement bonds issued for any one levy must bear the
11 same date and be divided into as many series as there are
12 years in which installments of the special assessment mature,
13 and each series must be as nearly equal in amount as
14 practicable.
15 3. The proceeds of the special assessments and interest
16 collected thereon must be used and applied by the city to
17 the payment of the interest on the bonds and to the retirement
18 of the principal as rapidly as proceeds are collected.
19 Such bonds and coupons do not make the city liable in any
20 way, except for the proper application of special assessments.
21 If interest becomes due on any of the bonds when there
22 is no fund or funds from which to pay it, the council may
23 make a temporary loan for payment of the interest, which loan
24 must be repaid from the special assessments and interest
25 pledged to secure the bonds, but in case of purchase by the
26 city at tax sale of the property on which a special assessment
27 is levied, the loan must be repaid from the funds of the city
28 from which deficiencies on the improvement were paid, or if
29 there were no deficiencies, from the general fund.
30 4. Special assessment bonds must be sold at public or
31 private sale in the manner provided by chapter seventy-five
32 (75) of the Code, and may not be sold for less than par value
33 with accrued interest from date to the time of delivery, or
34 if no bids are received at public sale, bonds may be delivered
35 to the contractor in payment of the cost of the public improve-

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1 ment. The proceeds of the sale must be applied to the pay-
2 ment of the cost of the public improvement.
3 5. Any excess of proceeds from special assessments remain-
4 ing after all of the bonds for a particular improvement have
5 been paid with interest may be credited to the fund from which
6 deficiencies for the improvement could have been paid.
7 6. Cities may issue refunding bonds to pay off and take
8 up special assessment bonds issued in payment for public
9 improvements, or to refund any part thereof, as follows:
10 a. Refunding bonds must substantially conform to the pro-
11 visions of this part, and the face value is limited to the
12 amount of the unpaid special assessments with the interest
13 thereon of the particular issue of bonds to be refunded.
14 b. Refunding bonds or their proceeds may be used only
15 to pay improvement bonds taken up.
16 c. The expense of refunding bonds must be paid out of
17 the funds of the city from which the cost of similar
18 improvements might lawfully be paid.
19 d. When refunding bonds are issued to pay improvement
20 bonds, all special assessments and sinking funds applicable
21 to the payment of the improvement bonds previously issued
22 must be applied in the same manner and to the same extent
23 to the payment of the refunding bonds, and all the powers
24 and duties to levy and to carry special assessments and taxes,
25 to create liens upon property, and to establish sinking funds
26 in respect to the bonds previously issued continue until
27 refunding bonds are paid.
28 e. The city shall collect the special assessment out of
29 which the refunding bonds are payable and hold the proceeds
30 in trust for the payment of the refunding bonds, but it is
31 not liable except for the proper application of the assess-
32 ments.
33 7. No action shall be brought questioning the legality
34 of the bonds authorized by this section from and after sixty
35 days from the date the bonds are ordered issued by the city.

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1 8. Special assessment bonds issued pursuant to this part
2 and the interest thereon, are exempt from taxation by the
3 state of Iowa and its political subdivisions.
4 Sec. 148. Property against which a special assessment
5 has been levied for public improvements may be sold for any
6 sum of principal or interest due and delinquent, at any regular
7 or adjourned tax sale in the same manner with the same for-
8 feitures, penalties, right of redemption, certificates, and
9 deeds, as for the nonpayment of ordinary taxes. The pur-
10 chaser at a tax sale takes the property charged with the lien
11 of the remaining unpaid installments and interest. When bonds
12 have been issued in anticipation of special assessments and
13 interest for which property is to be sold, the city may be
14 a purchaser and is entitled to all rights of purchasers at
15 tax sales. The proceeds subsequently realized from sales
16 of property so purchased by the city must be credited to the
17 funds of the city from which deficiencies on the improvement
18 were paid, or if there were no deficiencies, to the general
19 fund.
20 Sec. 149. A holder of a special assessment bond payable
21 in whole or in part out of a special assessment against any
22 lot or parcel of ground, or a city within which the lot or
23 parcel of ground is situated, which lot or parcel of ground
24 has been sold for taxes, either general or special, may have
25 an assignment of any certificate of tax sale of the property
26 for any general taxes or special taxes thereon, upon tender
27 to the holder or to the county auditor of the amount to which
28 the holder of the tax sale certificate would be entitled in
29 case of redemption.
30 Sec. 150. The whole or any part of the cost of construc-
31 tion or repair of a public improvement may be paid from the
32 proceeds of the issuance of general obligation bonds under
33 the provisions of section one hundred three (103) of this
34 Act, or from the fund or funds of the city authorized to be
35 used for the particular type of improvement, and the council

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1 shall provide that the tax authorized for purposes of the
2 fund or funds must be annually levied to the full extent
3 necessary to reimburse the fund or funds for the amount paid
4 for the construction or repair of the improvement.
5 Sec. 151. When by reason of nonconformity to any law or
6 resolution, or by reason of any omission, informality, or
7 irregularity, any special tax or assessment levied is
8 determined by the council to be invalid or is adjudged illegal,
9 the council may correct the levy by resolution, and may
10 reassess and relevy with the same force and effect as if done
11 at the proper time and in the manner provided by law or by
12 the resolution.
13 Sec. 152. When a special tax or assessment, upon property
14 not exempt, is adjudged void for any jurisdictional defect,
15 or other reason, the council may as to such property, by
16 resolution, cause to be prepared a schedule and proposed
17 reassessment in proportion to and not in excess of benefits,
18 cause notice to be given, hear objections, and make necessary
19 corrections, and may reassess and relevy the tax or special
20 assessment as corrected with the same force and effect as
21 if jurisdiction had been acquired in the first instance and
22 all subsequent proceedings had been regularly and legally
23 had.
24 Sec. 153. When, in making a special assessment, any prop-
25 erty is assessed too little or too much, the assessment may
26 be corrected and a reassessment and relevy made in conformity
27 with the correction, and a tax collected in excess of the
28 proper amount must be refunded to the person paying the same.
29 Corrected assessments are a lien on the lots the same as the
30 original assessment, must be certified by the clerk to the
31 county auditor in the same manner, and must so far as practic-
32 able, be collected in the same installments, draw interest
33 at the same rate, and be enforced in the same manner as the
34 original assessment.
35 Sec. 154. Any provision of law, resolution, or ordinance

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1 specifying a time when or the order in which acts must be
2 done in a proceeding which may result in a special assessment,
3 is subject to the qualifications of sections one hundred
4 fifty-one (151), one hundred fifty-two (152), and one hundred
5 fifty-three (153) of this Act.
6 A city may combine any one or more of the procedural acts
7 required by this part and call for bids for construction of
8 a public improvement and comply with legal requirements
9 respecting public contracts so as to permit the council to
10 receive and consider proposals at the time of hearing on the
11 resolution of necessity.
12 Sec. 155. The provisions of this part apply to any public
13 improvement undertaken jointly by the city and another city
14 or by the city and the state or any other political subdivision
15 of the state, and a city may enter into an agreement for such
16 purpose under the provisions of chapter twenty-eight E (28E)
17 of the Code and may assess and pay its portion of the cost
18 of a public improvement as provided in this part, but any
19 requirement of this part in respect to approval of detailed
20 plans and specifications, calling for construction bids,
21 awarding construction contracts and acceptance of the completed
22 improvement may be carried out by each city with other cities,
23 the state or any other political subdivision of the state,
24 as provided in an agreement entered into as permitted by
25 chapter twenty-eight E (28E) of the Code. However, an
26 agreement between the city and the state highway commission
27 is also governed by the provisions of sections three hundred
28 thirteen point twenty-one (313.21) through three hundred
29 thirteen point twenty-three (313.23), inclusive, of the Code.
30 Sec. 156. In the making of assessments for paving streets,
31 avenues or public places along or upon which a track of a
32 railway or street railway company is located, the engineer
33 shall make an estimate of the cost of building the improvement,
34 and an estimate of the cost of the improvement if tracks were
35 not there. The railway or street railway company may be

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1 charged with the difference between the two estimates of cost,
2 and shall make payment in the same manner as other special
3 assessments are paid. This section applies only to track
4 within the limits of the improvement proper and shall not
5 be construed as exempting a railway or street railway company
6 from a special assessment on other property, adjacent or
7 abutting, within the assessment district and owned by the
8 company, nor does this section relieve a company from any
9 of its duties and liabilities set forth in any other law
10 concerning repair or construction of the strip of paving
11 between the rails and one foot outside.
12 Sec. 157. Projects and proceedings for the levy of special
13 assessments and the issuance of special assessment bonds com-
14 menced before the effective date of this Act may be hereafter
15 consummated and completed and special assessments levied and
16 special assessment bonds issued as required or permitted by
17 any statute or other law amended or repealed by this Act as
18 though such repeal or amendment had not occurred, and the
19 rights, duties, and interests flowing from such projects and
20 proceedings remain valid and enforceable. Without limiting
21 the foregoing, projects commenced prior to said effective
22 date may be financed by the issuance of special assessment
23 bonds and other bonds under any such amended or repealed law
24 or by the issuance of special assessment bonds, or other bonds
25 under this Act. For the purposes of this section, commence-
26 ment of a project includes but is not limited to action taken
27 by the council or authorized officer to fix a date for a hear-
28 ing in connection with any part of a public improvement, and
29 commencement of proceedings for the levy of special assess-
30 ments and the issuance of special assessment bonds includes
31 but is not limited to action taken by the council to fix a
32 date for a hearing in connection with any public improvement
33 proposed to be financed in whole or in part through special
34 assessments.
35 Sec. 158. The enumeration in this part of special powers

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1 and functions is not a limitation of the powers of cities,
2 but the provisions of this part and the procedures prescribed
3 for exercising the powers and functions enumerated in this
4 part control and govern in the event of any conflict with
5 the provisions of any other section, part, or division of
6 this Act or with the provisions of any other law.

7 Part 5. Revenue Financing.

8 Sec. 159. As used in this part, unless the context other-
9 wise requires:

10 1. "Combined utility system" means two or more city utili-
11 ties combined and operated as a single system.

12 2. "City enterprise" means the same as defined in section
13 one hundred two (102) of this Act.

14 3. "Combined city enterprise" means two or more city
15 enterprises combined and operated as a single enterprise.

16 4. "Governing body" means the public body which by law
17 is charged with the management and control of a city utility,
18 combined utility system, city enterprise, or combined city
19 enterprise. The council is the governing body of each city
20 utility, combined utility system, city enterprise, or combined
21 city enterprise, except that a utility board, as provided
22 in division eight (VIII) of this Act, is the governing body
23 of the city utility, city utilities, or combined utility
24 system which it operates.

25 5. "Project" means the acquisition, construction, recon-
26 struction, extending, remodeling, improving, repairing, and
27 equipping of all or part of a city utility, combined utility
28 system, city enterprise, or combined city enterprise within
29 or without the corporate limits of the city.

30 6. "Rates" means rates, fees, tolls, rentals, and charges
31 for the use of or service provided by a city utility, com-
32 bined utility system, city enterprise, or combined city enter-
33 prise.

34 7. "Gross revenue" means all income and receipts derived
35 from the operation of a city utility, combined utility system,

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city enterprise, or combined city enterprise.

8. "Operating expense" means salaries, wages, cost of maintenance and operation, materials, supplies, insurance, and all other items normally included under recognized accounting practices, but does not include allowances for depreciation in the value of physical property.

9. "Net revenues" means gross revenues less operating expenses.

10. "Revenue bond" means a negotiable bond issued by a city and payable from the net revenues of a city utility, combined utility system, city enterprise, or combined city enterprise.

11. "Pledge order" means a promise to pay out of the net revenues of a city utility, combined utility system, city enterprise, or combined city enterprise, which is delivered to the contractors or other persons in payment of all or part of the cost of the project.

Sec. 160.

1. A city which proposes to establish, own, acquire by purchase, condemnation, or otherwise, lease, sell, construct, reconstruct, extend, remodel, improve, repair, equip, maintain, and operate within or without its corporate limits a city utility, combined utility system, city enterprise, or combined city enterprise must do so in accordance with the provisions of this Act.

2. If all of the utilities involved in the establishment of a combined utility system are, at the time of establishment, controlled and managed by the same utility board, such utility board shall continue as the governing body of the combined utility system; otherwise the city council is the governing body of a combined utility system, but a utility board for a combined utility system may be established as provided in division eight (VIII) of this Act. If a combined utility system or combined city enterprise is dissolved, each city utility or city enterprise shall continue in existence as

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1 a separate city utility or city enterprise unless the voters
2 additionally authorize the abandonment thereof. The governing
3 body of a combined utility system which is dissolved shall
4 continue as the governing body of each city utility which
5 was a part of the combined utility system unless changed as
6 provided in division eight (VIII) of this Act. The adding
7 of an additional city utility to an existing combined utility
8 system is the establishment of a new combined utility system
9 and must be approved by the voters of the city as provided
10 in division eight (VIII) of this Act, but the governing body
11 of the existing combined utility system shall continue as
12 the governing body of the new combined utility system.
13 3. A combined utility system or combined city enterprise
14 may be established, but if there are obligations outstanding
15 which by their terms are payable from the revenues of any
16 city utility or city enterprise involved, all such outstanding
17 obligations must be assumed by the governing body of the com-
18 bined utility system or combined city enterprise subject to
19 all terms established at the time of the original issue, or
20 refunded through the issuance of revenue bonds of the combined
21 utility system or combined city enterprise as a part of the
22 procedure for the establishment of the combined utility system
23 or combined city enterprise, or funds sufficient to pay the
24 principal of and all interest and premium, if any, on such
25 outstanding obligations at and prior to maturity must have
26 been properly set aside and pledged for that purpose. Any
27 revenues earmarked for payment of the obligations must be
28 handled by the governing body of the combined utility or
29 combined city enterprise in the same manner as they were
30 handled by the governing body of the city utility or city
31 enterprise involved. A city utility or city enterprise may
32 not be abandoned and a combined utility system or combined
33 city enterprise may not be dissolved so long as there are
34 obligations outstanding which by their terms are payable from
35 the revenues of the city utility, combined utility system,

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1 city enterprise, or combined city enterprise unless funds
2 sufficient to pay the principal of and all interest and
3 premium, if any, on such outstanding obligations at and prior
4 to maturity have been properly set aside and pledged for such
5 purpose.
6 Sec. 161.
7 1. A city may carry out projects, borrow money, and issue
8 revenue bonds and pledge orders to pay all or part of the
9 cost of projects, such revenue bonds and pledge orders to
10 be payable solely and only out of the net revenues of the
11 city utility, combined utility system, city enterprise, or
12 combined city enterprise involved in the project. The cost
13 of a project includes the construction contracts, interest
14 upon the revenue bonds and pledge orders during the period
15 or estimated period of construction and for twelve months
16 thereafter, or for twelve months after the acquisition date,
17 and the costs of engineering, architectural, technical, and
18 legal services, preliminary reports, surveys, property
19 valuations, estimates, plans, specifications, notices,
20 acquisition of real and personal property, consequential
21 damages or costs, easements, rights-of-way, supervision,
22 inspection, testing, publications, printing and sale of bonds,
23 and provisions for contingencies. A city may sell revenue
24 bonds at public or private sale in the manner prescribed by
25 chapter seventy-five (75) of the Code and may deliver revenue
26 bonds and pledge orders to the contractors, sellers, and other
27 persons furnishing materials and services constituting a part
28 of the cost of the project in payment therefor.
29 2. A city may issue revenue bonds to refund revenue bonds,
30 pledge orders, and other obligations which are by their terms
31 payable from the net revenues of the same city utility, com-
32 bined utility system, city enterprise, or combined city enter-
33 prise, or from a city utility comprising a part of the com-
34 bined utility system or a city enterprise comprising a part
35 of the combined city enterprise, at lower, the same, or higher

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1 rates of interest. A city may sell refunding revenue bonds
2 at public or private sale in the manner prescribed by chapter
3 seventy-five (75) of the Code and apply the proceeds thereof
4 to the payment of the obligations being refunded, and may
5 exchange refunding revenue bonds in payment and discharge
6 of the obligations being refunded. The principal amount of
7 any refunding revenue bonds may exceed the principal amount
8 of the obligations being refunded to the extent necessary
9 to pay any premium due on the call of the obligations being
10 refunded and to fund interest accrued on and prior to the
11 delivery of the refunding revenue bonds.
12 Sec. 162.
13 1. A city may issue revenue bonds pursuant to a resolution
14 of the governing body of the city utility, combined utility
15 system, city enterprise, or combined city enterprise, adopted
16 at a regular or special meeting by a majority of the total
17 number of members to which the governing body is entitled.
18 2. Before the governing body institutes proceedings for
19 the issuance of revenue bonds, it shall fix a time and place
20 of meeting at which it proposes to take action and give notice
21 by publication in the manner directed in section three (3)
22 of this Act. The notice must include a statement of the time
23 and place of the meeting, the maximum amount of the proposed
24 revenue bonds, the purpose for which the revenue bonds will
25 be issued, and the city utility, combined utility system,
26 city enterprise, or combined city enterprise whose net revenues
27 will be used to pay the revenue bonds and interest thereon.
28 The governing body shall at the meeting receive oral or written
29 objections from any resident or property owner of the city.
30 After all objections have been received and considered, the
31 governing body may, at the meeting or any adjournment thereof,
32 take additional action for the issuance of the bonds or abandon
33 the proposal to issue bonds. Any resident or property owner
34 of the city may appeal a decision of the governing body to
35 take additional action to the district court of the county

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1 in which any part of the city is located within fifteen days
2 after the additional action is taken, but the additional
3 action of the governing body is final and conclusive unless
4 the court finds that the governing body exceeded its authority.
5 The provisions of this subsection with respect to notice,
6 hearing, and appeal in connection with the issuance of revenue
7 bonds are in lieu of those contained in chapter twenty-three
8 (23) of the Code or any other law.
9 3. Revenue bonds may bear dates, bear interest at rates
10 not exceeding any limitations imposed by chapter seventy-five
11 (75) of the Code, mature in one or more installments, be in
12 either coupon or registered form, carry registration and con-
13 version privileges, be payable as to principal and interest
14 at times and places, be subject to terms of redemption prior
15 to maturity with or without premium, and be in one or more
16 demoninations, all as provided by the resolution of the
17 governing body authorizing their issuance. The resolution
18 may also prescribe additional provisions, terms, conditions,
19 and covenants which the governing body deems advisable,
20 consistent with the provisions of this Act, including
21 provisions for creating and maintaining reserve funds, the
22 issuance of additional revenue bonds ranking on a parity with
23 such revenue bonds and additional revenue bonds junior and
24 subordinate to such revenue bonds, and that such revenue bonds
25 shall rank on a parity with or be junior and subordinate to
26 any revenue bonds which may be then outstanding. Revenue
27 bonds are a contract between the city and holders and the
28 resolution is a part of the contract.
29 4. If the governing body is a city council, the reve-
30 nue bonds must be executed by the mayor and clerk of the city.
31 If the governing body is a utility board, the revenue bonds
32 must be executed by the chairman and secretary of the board.
33 If coupons are attached to the revenue bonds, they must be
34 executed with the original or facsimile signature of the clerk
35 or secretary. A revenue bond is valid and binding for all

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1 purposes if it bears the signatures of the officers in office
2 on the date of the execution of the bonds notwithstanding
3 that any or all persons whose signatures appear thereon have
4 ceased to be such officers prior to the delivery thereof.
5 The issuance of revenue bonds must be recorded in the office
6 of the city treasurer or other financial officer designated
7 by the council, and a certificate of the recording by the
8 treasurer or other officer must be printed on the back of
9 each revenue bond.
10 5. Revenue bonds issued pursuant to this part are negoti-
11 able instruments.
12 6. A city may issue pledge orders pursuant to a resolution
13 of the governing body of the city utility, combined utility
14 system, city enterprise, or combined city enterprise, adopted
15 by a majority of the total number of members to which the
16 governing body is entitled, at a regular or special meeting,
17 ordering their issuance and delivery in payment for all or
18 part of the cost of a project. Pledge orders may bear interest
19 at rates not exceeding eight percent per annum.
20 7. The physical properties of a city utility, combined
21 utility system, city enterprise, or combined city enterprise
22 may not be pledged or mortgaged to secure the payment of
23 revenue bonds or pledge orders or the interest thereon.
24 Sec. 163.
25 1. The governing body of a city utility, combined utility
26 system, city enterprise, or combined city enterprise may by
27 resolution establish, impose, adjust, and provide for the
28 collection of rates to produce gross revenues at least
29 sufficient to pay the expenses of operation and maintenance
30 of the city utility, combined utility system, city enterprise,
31 or combined city enterprise and, whenever revenue bonds or
32 pledge orders are issued and outstanding pursuant to the
33 provisions of this part, shall by resolution establish, impose,
34 adjust, and provide for the collection of rates to produce
35 gross revenues at least sufficient to pay the expenses of

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1 operation and maintenance of the city utility, combined utility
2 system, city enterprise, or combined city enterprise, and
3 to leave a balance of net revenues sufficient at all times
4 to pay the principal of and interest on the revenue bonds
5 and pledge orders as the same become due and to maintain a
6 reasonable reserve for the payment of such principal and
7 interest, and a sufficient portion of net revenues must be
8 pledged for such purpose.
9 2. The governing body of a city utility, combined utility
10 system, city enterprise or combined city enterprise may:
11 a. By resolution establish, impose, adjust, and provide
12 for the collection of charges for connection to a city util-
13 ity or combined utility system.
14 b. Contract for the use of or services provided by a city
15 utility, combined utility system, city enterprise, or combined
16 city enterprise with persons whose type or quantity of use
17 or service is unusual.
18 c. Lease for a period not to exceed fifteen years all
19 or part of a city enterprise or combined city enterprise,
20 if the lease will not reduce the net revenues to be produced
21 by the city enterprise or combined city enterprise.
22 d. Contract for a period not to exceed forty years with
23 other governmental bodies for the use of or the services
24 provided by the city utility, combined utility system, city
25 enterprise, or combined city enterprise on a wholesale basis.
26 e. Contract for a period not to exceed forty years with
27 persons and other governmental bodies for the purchase or
28 sale of water, gas, or electric power and energy on a wholesale
29 basis.
30 Sec. 164.
31 1. The governing body of each city utility, combined util-
32 ity system, city enterprise, or combined city enterprise being
33 operated on a revenue producing basis shall maintain a proper
34 system of books, records, and accounts.
35 2. The gross revenues of each city utility, combined util-

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1 ity system, city enterprise, or combined city enterprise must
2 be deposited with the treasurer of the governing body and
3 kept by the treasurer in a separate account apart from the
4 other funds of the city and from each other. The treasurer
5 shall apply the gross revenues of each city utility, combined
6 utility system, city enterprise, or combined city enterprise
7 only as ordered by the governing body and in strict compliance
8 with such orders, including the provisions, terms, conditions,
9 and covenants of any and all resolutions of the governing
10 body pursuant to which revenue bonds or pledge orders are
11 issued and outstanding. If the council is the governing body,
12 it may designate another city officer to serve as treasurer.
13 Sec. 165.
14 1. The pledge of any net revenues of a city utility, com-
15 bined utility system, city enterprise, or combined city enter-
16 prise is valid and effective as to all persons and other gov-
17 ernmental bodies when it becomes valid and effective between
18 the city and the holders of the revenue bonds or pledge orders.
19 2. Revenue bonds and pledge orders issued pursuant to
20 this part and interest thereon are exempt from taxation by
21 the state of Iowa and its political subdivisions.
22 Sec. 166. Revenue bonds and pledge orders are payable
23 both as to principal and interest solely out of the portion
24 of the net revenues of the city utility, combined utility
25 system, city enterprise, or combined city enterprise pledged
26 to their payment and are not a debt of or charge against the
27 city within the meaning of any constitutional or statutory
28 debt limitation provision.
29 Sec. 167. The sole remedy for a breach or default of a
30 term of a revenue bond or pledge order is a proceeding in
31 law or in equity by suit, action, or mandamus to enforce and
32 compel performance of the duties required by this part and
33 of the terms of the resolution authorizing the issuance of
34 the revenue bonds or pledge orders, or to obtain the
35 appointment of a receiver to take possession of and operate

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1 the city utility, combined utility system, city enterprise,
2 or combined city enterprise, and to perform the duties required
3 by this part and the terms of the resolution authorizing the
4 issuance of the revenue bonds or pledge orders.
5 Sec. 168. The governing body of a city utility, combined
6 utility system, city enterprise, or combined city enterprise
7 which has on hand surplus funds, after making all deposits
8 into all funds required by the terms, covenants, conditions,
9 and provisions of outstanding revenue bonds, pledge orders,
10 and other obligations which are payable from the revenues
11 of the city utility, combined utility system, city enterprise,
12 or combined city enterprise and after complying with all of
13 the requirements, terms, covenants, conditions, and provisions
14 of the proceedings and resolutions pursuant to which reve-
15 nue bonds, pledge orders, and other obligations are issued,
16 may transfer such surplus funds to any other fund of the city
17 in accordance with any rules promulgated by the city finance
18 committee created in section ninety-one (91) of this Act if
19 the transfer is also approved by the city council, provided
20 that no transfer may be made if it conflicts with any of the
21 requirements, terms, covenants, conditions, or provisions
22 of any resolution authorizing the issuance of revenue bonds,
23 pledge orders, or other obligations which are payable from
24 the revenues of the city utility, combined utility system,
25 city enterprise, or combined city enterprise which are then
26 outstanding.
27 Sec. 169. This part does not prohibit or prevent a city
28 from using funds derived from the issuance of general obliga-
29 tion bonds, the levy of special assessments and the issuance
30 of special assessment bonds, and any other source which may
31 be properly used for such purpose, to pay a part of the cost
32 of a project.
33 Sec. 170. The city shall pay for the use of or the services
34 provided by the city utility, combined utility system, city
35 enterprise, or combined city enterprise as any other customer,

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1 except that the city may pay for use or service at a reduced
2 rate or receive free use or service so long as the city
3 complies with the provisions, terms, conditions, and covenants
4 of any and all resolutions pursuant to which revenue bonds
5 or pledge orders are issued and outstanding.
6 Sec. 171. No action may be brought which questions the
7 legality of revenue bonds or the power of the city to issue
8 revenue bonds or the effectiveness of any proceedings relating
9 to the authorization and issuance of revenue bonds, from and
10 after sixty days from the time the bonds are ordered issued
11 by the city.
12 Sec. 172. The enumeration in this part of specified powers
13 and functions is not a limitation of the powers of cities,
14 but the provisions of this part and the procedures prescribed
15 for exercising the powers and functions enumerated in this
16 part control and govern in the event of any conflict with
17 the provisions of any other section, part, or division of
18 this Act or with the provisions of any other law.
19 Sec. 173. Projects and proceedings for the issuance of
20 revenue bonds, pledge orders, and other temporary obligations
21 commenced before the effective date of this Act may be consum-
22 mated and completed as required or permitted by any statute
23 or other law amended or repealed by this Act, as though such
24 repeal or amendment had not occurred, and the rights, duties,
25 and interests flowing from such projects and proceedings re-
26 main valid and enforceable. Without limiting the foregoing,
27 projects commenced prior to said effective date may be financed
28 by the issuance of revenue bonds, pledge orders, and other
29 temporary obligations under any such amended or repealed law
30 or by the issuance of revenue bonds and pledge orders under
31 this Act. For purposes of this section, commencement of a
32 project includes, but is not limited to, action taken by the
33 governing body or authorized officer to fix a date for either
34 a hearing or an election in connection with any part of the
35 project, and commencement of proceedings for the issuance

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of revenue bonds, pledge orders, and other temporary obligations includes, but is not limited to, action taken by the governing body to fix a date for either a hearing or a sale in connection with any part of such revenue bonds, pledge orders, or other temporary obligations or to order any part thereof to be issued.

Part 6. Contract Letting Procedure.

Sec. 174. As used in this part, unless the context clearly indicates otherwise:

1. "Public improvement" means any building or construction work, either within or outside the corporate limits of a city, to be paid for in whole or in part by the use of funds of the city, regardless of sources, including building or improvement constructed or operated jointly with any other public or private agency, but excluding urban renewal and low-rent housing projects, industrial aid projects authorized under chapter four hundred nineteen (419) of the Code, emergency work, or work performed by employees of a city or a city utility.

2. "Governing body" means the council of a city, a utility board of trustees, or an administrative agency which is charged with the management and control of a building or improvement project.

Sec. 175. When the estimated total cost of a public improvement exceeds the sum of ten thousand dollars, the governing body shall advertise for sealed bids for the proposed improvement by publishing a notice to bidders as provided in section three (3) of this Act.

Sec. 176. The notice to bidders must state the following items:

1. The time and place for filing sealed proposals.

2. The time and place sealed proposals will be opened and considered on behalf of the city.

3. The general nature of the public improvement on which bids are requested.

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1 4. In general terms when the work must be commenced and
2 when it must be completed.
3 5. That each bidder shall accompany his bid with a bid
4 security as defined herein and as specified by the governing
5 body, as security that the successful bidder will enter into
6 a contract for the work bid upon and will furnish after the
7 award of contract a corporate surety bond, acceptable to the
8 governing body, for the faithful performance of the contract,
9 in an amount equal to one hundred percent of the amount of
10 the contract. The bidder's security must be in an amount
11 fixed by the governing body, and must be in the form of a
12 cashier's or certified check drawn on a bank in Iowa or a
13 bank chartered under the laws of the United States, or the
14 governing body may provide for a bidder's bond with corporate
15 surety satisfactory to the governing body, which bid bond
16 shall contain no condition except as provided in this section.
17 6. Any further information which the governing body of
18 the city deems pertinent.
19 The notice to bidders may provide that bids will be received
20 for the furnishing of all labor and materials and furnishing
21 or installing equipment under one contract, or for parts
22 thereof in separate sections.
23 On public improvements to be financed wholly or partially
24 by special assessments against benefited property, the govern-
25 ing body, in the notice to bidders, may request aggregate
26 bids for all projects included in any resolution of necessity,
27 notwithstanding variations in the sizes of the improvements
28 and notwithstanding that some parts of the improvements are
29 assessable and some nonassessable, and may award the contract
30 to the lowest responsible bidder submitting the lowest aggre-
31 gate bid.
32 Sec. 177. The amount of bid security must be fixed by
33 the governing body prior to ordering publication of the notice
34 to bidders and must equal at least five percent, but may not
35 exceed ten percent of either the estimated total contract

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1 cost of the public improvement, or the amount of each bid.
2 Sec. 178. The contract for the public improvement must
3 be awarded to the lowest responsible bidder, provided, however,
4 that contracts relating to public utilities or extensions
5 or improvements thereof, as described in part five (5) of
6 this division, may be awarded by the governing body as it
7 deems to be the best interests of the city.
8 Sec. 179. The governing body shall open, announce the
9 amount of the bids, and file all proposals received, at the
10 time and place specified in the notice to bidders. The gov-
11 erning body may, by resolution, award the contract for the
12 public improvement to the bidder submitting the best bid,
13 determined as provided in section one hundred seventy-eight
14 (178) of this Act, or it may reject all bids received, fix
15 a new date for receiving bids, and order publication of a
16 new notice to bidders. The bid security furnished by the
17 successful bidder must be retained by the governing body until
18 the approved contract form has been executed, and a bond filed
19 by the bidder guaranteeing the performance of the contract,
20 and the contract and bond, have been approved by the governing
21 body. The provisions of chapter five hundred seventy-three
22 (573), of the Code, where applicable, apply to contracts
23 awarded under this part.
24 If the successful bidder fails to execute the contract
25 and furnish the required bond within ten days after the date
26 of adoption of the resolution awarding the contract, and if
27 a certified or cashier's check was furnished as bid security,
28 the check may be cashed and the amount retained by the govern-
29 ing body as agreed liquidated damages. However, if a corpo-
30 rate surety bid bond was furnished as bid security, the surety
31 company executing the bid bond must be notified of the bidder's
32 default, by registered mail, and within ten days after the
33 date of the mailing the surety company shall remit to the
34 governing body the principal amount of the bid bond, which
35 principal amount must be retained by the governing body as

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1 agreed liquidated damages. The contractor may contest the
2 forfeiture of the bid security by court action.
3 The checks or bidder's bonds of the unsuccessful bidder
4 must be promptly returned to the bidders by the governing
5 body after the award of contract has been made.
6 Sec. 180. When bids or proposals are required to be taken
7 in connection with any public improvement, the governing body
8 may delegate, by ordinance or resolution, to the city manager,
9 clerk, engineer, or other public officer, the duty of receiv-
10 ing and opening bids and announcing the results. The officer
11 shall report the results of the bidding with his recommenda-
12 tions thereon to the governing body at its next meeting.
13 Sec. 181. When the estimated total cost of a public
14 improvement exceeds the sum of ten thousand dollars, the
15 governing body shall not enter into a contract for the
16 improvement until it has held a public hearing on the proposed
17 plans, specifications, and form of contract, and estimated
18 cost for the improvement. Notice of the hearing must be
19 published as provided in section three (3) of this Act. At
20 the hearing any interested person may appear and file
21 objections to the proposed plans, specifications, contract,
22 or estimated cost of the improvement. After hearing
23 objections, the governing body shall by resolution enter its
24 decision on the plans, specifications, contract, and estimated
25 cost.
26 Sec. 182.
27 1. A governing body may authorize, sell, issue, and de-
28 liver its bonds whether or not notice and hearing on the
29 plans, specifications, form of contract, and estimated cost
30 for the public improvement to be paid for in whole or in part
31 from the proceeds of said bonds has been given, and whether
32 or not a contract has been awarded for the construction of
33 the improvement. This subsection does not apply to bonds
34 which are payable solely from special assessment levies against
35 benefited property.

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1 2. When emergency repair, construction, or reconstruction
2 to a public improvement is necessary and the delay of adver-
3 tising and a public letting might cause serious loss or in-
4 jury to the city, the governing body shall, by resolution,
5 make a finding of the necessity to institute emergency pro-
6 ceedings under this section, and shall procure a certificate
7 from a competent registered professional engineer or archi-
8 tect, not in the regular employ of the city, certifying that
9 emergency repairs are necessary.
10 In that event the governing body may contract for emergency
11 repairs without holding a public hearing and advertising for
12 bids, and the provisions of sections one hundred seventy-five
13 (175) through one hundred eighty-one (181), inclusive, of
14 this Act, do not apply.
15 Part 7. Joint Exercise of Powers.
16 Sec. 183. As used in this part, unless the context other-
17 wise requires:
18 1. "Member municipality" means a city or other govern-
19 mental body which is a party to an agreement for the creation
20 of a public authority, including cities and governmental
21 bodies added to the agreement subsequent to its original
22 execution.
23 2. "Agreement of the member municipalities" means the
24 agreement of the member municipalities for the creation of
25 a public authority, including any amendments which may be
26 made thereto from time to time.
27 3. "Public authority" means a separate legal entity created
28 under the provisions of chapter twenty-eight E (28E) of the
29 Code for any of the purposes set forth in this part. Such
30 a public authority has the usual powers and authorities of
31 public corporations consistent with the purposes for which
32 created, and the provisions of this part and chapter twenty-
33 eight E (28E) of the Code, including the power to sue and
34 be sued, the power to contract, the power to hold and dispose
35 of property, the power to exercise eminent domain, the powers

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1 and authorities delegated to it in the agreement of the member
2 municipalities, and the powers and authorities provided by
3 this part, except that a public authority has no power to
4 levy taxes or to certify taxes to be levied. The management
5 and operation of the affairs of each public authority must
6 be prescribed by the agreement of the member municipalities
7 consistent with the provisions of this part and chapter twenty-
8 eight E (28E) of the Code. A public authority created before
9 the effective date of this Act for any of the purposes set
10 forth in this part may exercise any and all of the powers
11 and authorities of public authorities as in this part provided,
12 if the agreement of the member municipalities and its by-laws,
13 if any, as amended, are consistent with the provisions of
14 this part.
15 4. "Governing body" means the body which manages the af-
16 fairs and exercises the powers of a public authority, as pro-
17 vided in the agreement of the member municipalities.
18 5. "Project" means the acquisition, construction, recon-
19 struction, extending, remodeling, improving, repairing, and
20 equipping of any and all property necessary or useful in
21 carrying out the purposes of a public authority, as set forth
22 in the agreement of the member municipalities.
23 6. "Gross revenues" means all income and receipts de-
24 rived from the operation of a public authority, a waterworks,
25 gasworks, municipal electric light and power plant and sys-
26 tem, or combined utility system owned and operated by a city.
27 7. "Operating expenses" means cost of maintenance and
28 operation, salaries, wages, materials, supplies, insurance,
29 and all other items normally included under recognized ac-
30 counting practices, but does not include allowances for de-
31 preciation in the value of physical property.
32 8. "Net revenues" means gross revenues less operating
33 expenses.
34 9. "Revenue bond" means a negotiable bond issued by a
35 public authority and payable from the net revenues of the

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1 public authority.
2 10. "Pledge order" means a promise to pay out of the net
3 revenues of a public authority, delivered to contractors or
4 other persons in payment of all or part of the cost of a pro-
5 ject.
6 11. "Combined utility system" means the same as defined
7 in section one hundred fifty-nine (159) of this Act.
8 Sec. 184. Cities and other governmental bodies owning
9 and operating all or part of an electric light and power plant
10 and system may jointly exercise their power to obtain a supply
11 of electric power and energy by entering into agreements for
12 the creation of a public authority. A public authority may
13 generate, purchase, obtain by exchange, or otherwise acquire
14 from persons and governmental bodies electric power and energy,
15 and may transmit and deliver electric power and energy to
16 its member municipalities, and may enter into contracts and
17 agreements with persons and governmental bodies to purchase,
18 obtain by exchange, or otherwise acquire power and electric
19 energy.
20 Sec. 185. Cities and other governmental bodies owning
21 and operating all or part of a gasworks may jointly exercise
22 their power to obtain a supply of gas by entering into
23 agreements for the creation of a public authority. A public
24 authority may purchase or otherwise acquire gas from persons
25 and governmental bodies, may transport and deliver gas to
26 its member municipalities, and may enter into contracts and
27 agreements with persons and governmental bodies to purchase
28 or otherwise acquire gas.
29 Sec. 186. Cities and other governmental bodies owning
30 and operating all or part of a waterworks may jointly exercise
31 their power to obtain a supply of water by entering into
32 agreements for the creation of a public authority. A public
33 authority may obtain water from wells, rivers and streams,
34 lakes and other bodies of water, including those formed by
35 damming, may purchase or otherwise acquire water from persons

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1 and governmental bodies, may transport and deliver water to
2 its member municipalities, and may enter into contracts and
3 agreements with persons and governmental bodies to purchase
4 or otherwise acquire water.
5 Sec. 187. A public authority and its member municipalities
6 may enter into contracts for the sale of water, gas, or elec-
7 tric power and energy by the public authority to its member
8 municipalities, and the purchase of water, gas, or electric
9 power and energy by the member municipalities from the public
10 authority.
11 Sec. 188. Contracts must provide that payment for water,
12 gas, or electric power and energy must be made by the member
13 municipalities out of the gross revenues of the waterworks,
14 gasworks, or electric light and power plant and system of
15 the member municipality, or out of the gross revenues of the
16 combined utility system if the waterworks, gasworks, or
17 electric light and power plant and system is part of a combined
18 utility system, and the payments for water, gas, or electric
19 power and energy are an operating expense of the waterworks,
20 gasworks, electric light and power plant and system, or
21 combined utility system of the member municipality. Contracts
22 must further provide that, so long as there are revenue bonds
23 or pledge orders of the public authority issued and outstanding
24 or until funds of the public authority sufficient to pay the
25 principal of and interest and premium, if any, on such
26 outstanding revenue bonds and pledge orders at and prior to
27 maturity have been properly set aside and pledged for such
28 purpose, the following terms are part of the contract:
29 1. The member municipality may not withdraw from the pub-
30 lic authority or the contract.
31 2. The payments required to be made by the member munici-
32 pality under the contract must be revised from time to time
33 as necessary so that the net revenues of the public authority
34 will be at all times sufficient to pay the principal of and
35 interest on such revenue bonds and pledge orders as the same

1 become due and to enable the public authority to comply with
2 the requirements, terms, covenants, conditions, and provisions
3 of the proceedings and resolutions pursuant to which such
4 revenue bonds and pledge orders were issued.
5 3. The member municipality will not abandon or dispose
6 of all or any part of its waterworks, gasworks, electric light
7 and power plant and system, or combined utility system, except
8 that the member municipality may dispose of any property which
9 is no longer needed or useful in the operation of its water-
10 works, gasworks, electric light and power plant and system,
11 or combined utility system if the disposition will not reduce
12 the gross revenues of the waterworks, gasworks, electric light
13 and power plant and system, or combined utility system, and
14 the member municipality will continuously maintain the
15 waterworks, gasworks, electric light and power plant and
16 system, or combined utility system in good repair and working
17 order and operate the same in an efficient and economical
18 manner.
19 4. The member municipality will establish, impose, adjust,
20 and provide for the collection of rates, fees, tolls, rentals,
21 and charges for the use of and services provided by its water-
22 works, gasworks, electric light and power plant and system,
23 or combined utility system so that the gross revenues of the
24 same will be at all times sufficient to enable the member
25 municipality to pay all of the expenses of operating and
26 maintaining the waterworks, gasworks, electric light and power
27 plant and system, or combined utility system, including the
28 payments, as revised from time to time, required to be made
29 under the contract as the same become due.
30 Sec. 189. A public authority may own, acquire by purchase,
31 condemnation, or otherwise, lease, construct, reconstruct,
32 extend, remodel, improve, repair, equip, maintain, and operate
33 all property necessary or useful in carrying out the purposes
34 for which it was created. All property of public authorities
35 is exempt from taxation by the state of Iowa and its politi-

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1 cal subdivisions.
2 Sec. 190. A public authority may carry out projects, bor-
3 row money, and issue revenue bonds and pledge orders to pay
4 all or part of the cost of projects, such revenue bonds and
5 pledge orders to be payable solely and only out of the net
6 revenues of the public authority. The cost of a project in-
7 cludes construction contracts, interest upon revenue bonds
8 and pledge orders during the period of construction and for
9 twelve months thereafter, or for twelve months after the
10 acquisition date, and the cost of engineering, architectural,
11 technical, and legal services, preliminary reports, surveys,
12 property valuations, estimates, plans, specifications, notices,
13 acquisition of real and personal property, consequential dam-
14 ages or costs, easements, rights-of-way, supervision, inspec-
15 tion, testing, publication, printing and sale of bonds, and
16 provisions for contingencies. A public authority may sell
17 revenue bonds at public or private sale in the manner pre-
18 scribed by chapter seventy-five (75) of the Code and may de-
19 liver revenue bonds and pledge orders to contractors, sellers,
20 and other persons furnishing materials and services
21 constituting a part of the cost of the project in payment
22 therefor.
23 Sec. 191. A public authority may issue revenue bonds to
24 refund revenue bonds, pledge orders, and other obligations
25 which are by their terms payable from the revenues of the
26 public authority at lower, the same, or higher rates of
27 interest. A public authority may sell refunding revenue bonds
28 at public or private sale in the manner prescribed by chapter
29 seventy-five (75) of the Code and apply the proceeds thereof
30 to the payment of the obligations being refunded, and may
31 exchange refunding revenue bonds in payment and discharge
32 of the obligations being refunded. The principal amount of
33 any refunding revenue bonds may exceed the principal amount
34 of the obligations being refunded to the extent necessary
35 to pay any premium due on the call of the obligations being

1 refunded and to fund interest accrued on and prior to the
2 delivery of the refunding revenue bonds.
3 Sec. 192. A public authority may issue revenue bonds pur-
4 suant to a resolution of its governing body adopted by a ma-
5 jority of the total number of members to which the governing
6 body is entitled at a regular or special meeting.
7 Sec. 193. Before the governing body may institute proceed-
8 ings for the issuance of revenue bonds, it shall fix a time
9 and place of meeting at which it is proposed to take such
10 action and give notice thereof by publication at least once,
11 not less than ten nor more than twenty-five days before the
12 date of the meeting, in a newspaper of general circulation
13 in all of the member municipalities. If there is no such
14 newspaper, notice must be published in such manner in a
15 newspaper having a general circulation in the member
16 municipality where the principal business office of the public
17 authority is located, and notice must also be posted in at
18 least three public places within the corporate limits of each
19 member municipality at least ten days before the date of the
20 meeting. Notice must include a statement of the time and
21 place of the meeting, the maximum amount of the proposed
22 revenue bonds, and the purposes for which the revenue bonds
23 will be issued. The governing body shall at the meeting
24 receive oral or written objections from any resident or
25 property owner of a member municipality. After all objections
26 have been received and considered, the governing body may
27 at the meeting, or any adjournment thereof, take additional
28 action for the issuance of the bonds or abandon the proposal.
29 Any resident or property owner of a member municipality may
30 appeal the decision of the governing body to take action to
31 the district court of the county in which any property of
32 the public authority is located, within fifteen days after
33 additional action is taken, but the additional action of the
34 governing body is final and conclusive unless the court finds
35 that the governing body exceeded its authority. The provisions

1 of this section with respect to notice, hearing, and appeal
2 in connection with the issuance of revenue bonds are in lieu
3 of those contained in chapter twenty-three (23) of the Code
4 or any other law.
5 Sec. 194. The resolution must pledge a sufficient portion
6 of the net revenues of the public authority to pay such reve-
7 nue bonds and interest thereon as the same become due and
8 to create and maintain a reasonable reserve for the payment
9 of such principal and interest, and must provide that the
10 payments required to be made by member municipalities under
11 the contracts provided for in this part must be revised from
12 time to time as required so that the next revenues of the
13 public authority will at all times be sufficient for such
14 purposes. Revenue bonds issued by public authorities may
15 bear dates, bear interest at rates not exceeding any
16 limitations imposed by chapter seventy-five (75) of the Code,
17 mature in one or more installments, be in either coupon or
18 registered form, carry registration and conversion privileges,
19 be payable as to principal and interest at times and places,
20 be subject to terms of redemption prior to maturity with or
21 without premium, be in one or more denominations, be executed
22 in the manner, including any coupons that may be attached,
23 all as provided by the resolution of the governing body
24 authorizing their issuance. The resolution may also prescribe
25 additional provisions terms, conditions, and covenants as
26 the governing body deems advisable, consistent with the
27 provisions of this part, including provisions for creating
28 and maintaining reserve funds, the issuance of additional
29 revenue bonds ranking on a parity with such revenue bonds
30 and additional revenue bonds junior and subordinate to such
31 revenue bonds, and that such revenue bonds shall rank on a
32 parity with or be junior and subordinate to any revenue bonds
33 which may be then outstanding. Revenue bonds are a contract
34 between the public authority and the holders and the resolution
35 is a part of the contract. A revenue bond is valid and binding

1 for all purposes if it bears the signatures of the officers
2 in office on the date of the execution of the bonds
3 notwithstanding that any or all such persons whose signatures
4 appear thereon have ceased to be such officers prior to the
5 delivery thereof.
6 Sec. 195. A public authority may issue pledge orders pur-
7 suant to a resolution of its governing body adopted by a ma-
8 jority of the total number of members to which the governing
9 body is entitled at a regular or special meeting, ordering
10 their issuance and delivery in payment for all or part of
11 the cost of a project. Pledge orders may bear interest at
12 rates not exceeding eight percent per annum.
13 Sec. 196. A public authority shall maintain a proper sys-
14 tem of books, records, and accounts showing complete and cor-
15 rect entries of all its transactions.
16 Sec. 197. The physical properties of a public authority
17 may not be pledged or mortgaged to secure the payment of
18 revenue bonds or pledge orders or the interest thereon.
19 Sec. 198. Revenue bonds and pledge orders issued by a
20 public authority are payable as to both principal and interest
21 solely and only out of the portion of the net revenues of
22 the public authority pledged to their payment and are not
23 a debt of or charge against the public authority or its member
24 municipalities within the meaning of any constitutional or
25 statutory debt limitation provision, and neither the public
26 authority nor any member municipality are in any manner liable
27 by reason of the failure of the net revenues of the public
28 authority to be sufficient to pay such revenue bonds and
29 pledge orders and interest thereon.
30 Sec. 199. Revenue bonds issued pursuant to this part are
31 negotiable instruments.
32 Sec. 200. The pledge of any net revenues of a public
33 authority is valid and effective as to all persons and other
34 governmental bodies when it becomes valid and effective between
35 the public authority and the holders of the revenue bonds

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1 or pledge orders.
2 Sec. 201. Revenue bonds and pledge orders issued pursuant
3 to this part and interest thereon are exempt from taxation
4 by the state of Iowa and its political subdvisions.
5 Sec. 202. Revenue bonds and pledge orders issued pursuant
6 to this part are legal investments for persons engaged in
7 the banking, investment, or insurance business and for
8 fiduciaries, but this authorization does not excuse any person
9 or fiduciary from exercising reasonable care in selecting
10 particular revenue bonds or pledge orders for purchase or
11 investment.
12 Sec. 203. The sole remedy for a breach or default of a
13 term of a revenue bond or pledge order is a proceeding in
14 law or in equity by suit, action, or mandamus to enforce and
15 compel performance of the duties required by this part and
16 of the terms of the resolution authorizing the issuance of
17 the revenue bonds or pledge orders, the agreement of the
18 member municipalities and the contracts between the public
19 authority and its member municipalities as provided in this
20 part, or to obtain the appointment of a receiver to take
21 possession of and operate the public authority and to perform
22 the duties required by this part and the terms of the
23 resolution authorizing the issuance of the revenue bonds or
24 pledge orders, the agreement of the member municipalities
25 and the contracts between the public authority and its member
26 municipalities as provided in this part.
27 Sec. 204. No action may be brought which questions the
28 legality of revenue bonds or the power of the public authority
29 to issue such bonds or the effectiveness of any proceedings
30 relating to the authorization and issuance of revenue bonds
31 from and after sixty days from the time the same are ordered
32 issued by the governing body.
33 Sec. 205. A public authority having a temporary surplus
34 of water, gas, or electric power and energy over and above
35 the needs of its member municipalities may dispose of the

1 surplus by sale or exchange.
2 Sec. 206. When the estimated cost of a project exceeds
3 the sum of ten thousand dollars, the governing body, before
4 entering into any contract for the project, shall adopt
5 proposed plans and specifications and proposed form of contract
6 therefor, fix a time and place for hearing thereon within
7 one of the member municipalities, and give notice of the
8 hearing by publication at least once not less than ten nor
9 more than twenty-five days before the date of such hearing
10 in a newspaper of general circulation in all of the member
11 municipalities. If there is no such newspaper, notice must
12 be published in such manner in a newspaper having a general
13 circulation in the member municipality where the principal
14 business office of the public authority is located, and the
15 notice must also be posted in at least three public places
16 within the corporate limits of each member municipality at
17 least ten days before the date of the meeting. At the hearing,
18 the governing body shall receive oral or written objections
19 from any resident or property owner of a member municipality.
20 After all objections have been received and considered, the
21 governing body may at such meeting, or any adjournment thereof,
22 take action on the proposed plans, specifications, and form
23 of contract. Any resident or property owner of a member
24 municipality may appeal the decision of the governing body
25 adopting the plans, specifications, and form of contract with
26 or without modifications, at such hearing or an adjournment
27 thereof, to the district court of the county in which any
28 property of the public authority is located, within fifteen
29 days after the action is taken, but the action of the govern-
30 ing body is final and conclusive unless the court finds that
31 the governing body exceeded its authority. The provisions
32 of this section with respect to notice, hearing, and appeal
33 are in lieu of those contained in chapter twenty-three (23)
34 of the Code or any other law.
35 Sec. 207. When the estimated cost of a project exceeds

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1 the sum of ten thousand dollars, the governing body shall
2 advertise for sealed bids therefor by publication of notice
3 at least once not less than ten nor more than twenty-five
4 days before the date fixed for opening such sealed bids, in
5 a newspaper of general circulation in all of the member
6 municipalities. If there is no such newspaper, notice must
7 be published in such manner in a newspaper having a general
8 circulation in the member municipality where the principal
9 business office of the public authority is located and also
10 in a newspaper of general circulation published in the state
11 capital of each state in which any of the member municipalities
12 are located. The notice to bidders must comply with the
13 provisions of section one hundred seventy-six (176) of this
14 Act, and the provisions of part six (6) of this division apply
15 to and govern the receipt of bids and the award of contracts
16 pursuant thereto. Each contract must be awarded by the
17 governing body as it deems to be to the best interests of
18 the public authority. The foregoing provisions with respect
19 to notice, receipt of bids, and award of contracts are in
20 lieu of those contained in chapter twenty-three (23) of the
21 Code or any other law.
22 Sec. 208. A public authority may authorize, sell, issue,
23 and deliver its revenue bonds without regard to whether or
24 not notice and hearing on the plans, specifications, and form
25 of contract for the project to be paid for in whole or in
26 part from the proceeds of the revenue bonds has been given,
27 and without regard to whether or not any contract has been
28 awarded for the construction of the project.
29 DIVISION VIII. City Utilities
30 Sec. 209. As used in this division:
31 1. "Combined utility system" means the same as defined
32 in section one hundred fifty-nine (159) of this Act.
33 2. "Utility board" or "board" means a board of trustees
34 established to operate a city utility, city utilities, or
35 a combined utility system. A single utility board may operate

1 more than one city utility even though such city utilities
2 are not a combined utility system.
3 Sec. 210. The proposal of a city to establish, acquire,
4 lease, or dispose of a city utility, except a sanitary sewage
5 system, in order to undertake or to discontinue the operation
6 of the city utility, or the proposal to establish or dissolve
7 a combined utility system, or the proposal to establish or
8 discontinue a utility board, is subject to the approval of
9 the voters of the city, except that a board may be discontinued
10 by resolution of the council when the city utility, city
11 utilities, or combined utility system it administers is
12 disposed of or leased for a period of over five years.
13 The proposal may be submitted to the voters at any city
14 election by the council on its own motion. Upon receipt of
15 a valid petition as defined in section four (4) of this Act,
16 requesting that a proposal be submitted to the voters, the
17 council shall submit the proposal at the next regular city
18 election.
19 A proposal for the establishment of a utility board must
20 specify a board of either three or five members.
21 If a majority of those voting for and against the proposal
22 approves the proposal, the city may proceed as proposed.
23 If a majority of those voting for and against the proposal
24 does not approve the proposal, the same or a similar proposal
25 may not be submitted to the voters of the city for at least
26 four years from the date of the election at which the proposal
27 was defeated.
28 Sec. 211. If a proposal to establish a utility board
29 receives a favorable majority vote, the mayor shall appoint
30 the board members, as provided in the proposal, subject to
31 the approval of the council. The council shall by resolution
32 provide for staggered six-year terms for, and shall set the
33 compensation of, board members.
34 A board member appointed to fill a vacancy occurring by
35 reason other than the expiration of a term is appointed for

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1 the balance of the unexpired term.
2 A public officer or a salaried employee of the city may
3 not serve on a utility board.
4 Sec. 212. The title of a utility board must be appropriate
5 to the city utility, city utilities, or combined utility
6 system administered by the board. A utility board may be
7 a party to legal action. A utility board may exercise all
8 powers of a city in relation to the city utility, city
9 utilities, or combined utility system it administers, with
10 the following exceptions:
11 1. A board may not certify taxes to be levied, pass ordin-
12 ances or amendments, or issue general obligation or special
13 assessment bonds.
14 2. The title to all property of a city utility or combined
15 utility system must be held in the name of the city, but the
16 utility board has all the powers and authorities of the city
17 with respect to the acquisition by purchase, condemnation,
18 or otherwise, lease, sale, or other disposition of such
19 property, and the management, control, and operation of the
20 same, subject to the requirements, terms, covenants,
21 conditions, and provisions of any resolutions authorizing
22 the issuance of revenue bonds, pledge orders, or other
23 obligations which are payable from the revenues of the city
24 utility or combined utility system, and which are then
25 outstanding.
26 3. A board shall make to the council a detailed annual
27 report, including a complete financial statement.
28 4. Immediately following a regular or special meeting
29 of a utility board, the secretary shall prepare a condensed
30 statement of the proceedings of the board and cause the state-
31 ment to be published in a newspaper of general circulation
32 in the city. The statement must include a list of all claims
33 allowed, showing the name of the person or firm making the
34 claim, the reason for the claim, and the amount of the claim.
35 Salary claims must show the gross amount of the claim except

that salaries paid to persons regularly employed by the utility, for services regularly performed by them, must be published once annually showing the gross amount of the salary. Failure by the secretary to make publication is a misdemeanor.

Sec. 213. A utility board shall control tax revenues allocated to the city utility, city utilities, or combined utility system it administers and all moneys derived from the operation of the city utility, city utilities, or combined utility system, the sale of utility property, interest on investments, or from any other source related to the city utility, city utilities, or combined utility system.

All city utility moneys received must be held in a separate utility fund, with a separate account or accounts for each city utility or combined utility system. If a board administers a municipal utility or combined utility system, moneys may be paid out of that utility account only at the direction of the board.

Sec. 214. A city utility or a combined utility system may not provide use or service at a discriminatory rate, except to the city or its agencies, as provided in section one hundred seventy (170) of this Act.

Sec. 215. A utility board functioning on the effective date of this Act shall continue to function until discontinued as provided in this division, and has all the powers granted in this division.

DIVISION IX. Administrative Agencies

Sec. 216. If the council wishes to establish an administrative agency, it shall do so by an ordinance which indicates the title, powers, and duties of the agency, the method of appointment, qualifications, compensation, and term of members, and other appropriate matters relating to the agency. The title of an administrative agency must be appropriate to its function. The council may not delegate to an administrative agency any of the powers, authorities, and duties prescribed in part five (5) of division seven (VII) or in division eight

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1 (VIII) of this Act, except that the council may delegate to
2 an administrative agency power to establish, collect, or
3 dispense charges for the use of a city facility, including
4 a city enterprise, as defined in section one hundred two (102)
5 of this Act, so long as there are no revenue bonds or pledge
6 orders outstanding which are payable from the revenues of
7 the city enterprise. Except as otherwise provided in this
8 division, the council may delegate rule-making authority to
9 the agency for matters within the scope of the agency's powers
10 and duties, and may prescribe penalties for violation of
11 agency rules and regulations which have been adopted by
12 ordinance. Rules and regulations governing the use by the
13 public of any city facility must be made readily available
14 to the public.
15 Sec. 217. An administrative agency may not pledge the
16 credit or taxing power of the city.
17 Sec. 218. Unless otherwise stated in the ordinance
18 establishing the agency, contracts and agreements entered
19 into by administrative agencies are subject to review and
20 approval by the council, but when so approved and to the
21 extent such contracts and agreements are otherwise valid by
22 law, are valid and not voidable by subsequent actions of the
23 city even if the administrative agency is dissolved, but no
24 such contract or agreement may conflict with the provisions
25 of part five (5) of division seven (VII) or division eight
26 (VIII) of this Act, or any action taken pursuant to the
27 provisions of the same.
28 Sec. 219. Subject to approval by the council, an
29 administrative agency may take action jointly with other
30 public or private agencies as provided in chapter twenty-eight
31 E (28E) of the Code.
32 Sec. 220. A city library board of trustees or a city
33 hospital board of trustees functioning on the effective date
34 of this Act shall continue to function in the same manner
35 until altered or discontinued as provided in this section.

In order for the boards to function in the same manner, the council shall retain all applicable ordinances, and shall adopt as ordinances all applicable state statutes repealed by this Act.

A library or hospital board may accept and control the expenditure of all gifts, devises, and bequests to the library or hospital.

No part of the revenue from the operation of a city hospital may be used for any purpose other than the maintenance, operation, and improvement of the hospital, without the approval of the board of trustees or appropriate administrative agency.

A proposal to alter the composition, manner of selection, or charge of a library or hospital board, or to replace it with an alternate form of administrative agency, is subject to the approval of the voters of the city.

The proposal may be submitted to the voters at any city election by the council on its own motion. Upon receipt of a valid petition as defined in section four (4) of this Act, requesting that a proposal be submitted to the voters, the council shall submit the proposal at the next regular city election. A proposal submitted to the voters must describe with reasonable detail the action proposed.

If a majority of those voting approves the proposal, the city may proceed as proposed.

If a majority of those voting does not approve the proposal, the same or a similar proposal may not be submitted to the voters of the city for at least four years from the date of the election at which the proposal was defeated.

Sec. 221. Except as otherwise provided in this division, an administrative agency established by a city shall continue with the same powers and duties until altered or discontinued as provided in this section. The council may by ordinance reduce or increase an administrative agency's power and duties, or may transfer powers and duties from one agency to another. The council may discontinue an administrative agency by

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1 adopting a resolution proposing the action, and publishing
2 notice as provided in section three (3) of this Act, of the
3 resolution and of a date, time, and place of a public hearing
4 on the proposal, and may discontinue the agency by ordinance
5 or amendment not sooner than thirty days following the hearing.
6 Sec. 222. Chapters three hundred sixty-two (362), three
7 hundred sixty-three (363), three hundred sixty-three A (363A),
8 three hundred sixty-three B (363B), three hundred sixty-three
9 C (363C), three hundred sixty-three D (363D), three hundred
10 sixty-three E (363E), three hundred sixty-four (364), three
11 hundred sixty-six (366), three hundred sixty-eight (368),
12 three hundred sixty-eight A (368A), three hundred sixty-nine
13 (369), three hundred seventy (370), three hundred seventy-
14 one (371), three hundred seventy-two (372), three hundred
15 seventy-three (373), three hundred seventy-four (374), three
16 hundred seventy-four A (374A), three hundred seventy-five
17 (375), three hundred seventy-six (376), three hundred seventy-
18 seven (377), three hundred seventy-eight (378), three hundred
19 seventy-eight A (378A), three hundred seventy-nine (379),
20 three hundred seventy-nine A (379A), three hundred seventy-
21 nine B (379B), three hundred eighty (380), three hundred
22 eighty-one (381), three hundred eighty-two (382), three hundred
23 eighty-three (383), three hundred eighty-four (384), three
24 hundred eighty-five (385), three hundred eighty-six (386),
25 three hundred eighty-six A (386A), three hundred eighty-six
26 B (386B), three hundred eighty-six C (386C), three hundred
27 eighty-seven (387), three hundred eighty-nine (389), three
28 hundred ninety (390), three hundred ninety A (390A), three
29 hundred ninety-one (391), three hundred ninety-one A (391A),
30 three hundred ninety-two (392), three hundred ninety-three
31 (393), three hundred ninety-four (394), three hundred ninety-
32 five (395), three hundred ninety-six (396), three hundred
33 ninety-seven (397), three hundred ninety-seven A (397A), three
34 hundred ninety-eight (398), three hundred ninety-eight A
35 (398A), three hundred ninety-nine (399), four hundred (400),

four hundred one (401), four hundred two (402), four hundred four (404), four hundred seven (407), four hundred eight (408), four hundred eight A (408A), four hundred thirteen (413), four hundred fifteen (415), and four hundred seventeen (417), Code 1971, are repealed.

Sec. 223. Section four point one (4.1), subsection twenty-six (26), Code 1971, is amended as follows:

26. POPULATION. The word "population", where used in this Code or any statute hereafter passed, ~~shall be taken to be that~~ means the population as shown by the last preceding ~~national~~ certified federal census, unless otherwise specially provided. ~~However the population figure disclosed for any city or town as the result of a special federal census as modified as the result of consolidation or annexation in the manner provided in sections 312.3 and 123.50, shall be considered for no other purposes than the application of sections 123.50 and 312.3.~~

Sec. 224. Section nine point two (9.2), Code 1971, is amended as follows:

9.2 RECORDS RELATING TO CITIES AND TOWNS. He shall receive and preserve in his office all papers transmitted to him in relation to ~~the incorporation of cities and towns, or the annexation of territory thereto, or the consolidation or abandonment of municipal corporations~~ city development, including incorporation, discontinuance, or boundary adjustment; and shall keep an alphabetical list of ~~said~~ cities ~~and towns~~ in a book provided for that purpose, in which shall be entered the name of the ~~town or~~ city, ~~the character of the same, whether town or city,~~ the county in which situated, and the date of ~~organization~~ incorporation, discontinuance, or boundary adjustment.

Sec. 225. Section eleven point eighteen (11.18), Code 1971, is amended as follows:

11.18 EXAMINATION OF CITIES, TOWNS, TOWNSHIPS, AND SCHOOLS. The financial condition and transactions of all cities and

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city offices, merged areas, and all school offices in independent and community school districts maintaining high schools, shall be examined at least once each year~~.--The financial-condition-and-transactions-of-all-towns~~, except that cities having a population of seven hundred or more but less than two thousand shall be examined at least once every four years, and cities having a population of less than seven hundred may be examined as otherwise provided in this section. Such examination shall cover the fiscal year next preceding the year in which the audit is conducted. The examination of school offices shall include an audit of activity funds. Examinations may be made by the auditor of state, or in lieu of the examination by state accountants the local governing body whose accounts are to be examined, in case it elects so to do, may contract with, or employ, certified or registered public accountants, certified and registered in the state of Iowa, and pay the same from the proper public funds. If ~~the~~ a city, merged area or school district ~~elect~~ elects to have the audit made by certified or registered public accountants, ~~they~~ it must so notify the auditor of state within sixty days after the close of the fiscal year to be examined ~~and-towns-electing-to-have-their-audit-made-by-a certified-public-accountant.~~ A city must so notify the state auditor by filing a resolution of the council ~~designating the-name-of-the-person-or-firm-to-be-employed-at-least-ninety days-prior-to-the-end-of-a-fiscal-year.~~ Such notification and designation shall remain in effect until rescinded or modified by a subsequent resolution of the ~~town~~ council filed with the state auditor. ~~For-town-audits-to-be-conducted-by certified-public-accountants,-the-state-auditor-shall-notify the-designated-person-or-firm-of-the-year-to-be-examined-at least-sixty-days-prior-to-the-end-of-the-year-to-be-examined.~~ If any city, ~~town,~~ merged area or school district does not file such notification with the auditor of state within the required period, the auditor of state is authorized to make

1 the examination and cover any period which has not been
2 previously examined.
3 Any township or municipal corporation not embraced within
4 the foregoing provisions of this chapter and any school cor-
5 poration in which an annual examination is not required may,
6 on application to the auditor of state, secure an examination
7 of its financial transactions and condition of its funds,
8 or a like examination shall be had on application of one
9 hundred or more taxpayers, or if there are fewer than five
10 hundred taxpayers, then by five percent thereof. The
11 examination in any such school district may be had upon the
12 written request of the county superintendent of schools.
13 In lieu of such examination by state accountants, the local
14 governing body may contract with, or employ, certified or
15 registered public accountants and pay the same from the proper
16 public funds.
17 In addition to his powers and duties under other provisions
18 of the Code, the auditor of state may at any time, if he deems
19 such action to be in the public interest, cause to be made
20 a complete or partial audit of the financial condition and
21 transactions of any city, ~~town,~~ county, school corporation,
22 governmental subdivision, or any office thereof, even though
23 an audit for the same period has been made by certified or
24 registered public accountants. Such state audit shall be
25 made and paid for as provided in this chapter, except that
26 in the event an audit covering the same period has previously
27 been made and paid for, the costs of such additional state
28 audit shall be paid from any funds available in the office
29 of the auditor of state. This paragraph shall not be con-
30 strued to grant any new authority to have audits made by
31 certified or registered public accountants.
32 Sec. 226. Section eleven point twenty-two (11.22), Code
33 1971, is amended as follows:
34 11.22 UNIFORM SYSTEM OF ACCOUNTING. The auditor of state
35 shall prescribe a uniform system of blanks and forms for all

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1 financial accounts, receipts, and reports of all county~~,-city,~~
2 ~~and-town~~ offices. Said stem shall, as far as practicable,
3 follow the classifications and definitions of such transactions
4 in use in the national census office, when not in conflict
5 with the laws of this state. Said blanks and forms shall,
6 by said auditor, be revised, from time to time, in order to
7 render the same more efficient and to meet changes in the
8 law.
9 Sec. 227. Section eleven point twenty-three (11.23), Code
10 1971, is amended as follows:
11 11.23 DUTY TO INSTALL. It shall be the specific duty
12 of each county~~,~~ and school~~,-city,-and-town~~ officer to install
13 and use in his office a system of uniform blanks and forms
14 as prescribed by law. State auditors are charged with the
15 specific duty to assist all such officers in installing said
16 system.
17 Sec. 228. Section eleven point twenty-five (11.25), Code
18 1971, is amended as follows:
19 11.25 REPORTS REQUIRED. The auditor of state shall make
20 the following reports:
21 ~~1.--An-annual-report-to-the-governor-and-general-assembly~~
22 ~~of-all-municipal-financial-operations.~~
23 ~~2~~ 1. A biennial report to the governor and the general
24 assembly of all operations of his office.
25 ~~3~~ 2. Individual audit reports giving the results of all
26 examinations and audits of all departments and establishments
27 and all fiscal officers of the state and local governments.
28 Sec. 229. Sections eleven point twenty-six (11.26), eleven
29 point thirty-one (11.31), and seventeen point seven (17.7),
30 Code 1971, are repealed.
31 Sec. 230. Section nineteen point six (19.6), Code 1971,
32 is amended as follows:
33 19.6 REPORT FOR OFFICIAL REGISTER. He shall, as soon
34 as practicable after January 1 of each odd-numbered year,
35 prepare a report of the proceedings of the executive council

for the two preceding calendar years. Said report shall include a statement of:

1. The official canvass of the votes cast at the last general election.

~~2.--The cities and towns, the class of which may have been changed.~~

~~3~~ 2. Other acts of said council that are of general interest.

Said report shall be published in the Iowa official register.

Sec. 231. Section nineteen point seven (19.7), unnumbered paragraph one (1), Code 1971, is amended as follows:

19.7 CONTINGENT FUND--USE FOR STATE LOSSES OR GOVERNMENTAL SUBDIVISIONS DISASTER AID. A contingent fund set apart for the use of the executive council may be expended for the purpose of paying the expenses of suppressing any insurrection or riot, actual or threatened, when state aid has been rendered by order of the governor, and for repairing, rebuilding, or restoring any state property injured, destroyed, or lost by fire, storm, theft, or unavoidable cause, and for aid to any governmental subdivision in an area declared by the governor to be a disaster area due to natural disasters or to expenditures necessitated by the governmental subdivision toward averting or lessening the impact of such potential disaster, where the effect of such disaster or such action on the governmental subdivision is the immediate financial inability to meet the continuing requirements of local government. Upon application therefor by a governmental subdivision in such an area, accompanied by a showing of obligations and expenditures necessitated by such actual or potential disaster, in such form and with such further information as the executive council may require, such aid may be made in the discretion of the council and, if made, shall be in the nature of a loan, up to a limit of seventy-five percent of the showing of such obligations and expenditures. Said loan, without interest, shall be repaid

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by the maximum annual emergency levy as authorized by section 24.6, or from the general fund or emergency fund of a city. The aggregate total of such loans shall not exceed one million dollars in any biennial fiscal term of the state. No such loan shall be for any obligation or expenditure occurring more than two years previous to the application.

Sec. 232. Section twenty-three point one (23.1), Code 1971, is amended as follows:

23.1 TERMS DEFINED. The words "public improvement" as used in this chapter shall mean any building or other construction work to be paid for in whole or in part by the use of funds of any municipality.

The word "municipality" as used in this chapter shall mean county, except in the exercise of its power to make contracts for secondary road improvements, ~~city, town,~~ township, school corporations, state fair board, state board of regents, and state board of control.

The words "appeal board" as used in this chapter shall mean the "state appeal board", composed of the auditor of state, treasurer of state, and state comptroller.

Sec. 233. Section twenty-four point two (24.2), subsection one (1), Code 1971, is amended as follows:

1. The word "municipality" shall mean the county, ~~city, town,~~ school corporation, and all other public bodies or corporations that have power to levy or certify a tax or sum of money to be collected by taxation, but shall not include any city, drainage district, township, or road district.

Sec. 234. Section twenty-eight F point one (28F.1), Code 1971, is amended as follows:

28F.1 SCOPE OF CHAPTER. This chapter is intended to provide a means for the joint financing by public agencies of works or facilities ~~enumerated in section 394.1~~ useful and convenient for the collection, treatment, purification and disposal in a sanitary manner of liquid and solid waste, sewage, and industrial waste, also swimming pools or golf

courses. The provisions of this chapter shall be deemed to apply to the acquisition, construction, reconstruction, operation, repair, extension or improvement of such works or facilities, by a separate administrative or legal entity created pursuant to chapter 28E.

Sec. 235. Section twenty-eight F point two (28F.2), Code 1971, is amended as follows:

28F.2 DEFINITIONS. The terms "public agency", "state", and "private agency" shall have the meanings prescribed by section 28E.2. The term "project" or "projects" shall mean any works or facilities referred to in section ~~394.1~~ 28F.1 and shall include all property real and personal, pertinent thereto or connected with such project or projects, and the existing works or facilities, if any, to which such project or projects are an extension, addition, betterment or improvement.

Sec. 236. Section twenty-eight F point three (28F.3), Code 1971, is amended as follows:

28F.3 REVENUE BONDS. An entity created to carry out an agreement authorizing the joint exercise of those governmental powers enumerated in section ~~394.1~~ 28F.1 shall have power to construct, acquire, repair, improve, expand, operate and maintain a project or projects necessary to carry out the purposes of such agreement, and to issue from time to time revenue bonds payable from the revenues derived from such project or projects, or any combination of such projects, to finance the cost or part of the cost of the acquisition, construction, reconstruction, repair, extension or improvement of such project or projects, including the acquisition for the purposes of such agreement, of any property, real or personal or mixed therefor. The power of the entity to issue revenue bonds shall not be exercised until authorized by resolution or ordinance duly adopted by each of the public agencies participating in such agreement. Public agencies participating in such an agreement may not withdraw or in

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any way terminate, amend, or modify in any manner to the detriment of the bondholders said agreement if revenue bonds or obligations issued in anticipation of the issuance of said revenue bonds have been issued and are then outstanding and unpaid as provided for herein. Any revenue bonds for the payment and discharge of which, upon maturity or upon redemption prior to maturity, provision has been made through the setting apart in a reserve fund or special trust account created pursuant to this chapter to insure the payment thereof, of moneys sufficient for that purpose or through the irrevocable segregation for that purpose in a sinking fund or other fund or trust account of moneys sufficient therefor, shall be deemed to be no longer outstanding and unpaid within the meaning of any provision of this chapter.

Sec. 237. Section thirty-seven point two (37.2), Code 1971, is amended as follows:

37.2 PETITION. The petition for the erection and equipment of any such hall or monument shall request the submission of the proposition to a vote of the people and shall:

1. When it is proposed to erect the same at the expense of the county, be signed by ten percent of the qualified electors thereof as shown by the poll list in the last preceding general election, or by a majority of the members of the Grand Army of the Republic, the Spanish-American War Veterans Association, Veterans of World War I, the American Legion, Disabled American Veterans of the World War, Veterans of Foreign Wars of the United States, Marine Corps League and American Veterans of World War II (AMVETS) of the county.

2. When it is proposed to erect the same at the expense of a city or town, be ~~signed by ten percent of the qualified electors thereof, as shown by the poll list in the last preceding regular municipal election~~ subject to the provisions of section 4 of this Act.

3. Set forth therein the purpose of the memorial proposed, as outlined in section 37.18.

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Sec. 238. Section thirty-seven point four (37.4), Code 1971, is amended as follows:

37.4 NOTICE. Notice of such election shall be given by publication in one newspaper published or having general circulation in the county, city, or town, as the case may be, ~~once each week for at least four consecutive weeks. If no newspaper is published therein, then such notice may be given by posting in three public places within the limits of said corporation, and by publication for four consecutive weeks in a newspaper of general circulation in the county, the last publication to be not less than five nor more than twenty days prior to such election~~ as provided in section 3 of this Act. Such notice shall state the purpose of the memorial proposed as outlined in section 37.18.

Sec. 239. Section thirty-seven point five (37.5), Code 1971, is amended as follows:

37.5 ACQUISITION OF SITE. When the proposition to erect any such building or monument has been carried by a majority vote of all voters voting thereon, any such county~~, city, or town~~ shall have the power to purchase grounds suitable for a site for any such building or monument.

Sec. 240. Section thirty-seven point six (37.6), Code 1971, is amended as follows:

37.6 BONDS. For the purpose of providing funds for the acquisition of necessary ground therefor, and for purchasing, erecting, constructing, or reconstructing such building or monument, and for the necessary equipment therefor, the county~~, city, or town~~ may issue bonds to be known as liberty memorial bonds, to be issued and sold as provided by law relative to general county ~~and city~~ bonds; ~~they~~ it shall provide for portions of such bonds to become due at different, definite periods, but none in more than twenty years from date. In issuing such bonds, such county~~, city, or town~~ may become indebted in an amount which, added to all other indebtedness, shall not exceed five percent of the actual value of the

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taxable property in such county~~,-city,-or-town~~ as determined by the last state and county tax lists. Such bonds shall bear interest at a rate not exceeding seven percent per annum. Bonds issued by a city must be issued in accordance with provisions of law relating to general corporate purpose bonds of a city.

Sec. 241. Section thirty-seven point seven (37.7), Code 1971, is amended as follows:

37.7 LEVY FOR BONDS. For the purpose of liquidating such bonds together with the interest thereon, such county shall levy upon all the property within the limits thereof, subject to taxation for such purpose, in addition to all other taxes provided by law, a special tax not exceeding in any one year four mills on the dollar for a period of not exceeding twenty years.

~~For-the-purpose-of-liquidating-any-such-liberty-memorial bonds-issued-by-cities-and-towns-pursuant-to-the-provisions of-this-chapter,-together-with-interest-thereon,-taxes-shall be-levied-by-such-cities-and-towns-in-accordance-with-chapter 76,-and-said-bonds-and-interest-thereon-shall-be-payable through-the-debt-service-fund.~~

Sec. 242. Section thirty-seven point eight (37.8), Code 1971, is amended as follows:

37.8 LEVY FOR MAINTENANCE. For the development, operation, and maintenance of such building or monument constructed, purchased, or donated under this chapter, there may be thereafter levied a tax as follows:

1. By a county owning same, not to exceed one and one-fourth mills on all the taxable property within said county.

2. By a city ~~having-a-population-in-excess-of-fifty-thousand-persons-as-shown-by-the-last-preceding-census,-owning same,-not-to-exceed-two-mills-on-all-the-taxable-property within-said-city~~ owning same, not to exceed five mills on all the taxable property within the city, as provided in section 90, subsection 3 of this Act.

~~3.--By any city having a population of at least fifteen thousand but not more than fifty thousand, owning same, not to exceed three mills on all the taxable property within said city.~~

~~4.--By a city having a population of less than fifteen thousand, owning same, not to exceed four mills on all the taxable property within said city.~~

~~5.--By a town owning same, not to exceed five mills on all the taxable property within said town.~~

Sec. 243. Section forty-three point eleven (43.11), Code 1971, is amended as follows:

43.11 FILING OF NOMINATION PAPERS. Nomination papers in behalf of a candidate shall be filed:

1. For an elective county office, in the office of the county auditor at least fifty-five days prior to the day fixed for holding the primary election.

2. For United States senator, for an elective state office, for representative in Congress, and for member of the general assembly, in the office of the secretary of state not more than eighty-five days nor less than sixty-five days prior to the day fixed for holding said primary election.

~~3.--For elective offices in cities and towns, as provided in section 363.44.~~

Sec. 244. Section forty-nine point three (49.3), Code 1971, is amended as follows:

49.3 ELECTION PRECINCTS. Election precincts shall, except as otherwise provided, be as follows:

1. Each township when there is no part of a city therein.

2. The portion of a township outside the limits of any city.

3. Such divisions of cities as may be fixed by the council by ordinance.

~~4.--Each incorporated town, for town elections.~~

Sec. 245. Section forty-nine point seven (49.7), Code 1971, is amended as follows:

49.7 PORTIONS OF TOWNSHIPS COMBINED. No precinct shall

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contain different townships or parts thereof, except for other than city elections where, by reason of the existence of a village or ~~incorporated town~~ city of less than two thousand population on or near a township line, the board of supervisors may create a voting precinct in compact form, from said ~~town~~ city or village, and may include therein territory adjoining and adjacent to said village or ~~town~~ city, which is situated in two or more townships.

Sec. 246. Section forty-nine point nine (49.9), Code 1971, is amended as follows:

49.9 PROPER PLACE OF VOTING. No person shall vote in any precinct but that of his residence~~, except as provided in section 363.21~~.

Sec. 247. Section forty-nine point thirteen (49.13), Code 1971, is repealed.

Sec. 248. Section fifty-two point three (52.3), Code 1971, is amended as follows:

52.3 TERMS OF PURCHASE--TAX LEVY. The local authorities, on the adoption and purchase of a voting machine, may provide for the payment therefor in such manner as they may deem for the best interest of the locality, and may for that purpose issue bonds, certificates of indebtedness, or other obligations, which shall be a charge on the county~~,~~ or city, ~~or town,~~ or levy not to exceed one-half mill; and any amounts so levied and collected in excess of actual costs of voting machines shall revert to the general fund of the county~~,~~ or city~~, or town~~ concerned. ~~In the case of a city or town, any such funds collected under this section shall be held in a separate account in the municipal enterprises fund and shall be used for no other purpose than the purchase of voting machines.~~ Such bonds, certificates, or other obligations may be issued with or without interest, payable at such time or times as the authorities may determine, but shall not be issued or sold at less than par.

Sec. 249. Section sixty-four point one (64.1), Code 1971,

1 is amended as follows:
2 64.1 BOND NOT REQUIRED. Bonds shall not be required of
3 the following public officers:
4 1. Governor.
5 2. Lieutenant governor.
6 3. Members of the general assembly.
7 4. Judges of the supreme, district, superior, and municipal
8 courts.
9 5. Township trustees.
10 6. Aldermen, councilmen, and commissioners of cities ~~and~~
11 ~~towns~~ , other than mayors.
12 Sec. 250. Section sixty-four point fourteen (64.14), Code
13 1971, is repealed.
14 Sec. 251. Section sixty-nine point two (69.2), subsection
15 three (3), Code 1971, is amended as follows:
16 3. The incumbent ceasing to be a resident of the state,
17 district, county, township, city, ~~town,~~ or ward by or for
18 which he was elected or appointed, or in which the duties
19 of his office are to be exercised. This subsection shall
20 not apply to ~~appointments authorized by section 368A.4,~~
21 ~~subsection 7~~ appointed city officers.
22 Sec. 252. Section sixty-nine point thirteen (69.13), Code
23 1971, is amended as follows:
24 69.13 VACANCIES--WHEN FILED. If a vacancy occurs in an
25 elective office in a ~~city, town, or~~ township ten days, or
26 a county office fifty days, or any other office sixty days,
27 prior to a general election, it shall be filled at such
28 election, unless previously filled at a special election.
29 Sec. 253. Section seventy-four point one (74.1), Code
30 1971, is amended as follows:
31 74.1 APPLICABILITY. This chapter shall apply to all war-
32 rants which are legally drawn on a public treasury, including
33 the treasury of a city, and which, when presented for payment,
34 are not paid for want of funds.
35 This chapter and its procedures shall also apply whenever

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a municipality, as defined in section 24.2, or a city shall determine that there are not or will not be sufficient funds on hand to pay the legal obligations of a fund. Said municipality is authorized to provide for the payment of such present and future obligations by drawing one or more anticipatory warrants payable to a bank or other business entity authorized by law to loan money in an amount or amounts legally available and believed to be sufficient to cover the anticipated deficiencies. The duties imposed on the treasurer by this chapter may be assigned by the city council to another city officer.

Sec. 254. Section eighty point twelve (80.12), Code 1971, is amended as follows:

80.12 ATTENDANCE AT SHORT COURSE. The commissioner of public safety is authorized to send members of the department of public safety to any course of instruction for peace officers, not exceeding a total of six weeks' length in any one year, given by the college of law of the state University of Iowa, or the course of instruction in public safety education given at Iowa State University of science and technology, and such members shall be considered on duty while in attendance upon such authority. The legislative body in any county~~,city,or town,~~ may authorize the attendance at such course of any law enforcing officer under the jurisdiction of such county, ~~city or town~~ and may provide for the payment of the actual and necessary expenses of such person while in attendance, which payment shall be made out of the general fund of such county~~,city or town~~.

Sec. 255. Section eighty-one A point two (81A.2), Code 1971, is amended as follows:

81A.2 LICENSE REQUIRED. It shall be unlawful for any transient merchant as herein defined, to sell, dispose of, or offer for sale any goods, wares or merchandise of any kind, nature or description, at any time or place within the state of Iowa, outside the limits of any city ~~or town~~ in the state

of Iowa, or within the limits of any city ~~or town~~ in the state of Iowa that has not by ordinance ~~enacted pursuant to the provisions of section 568.6~~ provided for the licensing of transient merchants, unless such transient merchant, as herein defined, shall have a valid license as herein provided and shall have complied with the regulations herein set forth.

Sec. 256. Section ninety-eight point thirty-five (98.35), Code 1971, is amended as follows:

98.35 TAX AND FEES PAID TO GENERAL FUND. The proceeds derived from the sale of stamps and the payment of taxes, fees and penalties provided for under this chapter, and the permit fees received from all permits issued by the department, shall be credited to the general fund of the state. All permit fees provided for in this chapter and collected by cities ~~and towns~~ in the issuance of permits granted by ~~such municipalities~~ the cities shall be paid to the treasurer of the city ~~or town~~ wherein the permit is effective, or to another city officer as designated by the council, and credited to the general fund of said city ~~or town~~. Permit fees so collected by counties shall be paid to the county treasurer and credited to the general fund of such county.

Sec. 257. Section one hundred four point three (104.3), Code 1971, is repealed.

Sec. 258. Section one hundred eleven point thirty (111.30), Code 1971, is amended as follows:

111.30 CITY FUNDS AVAILABLE. Any such city or cities, or any town or towns aiding in the purchase of land for state parks, as provided for in sections 111.28 and 111.29 may pay for the same out of the general fund, ~~or the park fund,~~ or may issue bonds for the payment of the same and levy a tax for the payment of such bonds and the interest thereon, in accordance with the provisions of law relating to general corporate purpose bonds of a city.

Sec. 259. Section one hundred thirty-five point eleven (135.11), subsection nine (9), Code 1971, is amended by strik-

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ing the subsection and inserting in lieu thereof the following:

9. Establish, publish, and enforce a state housing code containing minimum requirements for the protection of the public health, safety, and welfare. The state housing code is subject to the provisions of chapter seventeen A (17A) of the Code. The state housing code must contain minimum standards for existing dwellings, and may control the construction or alteration of any dwelling, building to be used as a dwelling, or building or structure on the same lot with a dwelling. The code may divide dwellings into reasonable classifications based upon location or occupancy or both, and establish standards for each classification relative to light, ventilation, sanitation, fire prevention, egress, repair and maintenance, alteration and improvement, and use. In establishing the state housing code, the department may consider any national standard codes relating to building construction and housing, and shall, so far as practicable, make the housing code consistent with rules of the state fire marshal relating to fire safety in housing.

For purposes of the state housing code, the word "nuisance" includes nuisance as known at common law or in equity jurisprudence, and whatever is dangerous to human life or detrimental to health, whatever dwelling is overcrowded with occupants or is not provided with adequate ingress or egress, or is not sufficiently supported, ventilated, sewered, drained, cleaned, or lighted, in reference to its intended or actual use, and whatever renders the air or human food or drink unwholesome, is also a nuisance, and all nuisances are illegal.

A city may adopt by ordinance part or all of the state housing code, or may adopt minimum requirements which are higher or more stringent than the requirements of the state housing code, and may enforce its ordinances in the usual manner and in the same manner as the state housing code may be enforced, as provided in this section.

Local health boards, or local health officials, shall en-

1 force the state housing code, subject to supervision by the
2 department. However, in a city which has a full-time building
3 inspector, the council may, by ordinance, delegate to him
4 the duty of enforcing the state housing code as it relates
5 to fire protection, egress, and the construction or alteration
6 of a dwelling, building, or structure.
7 In enforcing the state housing code, the department and
8 local officials may:
9 a. Require the submission of specifications and plans,
10 and issue or revoke permits, for the construction or alteration
11 of a dwelling, building, or structure subject to the housing
12 code, and impose a reasonable charge for construction or
13 alteration permits.
14 b. Maintain a civil action in any municipal or district
15 court of the state, and recover from the owner of the property
16 or from any other person, who violates the state housing code
17 or knowingly permits the existence of a nuisance, or who fails
18 to take action to comply with a notice or order from a state
19 or local official to remove a nuisance or violation within
20 five days of service of the notice or order, or who continues
21 a violation after such time, a judgment of fifty dollars for
22 the use of the state or local department which brings the
23 action, plus costs, including attorney fees, expenses of
24 enforcement, and costs incurred in the removal of the violation
25 or nuisance, for each such offense. Such a judgment is a
26 lien on the property until paid.
27 c. Maintain an action in any municipal or district court
28 of the state to enjoin or abate a violation of the state hous-
29 ing code or a nuisance, to require compliance with a notice
30 or order relating to a violation or nuisance, to enjoin the
31 occupancy or use of, or the doing of any work in or about
32 a dwelling, building, or structure which does not conform
33 substantially to the state housing code, or to enjoin any
34 illegal act, conduct, or business in or about a dwelling,
35 building, or structure subject to the state housing code.

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1 For the period when such an injunction is in effect, no
2 rent is recoverable by the owner or renter of the premises
3 covered by the injunction, and no action may be brought for
4 possession of the premises based upon nonpayment of rent.
5 d. At reasonable times, enter and examine all premises
6 subject to the state housing code.
7 e. Require that the owners of all rented premises obtain
8 a certificate of compliance with the state housing code.
9 The department may impose a reasonable charge for compliance
10 certificates.
11 f. In an action maintained under paragraphs b and c of
12 this subsection, the department or local officials shall show
13 by petition that the owner and renter of the premises have
14 received notice of the violation and reasonable opportunity
15 to comply with the law. Notice of a violation mailed to the
16 address of the owner, as shown on the tax records of the
17 county auditor, and to the occupant of the premises, is
18 presumed to be received. Notice of the action must be served
19 on the owner, as shown by the tax records of the county
20 auditor, according to the Rules of Civil Procedure. However,
21 an owner may file with the health department the name and
22 address of his agent, and service or mailing of notice to
23 the agent is equal to service or mailing to the owner.
24 Sec. 260. Section one hundred thirty-five B point seven
25 (135B.7), Code 1971, is amended as follows:
26 135B.7 RULES, REGULATIONS, AND ENFORCEMENT. The state
27 department of health with the advice of the hospital licensing
28 board, shall adopt, amend, promulgate and enforce such rules,
29 regulations and standards with respect to the different types
30 of hospitals to be licensed hereunder as may be designed to
31 further the accomplishment of the purposes of the chapter.
32 Rules, regulations and standards may be adopted imposing re-
33 quirements in excess of those provided in ~~chapter 413~~ the
34 state housing code, but no rule, regulation or standard shall
35 be adopted imposing requirements less than those provided

1 by said ~~chapter~~ code. No rules, regulations or standards
2 shall be adopted or enforced which would have the effect of
3 denying a license to a hospital or other institution required
4 to be licensed hereunder, solely by reason of the school or
5 system of practice employed or permitted to be employed by
6 physicians therein; provided that such school or system of
7 practice is recognized by the laws of this state.
8 Sec. 261. Section one hundred thirty-five B point seven-
9 teen (135B.17), Code 1971, is amended as follows:
10 135B.17 CONSTRUCTION. This chapter shall not be construed
11 as affecting, modifying or repealing any provision of ~~chapter~~
12 ~~413~~ the state housing code, except as provided in section
13 135B.7, and provided further that this chapter shall be con-
14 strued as being in addition to and not in conflict with chap-
15 ters 235 and 236.
16 Sec. 262. Section one hundred thirty-five B point thirty-
17 one (135B.31), Code 1971, is amended as follows:
18 135B.31 EXCEPTIONS. Nothing in this division is intended
19 or should affect in any way that obligation of public hospitals
20 under chapter 347 or ~~chapter 380~~ municipal hospitals, as well
21 as the state hospital at Iowa City, to provide medical treat-
22 ment for indigent persons or tuberculosis patients as provided
23 in chapters 254 and 255, wherein medical treatment is provided
24 by hospitals of that category to patients of certain entitle-
25 ment, nor to the operation by the state of mental or other
26 hospitals authorized by law. Nothing herein shall in any
27 way affect or limit the practice of dentistry or the practice
28 of oral surgery by a dentist.
29 Sec. 263. Section one hundred thirty-five C point fourteen
30 (135C.14), subsection one (1), Code 1971, is amended as
31 follows:
32 1. Location and construction of the facility, including
33 plumbing, heating, lighting, ventilation, and other housing
34 conditions, which shall ensure the health, safety and comfort
35 of residents and protection from fire hazards. Such rules,

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1 regulations and standards regarding location and construction
2 of the home may impose requirements in excess of those pro-
3 vided in ~~chapter 413~~ the state housing code, but shall not
4 impose requirements less than those provided by such ~~chapter~~
5 code. The rules of the department relating to protection
6 from fire hazards and fire safety shall be promulgated by
7 the state fire marshal, and shall be in keeping with the
8 latest generally recognized safety criteria for the facilities
9 covered of which the applicable criteria recommended and
10 published from time to time by the national fire protection
11 association shall be prima-facie evidence.
12 Sec. 264. Section one hundred thirty-five D point thirteen
13 (135D.13), Code 1971, is amended as follows:
14 135D.13 NOTICE TO MUNICIPAL TREASURER OR CLERK. It shall
15 be the duty of the state department of health to notify, or
16 cause to be notified, the treasurer or clerk of each
17 municipality of the issuance of each mobile home park license
18 issued within the jurisdiction of such municipality.
19 Sec. 265. Section one hundred thirty-five D point twenty
20 (135D.20), Code 1971, is amended as follows:
21 135D.20 POWERS DELEGATED TO LOCAL BOARDS. The state de-
22 partment of health shall have the power to delegate to a local
23 health officer or other city officer or to local boards of
24 health the duties of inspection and regulation of mobile home
25 parks located within the jurisdiction of such local board
26 of health or other officer, where, in the opinion of the state
27 department of health, such delegation can best effectuate
28 the policies of this chapter. When said duties are so
29 delegated, fifty percent of the annual license fee collected
30 therefrom shall be turned over to the treasurer or clerk of
31 the jurisdiction involved, and there is hereby appropriated
32 from the general fund of the state an amount sufficient to
33 pay the proportionate fees allowable to the jurisdiction
34 involved, as provided in this section.
35 Sec. 266. Section one hundred thirty-seven point sixteen

(137.16), Code 1971, is amended as follows:

137.16 LOCAL HEALTH FUND. The treasurer of each ~~city which has a city board and the treasurer of each~~ county shall establish a "local health fund".

Sec. 267. Section one hundred thirty-seven point eighteen (137.18), Code 1971, is amended as follows:

137.18 DEPOSIT OF MONEYS IN FUND. All moneys received by a county or district for local health purposes from federal appropriations, from local taxation, from licenses, from fees for personal services, or from gifts, grants, bequests, or other sources shall be deposited in the local health fund. Expenditures shall be made from the fund on order of the local board for the purpose of carrying out its duties.

Sec. 268. Section one hundred thirty-seven point twenty (137.20), Code 1971, is amended as follows:

137.20 APPROPRIATION FROM GENERAL FUND OF COUNTY. The board of supervisors of any county may appropriate from the county general fund ~~and the council of any city or town may appropriate from the sanitation fund~~ for the purpose of providing local health services. ~~Such~~ A county appropriation shall not exceed the statutory ~~limitations~~ limitation found in ~~chapters 404 and~~ chapter 444. Moneys appropriated for this purpose shall be deposited in the local health fund as specified in section 137.18.

Sec. 269. Section one hundred forty-five A point eighteen (145A.18), Code 1971, is amended as follows:

145A.18 TAXES. Taxes for the payment of bonds issued under section 145A.17 shall be levied in accordance with chapter 76, provided, however, that the total tax levy for the annual budget and for bonds issued under this chapter, shall not exceed the maximum millage for each political subdivision as provided in the published order of merger. Any indebtedness incurred shall not be considered an indebtedness incurred for general and ordinary purposes ~~as prescribed under section 407.4~~.

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Sec. 270. Section two hundred eighty A point twenty (280A.20), Code 1971, is amended as follows:

280A.20 PAYMENT OF BONDS. Taxes for the payment of bonds issued under section 280A.19 shall be levied in accordance with chapter 76. The bonds shall be payable from a fund created from the proceeds of such taxes in not more than twenty years and bear interest at a rate not exceeding seven percent per annum, and shall be of such form as the board issuing the bonds shall by resolution provide. Any indebtedness incurred shall not be considered an indebtedness incurred for general and ordinary purposes ~~as-prescribed-under section-407.1~~.

Sec. 271. Section three hundred point seven (300.7), Code 1971, is amended as follows:

300.7 APPROPRIATION BY CITY. The board of school directors in any district governed by sections 300.1 to 300.6, inclusive, of this chapter is also empowered to receive and expend for the purpose thereof any sums of money appropriated and turned over to them by the city council ~~or-commissioners~~ of such city for such purposes; and the city council~~,-or-commissioners of-such-city,-shall-have-authority-to~~ may appropriate and turn over to the board of school directors of the school district containing or contained in such city any reasonable sums of money ~~which-the-said-council-or-commissioners-may desire-to-appropriate-out-of-the-recreation-fund-of-such-city and-turn-over-to-the-said-board-of-school-directors~~ for the purposes herein set forth.

Sec. 272. Section three hundred three point fifteen (303.15), Code 1971, is amended as follows:

303.15 PUBLIC LIBRARIES NOT AFFECTED. Nothing contained in this chapter shall be construed as ~~repealing-or-superseding-chapter-378,-or-any-section-of-said-chapter~~ affecting public libraries other than state libraries.

Sec. 273. Section three hundred three point eighteen (303.18), subsection six (6), Code 1971, is amended as fol-

lows:

6. To encourage the implementation of the county library law, and of county-wide library service through contracts with the boards of supervisors~~, chapter 370~~.

Sec. 274. Section three hundred three point twenty-three (303.23), is repealed.

Sec. 275. Section three hundred nine point nine (309.9), subsection three (3), Code 1971, is amended as follows:

3. Payment of all or part of the cost of construction and maintenance of bridges in cities ~~and towns having a population of eight thousand or less~~ and all or part of the cost of construction of roads located within ~~an incorporated town, of less than four hundred population~~ a city, which lead to state parks.

Sec. 276. Section three hundred nine point seventy-three (309.73), Code 1971, is amended as follows:

309.73 BRIDGES AND CULVERTS ON CITY BOUNDARY LINE. Bridges and culverts on highways or on parts thereof, which are located along the corporate limits of cities ~~which control their own bridge funds~~ and which are partly within and partly without such limits and which highways are in whole or in part secondary roads, shall be constructed under plans and specifications, jointly agreed on by the city council and board of supervisors, and approved by the highway commission. The city and county shall share equally in the cost. All matters in dispute between such city and county relative to such bridges and culverts shall be referred to the highway commission and its decision shall be final and binding on both the city and county.

~~Cities which have a common boundary and are situated in counties having a population in excess of two hundred thousand and the county in which such cities are located~~ A county may contract~~, each~~ with ~~the other,~~ cities therein for the joint construction and financing of a bridge ~~to be located within one hundred feet of such common boundary and partly with~~

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1 ~~in one of the cities and partly within the county~~. Such con-
2 tracts may ~~also~~ provide for the acquisition of right of way
3 for, and construction of, highways connecting such bridge
4 to existing city streets or secondary roads. Such bridge
5 and highways shall be constructed under plans and
6 specifications jointly agreed on by the respective contracting
7 bodies. Such contract shall set forth the amount of money
8 to be contributed by each contracting party and may provide
9 for the amount of money to be contributed annually by each
10 contracting party for the maintenance of the said public
11 improvements. When such county and cities have agreed upon
12 their respective portions of the cost of such bridge and
13 highways they may pay same from their respective secondary
14 road fund, street fund, or other funds available for highway
15 or bridge purposes, or they may issue general obligation bonds
16 to provide funds for the payment of their respective shares
17 of such cost. Bonds issued by a city must be issued in
18 accordance with provisions of law relating to general corporate
19 purpose bonds of a city.
20 Taxes for the payment of ~~said~~ county bonds shall be levied
21 in accordance with chapter 76 and said bonds shall be payable
22 in not more than twenty years and bear interest at a rate
23 not exceeding five percent per annum, and shall be of such
24 form as the respective councils or board of supervisors shall
25 by resolution provide, but no city or county shall become
26 indebted in excess of five percent of the actual value of
27 taxable property within its taxing jurisdiction as shown by
28 the last preceding state and county tax lists. The
29 indebtedness incurred for the purpose provided in this section
30 shall not be considered an indebtedness incurred for general
31 or ordinary purposes.
32 Sec. 277. Section three hundred eleven point nineteen
33 (311.19), unnumbered paragraph two (2), Code 1971, is amended
34 as follows:
35 In case of assessments on lands owned by the county, the

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same shall be paid from the county general fund. In case of assessments on lands owned by the state, the same shall be paid out of any funds in the state treasury not otherwise appropriated. In case of assessments on lands owned by a city ~~or town~~, the same shall be paid from ~~the~~ any available city ~~or town street~~ fund.

Sec. 278. Section three hundred twelve point six (312.6), Code 1971, is amended as follows:

312.6 LIMITATION ON USE OF FUNDS. Funds received by municipal corporations from the road use tax fund shall be used~~:~~ for any purpose relating to the construction, maintenance, and supervision of the public streets.

~~1.--For the purposes for which street fund money may be used, with the exception of parking facilities as provided in subsection 5 of section 404.7.~~

~~2.--For the acquisition and installation of traffic control signals and devices required as part of a street construction or reconstruction project.~~

~~3.--For sidewalk expenditures required as part of a street construction or reconstruction project.~~

~~4.--For payment of principal and interest on bonds issued for street, bridge and viaduct purposes.~~

~~5.--For the construction of storm sewers and other drains for controlling and providing adequate drainage for surface waters originating within or flowing upon the right of ways of newly constructed or reconstructed streets, and for the payment of principal and interest on bonds issued to finance such construction.~~

~~Such funds shall not be used for the purchase of machinery or equipment, except as provided in subsection 12 of section 404.7.~~

Sec. 279. Section three hundred thirteen point twenty-nine (313.29), Code 1971, is amended as follows:

313.29 DETOURS LOCATED IN CITY OR TOWN. When the temporary primary road detour or temporary primary road haul road, or

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any portion thereof, is located within the corporate limits of a city ~~or town~~, then as to ~~such~~ the portion so located, the provisions of section 313.28 as to consultation, designation, restoration and payment by the state highway commission shall apply in like manner to the benefit of ~~such~~ the city ~~or town~~, and credits thereunder shall be made to the ~~street~~ general fund of ~~such~~ the city ~~or town.--Such~~ . A city ~~or town~~ may designate the county engineer or~~, in the case of a city, its chief civil~~ engineer~~,~~ to inspect such street so used jointly with the representative of the state highway commission.

Sec. 280. Section three hundred twenty-one point nineteen (321.19), Code 1971, is amended as follows:

321.19 GENERAL EXEMPTIONS. All vehicles owned by the government and used in the transaction of official business by the representatives of foreign powers or by officers, boards, or departments of the government of the United States, and by the state of Iowa, counties, municipalities and other subdivisions of government including vehicles used by an urban transit company operated by a municipality ~~as authorized under chapter 386,~~ and such self-propelling vehicles as are used neither for the conveyance of persons for hire, pleasure, or business nor for the transportation of freight other than those used by an urban transit company operated by a municipality, and all fire trucks, providing they are not owned and operated for a pecuniary profit, are hereby exempted from the payment of the fees in this chapter prescribed except as provided for urban transit companies in section 283 of this Act, but shall not be exempt from the penalties herein provided. The department shall furnish, on application, free of charge, distinguishing plates for vehicles thus exempted, which plates shall bear the word "official", and the department shall keep a separate record thereof. Provided that the executive council may order the issuance of regular registration plates, for any such exempted vehicle, used by

peace officers in the enforcement of the law and persons enforcing the drug and narcotic laws. For purposes of sale of vehicles exempted as herein indicated, the exempted governmental body, upon the sale of the exempted vehicle, may issue for in-transit purposes a pasteboard card bearing the words "Vehicle in Transit", the name of the official body from which the vehicle was purchased, together with the date of the purchase plainly marked in minimal of one-inch letters, and other information which may be required by the department of public safety. The in-transit card shall be valid for use only within forty-eight hours after the purchase date as indicated on the bill of sale which shall be carried by the driver.

Sec. 281. Section three hundred twenty-one point two hundred thirty-eight (321.238), Code 1971, is amended as follows:

321.238 TESTING STATIONS. ~~All-cities-and-towns-shall have-the-power-to-acquire,-establish,-erect,-equip,-operate, and-maintain-motor-vehicle-testing-stations-therein-and-to pay-for-the-same-out-of-the-allocations-from-the-public-safety fund.~~ Cities ~~and-towns~~ operating and maintaining motor vehicle testing stations may enact ordinances authorizing and providing for the inspection and testing of motor vehicles owned or operated by an owner or operator of a fleet of five or more motor vehicles by such owner or operator. Such ordinances may impose ~~such~~ conditions and requirements as the city ~~or town~~ may deem appropriate in connection with the granting of such authority to fleet owners or operators.

Sec. 282. Section three hundred twenty-one point two hundred thirty-nine (321.239), Code 1971, is amended as follows:

321.239 FEES. They ~~shall-have-the-power-to~~ may fix the amount of fees, not exceeding fifty cents per test and not more than one dollar per year, for the inspection of any motor vehicle or truck for any defect prohibited by law upon any motor vehicle operated upon the streets, alleys, or

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thoroughfares of cities ~~and towns.--They shall pay all fees so collected into the public safety fund.~~

Sec. 283. Chapter three hundred twenty-one (321), Code 1971, is amended by adding the following new section:

"'Urban transit company' means any person, firm, corporation, company, or municipality which operates buses or trolley cars or both, primarily upon the streets of cities over well-defined routes between certain termini, for the transportation of passengers for a uniform fare, and which accepts for passengers all who present themselves for transportation without discrimination up to the limit of the capacity of each vehicle. Included are street railways, plants, equipment, property, and rights, used and useful in the transportation of passengers. Motor carriers and interurbans subject to the jurisdiction of the state commerce commission, and taxicabs, are not included.

Any person, firm, corporation, or company operating an urban transit system shall pay to the county treasurer annually as a registration fee for each bus, car, or vehicle used in the transportation of passengers, twenty-five dollars, which shall be paid into the city general fund. Any urban transit company operated by a municipality is not required to pay such registration fees. The motor vehicle department, in accordance with section three hundred twenty-one point nineteen (321.19) of the Code, shall furnish distinguishing plates for vehicles used by urban transit companies operated by a municipality. No other provision of law providing for the payment of taxes, registration, or license fees for vehicles shall be applicable to any bus, car, or vehicle for the transportation of passengers owned and operated by any urban transit company.

Section three hundred twenty-four point three (324.3) and chapter three hundred twenty-six (326) of the Code are not applicable to urban transit companies or systems."

Sec. 284. Section three hundred twenty-one E point eleven

(321E.11), unnumbered paragraph two (2), Code 1971, is amended as follows:

Except as provided in section 321.457, no movement of over-dimension vehicles shall be permitted on Saturday, Sunday, holidays, or days preceding and following holidays, or special events when abnormally high traffic volumes can be expected. Such restrictions shall not be applicable to urban transit systems as defined in section ~~306C.1~~ 283 of this Act.

Sec. 285. Section three hundred twenty-five point twenty-seven (325.27), Code 1971, is amended as follows:

325.27 POWERS OF CITIES ~~AND TOWNS~~. Cities ~~and towns shall have power~~ may by ordinance ~~to~~ adopt general rules of operation, and ~~to~~ designate the streets or routes over which motor carriers shall travel; provided, however, that the exercise of the power granted in this section shall be reasonable and fair. ~~Motor vehicles operating or proposing to operate between cities and towns, the corporate limits of which are not more than one mile apart, shall be considered as coming within the purview of section 386.2.~~

Sec. 286. Section three hundred twenty-nine point one (329.1), subsection four (4), Code 1971, is amended as follows:

4. "Municipality" means any county~~,~~ or city~~, village, or town~~ of this state.

Sec. 287. Section three hundred thirty point two (330.2), Code 1971, is amended as follows:

330.2 POWERS. ~~Cities and towns shall have the right to~~ Counties and townships may acquire, establish, improve, maintain and operate airports, either within or without their ~~corporate~~ limits, and either within or without the territorial limits of this state.

Sec. 288. Section three hundred thirty point three (330.3), Code 1971, is repealed.

Sec. 289. Section three hundred thirty point four (330.4), Code 1971, is amended as follows:

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330.4 JOINT EXERCISE OF POWERS. ~~Any-Iowa-political-subdivision,-villages,-towns,-cities,-townships,-and-counties may,-by-duly-adopted-ordinance-or-resolution-as-may-be appropriate,-enter-into-agreements-providing-for-collaboration with-any-other-one-or-more-such-political-subdivisions,-within or-without-the-state-of-Iowa,-in-exercising-jointly-any-of the-powers-granted-by-this-chapter,-to-the-same-extent-as such-powers-can-be-exercised-by-any-such-political-subdivision individually.--Concurrent-action-by-the-governing-bodies-of the-political-subdivision-participating-shall-constitute-joint action.--Such-agreements~~ Agreements between political subdivisions for joint exercise of any powers relating to airports may provide for the creation and establishment of a joint airport commission which, when so created or established, shall function in accordance with the provisions of sections 330.17 to 330.24, inclusive, insofar as provided by said agreements.

Sec. 290. Section three hundred thirty point five (330.5), Code 1971, is amended as follows:

330.5 ACQUISITION. ~~Any-such-city-or-town-is-hereby-authorized-and-empowered-to~~ A county or township may acquire by purchase, gift, condemnation, lease or otherwise, either within or without its ~~corporate~~ limits, and either within or without the territorial limits of this state, real estate and personal property for airport purposes; and in like manner ~~to~~ acquire or cause to be moved, removed, abated, eliminated, mitigated, or altered any structure or object protruding above the surface of the ground, or any use of land obstructing the airspace necessary for the safe and efficient flight of aircraft in landing or taking off at any airport, or otherwise constituting a hazard to such landing or taking off.

Sec. 291. Section three hundred thirty point six (330.6), Code 1971, is amended as follows:

330.6 IMPROVEMENTS. ~~Any-such-city-or-town~~ A county or township may erect on any land so acquired, or owned by it,

1 such buildings and equipment, and make such improvements as
2 may be necessary for the purpose of adapting such property
3 to the use of aerial traffic.
4 Sec. 292. Section three hundred thirty point seven (330.7),
5 Code 1971, is amended as follows:
6 330.7 GENERAL BONDS--ELECTION--LEVY OF TAX. ~~Cities and~~
7 ~~towns are hereby authorized to~~ A county or township may con-
8 tract indebtedness and ~~to~~ issue general obligation bonds to
9 provide funds to pay the cost of establishing, acquiring and
10 equipping ~~a municipally owned~~ an airport and for improving
11 the same.
12 No such indebtedness to pay the cost of the establishment
13 of ~~a municipally owned~~ an airport shall be incurred until
14 approved by the electors of ~~such city or town~~ the county or
15 township ~~in accordance with the provisions of chapter 407~~
16 ~~which election proceedings may be instituted by the city or~~
17 ~~town council.~~
18 The governing body of the county or township may call a
19 special election or may submit the question at the next gen-
20 eral election. Notice of a special election must be published
21 twice in a newspaper of general circulation in the county
22 or township, not less than ten nor more than twenty-five days
23 before the date of the election.
24 The question submitted to the voters shall state the maximum
25 amount of bonds proposed and the maximum tax levy necessary
26 to repay the bonds plus interest. If a majority of those
27 voting approves the proposition, the governing body may proceed
28 as proposed.
29 Taxes for the payment of said bonds shall be levied in
30 accordance with chapter 76 and said bonds shall be payable
31 ~~through the debt service fund~~ in not more than twenty years
32 and bear interest at a rate not exceeding seven percent per
33 annum and shall be of such form as the ~~city or town council~~
34 governing body shall by resolution provide, but no ~~city or~~
35 ~~town~~ county or township shall become indebted in excess of

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five percent of the actual value of ~~the~~ its taxable property ~~within-said-city-or-town~~, as shown by the last preceding state and county tax lists. The indebtedness incurred for the purpose provided in this section shall not be considered an indebtedness incurred for general or ordinary purposes.

Sec. 293. Section three hundred thirty point nine (330.9), Code 1971, is amended as follows:

330.9 PLANS AND SPECIFICATIONS. Before an airport is acquired by any ~~such~~ city, ~~or-town~~ county, or township, the plans and specifications therefor shall be submitted to the Iowa state aeronautics commission which shall require that they show:

The legal description and plat of the site; distance from the nearest post office and railroad station; location and type of highways; location and type of obstructions on and near the site; kind of soil and subsoil; costs and details of grading and draining; location of proposed runways, hangers, buildings, and other structures.

~~And-they~~ The commission shall furthermore require that the plans and specifications be in substantial accord with the regulations of the U.S. department of commerce or other department of the federal government having general supervision of air navigation as it relates to plans and specifications for airports. And if so found ~~they~~ it shall approve such plans and specifications.

Sec. 294. Section three hundred thirty point eleven (330.11), Code 1971, is amended as follows:

330.11 ORDINANCES AND RULES. ~~Such-cities-and-towns-shall have-the-power-to~~ A county or township may make and enforce ~~ordinances,~~ rules and regulations for control, supervision, and operation of airports. This power shall extend to the space above the lands and waters included within the limits of any ~~city-or-town,-and-to-any-airport-owned,-controlled, maintained,-or-operated-by-any-city-or-town-outside-its-limits, and-to-the-space-above-the-same.--In-addition-thereto,-all~~

1 ~~powers-granted-to-and-exercised-by-cities-and-towns-within~~
2 ~~their-corporate-limits-are-extended-to-municipal-airports~~
3 ~~located-outside-said-limits,-but-within-the-state-of-Iowa~~
4 county or township. Provided, however, that no such ~~ordinance,~~
5 rule or regulation~~,~~ shall be in conflict with state law or
6 regulation, or in conflict with federal law or regulation.
7 Sec. 295. Section three hundred thirty point twelve
8 (330.12), Code 1971, is amended as follows:
9 330.12 CHARGES. ~~Any-such-city-or-town~~ A county or township
10 may from time to time fix, establish, and collect a schedule
11 of charges for the use of such property or any part thereof,
12 which charges shall be used in connection with the maintenance
13 and operation of such airport. When the public needs will
14 not be injured thereby, any such ~~city-or-town~~ county or
15 township may lease all or any portion of such property, for
16 a period of years not exceeding fifty or sell any equipment
17 no longer required. Real estate may be sold only by unanimous
18 vote of all members of the ~~council~~ governing body.
19 Sec. 296. Section three hundred thirty point fifteen
20 (330.15), Code 1971, is amended as follows:
21 330.15 DEEMED AS PUBLIC USE. Any property acquired,
22 owned, controlled, or occupied for the purposes enumerated
23 in this chapter, shall be and is hereby declared to be
24 acquired, owned, controlled, and occupied for a public purpose
25 and as a matter of public need, and the liability of any ~~city~~
26 ~~or-town~~ county or township in connection therewith shall be
27 no greater than that imposed upon ~~municipalities~~ cities in
28 the maintenance and operation of public parks.
29 Sec. 297. Section three hundred thirty point sixteen
30 (330.16), Code 1971, is amended as follows:
31 330.16 ADDITIONAL LEVY--ELECTION--BONDS ISSUED. Any ~~muni-~~
32 ~~cipality~~ county or township which has heretofore or may here-
33 after establish a municipal airport pursuant to the provisions
34 of this chapter or of any other provision of law, is hereby
35 authorized without approval at an election, to contract indebt-

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edness and to issue general obligation bonds to provide funds to pay the cost of equipping, improving and enlarging such airport provided, however, that if at any time before the date fixed for taking action for the issuance of such bonds a petition is filed with the ~~clerk-or-recorder-of-the-municipality~~ county auditor signed by qualified electors of the ~~city-or-town~~ county or township equal in number to two percent of those who voted for the office of governor at the last preceding general election as shown by the election registers or poll lists, asking that the question of issuing such bonds be submitted to the legal voters ~~of-the-municipality~~, the governing body thereof shall either by resolution declare the proposal to issue the bonds to have been abandoned or shall call a special election to vote upon the question of issuing the bonds.

Taxes for the payment of said bonds shall be levied in accordance with chapter 76 and said bonds shall be payable ~~through-the-debt-service-fund~~ in not more than twenty years and bear interest at a rate not exceeding seven percent per annum and shall be of such form as the ~~city-or-town-council~~ governing body shall by resolution provide, but no ~~city-or town~~ county or township shall become indebted in excess of five percent of the actual value of ~~the~~ its taxable property ~~within-said-city-or-town~~, as shown by the last preceding state and county tax lists. The indebtedness incurred for the purpose provided in this section shall not be considered an indebtedness incurred for general or ordinary purposes.

Section 330.7 and this section shall be construed as granting additional power without limiting the power already existing ~~in-cities-and-towns~~.

~~The-provisions-of-said-sections-shall-be-applicable-to all-municipal-corporations-regardless-of-form-of-government or-manner-of-incorporation.~~

Sec. 298. Section three hundred thirty point seventeen (330.17), Code 1971, is amended as follows:

330.17 AIRPORT COMMISSION--ELECTION. The council of any city, ~~or town~~ county, or township, which owns or otherwise acquires an airport ~~or airports~~ may, and upon the council's receipt of a valid petition as provided in section 4 of this Act, or upon petition of ten percent of the number of qualified electors of the county or township who voted at the last ~~city~~ general election shall, at ~~any city~~ a regular city election or a general election if one is to be held within sixty days from the filing of said petition, or special election called for that purpose, submit to the voters the question as to whether the management and control of such airport~~, or airports,~~ shall be placed in an airport commission. If a majority of the voters favors placing the management and control of the airport in an airport commission, the commission shall be established as provided in this chapter.

~~Whenever an airport, or airports, of any city or town has been placed under the~~ The management and control of an airport ~~commission, upon petition of ten percent of the number of qualified electors who voted at the last city election the council of any such city or town shall, at a city election if one is to be held within sixty days from the filing of said petition or at a special election called for such purpose, submit to the voters the question as to whether the management and control of such airport, or airports, shall be continued in the airport commission, and if~~ by an airport commission may be ended in the same manner. If a majority of the ~~votes cast upon said proposition at the election shall be against the continuance of such~~ voters does not favor continuing the management and control of the airport in an airport commission, said commission shall stand abolished sixty days from and after the date of such election, and the power to maintain and operate such airport~~, or airports, as provided in this chapter,~~ shall revert to such city ~~or town~~ , county, or township.

Sec. 299. Section three hundred thirty point eighteen

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(330.18), Code 1971, is amended as follows:

330.18 NOTICE OF ELECTION. Notice of such election shall be given by publication ~~in one newspaper in said city or town in one publication~~ in a newspaper of general circulation in the city, county, or township, subject to the provisions of section 3 of this Act ~~, and the election shall be held not less than seven or more than fourteen days after the completion of such published notice. If no newspaper is published in such city or town notices may be given by posting notices in five public places in such city or town for three weeks prior to said election.~~

Sec. 300. Section three hundred thirty point twenty (330.20), Code 1971, is amended as follows:

330.20 APPOINTMENT OF COMMISSION. When a majority of the ~~votes cast upon said proposition at such election shall have declared in favor of the proposition of~~ voters favors airport control and management by a commission, the ~~mayor~~ governing body shall, within ten days ~~thereafter~~, appoint an airport commission of ~~not more than~~ three or five resident voters ~~of said city or town, which appointments shall be approved by the council~~. In case of a commission of three members the first appointees shall hold office, one for two years, one for four years, and one for six years. In case of a commission of five members the first appointees shall hold office, one for two years, one for three years, one for four years, one for five years, and one for six years. All subsequent appointments shall be for a term of six years. Vacancies shall be filled as original appointments are made. Members of the airport commission shall serve without compensation. Each commissioner shall execute and furnish a bond in an amount fixed by the ~~council, to be approved by the mayor~~ governing body and filed with the city clerk or county auditor. The cost of such bond shall be paid from the general fund ~~of the city~~. The commission shall elect from ~~their~~ its own members a chairman and a secretary who

shall serve for such term as the commission shall determine.

Sec. 301. Section three hundred thirty point twenty-one (330.21), Code 1971, is amended as follows:

330.21 POWERS--FUNDS. ~~Said~~ The commission ~~shall have and exercise~~ has all of the powers granted to cities ~~and towns~~ , counties, and townships under this chapter, except powers to sell ~~said~~ the airport ~~or airports~~. The commission shall annually certify the amount of tax within the limitations of this chapter to be levied for airport purposes, and upon such certification the ~~city council~~ governing body ~~shall~~ may include all or a portion of said amount in its budget.

All funds derived from taxation or otherwise for airport purposes shall be under the full and absolute control of ~~said~~ the commission for the purposes prescribed by law, and shall be deposited with the ~~city~~ treasurer or city clerk to the credit of the airport commission, and shall be disbursed only on the written warrants or orders of the airport commission, including the payment of all indebtedness arising from the acquisition and construction of airports and the maintenance, operation, and extension thereof.

Sec. 302. Section three hundred thirty point twenty-two (330.22), Code 1971, is amended as follows:

330.22 ANNUAL REPORT--PUBLISHING. The airport commission shall immediately after the close of each municipal fiscal year, file with the city clerk or county auditor a detailed and audited written report of all money received and disbursed by ~~said~~ the commission during said fiscal year, and shall publish a summary thereof in an official newspaper ~~in said city or town~~.

Sec. 303. Section three hundred thirty point twenty-three (330.23), Code 1971, is amended as follows:

330.23 RULES AND REGULATIONS. The power conferred on ~~cities and towns~~ counties and townships to make and enforce rules and regulations under section 330.11 is delegated to the ~~city~~ airport commission.

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Sec. 304. Section three hundred thirty-two point three (332.3), subsections twenty-two (22) and twenty-three (23), Code 1971, are amended as follows:

22. In counties having a population of over thirty thousand, to adopt a building code and to provide for the regulation and inspection of all construction, major repairs and remodeling, and the installation of electrical, heating, ventilating, air conditioning, and plumbing fixtures, apparatus, and equipment and provide for the manner in which such regulations and inspection shall be determined, established and enforced, and from time to time amended, supplemented or changed. However, no such regulation shall become effective until after a public hearing in relation thereto at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen days notice of the time and place of such hearing shall be published in a paper of general circulation in such county. Upon compliance with the provisions of this chapter, the regulation shall become effective, the provisions of any other statute to the contrary notwithstanding. Such code shall not be construed to apply within the limits of any ~~incorporated~~ city, ~~or town which has the power to adopt a building code under the provisions of section 368.9~~ or to farm houses or other farm buildings which are primarily adapted, by reason of nature and area, for use for agricultural purposes, while so used or while under construction for such use.

23. To purchase, lease, equip, maintain and operate an ambulance or ambulances to provide necessary and sufficient ambulance service or to contract for such vehicles, equipment, maintenance or service.

The board may adopt a schedule of fees to be charged the users of such service, and such fee schedule may include considerations concerning the cost of the service and the user's ability to pay.

If a county ~~shall provide~~ provides ambulance service, it

shall first ascertain what cities ~~and towns~~ in ~~such~~ the county also provide ambulance service ~~pursuant to section 368.74~~. The county shall then co-ordinate its services with that provided by any ~~such~~ city ~~or town~~ in order to eliminate duplication and to make the ambulance service provided by the county and ~~such~~ cities ~~and towns~~ as economical as possible.

Any third party payor making payment for ambulance service shall make such payment either jointly to the person on whose behalf the payment is made and to the person or organization providing such ambulance service, or directly to the person or organization providing such ambulance service.

Sec. 305. Section three hundred thirty-two point three (332.3), Code 1971, is amended by adding the following new subsection:

"The board of supervisors of a county in which a military reservation is located may authorize any individual or corporation which is authorized to erect or maintain waterworks, to lay its mains in any of the highways of the county for the purpose of extending the mains to a military reservation."

Sec. 306. Chapter three hundred thirty-two (332), Code 1971, is amended by adding the following new section:

"1. Counties and sanitary districts incorporated under the provisions of chapter three hundred fifty-eight (358) of the Code may own, acquire, establish, construct, purchase, equip, improve, extend, operate, maintain, reconstruct, and repair within or without the limits of the county or sanitary district, works and facilities useful and convenient for the collection, treatment, purification, and disposal in a sanitary manner of the liquid and solid waste, sewage, and industrial waste of the county or sanitary district, including sanitary disposal projects as defined in section four hundred six point two (406.2) of the Code, also swimming pools or golf courses, and may acquire by gift, grant, purchase, condemnation, or otherwise all necessary lands, rights-of-way, and property therefor, within or without the county or sanitary district,

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1 may purchase and acquire an interest in a sanitary disposal
2 project or such works and facilities which are owned by a
3 city, county, or sanitary district and which are to be jointly
4 used by them, and may issue revenue bonds to pay all or any
5 part of the cost of establishing, acquiring, purchasing,
6 constructing, equipping, improving, extending, reconstructing,
7 repairing, operating, or maintaining a sanitary disposal
8 project or such works and facilities, including the amount
9 agreed upon for the purchase and acquisition by a county or
10 sanitary district of an interest in the sanitary disposal
11 project or works and facilities which are owned by a city,
12 county, or sanitary district and which are to be jointly used.
13 As used in this section the words 'works and facilities',
14 'works', or 'facilities' shall include but not be limited
15 to sanitary disposal projects as defined in section four
16 hundred six point two (406.2) of the Code.
17 The construction, acquisition, improvement, equipment,
18 custody, operation, and maintenance of any works for the
19 collection, treatment, or disposal of sewage, swimming pools,
20 golf courses, or sanitary disposal projects, and the collection
21 of revenues for the service rendered, shall be under the
22 supervision and control of the county or sanitary district.
23 2. Counties and sanitary districts may by resolution or
24 ordinance provide a schedule of fees to be charged for the
25 use of and the services and facilities to be rendered by the
26 sanitary disposal project or for the collection and disposal
27 of garbage and may pay the cost of establishing, acquiring,
28 purchasing, constructing, equipping, improving, extending,
29 reconstructing, repairing, maintaining, and operating sanitary
30 disposal projects, garbage disposal plants, or incinerating
31 plants out of the earnings of project or plant. Revenue
32 bonds, payable solely out of the earnings of the project or
33 plant, may be issued in the manner provided in this section.
34 3. Counties and sanitary districts incorporated under
35 the provisions of chapter three hundred fifty-eight (358)

of the Code are authorized to borrow money from the federal government or a federal agency for any of the purposes referred to in this section by issuing revenue bonds under this section, and may deliver the bonds to the federal government or its agency, or may borrow money by issuing revenue bonds under this section and may deliver the bonds to the contractor in payment for the costs of any of the projects or improvements referred to in this section, or may sell the bonds at a public sale upon the same conditions provided by chapter seventy-five (75) of the Code, as applicable to bonds issued by counties and sanitary districts, and may use the proceeds from the sale of bonds to pay all or any part of the cost of the projects or improvements. As evidence of the loan, the county or sanitary district may issue its bonds payable solely from the revenues derived from the project or improvement. Bonds may be issued in amounts as necessary to provide sufficient funds to pay all costs of the project or improvement, including engineering, legal, and other expenses, together with interest to a date six months subsequent to the estimated date of completion. Such bonds are negotiable instruments, shall be executed by the chairman of the board of supervisors and county auditor of the county, or the trustees of the sanitary district, and shall be sealed with the corporate seal of the county or sanitary district. The principal and interest of the bonds shall be payable solely from the special fund provided for payment, and the bonds shall not be a general obligation of the county or sanitary district, nor shall they be payable by taxation, nor shall the county or sanitary district be liable by reason of the earnings being insufficient to pay the bonds. All details pertaining to the issuance of bonds and the terms and conditions thereof, shall be determined by resolution or ordinance of the county or sanitary district. Counties and sanitary districts may also borrow money and issue revenue bonds for the purpose of purchasing and acquiring sanitary

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1 disposal projects or works and facilities useful and convenient
2 for the collection, treatment, purification, and disposal
3 in a sanitary manner of the liquid and solid waste, sewage,
4 and industrial waste of any county or sanitary district and
5 for the purpose of purchasing and acquiring an interest in
6 any such projects, works, and facilities which are owned by
7 a city, county, or sanitary district and which are to be
8 jointly used. Bonds may be delivered to the seller of the
9 sanitary disposal project or works and facilities or to the
10 municipality selling an interest in its sanitary disposal
11 project or sewage works and facilities in payment of the
12 purchase price, or may be sold at public sale in the manner
13 provided by chapter seventy-five (75) of the Code and the
14 proceeds from the sale applied to the payment of the purchase
15 price.
16 4. This section applies to all proceedings heretofore
17 taken by counties and sanitary districts for any of the
18 purposes referred to in this section, notwithstanding that
19 a portion of the funds have been derived from sources other
20 than the issuance of bonds.
21 5. Before the issuance of bonds, the governing body of
22 the county or sanitary district by resolution or ordinance
23 shall pledge the net earnings of the sanitary disposal project
24 or works to the payment of the bonds and the interest thereon,
25 and shall provide that the net earnings shall be set apart
26 as a sinking fund for that purpose.
27 6. The governing body of the county or sanitary district
28 may by resolution or ordinance, establish and maintain just
29 and equitable rates or charges for the use of and the services
30 rendered by such works, to be paid by the owner of each and
31 every lot, parcel of real estate, or building that is connected
32 with and uses such works, by or through any part of the sewage
33 system of the county or district, or that in any way uses
34 or is served by such works. The governing body of the county
35 or sanitary district may also by ordinance or resolution

establish and maintain just and equitable rates or charges for the use of and the services and facilities rendered by a sanitary disposal project. The governing body may readjust rates or charges from time to time and may charge and collect reasonable rates and charges for swimming and golfing. Rates or charges shall be sufficient in each year for the payment of the proper and reasonable expenses of operation, repair, maintenance, acquisition, purchase, construction, equipping, improving, and extension of the sanitary disposal project or works, and for the payment of the sums required to be paid into a sinking fund, which fund shall be sufficient to meet the principal and interest and other charges, except rates or charges for the use of swimming pools and golf courses, of the bonded indebtedness. All such rates or charges if not paid as by the ordinance or resolution provided, when due, shall constitute a lien upon the premises served by the sanitary disposal project or works, and shall be collected in the same manner as taxes.

7. The provisions of this section apply to the construction, equipment, operation, and maintenance of any sewage treatment plant, by any sanitary district operating under the provisions of chapter three hundred fifty-eight (358) of the Code; and any sanitary district may, in addition, use the power conferred upon it by chapter three hundred fifty-eight (358) of the Code to apply any of the provisions of this section relating to the construction, equipment, operation and maintenance of any sewage treatment plant of the sanitary district, or any combination of the power relating to sewage treatment plants granted such sanitary district by the provisions of this section and chapter three hundred fifty-eight (358) of the Code.

8. Counties and sanitary districts may issue from time to time negotiable interest bearing refunding bonds to refund at maturity or pursuant to redemption provisions or at any time before maturity with the consent of the holders a like

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1 principal amount of outstanding revenue bonds or obligations
2 previously issued by the county or sanitary district pursuant
3 to the provisions of this section. All refunding bonds shall
4 comply with the pertinent provisions of this section and may
5 be made subject to redemption in a manner and upon terms with
6 or without premium, as stated on the face thereof. Refunding
7 bonds shall be payable only from the net earnings of the
8 sanitary disposal project or works and facilities and shall
9 not constitute a general obligation of any such county or
10 sanitary district or be payable in any manner by taxation.
11 Refunding bonds may be issued in exchange for the outstanding
12 bonds or obligations to be refunded or may be sold and the
13 proceeds applied to the payment of outstanding bonds or
14 obligations.
15 Bonds issued pursuant to the provisions of this section
16 shall bear interest at a rate not exceeding seven percent
17 per annum."
18 Sec. 307. Chapter three hundred forty-six (346), Code
19 1971, is amended by adding the following new sections:
20 "No county or other political corporation shall become
21 indebted for its general or ordinary purposes to an amount
22 exceeding in the aggregate one and one-fourth percent of the
23 actual value of the taxable property within the corporation.
24 The value of property shall be ascertained by the last tax
25 list previous to the incurring of the indebtedness.
26 Indebtedness incurred by a county solely for poor relief
27 purposes is not for its general or ordinary purposes."
28 "No county, or other political corporation, shall become
29 indebted for any purpose to an amount, in the aggregate,
30 exceeding five percent of the actual value of the property
31 within the corporation, to be ascertained by the last state
32 and county tax lists previous to the incurring of the
33 indebtedness."
34 "1. A county may contract with its county seat city for
35 the joint purchase, acquisition, ownership, and control of

1 property suitable as the site of a building for use and
2 occupancy by the city and county jointly, and any county
3 owning a site or any interest therein, may, upon terms which
4 appear fair and just to the board of supervisors, contract
5 with reference to the joint acquisition, ownership, control,
6 improvement, use, and occupancy of the property, and with
7 reference to the construction, use, and occupancy of a
8 building. The contract shall set forth the amount of money
9 to be contributed by the county and by the city toward the
10 acquisition of a site and its improvement, or the proportion
11 of their respective contributions and the purpose for which
12 the building is to be used. The contract may provide for
13 the amount of money to be contributed annually by the county
14 and by the city for the upkeep, maintenance, and operation
15 of the property and the building, or it may provide for the
16 respective proportions of expense which the county and the
17 city shall pay, and may provide for an adjustment at stated
18 periods of the amounts or proportions to be paid. The contract
19 may specify the part of property and building to be used and
20 occupied by the county and by the city. Contracts shall be
21 made on behalf of the county only when approved by resolution
22 of the board of supervisors, and when made shall be binding
23 upon the county and city during the period specified in the
24 contract unless modified or abrogated by mutual consent.
25 2. When a county and city have agreed upon their respective
26 portions or proportions of the cost of a building and site,
27 the county may, for the purpose of paying its respective
28 portion of the cost and for the purpose of equipping the
29 portions of the building to be used and occupied by it, issue
30 bonds. However, no bonds shall be issued by a county until
31 the proposition has been approved by at least a majority of
32 the votes cast for and against the proposition at an election.
33 The proposition may be submitted at a general, regular, or
34 special election pursuant to a resolution of the board of
35 supervisors. Notice of the election setting forth the

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1 proposition as it is to be voted upon shall be given by
2 publication once each week for at least three consecutive
3 weeks in a newspaper having general circulation in the county,
4 and if the election is unfavorable the proposition may be
5 submitted at a subsequent election. To the extent not
6 otherwise provided the general election laws are applicable
7 to the election. Bonds issued by a city must be issued in
8 accordance with the provisions of law relating to general
9 corporate purpose bonds of a city.
10 3. County bonds may bear interest at a rate not exceeding
11 seven percent per annum payable semiannually and the principal
12 shall be scheduled to mature in not more than twenty years
13 from the date of the bonds. When a county has issued bonds
14 it shall annually levy on all taxable property in the county,
15 a tax sufficient to pay the interest and principal of the
16 bonds as they become due, and each county may levy taxes
17 sufficient to pay its portion of the cost of operating,
18 maintaining, and keeping insured the building acquired or
19 constructed under this section.
20 4. Contracts for the construction of any building which
21 involve the expenditure of five thousand dollars or more shall
22 be entered into pursuant to advertisement for bids in a man-
23 ner approved and authorized by both the board of supervisors
24 of the county and the council of the city. A county may apply
25 for and accept federal aid in the construction of a building
26 under this section, subject to conditions and stipulations
27 imposed in connection with the federal aid and as approved
28 by the board of supervisors.
29 5. This section is a complete and independent law for
30 providing joint county and city buildings."
31 "1. Any joint building acquired, owned, erected,
32 constructed, controlled, or occupied in accordance with the
33 authorization contained in this section is declared to be
34 acquired, owned, erected, constructed, controlled, or occupied
35 for a public purpose and as a matter of public need.

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2. Any county may join with its county seat to incorporate an 'Authority' for the purpose of acquiring, constructing, demolishing, improving, enlarging, equipping, furnishing, repairing, maintaining, and operating a public building, and to acquire and prepare the necessary site, including demolition of any structures, for the joint use of the county and city or any school district which is within or is a part of the county or city.

3. The incorporation of an authority shall be accomplished by the adoption of articles of incorporation by the governing body of each incorporating unit. For adoption, the affirmative vote of a majority of the members of each governing body is required. The articles of incorporation shall be executed for and on behalf of each incorporating unit by the following officers:

a. For the county, by the chairman of the board of supervisors.

b. For the city, by its mayor and city clerk.

4. The articles of incorporation shall set forth the name of the authority, the name of the incorporating units, the purpose for which the authority is created, the number, terms, and manner of selection of its officers including its governing body which shall be known as the 'commission', the powers and duties of the authority and of its officers, the date upon which the authority becomes effective, the name of the newspaper in which the articles of incorporation shall be published, and any other matters.

5. The authority shall be directed and governed by a board of commissioners of three members, one to be elected by the board of supervisors of the county from the area outside of the county seat, one to be elected by the council of the city from the area inside the city, and one to be elected by the joint action of the board of supervisors of the county and the council of the city, and if the governing bodies are unable to agree upon a choice for the third member within sixty days of the election of the first member, then the third

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1 member shall be appointed by the governor. The commissioners
2 shall serve for six-year terms. Of the first appointees,
3 the member appointed by the board of supervisors shall be
4 for a term of two years, the member appointed by the city
5 council shall be for a term of four years, and the member
6 appointed by the joint action of the board and council shall
7 be for a term of six years. The board of commissioners shall
8 designate one of their number as chairman, one as secretary,
9 and one as treasurer, and shall adopt bylaws and rules of
10 procedure and provide therein for regular meetings and for
11 the proper safekeeping of its records. No commissioner shall
12 receive any compensation in connection with his services as
13 commissioner. Each commissioner, however, shall be entitled
14 to reimbursement for any necessary expenditures in connection
15 with the performance of his duties.
16 6. The articles of incorporation shall be recorded in
17 the office of the county recorder and filed with the secretary
18 of state, and shall be published once in a newspaper designated
19 in the articles of incorporation and having a general circula-
20 tion within the county, and upon such recording and publica-
21 tion, the authority shall be deemed to come into existence.
22 7. Amendments may be made to the articles of incorporation
23 if adopted by the governing body of each incorporating unit;
24 provided that no amendment shall impair the obligation of
25 any bond or other contract. Each amendment shall be adopted,
26 executed, recorded, and published in the same manner as
27 specified for the original articles of incorporation.
28 8. Any incorporating unit may make donations of property,
29 real or personal, including gratuitous lease, to the author-
30 ity as deemed proper and appropriate in aiding the authority
31 to effectuate its purposes.
32 9. The authority shall be a body corporate with power
33 to sue and be sued in any court of this state, have a seal
34 and alter the same at its pleasure, and make and execute
35 contracts, leases, deeds, and other instruments necessary

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1 or convenient to the exercise of its powers. In addition,
2 it shall have and exercise the following public and essential
3 governmental powers and functions and all other powers
4 incidental or necessary to carry out and effectuate its express
5 powers:
6 a. To select, locate, and designate an area lying wholly
7 within the territorial limits of the county seat of the county
8 in which the authority is incorporated as the site to be ac-
9 quired for the construction, alteration, enlargement, or im-
10 provement of a building. The site selected is subject to
11 approval by a majority of the members of each governing body
12 of the incorporating units.
13 b. To acquire in the corporate name of the authority the
14 fee simple title to the real property located within the area
15 by purchase, gift, devise, or by the exercise of the power
16 of eminent domain, or to take possession of real estate by
17 lease.
18 c. To demolish, repair, alter, or improve any building
19 within the designated area, to construct a new building within
20 the area and to furnish, equip, maintain, and operate the
21 building.
22 d. To construct, repair, and install streets, sidewalks,
23 sewers, water pipes, and other similar facilities and other-
24 wise improve the site.
25 e. To make provisions for off-street parking facilities.
26 f. To operate, maintain, manage, and enter into contracts
27 for the operation, maintenance, and management of buildings,
28 and to provide rules and regulations for the operation,
29 maintenance and management.
30 g. To employ and fix the compensation of technical, pro-
31 fessional, and clerical assistance as necessary and expedient
32 to accomplish the objects and purposes of the authority.
33 h. To lease all or any part of a building to the incorpora-
34 ting units for a period of time not to exceed fifty years,
35 upon rental terms agreed upon between the authority and the

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1 incorporating units. The rentals specified shall be subject
2 to increase by agreement of the incorporating units and the
3 authority if necessary in order to provide funds to meet
4 obligations.
5 i. To procure insurance of any and all kinds in connection
6 with the building. The bidding procedures provided in sec-
7 tion twenty-three point eighteen (23.18) of the Code shall
8 be utilized in the procurement of insurance.
9 j. To accept donations, contributions, capital grants,
10 or gifts from individuals, associations, municipal and pri-
11 vate corporations, and the United States, or any agency or
12 instrumentality thereof, and to enter into agreements in
13 connection therewith.
14 k. To borrow money and to issue and sell revenue bonds
15 in an amount and with maturity dates not in excess of fifty
16 years from date of issue, to provide funds for the purpose
17 of acquiring, constructing, demolishing, improving, enlarging,
18 equipping, furnishing, repairing, maintaining, and operating
19 buildings, and to acquire and prepare sites, convenient
20 therefor, and to pay all incidental costs and expenses,
21 including, but not limited to architectural, engineering,
22 legal, and financing expense and to refund and refinance reve-
23 nue bonds as often as deemed advantageous by the board of
24 commissioners.
25 l. The provisions of chapter twenty-three (23) of the
26 Code applicable to other municipalities are applicable to
27 an authority.
28 10. After the incorporation of an authority, and before
29 the sale of any issue of revenue bonds, except refunding
30 bonds, the authority shall submit in a single countywide
31 election to the legal voters of the city and county, at a
32 general, primary, or special election called for that purpose,
33 the question of whether an authority shall issue and sell
34 revenue bonds, stating the amount, for any of the purposes
35 for which it is incorporated. An affirmative vote of a

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1 majority of the votes cast on the proposition is required
2 to authorize the issuance and sale of revenue bonds. A notice
3 of the election shall be published once each week for at least
4 two weeks in some newspaper published in the county. The
5 notice shall name the time when the question shall be
6 submitted, and a copy of the question to be submitted shall
7 be posted at each polling place during the day of election.
8 The authority shall call this election with the concurrence
9 of both incorporating units, and it shall establish the voting
10 precincts and polling places, and appoint the election judges,
11 and in so doing such election procedures shall be in accordance
12 with the provisions of chapters forty-nine (49) and fifty
13 (50) of the Code.
14 11. When the board of commissioners decides to issue bonds
15 subject to the election requirement, it shall adopt a resolu-
16 tion describing the area to be acquired, the nature of the
17 existing improvements, the disposition to be made of the im-
18 provements, and a general description of any new buildings
19 to be constructed.
20 12. The resolution shall set out the limit of the cost
21 of the project, including the cost of acquiring and preparing
22 the site, determine the period of usefulness and fix the
23 amount of revenue bonds to be issued, the date or dates of
24 maturity, the dates on which interest is payable, the sinking
25 fund provisions, and all other details in connection with
26 the bonds. The board shall determine and fix the rate of
27 interest of any revenue bonds issued, in a resolution adopted
28 by the board prior to the issuance. The resolution, trust
29 agreement, or other contract entered into with the bondholders
30 may contain covenants and restrictions concerning the issuance
31 of additional revenue bonds as necessary or advisable for
32 the assurance of the payment of the bonds authorized.
33 13. Bonds shall be issued in the name of the authority
34 and are declared to have all the qualities and incidents of
35 negotiable instruments under the laws of this state.

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14. Bonds issued under this section may be issued as serial or term bonds, shall be of such denomination or denominations and form, including interest coupons to be attached, shall be payable at such place or places and bear such date as the board of commissioners fix by the resolution authorizing the bonds, shall mature within a period not to exceed fifty years, and may be redeemable prior to maturity with or without premium, at the option of the board of commissioners, upon terms and conditions the board shall fix by the resolution authorizing the issuance of bonds. The board of commissioners may provide for the registration of bonds in the name of the owner as to the principal alone or as to both principal and interest upon terms and conditions the board determines. All bonds issued by an authority shall be sold at a price so that the interest cost to the commission of the proceeds of the bonds shall not exceed seven percent per annum, payable semiannually, computed to maturity, and shall be sold in the manner and at the time the board of commissioners determines.

15. Bonds issued by an authority, and the interest thereon, shall be payable solely from the revenues derived from the operation, management, or use of the buildings acquired or to be acquired by the authority, which revenues shall include payments received under any leases or other contracts for the use of the buildings. Bonds shall recite that the principal and interest thereon are payable only from the revenues pledged, and shall state on their face that they are not an indebtedness of the authority or a claim against the property of the authority.

16. Bonds shall be executed in the name of the commission by the chairman of the board of commissioners or by another officer of the commission as the board, by resolution, may direct, and be attested by the secretary, or by another officer of the commission as the board, by resolution, may direct, and shall be sealed with the commission's corporate

1 seal. In case any officer whose signature appears on the
2 bonds or coupons shall cease to be such officer before delivery
3 of the bonds, his signature shall be valid and sufficient
4 for all purposes, the same as if the officer had remained
5 in office until delivery.
6 17. In its discretion, the authority may, issue refunding
7 bonds to refund its bonds prior to their maturity, refund
8 its outstanding matured bonds, refund matured coupons
9 evidencing interest upon its outstanding bonds, refund interest
10 at the coupon rate that has accrued upon its outstanding
11 matured bonds, and refund its bonds which by their terms are
12 subject to call or redemption before maturity. All bonds
13 redeemed or purchased shall be canceled.
14 18. To secure the payment of revenue bonds and for the
15 purpose of setting forth the covenants and undertakings of
16 the authority in connection with the issuance of revenue bonds
17 and the issuance of any additional revenue bonds payable from
18 such revenue income to be derived from the operation,
19 management, or use of the buildings acquired or to be acquired
20 by the authority, the authority may execute and deliver a
21 trust agreement except that no lien upon any physical property
22 of the authority shall be created.
23 19. The resolution shall provide for the creation of a
24 sinking fund account into which shall be payable from the
25 revenues of the project, from month to month as such revenues
26 are collected, the sums in excess of the cost of maintenance
27 and operation of the project and the cost of administration
28 of the authority, sufficient to comply with the covenants
29 of the bond resolution and sufficient to pay the accruing
30 interest and retire the bonds at maturity. The board of
31 commissioners, in a resolution, may provide for other accounts
32 as necessary for the sale of the bonds. Moneys in the accounts
33 shall be applied in the manner provided by the resolution,
34 the trust agreement, or other contract with the bondholders.
35 20. No such bonds shall constitute a debt of the authority

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or of any public body within the meaning of any statutory or constitutional limitation as to debt.

21. From and after the issuance of bonds the board of commissioners shall establish and fix rates, rentals, fees, and charges for the use of any and all buildings or space owned and operated by the authority, sufficient at all times to pay maintenance and operation costs and to pay the accruing interest and retire the bonds at maturity and to make all payments to all accounts created by any bond resolution and to comply with all covenants of any bond resolution.

22. When an incorporating unit enters into a lease with the authority, the governing body of the incorporating unit shall provide by ordinance or resolution for the levy and collection of a direct annual tax sufficient to pay the annual rent payable under the lease as and when it becomes due and payable. The tax shall be levied and collected in like manner with the other taxes of the incorporating unit and shall be in addition to all other taxes authorized to be levied by that incorporating unit. This tax shall not be included within and shall be in addition to any statutory limitation of rate or amount for that incorporating unit. The fund realized from the tax levy shall be set aside for the payment of the annual rent and shall not be disbursed for any other purpose until the annual rental has been paid in full.

23. All leases, contracts, deeds of conveyance, bonds, or other instruments in writing on behalf of the authority, shall be executed in the name of the authority by the chairman and secretary of the authority, or by other officers as the board of commissioners, by resolution, directs, and the seal of the authority shall be affixed.

24. All property owned by any authority shall be exempt from taxation by the state or any taxing unit of the state.

25. When all bonds issued by an authority have been retired, the authority may convey the title to the property owned by the authority to the incorporating units in accordance

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with the provisions therefor contained in the articles of incorporation, or, if none, in accordance with any agreement adopted by the respective governing bodies of the incorporating units, and the authority. The proposition of whether a conveyance shall be made shall be submitted to the legal voters of the city and county, utilizing the election procedures provided for bond issues, and an affirmative vote equal to at least a majority of the total votes cast on the proposition shall be required to authorize the conveyance. If the proposition does not carry, the authority shall continue to operate, maintain, and manage the building under a lease arrangement with the incorporating units."

Sec. 308. Section three hundred forty-seven point twenty-three (347.23), Code 1971, is amended as follows:

347.23 CITY HOSPITAL CHANGED TO COUNTY HOSPITAL. Any hospital organized and existing as a city ~~or town~~ hospital ~~under the provisions of chapter 380~~ may become a county hospital organized and managed as provided for in this chapter, upon a proposition for such purpose being submitted to and approved by a majority of the electors of both the ~~town or~~ city in which such hospital is located, and of the county under whose management it is proposed that such hospital be placed, at any general or special election called for such purpose~~, said~~. The proposition shall be placed upon the ballot by the board of supervisors when the said board of supervisors is requested by a petition therefor signed by qualified electors of the county equal in number to five percent of the votes cast for governor at the last general election; said proposition may be submitted at the next general election or at a special election called therefor. Upon the approval of said proposition ~~as aforesaid~~ the hospital, its assets and liabilities, will become the property of the county and this chapter will govern its future management. The question shall be submitted in substantially the following form: "Shall the municipal hospital of .....,

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Iowa, be transferred to and become the property of, and be managed by the county of ....., Iowa?"

For the purpose of computing whether or not said proposition is carried, the votes of the residents of the ~~town or~~ city in which said hospital is located shall be counted both for the purpose of ascertaining whether or not the proposition is carried within the city ~~or town~~ and also for the purpose of ascertaining whether or not the proposition is carried within the county.

Sec. 309. Section three hundred forty-eight point two (348.2), unnumbered paragraph one (1), Code 1971, is amended as follows:

348.2 CONSOLIDATION--POWERS OF TRUSTEES. In all counties of the state having a population of one hundred thirty-five thousand inhabitants or over, and in which ~~there is located a city containing one hundred twenty-five thousand population or over, and~~ consolidation of hospital service has been completed as contemplated in this chapter, said board of hospital trustees shall:

Sec. 310. Section three hundred forty-eight point four (348.4), Code 1971, is amended as follows:

348.4 SALE OF PROPERTY AFTER CONSOLIDATION. In all cities ~~containing a population of one hundred twenty-five thousand inhabitants or over,~~ located in counties in which both a public county and city hospital are being conducted under separate supervision and management, such cities are hereby authorized and directed, when consolidation is completed under this chapter and upon the recommendation of the board of hospital trustees, to sell the property now owned and used by such cities for hospital purposes, both real and personal, at public or private sale, the proceeds of such sale to be used, first, for the retirement and payment of any outstanding bonds issued in connection with the purchase of such hospital property, and the remainder, if any, shall be turned into the county public hospital fund.

Sec. 311. Section three hundred forty-eight point five (348.5), Code 1971, is repealed.

Sec. 312. Section three hundred fifty-six point one (356.1), Code 1971, is amended by adding the following new subsection:

"For the confinement of persons subject to imprisonment under the ordinances of a city."

Sec. 313. Section three hundred fifty-six point fifteen (356.15), Code 1971, is amended as follows:

356.15 EXPENSES. All charges and expenses for the safe-keeping and maintenance of prisoners shall be allowed by the board of supervisors, except those committed or detained by the authority of the courts of the United States, in which cases the United States must pay such expenses to the county, and those committed for violation of a city ordinance, in which case the city shall pay expenses to the county.

Sec. 314. Section three hundred fifty-six point twenty (356.20), Code 1971, is amended as follows:

356.20 VIOLATION OF CITY ORDINANCE. When the imprisonment is under the judgment of any court, police court, ~~police magistrate,~~ mayor, or other tribunal of a city ~~or town~~, for the violation of any ordinance, ~~bylaw, or other regulation thereof,~~ the marshal or chief of police shall superintend the labor, and furnish the tools and materials, if necessary, at the expense of the city ~~or town~~ requiring the labor, and ~~such~~ the city ~~or town~~ shall be entitled to the earnings of its convicts.

Sec. 315. Section three hundred fifty-seven point one (357.1), unnumbered paragraph three (3), Code 1971, is amended as follows:

~~In case the proposed~~ A benefited water district ~~is~~ located wholly within the corporate limits of ~~any~~ a city ~~or town, only the council of the city or town shall have the authority to establish the water district, and~~ is not subject to the provisions of this chapter ~~referring to the board of~~

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1 ~~supervisors shall be applicable to the city or town council.~~
2 Sec. 316. Section three hundred fifty-seven point twelve
3 (357.12), Code 1971, is amended as follows:
4 357.12 ELECTION. When the preliminary design and
5 assessment have been approved by the board of supervisors,
6 a date not more than thirty days after such approval shall
7 be set for an election within the district to determine whether
8 or not the proposed improvement shall be constructed and to
9 choose candidates for the offices of trustee within the
10 district. ~~Except that where the benefited water district~~
11 ~~is wholly within the corporate limits of a city or town, the~~
12 ~~members of the city or town council shall be the trustees,~~
13 ~~and the provisions hereinafter referring to the election and~~
14 ~~terms of trustees are not applicable.~~ Notice of the election,
15 including the time and place of holding the same, shall be
16 given in the same manner as for the public hearing heretofore
17 provided for. The vote shall be by ballot which shall state
18 clearly the proposition to be voted upon, and any legal voter
19 residing within the district at the time of the election shall
20 be entitled to vote. Judges will be appointed to serve without
21 pay, by the board of supervisors from among the qualified
22 voters of the district who will have charge of the election.
23 The proposition shall be deemed to have carried if a majority
24 of those voting thereon vote in favor of the same.
25 Sec. 317. Section three hundred fifty-seven B point twelve
26 (357B.12), Code 1971, is amended as follows:
27 357B.12 ANTICIPATION OF TAX. Benefited fire districts
28 may anticipate the collection of taxes outlined by sections
29 357B.9 and 357B.11 and for such purposes may issue bonds pay-
30 able in not more than ten equal installments and the rate
31 of interest thereon shall not exceed seven percent per annum,
32 payable at such place and shall be in such form as the trustees
33 shall designate by resolution. Sections 23.12 to 23.16,
34 inclusive, and ~~chapter 408~~ provisions relating to general
35 corporate purpose bonds of a city, so far as applicable, shall

apply to such bonds.

Sec. 318. Section three hundred fifty-seven B point fifteen (357B.15), Code 1971, is amended as follows:

357B.15 JOINING WITH CITY OR TOWN--ELECTION. No benefited fire district shall join with any city ~~or town~~ for any joint purpose ~~permitted in section 368.42~~ unless such joining is approved by the electors of the joint benefited fire district as provided in this section. The trustees of a benefited fire district shall have the power, when authorized by a majority vote of the electors thereof at a special election called for that purpose, upon notice given in the same manner provided in section 357B.9, to own, use, or operate jointly with any city ~~or town~~, fire apparatus, equipment, or facilities and to provide for the purchase, rental, or maintenance of such equipment, facilities, and services.

Sec. 319. Section three hundred fify-eight point twenty (358.20), unnumbered paragraph two (2), Code 1971, is amended as follows:

In no case shall such rates, rentals, or charges, or the funds accruing from the collection thereof, be used to meet that part of the cost of any construction within the district which has been financed by special assessment against benefited properties. ~~The provisions of chapter 393 shall apply to sanitary districts organized under this section insofar as they are applicable.~~

Sewer rentals, charges, or rates may supplant or replace, in whole or in part, any millage levy taxes which may be, or have been, authorized by the board of trustees for any of the following purposes:

1. To meet interest and principal payments on bonds legally authorized for the financing of sanitary utilities in any manner.

2. To pay costs of the construction, maintenance, or repair of such sanitary facilities or utilities, including payments to be made under any contract between municipalities

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1 for either the joint use of sewerage or sewage facilities,
2 or for the use by one municipality of all or a part of the
3 sewerage or sewer system of another municipality.
4 When a sewer rental ordinance has been passed and put into
5 effect, prior ordinances or resolutions providing for millage
6 taxes against real and personal property for such purposes,
7 or the portion thereof replaced, may be repealed.
8 Sec. 320. Section three hundred fifty-eight point twenty-
9 two (358.22), unnumbered paragraph two (2), Code 1971, is
10 amended as follows:
11 Such assessments may be made to extend over a period of
12 ten years, payable in as nearly equal annual installments
13 as practicable, and certificates or bonds may be issued in
14 anticipation thereof. Proceedings for improvements to be
15 made and paid for, in whole or in part, by special assessments,
16 as herein authorized shall be initiated by resolution of
17 necessity, and said resolution and the plat, schedule,
18 hearings, notices, objections, orders, assessments, levies,
19 contracts, bonds, certification of assessments, liens, payment,
20 tax sales, and appeals, and the issuance and sale of
21 certificates, and bonds, shall correspond, as near as may
22 be, to the provisions therefor ~~contained in chapters 394,~~
23 ~~394A and 396, and all~~ relating to special assessment bonds
24 of a city, which provisions ~~of said chapters~~ shall govern
25 such proceedings, to the extent applicable, except as modified
26 hereby. A majority vote of the board of trustees shall be
27 requisite and sufficient for any action required by the board
28 under the provisions of this section.
29 Sec. 321. Chapter three hundred fifty-eight (358), Code
30 1971, is amended by adding the following new section:
31 "A sanitary district may enter into contracts with per-
32 sons or firms outside its limits for the processing of sewage
33 but the rate for processing shall not be less than that charged
34 the inhabitants of the district.
35 A district entering into a contract may lay sewer lines

in highways outside the district upon first obtaining the permission of the state highway commission in the case of primary roads and the board of supervisors in case of secondary roads, on written application designating the particular highway and part thereof, the use of which is desired.

A sanitary district adjoining a border of the state and owning and operating a sewage disposal plant, may contract with the governing body of any legal entity in an adjacent area in another state, to process the sewage from the area. The contract shall be subject to approval of the state department of health."

Sec. 322. Section three hundred fifty-eight A point eight (358A.8), Code 1971, is amended as follows:

358A.8 COMMISSION APPOINTED. In order to avail itself of the powers conferred by this chapter, the board of supervisors shall appoint a commission, to be known as the county zoning commission, to recommend the boundaries of the various original districts, and appropriate regulations and restrictions to be enforced therein. Such commission shall, with due diligence, prepare a preliminary report and hold public hearings thereon before submitting its final report; and the board of supervisors shall not hold its public hearings or take action until it has received the final report of such commission. After the adoption of such regulations, restrictions, and boundaries of districts, the zoning commission may, from time to time, recommend to the board of supervisors amendments, supplements, changes or modifications. <u>The zoning commission, with the approval of the board of supervisors, may contract with professional consultants, regional planning commissions, the Iowa development commission, or the federal government, for local planning assistance.</u>

Sec. 323. Section three hundred fifty-eight B point two (358B.2), unnumbered paragraphs four (4) and five (5), are amended as follows:

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A county library district shall be established, if a majority of the electors~~,~~ voting on the proposition, and residing outside of cities ~~and towns~~ maintaining a free public library, ~~as provided by section 378.1~~ favor it.

The result of the election within cities ~~and towns~~ maintaining a free public library ~~under the above mentioned provision~~ shall be considered separately, and no ~~such~~ city ~~or town~~ shall be included within the county library district unless a majority of its electors, voting on the proposition, favor its inclusion. In such cases the boundaries of an established district may vary from those of the proposed district.

Sec. 324. Section three hundred fifty-eight B point nine (358B.9), Code 1971, is amended as follows:

358B.9 METHODS OF SERVICE. Library service shall be accomplished by one or more of the following methods in whole or in part:

1. By the establishment of depositories of books or other educational materials to be loaned at stated times and places.

2. By the transportation of books or other educational materials by conveyances for lending the same at stated times and places.

3. By the establishment of branch libraries for lending books and other educational materials.

4. By contracting for library service with ~~the trustees of~~ a free public library of any city ~~or town~~.

Sec. 325. Section three hundred fifty-eight B point thirteen (358B.13), Code 1971, is amended as follows:

358B.13 MAINTENANCE EXPENSE ON PROPORTIONATE BASIS. The maintenance of a county library shall be on a proportionate population basis whereby each taxing unit as hereinafter defined shall bear its share in proportion to its population to the whole of said county library district. The board of library trustees shall on or before July 10 of each year make an estimate of the amount it deems necessary for the maintenance of the county library and shall transmit said estimate

in dollars to the board or boards of supervisors and to the city ~~and town~~ councils within the district. The entire rural area of each county in the library district shall be considered as a separate taxing unit. Each city ~~and town~~ which is a part of the county library district shall be considered as a separate taxing unit. The board of supervisors and the council of each city ~~and town~~ composing said county library district shall make the necessary millage levies accordingly for library maintenance purposes ~~of~~ , but the county levy may not ~~to~~ exceed two mills. Any unexpended balance in the library maintenance fund at the end of the fiscal year shall remain in said fund and be available without reappropriation.

Sec. 326. Section three hundred fifty-eight B point fourteen (358B.14), Code 1971, is amended as follows:

358B.14 NOT APPLICABLE TO CONTRACT SERVICE. The provisions of this chapter pertaining to the establishment of a county library district shall not apply to any area receiving library service from any city ~~or town~~ library ~~under the provisions of chapter 378~~, unless the petition for a county library district ~~shall~~, in addition to the required signatures of electors, ~~be~~ is signed by the governing body of the area receiving library service under contract.

Sec. 327. Section three hundred fifty-eight B point sixteen (358B.16), Code 1971, is amended as follows:

358B.16 WITHDRAWAL OF CITY ~~OR TOWN~~ FROM DISTRICT. Whenever ~~any incorporated~~ a city ~~or town, having maintained an association library for at least ten years prior to the establishment of a county library which has become a part of the tax supported city or town library and being a part of the county library district, and having levied a tax of its own equal to or greater than that of the county library district for the same purpose, shall decide~~ decides to withdraw from the county library district, it may do so by giving notice by certified mail to the board of library trustees of said county library and the county auditor prior to July 10, by the

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1 governing body of ~~said incorporated~~ the city ~~or town~~, of its
2 withdrawal from the county library district, and thereafter
3 ~~said incorporated~~ the city ~~or town,~~ shall cease to be a part
4 of or included in ~~said~~ the county library district.
5 Sec. 328. Chapter three hundred fifty-eight B (358B),
6 Code 1971, is amended by adding the following new sections:
7 "Whenever a local county historical association is formed
8 in a county having a free public library, the trustees of
9 the library may unite with the historical association and
10 set apart the necessary room to care for articles which come
11 into the possession of the association. The trustees may
12 purchase necessary receptacles and materials for the
13 preservation and protection of articles which are of a
14 historical and educational nature and may pay for the same
15 out of the library fund."
16 "1. Contracts may be made by a school corporation,
17 township, county, or the trustees of any county library
18 district for the use by their residents of a city library.
19 Townships and counties may enter into contracts, but may only
20 contract for the residents outside of cities. A contract by
21 a county shall supersede all contracts by townships or school
22 corporations within the county outside of cities.
23 2. Contracts shall provide for the rate of tax to be
24 levied. They may, by mutual consent of the contracting
25 parties, be terminated at any time. They may also be
26 terminated by a majority of the voters represented by either
27 of the contracting parties, voting on a proposition to
28 terminate which shall be submitted by the governing body upon
29 a written petition of voters in a number not less than five
30 percent of those who voted in the area for governor at the
31 last general election.
32 3. The proposition may be submitted at any election
33 provided by law which covers the area of the unit seeking
34 to terminate the contract. The petition shall be presented
35 to the governing body not less than forty days before the

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1 election at which the question is to be submitted.
2 4. The board of trustees of any township which has entered
3 into a contract shall at the April meeting levy a tax not
4 exceeding one-fourth mill on the dollar on all taxable property
5 in the township to create a fund to fulfill its obligation
6 under the contract.
7 The board of supervisors, after it makes such contract,
8 shall levy annually on the taxable property of the county
9 outside of cities, a tax of not more than one mill to create
10 a fund to fulfill its obligation under the contract.
11 5. Voters of that part of any county outside of cities
12 in a number of not less than twenty-five percent of those
13 in the area who voted for governor at the last general election
14 may petition the board of supervisors to submit the propo-
15 sition of requiring the board of supervisors to provide library
16 service for them and their area by contract as provided by
17 this section.
18 6. The board of supervisors shall submit the proposition
19 to the voters of the county residing outside of cities at
20 the next election, primary or general, provided that the
21 petition has been filed not less than forty days prior to
22 the date of the election at which the question is to be
23 submitted.
24 7. If a majority of those voting upon the proposition
25 favors it, the board of supervisors shall within thirty days
26 appoint a board of library trustees from residents of the
27 petitioning area. Vacancies shall be filled by the board
28 of supervisors.
29 8. The board of trustees is authorized to contract with
30 any library for library use or service for the benefit of
31 the residents and area represented by it.
32 9. The board of supervisors shall levy annually on the
33 taxable property of the county outside of cities, a tax of
34 not more than one mill to create a fund to fulfill the contract
35 obligations of the trustees appointed by it."

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Sec. 329. Section three hundred fifty-nine point twenty-four (359.24), Code 1971, is amended as follows:

OFFICES ABOLISHED

359.24 CLERK AND TRUSTEES ABOLISHED. Where a ~~town or a city, not acting under a special charter,~~ constitutes one or more civil townships the boundary lines of which coincide throughout with the boundary lines of the ~~town or~~ city, the offices of township clerk and trustee are abolished.

Sec. 330. Section three hundred fifty-nine point twenty-six (359.26), Code 1971, is amended as follows:

359.26 TRANSFER OF FUNDS. The moneys and assets belonging to such civil township shall become the moneys and assets of the city ~~or town~~ in which said civil township is situated, and the township clerks shall turn such moneys and assets over to the city ~~or town~~ treasurer or clerk, to be disbursed by ~~such~~ the city ~~or town~~ in the same manner and for the same purposes as required by law for the disposition of township funds, and such cities ~~or towns~~ shall assume all liabilities of a civil township to which the provisions of this section ~~shall~~ apply.

Sec. 331. Section three hundred fifty-nine point twenty-seven (359.27), Code 1971, is amended as follows:

359.27 PAYMENT OF FUNDS. County treasurers are hereby authorized to pay over to the ~~city or town~~ treasurers or clerks of cities which come under the provisions of sections 359.24, 359.25 and 359.26 all funds which would otherwise be paid over to the township clerks of such townships.

Sec. 332. Section three hundred fifty-nine point forty-five (359.45), Code 1971, is amended as follows:

359.45 ANTICIPATORY BONDS. Townships may anticipate the collection of taxes authorized by sections 359.43 and 359.44, and for such purposes may issue bonds payable in not more than ten equal annual installments and at a rate of interest not exceeding seven percent per annum and payable at such place and be in such form as the board of trustees shall

designate by resolution. Sections 23.12 to 23.16, inclusive, and ~~chapter 408~~ provisions of law relating to essential corporate purpose bonds of a city, so far as applicable, shall apply to such bonds.

Sec. 333. Section three hundred fifty-nine point forty-six (359.46), subsection one (1), Code 1971, is amended as follows:

1. For each day of service of eight hours necessarily engaged in official business, to be paid out of the county treasury, four dollars each. ~~In townships embraced entirely within the limits of special charter cities, the compensation of township trustees shall be four dollars per day.~~

Sec. 334. Chapter three hundred sixty-seven (367), Code 1971, is amended by adding the following new section:

"When the mayor is absent or unable to act, the mayor pro tem may hold mayor's court, but only in cases of violation of a city law."

Sec. 335. Section four hundred three point fourteen (403.14), subsection two (2), Code 1971, is amended as follows:

2. As used in this section, the term "urban renewal project powers" shall include the rights, powers, functions and duties of a municipality under this chapter, ~~including~~ except the following:

a. The power to determine an area to be a slum or blighted area or combination thereof and to designate such area as appropriate for an urban renewal project and to hold any public hearings required with respect thereto;

b. The power to approve urban renewal plans and modifications thereof;

c. The power to establish a general plan for the locality as a whole;

d. The power to formulate a workable program under section 403.3;

e. The power to make the determinations and findings provided for in section 403.4, and section 403.5, subsection

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4;

f. The power to issue general obligation bonds;

g. The power to appropriate funds, to levy taxes and assessments, and to exercise other powers provided for in section 403.6, subsection 8.

Sec. 336. Section four hundred nine point fourteen (409.14), unnumbered paragraph one (1), Code 1971, is amended as follows:

No county auditor or recorder shall hereafter file or record, nor permit to be filed or recorded, any plat purporting to lay out or subdivide any tract of land into lots and blocks within any city having a population by the latest federal census of twenty-five thousand or over, or within a city of any size ~~having a plan commission organized under the provisions of chapter 373~~ which by ordinance adopts the restrictions of this section or, except as hereinafter provided, within two miles of the limits of such city, unless such plat has been first filed with and approved by the council of such city as provided in section 409.7, and by the city plan commission ~~as required by law~~ in cities where such commission exists.

Sec. 337. Section four hundred fourteen point twenty-two (414.22), Code 1971, is repealed.

Sec. 338. Section four hundred nineteen point eleven (419.11), Code 1971, is amended as follows:

419.11 TAX EQUIVALENT TO BE PAID--ASSESSMENT PROCEDURE--APPEAL. Any municipality acquiring, purchasing, constructing, reconstructing, improving or extending any industrial buildings, as provided in this chapter, shall annually pay out of the revenue from such industrial buildings to the state of Iowa and to the city, town, school district and any other political subdivision, authorized to levy taxes, a sum equal to the amount of tax, determined by applying the millage rate of the taxing district to the assessed value of the property, which the state, county, city, town, school district or other

1 political subdivision would receive if the property were owned
2 by any private person or corporation, any other statute to
3 the contrary notwithstanding. For purposes of arriving at
4 such tax equivalent, the property shall be valued and assessed
5 by the assessor in whose jurisdiction the property is located,
6 in accordance with chapter 441, but the municipality, the
7 lessee on behalf of the municipality, and such other persons
8 as are authorized by chapter 441 shall be entitled to protest
9 any assessment and take appeals in the same manner as any
10 taxpayer. Such valuations shall be included in any summation
11 of valuations in the taxing district for all purposes known
12 to the law. Income from this source shall be considered under
13 the provisions of section ~~24.3~~ 94, subsection 1, paragraph
14 b, of this Act. If and to the extent the proceedings under
15 which the bonds authorized to be issued under the provisions
16 of this chapter so provide, the municipality may agree to
17 cooperate with the lessee of a project in connection with
18 any administrative or judicial proceedings for determining
19 the validity or amount of any such payments and may agree
20 to appoint or designate and reserve the right in and for such
21 lessee to take all action which the municipality may lawfully
22 take in respect of such payments and all matters relating
23 thereto, provided, however, that such lessee shall bear and
24 pay all costs and expenses of the municipality thereby incurred
25 at the request of such lessee or by reason of any such action
26 taken by such lessee in behalf of the municipality. Any
27 lessee of a project which has paid, as rentals additional
28 to those required to be paid pursuant to section 419.5, the
29 amounts required by the first sentence of this section to
30 be paid by the municipality shall not be required to pay any
31 such taxes to the state or to any such county, city, town,
32 school district or other political subdivision, any other
33 statute to the contrary notwithstanding. This section shall
34 not be applicable to any municipality acquiring, purchasing,
35 constructing, reconstructing, improving, or extending any

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buildings for the purpose of establishing, maintaining, or assisting any private college or university.

Sec. 339. Sections four hundred twenty point fourteen (420.14), four hundred twenty point sixteen (420.16), four hundred twenty point thirty-one (420.31), and four hundred twenty point thirty-four (420.34) through four hundred twenty point forty (420.40), Code 1971, are repealed.

Sec. 340. Section four hundred twenty point forty-one (420.41), Code 1971, is amended as follows:

420.41 APPLICABILITY OF PROVISIONS.

~~1.--Except as hereinafter in this section provided, the provisions of this Code which, by their terms, are made applicable to all municipal corporations, shall be applicable to cities organized under special charter, and the provisions of this Code, applicable by their terms to municipal corporations of a certain population, shall be applicable to cities under special charter of like population, and except as hereinafter in this section provided, said special charters shall have no further force and effect.~~

~~2.--To whatever extent provisions made applicable by subsection 1 of this section to cities organized under special charter shall be inconsistent with the provisions of this chapter, the provisions so made applicable shall be construed to provide additional rights, powers and privileges to such cities or to provide alternative procedures which such cities may adopt or avail themselves of at the election of their respective governing bodies or appropriate officers, insofar as such provisions, so made applicable, are susceptible to such construction.--Insofar as such provisions, so made applicable, are not susceptible to such construction the provisions of this chapter shall be controlling.~~

~~3.--Notwithstanding the provisions of subsection 1 of this section, nothing herein contained~~ 1. No state law shall be deemed to impair, alter or affect the provisions of any such special charter or any existing amendment thereto in any of

the following respects:

a. As an act of incorporation or as evidence thereof.

b. In respect of authority to license, tax and regulate various persons, occupations, amusements, places and objects, as said general subjects of licensing, taxing and regulation are more specifically set forth in the respective charters of such cities.

c. In respect of the levy and collection of taxes for city purposes, in accordance with provisions of the respective charters of such cities and other provisions of law relating to such levy and collections including, but without limitation, provisions relating to liens, distraint, tax sales, redemptions, tax deeds and other provisions incident to the levy and collection of taxes; provided that this paragraph shall apply only with respect to cities which prior to and currently with the taking effect of this subsection collect general city taxes directly or by or through their own officers, rather than indirectly and by or through any other public body or officer thereof.

d. In respect of the election or appointment of a clerk, treasurer, police magistrate and marshal or in respect of the authority, functions, duties or compensation of any thereof.

e. In respect of the power or authority of any such city to borrow and expend money and issue bonds or other evidences of indebtedness therefor.

f. In respect of the appropriation, condemning or taking of land and property by any such city for public purposes and in respect of procedure and appeals in connection with any such taking.

g. In respect of the power to enact, make, adopt, amend and repeal ordinances necessary or proper in connection with any provisions referred to in paragraphs "a" to "f" inclusive, of this subsection.

~~4.--Notwithstanding the provisions of subsection 3 of this~~

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~~section, the~~ 2. The fiscal year for special charter cities, which prior to and concurrently with the taking effect of this subsection collect general city taxes directly through their own officers, and for all departments, boards and commissions thereof, shall be as established by city ordinance.

~~5.--Notwithstanding the provisions of subsection 1 of this section, special~~ 3. Special charter cities which prior to and concurrently with the taking effect of this subsection collect general city taxes directly through their own officers, shall, within the applicable provisions of ~~chapter 404~~ sections 79 through 90, inclusive, of this Act, make the appropriations for the necessary expenditures for the next ensuing fiscal year by ordinance. The proposed ordinance shall, upon first reading, be placed on file with the clerk for public inspection, and, upon second reading, if and as amended, forthwith be published in a newspaper of general circulation, together with the time and place for a public hearing on said proposed ordinance, which hearing shall be not less than ten days prior to the council meeting at which it shall be placed upon its passage.

Sec. 341. Section four hundred twenty point forty-three (420.43), Code 1971, is amended as follows:

420.43 APPLICATION OF CERTAIN TERMS. Whenever the words "boards of supervisors", "county auditor or recorder of deeds", and "county treasurer" are used in any section made applicable by this chapter to special charter cities, the words "city council", "city clerk" or "city recorder", and "city collector or treasurer" shall be respectively substituted.

This section shall not be construed as depriving boards of supervisors, county auditors, and county treasurers of their powers to spread tax levies and collect taxes certified by cities acting under special charter as provided in ~~sections~~ section 420.206 and ~~404.3~~ other state law. Nothing contained herein shall be deemed to affect the procedure for the assessment of property by the city or county assessor.

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Sec. 342. Sections four hundred twenty point forty-six (420.46), four hundred twenty point fifty-nine (420.59) through four hundred twenty point sixty-one (420.61), inclusive, four hundred twenty point one hundred fifty-six (420.156), four hundred twenty point one hundred fifty-eight (420.158), four hundred twenty point one hundred sixty (420.160) through four hundred twenty point one hundred sixty-four (420.164), inclusive, four hundred twenty point one hundred sixty-six (420.166), through four hundred twenty point one hundred eighty (420.180), inclusive, four hundred twenty point one hundred eighty-two (420.182) through four hundred twenty point one hundred eighty-nine (420.189), inclusive, four hundred twenty point two hundred four (420.204), four hundred twenty point two hundred five (420.205), four hundred twenty point two hundred fifty (420.250) through four hundred twenty point two hundred eighty-five (420.285), inclusive, and four hundred twenty point two hundred eighty-nine (420.289) through four hundred twenty point three hundred four (420.304), inclusive, Code 1971, are repealed.

Sec. 343. Section four hundred forty-one point twenty-one (441.21), subsection two (2), Code 1971, is amended as follows:

2. For the purpose of computing the debt limitations for municipalities, political subdivisions and school districts ~~as provided in sections 407.1 and 407.2~~, the term "actual value" ~~as used in said sections shall mean~~ <u>means</u> the "actual value" as determined by this section and entered opposite each item, and as listed on the tax list as provided in section 443.2 as "actual value".

Whenever any board of review or other tribunal charges the assessed value of property, all applicable records of assessment shall be adjusted to reflect such change in both assessed value and actual value of such property.

Sec. 344. Section four hundred forty-three point twenty-two (443.22), Code 1971, is amended as follows:

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443.22 UNIFORM ASSESSMENTS MANDATORY. All assessors and assessing bodies, including the department of revenue having authority over the assessment of property for tax purposes, shall comply with the provisions of sections ~~420.284,~~ 428.4, 428.29, 434.15, 435.7, 438.13, 441.21, 441.45 and 443.5. The department of revenue having authority over such assessments, shall exercise its powers and perform its duties under section 421.17 and other applicable laws so as to require the uniform and consistent application of said section.

Sec. 345. Section four hundred forty-six point twenty-one (446.21), Code 1971, is amended as follows:

446.21 APPLICABLE STATUTE. ~~Section 394.68 shall apply to~~ In all tax sales made under the provisions of ~~this Act,~~ section 446.19, any holder of any special assessment certificate against a lot or parcel of ground, or any holder of a bond payable in whole or in part out of a special assessment against any lot or parcel of ground, or any city within which such lot or parcel of ground is situated, which lot or parcel of ground has been sold for taxes, either general or special, shall be entitled to an assignment of any certificate of tax sale of said property for any general taxes or special taxes thereon, upon tender to the holder or to the county auditor of the amount to which the holder of the tax sale certificate would be entitled in case of redemption.

Sec. 346. Section four hundred fifty-three point one (453.1), Code 1971, is amended as follows:

453.1 DEPOSITS IN GENERAL. The treasurer of state, and of each county, ~~city, town,~~ county public hospital, merged area hospital, memorial hospital and school corporation, the treasurer or other financial officer of each city, and each township clerk and each county recorder, auditor, sheriff, each clerk and bailiff of the municipal court, and clerk of the district court, and each secretary of a school board shall deposit all funds in their hands in such banks as are first approved by the executive council, board of supervisors, ~~city~~

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1 ~~or town council,~~ board of hospital trustees, memorial hospital
2 commission, board of school directors, or city council,
3 respectively; provided, however, that the treasurer of state
4 and the treasurer or other financial officer designated by
5 the governing body of each political subdivision shall invest
6 all funds not needed for current operating expenses in time
7 certificates of deposit in banks listed as approved
8 depositories pursuant to this chapter or in investments
9 permitted by section 452.10. The list of public depositories
10 and the amounts severally deposited therein shall be a matter
11 of public record. The term "bank" means a bank or a private
12 bank, as defined in section 524.103.
13 Sec. 347. Section four hundred fifty-three point four
14 (453.4), Code 1971, is amended as follows:
15 453.4 LOCATION OF DEPOSITORIES. Deposits by the treasurer
16 of state shall be in banks located in this state; by a county
17 officer or county public hospital officer or merged area
18 hospital officer, in banks located in his county or in an
19 adjoining county within this state; by a memorial hospital
20 treasurer, in a bank located within this state which shall
21 be selected by such memorial hospital treasurer and approved
22 by the memorial hospital commission; by a city ~~or town~~
23 treasurer or other city financial officer, in banks located
24 in the city ~~or town~~, but in the event there is no bank in
25 such city ~~or town~~ then in any other bank located in this state
26 which shall be selected as such depository by the city ~~or~~
27 ~~town~~ council; by a school treasurer or by a school secretary
28 in a bank within this state which shall be selected by the
29 board of directors or the trustees of such school district;
30 by a township clerk in a bank located within this state which
31 shall be selected by such township clerk and approved by the
32 trustees of such township. Provided, that deposits may be
33 made in banks outside of Iowa for the purpose of paying
34 principal and interest on bonded indebtedness of any
35 municipality when such deposit is made not more than ten days

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1 before the date such principal or interest becomes due.
2 Sec. 348. Section four hundred fifty-three point nine
3 (453.9), Code 1971, is amended as follows:
4 453.9 INVESTMENT OF SINKING FUNDS. The governing council
5 or board who by law are authorized to direct the depositing
6 of funds shall be authorized to direct the treasurer or other
7 designated financial officer to invest any fund not an active
8 fund needed for current use and which is being accumulated
9 as a sinking fund for a definite purpose, the interest of
10 which is used for the same purpose, in the certificates
11 provided by section 454.19, or make time deposits of such
12 funds as provided in this chapter and receive time certificates
13 of deposit therefor, or in United States government bonds,
14 or in local certificates or warrants issued by any municipality
15 or school district within the county, or in municipal bonds
16 which constitute a general liability, and the treasurer or
17 other officer when so directed shall so invest such fund.
18 Sec. 349. Section four hundred fifty-three point thirteen
19 (453.13), Code 1971, is amended as follows:
20 453.13 INVESTMENT REPORT TO STATE AUDITOR. The treasurer,
21 or other financial officer designated by the governing body,
22 of each political subdivision except townships shall submit
23 an investment report to the auditor of state on forms provided
24 within fifteen days following the close of each fiscal year
25 of the political subdivision. The report shall be comprised
26 of the following information, all of which shall relate to
27 the previous calendar year: Total demand deposits placed
28 in depositories; total funds invested; description and
29 disposition of investments; dates of investment; rates of
30 interest earned or return on the investments; and such other
31 information as the auditor of state may reasonably require
32 pertaining to public funds.
33 Sec. 350. Section four hundred fifty-four point six
34 (454.6), Code 1971, is amended as follows:
35 454.6 DUTY OF TREASURERS. It shall be the duty of all

1 school treasurers, city ~~and town~~ treasurers or other financial
2 officers designated by the city council, and township clerks
3 of the county to keep on file with the county treasurer a
4 list of such depositories.
5 Sec. 351. Chapter four hundred fifty-five (455), Code
6 1971, is amended by adding the following new section:
7 "Any board, as defined in section four hundred fifty-five
8 point four (455.4) of the Code, may by contract permit any
9 city to discharge adequately treated sewage into drainage
10 ditches. The contract shall fix the rental, make provision
11 for termination, and shall provide that no nuisance shall
12 be created."
13 Sec. 352. Section four hundred sixty-nine point thirty-
14 one (469.31), Code 1971, is repealed.
15 Sec. 353. Section four hundred seventy-one point four
16 (471.4), Code 1971, is amended by adding the following new
17 subsection:
18 "Upon all cities for any public purpose."
19 Sec. 354. Chapter four hundred seventy-three A (473A),
20 Code 1971, is amended by adding the following new section:
21 "A metropolitan planning commission may contract with pro-
22 fessional consultants, the Iowa development commission, or
23 the federal government, for local planning assistance."
24 Sec. 355. Section four hundred seventy-eight point twenty-
25 one (478.21), Code 1971, is amended as follows:
26 478.21 RAILWAY AND HIGHWAY CROSSING AT GRADE. Wherever
27 a railway track crosses or shall hereafter cross a highway,
28 street or alley, the railway company owning such track and
29 the state highway commission, in the case of primary highways,
30 the board of supervisors of the county in which such crossing
31 is located, in the case of secondary roads, or the council
32 of the city ~~or town~~, in the case of streets and alleys located
33 within ~~such~~ a city ~~or town~~, may agree upon the location and
34 manner of crossing, or crossing protection, or upon a
35 separation of grades so as to carry such highway over or under

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the railway track, and upon any change, alteration, vacation or relocation of such highway, street or alley, and upon repairs, alteration, or elimination of any crossing, and upon the expense each party shall pay for such changes, except that if flasher light or gate signals are ordered installed the maintenance thereof shall be assumed by the railroad; provided, however, nothing ~~contained herein~~ in this section ~~shall be construed to affect any of~~ limits the provisions of ~~chapter 387~~ section 17 of this Act.

Sec. 356. Section four hundred seventy-eight point twenty-eight (478.28), Code 1971, is amended as follows:

478.28 RAILWAY CROSSINGS NEAR MISSISSIPPI RIVER. When in the construction of a railway it becomes necessary to cross another railway near the shore of the Mississippi river, each shall be so constructed and maintained at the point of crossing that the respective roadbeds thereof shall be above high-water mark in such river; but where the crossing occurs within the limits of any city ~~or town containing six thousand or more inhabitants~~, the council ~~or other governing authorities thereof~~ may establish the crossing grade.

Sec. 357. Section four hundred eighty-three point two (483.2), subsection eight (8), Code 1971, is amended as follows:

8. The signatures of a majority of the resident freehold taxpayers of the proposed district; except that in cities ~~of any form of government having a population of twenty-five thousand or over, not more than two thousand such signatures shall be required~~ the provisions of section 4 of this Act apply.

Sec. 358. Section four hundred eighty-four point eleven (484.11), Code 1971, is amended as follows:

484.11 FRANCHISES. Cities ~~and towns under any form of government~~ may~~, as provided by law,~~ authorize or forbid the construction and operation of such railways upon, over, or along the streets, alleys, and public grounds within their

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limits and prescribe the conditions and regulations for such construction and operation. ~~The right to operate as a street railway shall not be granted for a period exceeding twenty-five years.~~

Sec. 359. Section four hundred ninety A point twenty-three (490A.23), Code 1971, is amended as follows:

490A.23 CITIES AND TOWNS--CONFLICT OF SERVICE. ~~The application of section 397.28 to public utilities, as defined in this chapter, with respect to the regulating of rates and services of such public utilities to the extent such jurisdiction and powers are conferred upon the commission in this chapter is hereby repealed.~~ All rights of municipal corporations to franchise and regulate use of streets, alleys and other public property, and all rights acquired by franchise or agreement shall be preserved in such municipalities, excepting only the duties and jurisdiction conferred upon the commission in this chapter. Whenever the corporate boundaries of any city ~~or town~~ are extended, utility service, as defined in section 490A.1, shall be provided in such extended area by the public utility or the municipally owned utility serving such city ~~or town~~ immediately prior to the extension of such boundaries. In the event service is provided, in such extended area, at the time of the extension of the corporate boundaries, by a public utility which does not have a municipal franchise for such city ~~or town~~, the facilities located within such extended area shall be purchased at the end of six years from the date the corporate boundaries shall have been extended by the franchised public utility of such city ~~or town~~ or by the municipal utility serving such city ~~or town~~ and the municipal franchised public utility or municipally owned utility shall furnish such service without interruption upon the acquisition thereof. The franchised or municipally owned utility shall pay to the utility serving in the annexed area the fair and reasonable value of its properties within such annexed area by exchange of other

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electric utility property outside such city ~~or town~~ on a fair and reasonable basis giving due consideration to revenue from and value of the respective properties. In the event the public utilities involved are unable to agree as to the terms of such exchange, either utility may file an application with the commission requesting that the commission determine such fair and reasonable terms for such exchange. After notice and hearing the commission shall determine fair and reasonable terms for such exchange, or in the event no appropriate properties can be exchanged the commission shall fix and determine the fair and reasonable value of the property within the annexed area, and such transfer shall be made as directed by the commission. Until such determination by the commission, the facilities shall remain in place and service to the public shall be maintained by the owner. However, the utility not having a municipal franchise and serving such annexed area shall not extend service to any additional points of delivery within such annexed area if the commission, after notice and hearing, with due consideration of any unnecessary duplication of facilities, shall determine that such extension is not in the public interest. Provided, however, that production, generation, high-voltage transmission facilities and high-voltage transformers owned by a utility in territory annexed to a city ~~or town~~ shall be exempt from the operation of this section, and provided further that if a public utility not having a municipal franchise at the time of the extension of the corporate boundaries subsequently acquires a municipal franchise ~~as contemplated by chapter 397~~ within six years of the extension of the corporate boundaries such utility shall be exempt from the operation of this section. ~~All other laws and parts of laws inconsistent with this chapter are hereby repealed, provided, however, that nothing in this chapter shall be construed to repeal or impair any provision of chapter 397, except as expressly provided in this section with respect to section 397.28.~~

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Sec. 360. Section five hundred nine A point one (509A.1), Code 1971, is amended as follows:

509A.1 AUTHORITY OF GOVERNING BODY. The governing body of the state, county, school district, ~~city,-town~~ or any institution supported in whole or in part by public funds may establish plans for and procure group insurance, health or medical service for the employees of the state, county, school district, ~~city,-town~~ or tax-supported institution.

Sec. 361. Section five hundred nine A point two (509A.2), Code 1971, is amended as follows:

509A.2 SOURCES OF FUNDS. The funds for such plans shall be created ~~from-the-following-sources:~~ solely from the contributions of employees, or from contributions wholly or in part by the governing body.

~~1.--Contributions-from-employees-who-elect-to-participate in-any-such-plan,-and~~

~~2.--Contributions-authorized-by-the-city-council-from-the general-fund-of-said-city-in-amounts-not-exceeding-the-aggregate-amounts-assessed-against-and-collected-from-employees who-elect-to-participate-in-any-such-plan.--The-funds-for each-plan-shall-be-kept-separately.~~

~~3.--Solely-from-the-contributions-of-employees,-except as-provided-in-subsections-1-and-2-above,-for-any-plan-established-after-July-4,-1962,-or-from-contributions-wholly-or in-part-by-the-governing-body.~~

Sec. 362. Section five hundred nine A point four (509A.4), Code 1971, is amended as follows:

509A.4 PARTICIPATION OPTIONAL. Participation in any such plan shall be optional with all employees eligible to the benefits thereof as provided by the rules and regulations adopted by the governing body pursuant thereto. Election to participate therein shall be in writing signed by the employee and filed with the ~~city-council~~ governing body.

Sec. 363. Section five hundred nine A point eleven (509A.11), Code 1971, is amended as follows:

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1 509A.11 DEFINITIONS. For purposes of this division the
2 following terms shall have the following meaning:
3 1. The words "governing body" means the executive council
4 of the state, the board of supervisors of counties, the school
5 boards of school districts, ~~the city or town council of cities~~
6 ~~or towns~~ and the superintendent or other person in charge
7 of an institution supported in whole or in part by public
8 funds.
9 2. The words "public body" means the state, a county,
10 school district, ~~city, town~~ or institution supported in whole
11 or in part by public funds.
12 Sec. 364. Section five hundred forty-six A point one
13 (546A.1), Code 1971, is amended as follows:
14 546A.1 LICENSE REQUIRED. It shall be unlawful for any
15 person, firm or corporation to sell, dispose of, or offer
16 for sale at public auction at any place outside the limits
17 of any city ~~or town~~ in the state of Iowa, or within the limits
18 of any city ~~or town~~ in the state of Iowa that has not by
19 ordinance ~~enacted pursuant to the provisions of section 368.6~~
20 provided for the licensing of sales by auction, any new
21 merchandise, unless such person, firm or corporation and the
22 owners of such merchandise, if it is not owned by the vendors,
23 shall have first secured a license as herein provided and
24 shall have complied with the regulations hereinafter set
25 forth.
26 Sec. 365. Section five hundred forty-six A point five
27 (546A.5), Code 1971, is amended as follows:
28 546A.5 ISSUANCE OF LICENSE. Upon the filing of such
29 application and after the applicant has fully complied with
30 all the provisions of this chapter, the board of supervisors,
31 by its chairman, shall issue to the applicant a license
32 authorizing the holding of such auction sale as proposed in
33 said application. Such license shall not be transferable,
34 and shall be valid only in the county where issued, and shall
35 not be valid in any ~~town or~~ city in such county which has

enacted an ordinance ~~pursuant-to-section-368.6~~ providing for the licensing of auction sales.

Sec. 366. Section five hundred sixty-five point six (565.6), Code 1971, is amended as follows:

565.6 GIFTS TO MUNICIPAL CORPORATIONS. Counties, ~~cities, towns, the park board of any city or town, and~~ civil townships wholly outside of any city ~~or town~~, and school corporations, are authorized to take and hold property, real and personal, by gift and bequest; and to administer the same through the proper officer in pursuance of the terms of the gift or bequest. No title shall pass unless accepted by the governing board of the corporation, or township~~, or park board~~. Conditions attached to such gifts or bequests become binding upon the corporation, or township~~, or park board~~ upon acceptance thereof.

Sec. 367. Section five hundred sixty-five point eight (565.8), Code 1971, is amended as follows:

565.8 TAX VOTED TO MAINTAIN. When any county~~, city, or town shall receive~~ receives by gift or devise, property, real or personal, for the purpose of establishing any institution of benevolence including hospitals, and no sufficient fund or endowment is provided for its maintenance, or is received upon condition that the donee or devisee provide for aiding the maintenance of such institution by a tax levy upon the assessed property of such municipality, it shall be the duty of the governing board of such municipality to submit by resolution to the qualified electors thereof at a regular or special election the question whether there shall be levied upon the assessed property of such municipality an annual tax not exceeding three-fourths mill on the dollar for the purpose of aiding the maintenance of such institution. The said proposition shall be submitted in the manner provided for similar propositions in the title on elections.

Sec. 368. Section five hundred sixty-five point twelve (565.12), Code 1971, is amended as follows:

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565.12 CONDITION AS TO ANNUITY. When a gift or bequest is conditioned upon the payment of an annuity to the donor, or any other person, the governing board of ~~such municipality~~ a county or city may, upon acceptance of such gift or bequest, agree to pay such annuity providing the amount thereof does not exceed five percent of the amount of the gift or bequest and does not exceed the amount realized from a one mill tax levy upon the taxable property of said municipality.

Sec. 369. Section five hundred sixty-five point thirteen (565.13), Code 1971, is amended as follows:

565.13 ANNUITY TAX. To provide for the payment of such annuity, ~~said municipality~~ the county or city, through its proper officers, shall annually thereafter levy a tax, not exceeding three-fourths mill if levied by a county, sufficient to pay such annuity.

Sec. 370. Section five hundred sixty-five point fourteen (565.14), Code 1971, is amended as follows:

565.14 LIMITATION ON ACCEPTANCE. No agreement shall be made by a county unless the annuity provided for therein, and all annuities provided for under prior agreements, may be paid from the proceeds of one annual tax levy of three-fourths mill.

Sec. 371. Section five hundred sixty-six point seventeen (566.17), Code 1971, is amended as follows:

566.17 DELEGATES TO CONVENTIONS. Every ~~city,~~ county~~,~~ ~~town,~~ or township having a cemetery under its control may delegate not to exceed two officials from each cemetery so controlled to attend meetings of cemetery officials, and certain expenses, including association dues, not to exceed twenty-five dollars, of said delegates may be paid out of the cemetery fund of said ~~city,~~ county~~,~~ ~~town,~~ or township. ~~The expense of such delegates shall not exceed the expenses allowed under section 363.42.~~

Sec. 372. Section five hundred sixty-six point eighteen (566.18), Code 1971, is amended as follows:

566.18 SUBSCRIBING TO PUBLICATIONS. The cemetery officials of every ~~city,~~ county~~,~~ ~~town,~~ or township having a cemetery under its control may subscribe to one or more publications devoted exclusively to cemetery management, but said subscriptions may be paid out of the cemetery fund of the ~~city,~~ county~~,~~ ~~town,~~ or township.

Sec. 373. Section six hundred thirteen A point three (613A.3), Code 1971, is amended as follows:

613A.3 ACTUAL KNOWLEDGE OF DEFECT AS DEFENSE. In any action subject to the provisions of this chapter ~~or section 389.42~~, an affirmative showing that the injured party had actual knowledge of the existence of the alleged obstruction, disrepair, defect, accumulation, or nuisance at the time of the occurrence of the injury, and a further showing that an alternate safe route was available and known to the injured party, shall constitute a defense to the action.

Sec. 374. Section six hundred thirteen A point eight (613A.8), Code 1971, is amended as follows:

613A.8 OFFICERS AND EMPLOYEES DEFENDED. The governing body shall defend any of its officers and employees, whether elected or appointed and, except in cases of malfeasance in office or willful or wanton neglect of duty, shall save harmless and indemnify such officers and employees against any tort claim or demand, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of duty. Any independent or autonomous board or commission of a municipality having authority to disburse funds for a particular municipal function without approval of the governing body shall similarly defend, save harmless and indemnify its officers and employees against such tort claims or demands. ~~This section is intended to confer power in addition to that conferred by section 368A.1.~~

Sec. 375. Section seven hundred nine point twenty-five (709.25), Code 1971, is amended as follows:

709.25 LARCENY FROM PARKING METER. If any person opens,

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steals, takes and carries away, or attempts to open, steal, take and carry away money, regardless of the value or amount thereof, from a parking meter erected and maintained by a city ~~or town pursuant to section 390.7~~, he shall be guilty of larceny from a parking meter and upon the first conviction thereof he shall be punished by imprisonment in the penitentiary or county jail for not more than one year, or by fine of not more than five hundred dollars, or by both such fine and imprisonment; upon each subsequent conviction thereof he shall be punished by imprisonment in the penitentiary for not more than five years, or by fine of not more than one thousand dollars, or by both such fine and imprisonment.

Sec. 376. Section seven hundred fifty point five (750.5), Code 1971, is amended as follows:

750.5 DUTY OF CITY COUNCIL TO INSTALL--COSTS. The council of each city of two thousand or more population shall~~, and the council of any town may,~~ install ~~in such place as said council may determine~~ at least one ~~such~~ locked-in radio receiving set as ~~may be~~ prescribed by the commissioner of public safety for use in law enforcement and police work. ~~The cost of any such installation shall be paid from the public safety fund of said city or town.~~

Sec. 377. Section seven hundred fifty point six (750.6), unnumbered paragraph one (1), and subsection one (1), Code 1971, is amended as follows:

750.6 ADDITIONAL COMMUNICATIONS SYSTEMS. ~~The council of any city or town and the~~ The board of supervisors of any county shall have in addition to the foregoing the discretionary authority:

1. To purchase, lease, own, and maintain additional radio, electronic communications and telecommunications systems as may be deemed necessary by said agency for the efficient operation of the law-enforcement agencies under its jurisdiction, and to pay the cost thereof from the general fund of said county~~, or the public safety fund of said city~~

1 ~~or town.~~

2 EXPLANATION

3 This bill is basically the unanimous proposal of the
4 Municipal Laws Review Study Committee, which was established
5 by the 63rd General Assembly, First Session. The purpose
6 of the bill is to implement the home rule amendment to the
7 Constitution. The present law relating to cities and towns,
8 generally contained in Title XV of the Code, chapters 363
9 through 420, contains many restrictions upon city and town
10 government, and much detailed "enabling" legislation,
11 permitting cities and towns to exercise powers relating to
12 city government. The home rule amendment now grants all
13 general powers to cities and towns, except taxing powers.
14 Therefore, much of the present law is considered unnecessary
15 and burdensome to cities.

16 This proposal substitutes the City Code of Iowa, consist-
17 ing of nine Divisions, for a large part of what is presently
18 Title XV of the Code. However, it provides that both the
19 new and the present law will be in effect for a two-year
20 period, giving cities the option to function under the new
21 law, and if necessary, test its constitutionality in the
22 courts, before present law is repealed or amended.

23 Following is a brief synopsis of the nine Divisions of
24 the proposed City Code of Iowa:

25 Division I. Definitions and General Provisions.

26 Words used repeatedly in the City Code are defined in
27 section two. "City" is defined to mean a municipal corpora-
28 tion including a town, but not including a county, township,
29 school district, or any special purpose district or author-
30 ity. It will no longer be necessary to refer to "cities and
31 towns" throughout the Code, although any remaining references
32 to towns are not harmful, as a town is also a city, under
33 this definition.

34 This Division also includes standards for notice and pub-
35 lication in section three, and for petitions by voters in

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1 section four, which are referred to throughout the other eight
2 Divisions. Conflict of interest provisions, as contained
3 in the present law, are included in this Division. Section
4 seven provides that valid city measures adopted before the
5 enactment of this bill will remain valid unless irreconcilable.
6 The final sections of Division I include a separability
7 clause and a provision for the two-year transition period
8 during which cities may elect to come under the new law, or
9 continue to function under present law.
10 Division II. Powers and Duties of Cities.
11 A city's constitutional home rule power is described in
12 broad, general terms in the first sections of this Division.
13 No specific powers are listed, because such a listing might
14 be construed as a limitation upon cities. Instead, certain
15 limits are listed, and in general effect the remainder of
16 the City Code is also a series of limitations upon the gen-
17 eral powers of a city under home rule. This Division indi-
18 cates that when the state has established limits on conduct,
19 such as those related to health and traffic safety, a city
20 may make the limits more restrictive within its jurisdiction,
21 but not less restrictive, and that state procedures are to
22 be substantially followed by a city in the exercise of its
23 powers, where applicable state procedures are given. Other
24 sections describe a city's extraterritorial jurisdiction,
25 authority for joint action, and limits on disposing of an
26 interest in real property.
27 In Division II, city powers to require railroads to pro-
28 vide crossing constructions and safety devices are stated.
29 The city's duties in relation to city property, and its powers
30 to require abatement of nuisance and to require other actions
31 by property owners, are listed. These provisions are similar
32 to present law.
33 Division III. City Development.
34 Part 1 of this Division has definitions applicable to the
35 Division, and Part 2 includes provisions similar to present

1 law, providing for a city to change its name, for cities to
2 agree not to annex specific territory, and for annexation
3 on application of all owners of a territory.
4 In order to permit better long-range planning and orderly
5 development in the interest of all cities, a city development
6 board is created in Part 3 of this Division, to study and
7 rule upon petitions and plans for incorporation of new cities,
8 discontinuance or consolidation of cities, and annexation
9 or severance of territory.
10 The city development board consists of three members ap-
11 pointed by the governor. It is a state agency which meets
12 with local representatives from the cities and territories
13 involved to determine if proposals are in the public inter-
14 est. Proposals approved are still subject to election.
15 This concept, while not in the present Code of Iowa, is a
16 part of Suggested State Legislation proposed by the Advi-
17 sory Commission on Intergovernmental Relations, and simi-
18 lar legislation was introduced in a recent session of the
19 General Assembly.
20 Division IV. Organization of City Government.
21 The present optional forms of city government are described
22 in this Division, including mayor-council, commission, and
23 council-manager forms. Only very minor changes were made
24 in any of these forms, but much repetitious or ambiguous
25 language was removed. In addition, beginning at section
26 fifty-two, a city is provided the option of adopting a home
27 rule charter to control its form of government. The home
28 rule charter may be proposed by the council, or on petition
29 of the voters a charter commission shall be established.
30 A city may not change its form of government more often than
31 once in six years.
32 The Committee has sought the assistance of Iowa's four
33 special charter cities in drafting proposals to enable them
34 to continue under their present form of government, and sub-
35 stantial parts of chapter 420 of the Code will be retained

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for the use of special charter cities only.

Part 2 of this Division includes a description of the major powers and duties of the council and mayor in all cities.

Division V. City Elections.

Since most of the general election law of the state is applicable to city elections, this Division is brief and spells out those provisions which are especially applicable only to city elections. Procedures for a nonpartisan primary or a run-off election in lieu of a primary are included, as well as procedures for determining those elected from a slate of council candidates who run at large.

Division VI. City Legislation.

Legislative measures of a city, including ordinances, amendments to ordinances, resolutions, motions, and city codes are the subject of this Division. The measures are defined in Division I, and methods of adoption are prescribed here.

Generally the methods follow present law although some alternatives are provided for proposing and publicizing ordinances.

In addition, a city is required to compile and adopt a city code, which includes nearly all ordinances in effect, at least once in five years. However, the city code need not be published in bound volumes. The requirement is only that it be compiled in a form accessible to the citizens. A city is also permitted to adopt other codes, such as a standard building code, by reference.

Division VII. City Finance.

Part 1 of this Division deals with taxes and funds.

In the area of taxation, the Committee has adopted a policy of maintaining the present law, except for simplification and rearrangement.

A study of municipal financing, commonly called the "Dubuque Study", and conducted by Baxter-McDonald Company under the combined sponsorship of the City of Dubuque, the League of Iowa Municipalities, and the Office for Planning and Pro-

1 gramming, has been the basis for most of the changes made
2 in city budgeting and accounting procedures by this proposal.
3 The Dubuque Study recommends that the seven functional funds
4 be eliminated and their functions combined into the general
5 fund. This recommendation has been incorporated into Part
6 1 of Division VII. Other funds required or authorized under
7 the present Code, such as debt service, trust and agency,
8 and emergency funds, are retained.
9 An innovation in city funds is the capital improvements
10 reserve fund, which is limited to an annual levy of two and
11 one-half mills for a specific time and purpose. If the com-
12 bined general fund and capital improvements reserve fund will
13 exceed thirty mills, the question of establishment of the
14 reserve fund must be submitted to the voters. The Committee
15 believes that such a fund will be a savings to the property
16 taxpayer, because it will eliminate the need to issue bonds
17 and pay high interest rates for some necessary capital im-
18 provements.
19 The separate mill levies itemized in Part 1 of Division
20 VII were considered outside the thirty mill limit on cities
21 and towns, either because the law states that they are not
22 subject to any limitation, because they can be levied only
23 after an election, or because they were not listed in chap-
24 ter 404 of the Iowa Code as alternate levies.
25 Other recommendations of the Dubuque Study are incorpo-
26 rated in Part 2 of Division VII. The Study urges that all
27 cities move to a program-performance type of budgeting, and
28 prepare an operating budget for three years and a capital
29 improvement plan for five years. While conceding the
30 desirability of such provisions, the Committee feels that
31 it is impractical to make such changes an immediate
32 requirement, and so provided for the establishment of a state-
33 level city finance committee, with broad representation of
34 city officials knowledgeable in city accounting, to assist
35 cities to move gradually toward these desirable goals. The

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city finance committee will be under the state comptroller's office, and will establish guidelines to permit transfers of city moneys between or within programs and funds, although major transfers will require a budget amendment process. The committee will hear budget protests. Since these procedures are different to some extent from the present budget process, cities will not be covered by chapter 24 of the Code if this proposal is adopted.

Part 3. General Obligation Bonds.

Parts 3 through 7 of Division VII were prepared with the cooperation of local bond counsel and financial consultants.

Part 3 of this Division controls general obligation bonds issued by a city. General obligation bonds are divided into "essential corporate purpose" bonds and "general corporate purpose" bonds. Bonds for an essential corporate purpose may be issued without an election, while bonds for a general corporate purpose have a "reverse referendum" procedure, whereby the city publishes notice of intent to issue the bonds, and voters may petition for an election. Those purposes listed as "essential" are similar to the purposes for which bonds may be issued without an election under present law.

Part 4. Special Assessments.

Part 4 provides detailed procedures for special assessments and special assessment bonds. This part is a compilation and revision of present law as contained primarily in chapters 391, 391A, and 417 of the Code.

Part 5. Revenue Financing.

Part 5 provides procedures for revenue bond financing and use of pledge orders by a city utility, combined city utility, city enterprise, or combined city enterprise.

Part 6. Contract Letting Procedure.

Part 6 contains procedures regulating contracts for amounts over ten thousand dollars, with a special provision for emergencies.

Part 7. Joint Exercise of Powers.

Part 7 provides for establishment of a public authority, under chapter 28E of the Code, to provide financing for certain city utility projects. Included are provisions for joint financing of electric light and power plants, gasworks, waterworks, and combined utility systems.

Division VIII. City Utilities.

The city utilities Division is based upon four present Iowa Code chapters which regulate municipal utilities and utility boards of trustees. This Division requires the question of the original establishment or discontinuance of a city utility, or combined utility system, or the formation or dissolution of a board to administer a city utility, to be submitted to the voters. If a utility board is established it has all powers of a city relating to the administration of the utility, with the exception of taxing and bonding powers, and the power to hold title to real property. The board is also required to make complete reports to the council. It will be permitted to issue revenue bonds under the provisions of Part 5 of Division VII. Presently functioning utility boards may continue to function with the added powers in this Division, unless dissolved by the voters.

Division IX. Administrative Agencies of Cities.

All agencies established by a city except those to administer city utilities, zoning commissions, and boards of adjustment, or others which may be separately controlled by state law, are subject to the provisions of this Division. These provisions replace over ten chapters of present law. Generally, Division IX provides that the council may establish or dissolve agencies, and designate their powers and duties, as needed. However, some protections for present library and hospital boards are included. The council may not delegate to an administrative agency certain powers relating to revenue bond financing. As in the case of boards of trustees of municipal utilities, present administrative agencies may continue

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to function until altered as provided in this Division.

Section 222 of the bill is the main repealer section, which lists the chapters in Title XV which will be completely repealed and replaced by the City Code of Iowa. However, this section and following amendatory sections will not be in effect for a two-year period. During that time, a city may choose to follow present law, or may follow one or more Divisions of the City Code in lieu of present law. In addition to the chapters listed in this section, parts of chapter 420, relating to special charter cities, are to be repealed because they are duplicated in the City Code, but the unique provisions for special charter cities will remain in chapter 420.

The remaining sections of the bill make a number of changes in the Code of Iowa to make it consistent with the provisions of the City Code. Population restrictions and a number of specific and limited grants of power have been removed. Chapter 413 was repealed, so the state department of health is given authority to promulgate and enforce a modern state housing code. In some instances a number of sections which authorized joint bonding action by cities and counties have been moved into the chapters relating to counties. Cities will be able to accomplish bonding under the new provisions in the City Code, but counties will still require specific authority for certain purposes.

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Senate 2
May 5, 1971

SENATE FILE 397

1 Amend Senate File 397 as follows:
2 1. Page 15, line 21, by inserting after the word "reap-
3 pointment" the words ", but notmember shall serve more than two
4 complete six year terms".
5 2. Page 15, line 23, by striking the word "forty" and
6 inserting in lieu thereof the word "thirty".
7 3. Page 17, by striking lines 21 and 22 and inserting in
8 lieu thereof the words "his actual and necessary expenses spent
9 in performance of committee duties.".
10 4. Page 18, line 23, by striking the word "may" and
11 inserting in lieu thereof the word "shall".

Filed By POTGETER
May 4, 1971

SENATE FILE 397

1 Amend Senate File 397 as follows:
2 1. Page 48, line 12, by inserting after the word "reap-
3 pointment" the words ", but no member shall be appointed to
4 more than three terms".
5 2. Page 48, line 20, by striking the word "forty" and
6 inserting in lieu thereof the word "thirty".

Filed By POTGETER
May 4, 1971

SENATE FILE 397

1 Amend Senate File 397 as follows:
2 1. Page 78, by striking lines 18 and 19 and inserting in
3 lieu thereof the word "pay assessments from funds appropriated
4 by the state legislature.".
5 2. Page 78, line 27, by inserting after the word "owned"
6 the words "with funds appropriated by the state legislature".

Filed By POTGETER
May 4, 1971

SENATE FILE 397

1 Amend Senate File 397, page 88, line 27, by inserting
2 after the word "correction" the words "if the ownership of the
3 property has not changed".

Filed By POTGETER
May 4, 1971

Amend Senate File 397 as follows:

1. Page 102, line 15, by inserting after the word "private" the words, "non-profit".

2. Page 103, lines 34 and 35, by striking the words "five percent, but may not exceed".

3. Page 104, line 29, by inserting after the "damages" the words, "or cashed and held in escrow to apply against the actual damages sustained for such breach of contract".

4. Page 105, line 1, by inserting after the word "damages" the words, "or retained and held in escrow to apply aginst the actual damages sustained for such breach of contract".

5. Page 106, line 1, by striking the words, ", construction, or reconstruction".

6. Page 110, line 33, by striking the words, "or useful".

7. Page 112, line 35, by inserting after the word, "authority" the words, "or acted arbitrarily or capricously".

8. Page 121, line 30, by inserting after the word "private" the words, "non-profit".

9. Page 129, lines 32 and 33, by striking the words "useful and convenient" and by inserting in lieu thereof the word "necessary".

10. Page 131, line 21, by striking the word "qual-

fied" and by inserting in lieu thereof the word "~~qualified~~ eligible".

11. Page 131, line 30, by striking the words "or town," and inserting the words "~~or town,~~".

12. Page 132, line 5, by striking the words ", city or town," and by inserting in lieu thereof the words "~~city or town~~ or city".

13. ~~Page~~ 133, line 33, by striking the word "five" and by inserting in lieu thereof the word "three".

14. Page 134, line 31, by adding thereafter the following new paragraph:

"All such election precincts shall be established within the boundaries of a representative district as established by law."

15. Page 158, lines 5 and 6, by striking the word, "qualified" and by inserting in lieu thereof the word "~~qualified~~ eligible".

16. Page 162, line 27, by striking the words "useful and convenient" and by inserting in lieu thereof the word "necessary".

17. Page 165, line 1, by striking the words "useful and convenient" and by inserting in lieu thereof the word "necessary".

18. Page 173, line 31, by striking the word "legal" and by inserting in lieu thereof the word "eligible".

19. Page 194, line 3, by striking the word ", tax" and by inserting the word "~~, tax~~".

20. Page 194, line 5, by striking the word ", taxing" and by inserting the word "~~, taxing~~".

21. Page 194, line 20, by inserting after the word "a" the words "mayor, council,".

22. Page 194, line 21, by striking the words "police magistrate and marshall" and by inserting in lieu thereof the words "~~police magistrate and marshall~~ police and fire chief".

Filed
April 13, 1971

By GAUDINEER

SENATE FILE 397

1 Amend Senate File 397 as follows:
2 1. Page 81, line 34, by inserting after the word "council"
3 the words ", except that the assessment for lots of more than
4 ten acres used for agricultural or horticultural purposes shall
5 not exceed ten percent of the value of the lot".
6 2. Page 82, line 4, by inserting after the word "apply"
7 the words "except for lots of more than ten acres used for
8 agricultural or horticultural purposes".

Filed By POTGETER
May 4, 1971

SENATE FILE 397

1 Amend Senate File 397, page 95, by adding after line 11 the
2 following new subsection:
3 "3. If a city enters into an agreement with one or more
4 cities or persons, as defined in this Act, for joint or cooperative
5 action in planning, owning, constructing, or operating physical
6 facilities located within the state of Iowa to be used in connection
7 with a city utility, the provisions of sections one hundred fifty-
8 nine (159) through one hundred seventy-three (173), inclusive, of
9 this Act shall apply and be available, and the provisions of sections
10 one hundred seventy-five (175) through one hundred eighty (180)
11 inclusive of this Act shall not be mandatory, provided, however,
12 that the provisions of sections 159 through 173 shall not apply
13 or be available if a separate entity is created under chapter 28 E
14 for such purposes.

Filed By POTTER
May 4, 1971

SENATE FILE 397

1 Amend the Potter amendment to page 95 of Senate File 397, filed May 4,
2 1971, line 14, by inserting after the word "purposes." the
3 following:
4 "Any such agreement shall not be effective until a franchise
5 therefor is granted by a vote of the qualified electors as provided
6 in section 13 of this Act."

Filed By GAUDINEER
May 4, 1971

SENATE FILE 397

1 Amend Senate File 397 as follows:
2 1. Page 8, by adding after line 4 the following new section:
3 "A city may grant to any person a franchise to erect, maintain,
4 and operate plants and systems for electric light, heating and power,
5 heating, telephone, telegraph, cable television, district telegraph
6 and alarm, motor bus, trolley bus, street railway or other public
7 transit, waterworks, or gasworks, within the city for a term or not
8 more than twenty-five years. The franchise may be granted, amended,
9 renewed, or extended only by an ordinance, but no exclusive franchise
10 shall be granted, amended, extended or renewed.
11 "No such ordinance shall become effective unless a majority of the
12 qualified electors voting thereon vote in favor thereof. The proposal
13 may be submitted by the council on its own motion to the voters at any
14 city election. Upon receipt of a valid petition as defined in Section
15 four (4) of this Act, requesting that a proposal be submitted to the
16 voters, the council shall submit the proposal at the next regular city
17 election or at a special election called for that purpose prior to
18 the next regular city election. If a majority of those voting approve
19 the proposal the city may proceed as proposed.
20 "Notice of the election shall be given by publication once each
21 week for four consecutive weeks in a newspaper of general circulation
22 in the city. The election shall be held on a day not less than five
23 nor more than twenty days after the last publication of notice.
24 "The person asking for the granting, amending, or extension of a
25 franchise shall pay the costs incurred in holding the election, including

PAGE 2

1 the notice thereof. No franchise shall be finally effective until an
2 acceptance in writing has been filed with the council and payment
3 of the costs have been made.

4 "The franchise ordinance may regulate the conditions required
5 and the manner of use of the streets, and public grounds of the city;
6 and it may, for the purpose of providing electrical, gas, heating
7 or water service, confer the power to appropriate and condemn private
8 property upon the person so franchised."
9 2. By renumbering the sections and internal references where
10 applicable to conform with this amendment.

Filed
May 4, 1971

By POTTER

SENATE FILE 397

1 Amend the Potter amendment to Senate File 397, filed April
2 23, 1971, and appearing on page 963 of the Senate Journal, by
3 striking lines 3, 4 and 5 and inserting in lieu thereof "A city
4 may not acquire by condemnation any existing gasworks or electric
5 light and power plants and systems or incomplete parts thereof for
6 the purpose of operation of the same as a city utility unless and
7 until the contract or franchise of the owner thereof has expired
8 or been surrendered."

Filed
May 4, 1971

By ERSKINE

SENATE FILE 397

1 Amend Senate File 397, page 79, after line 6, by in-
2 serting the following new subsection:
3 "The assessments authorized under subsections one (1)
4 and two (2) of this section, are not valid if the assess-
5 ment is in excess of twenty thousand dollars, unless pay-
6 ment of the assessment is provided for by a capital
7 appropriation by the general assembly".
8 Renumber sections and correct internal references
9 as required by this amendment.

Filed
May 4, 1971

By GAUDINEER

SENATE FILE 397

1 Amend Senate File 397, page 76, by striking lines
2 8 through 10 inclusive.

Filed
May 4, 1971

By GAUDINEER

SENATE FILE 397

1 Amend Senate File 397 as follows:
2 1. Page 47, insert after line 11 the following new
3 section:
4 Sec. 91. After approval by the voters, a local sales
5 and use tax at a rate of one percent may be imposed by a
6 city on the gross receipts from the sale or use of tangi-
7 ble personal property or services subject to the state
8 sales and use tax.
9 Upon its own motion, or upon receipt of a valid
10 petition as defined in section four (4) of this Act re-
11 questing that an election be held, the city council shall
12 submit to the voters of the city, at a special election
13 called for that purpose, the question of imposing a local
14 sales and use tax. If a majority of those voting favors
15 the imposition of the tax, the council shall impose the
16 tax by ordinance, and shall continue to impose the tax
17 for a minimum of four years. After the four year
18 period, the tax may be discontinued by the council
19 or by petition and election in the same manner as it
20 was imposed.
21 If a majority of those voting does not favor the
22 imposition of a local sales and use tax, the council shall
23 not submit the question of imposition of the same within
24 one year following the election.
25 The special election may not be held within thirty

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1 days of a general election. Prior to the special
2 election, the city council shall publish notice of the
3 election as provided in section three (3) of this Act,
4 except that the notice shall be published twice.
5 A local sales and use tax shall be imposed on the
6 same basis as the state sales and use tax and may not be
7 imposed on the sale or use of any tangible personal
8 property or services not taxed by the state. A local
9 sales and use tax is applicable only within the territori-
10 al limits of the city imposing it and shall be collected
11 by all persons required to collect state sales and use
12 taxes. The amount of the sale, for purposes of determin-
13 ing the amount of the local sales and use tax, does not
14 include the amount of the state sales and use tax. No
15 sales and use tax permit, other than the state sales and
16 use tax permits, may be required. A local sales and use
17 tax may be imposed either January first or July first
18 following a favorable election.
19 The director of revenue shall administer the pro-
20 visions of a local sales and use tax as nearly as possi-
21 ble in conjunction with the administration of state tax
22 laws. He shall provide appropriate forms, or provide on
23 the regular state tax forms, for reporting local sales
24 and use tax liability.

SENATE FILE 397

1 Amend Senate File 397 as follows:
2 1. Page 3, line 23, by striking the words, "which
3 is" and by inserting in lieu thereof the words, "any of
4 which are".
5 2. Page 3, line 26, by striking the words, "or
6 useful".
7 3. Page 5, line 24, by inserting after the word,
8 "employee" the words, "or the spouse or immediate family
9 of such officer or employee".
10 4. Page 7, line 9, by inserting after the word,
11 "residents." the following:
12 "However, a city shall not be empowered to create
13 any rights, duties, or obligations between its
14 residents or its residents and non residents to
15 which the city is not, also, an indispensible
16 part."
17 5. Page 11, by striking lines 6 through 11, inclusive
18 and by inserting in lieu thereof the words, "nuisances. In
19 addition thereto:". By re-lettering the remaining subsections
20 to conform to this amendment.
21 6. Page 12, line 18, by striking the word "may" and
22 by inserting in lieu thereof the word,"shall".
23 7. Page 15, line 17, by striking the words, "advice
24 and consent" and by inserting in lieu thereof the words,
25 "approval of two-thirds vote of".

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1 8. Page 47, line 30, by striking the word,"from"
2 and by inserting in lieu thereof a period (.).
3 9. Page 47, by striking lines 31 and 32 and by
4 inserting in lieu thereof the following:
5 "The league of Iowa municipalities may recommend to
6 the governor, city officials for each such position."
7 10. Page 50, line 35, by inserting after the word,
8 "budget" the words, "and provide a reasonable number of
9 copies of such budget for public inspection".
10 11. Page 52, line 22, by striking the word, "qual-
11 ified" and by inserting in lieu thereof the word, "eligible".
12 12. Page 52, line 24, by inserting after the word,
13 "ten" the words, "nor more than five hundred".
14 13. Page 53, line 3, by striking the word, "qualified"
15 and by inserting in lieu thereof the word "eligible".
16 14, Page 53, line 4, by striking the word, "must"
17 and by inserting in lieu thereof the word, "shall".
18 15, Page 53, line 6, by striking the word, "may"
19 and by inserting in lieu thereof the word, "shall".
20 16. Page 53, by striking lines 20 and 21 and by in-
21 serting in lieu thereof the following:
22 "the public interest, it shall require the council to

25 An ordinance imposing a local sales and use tax shall

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1 adopt by reference the applicable provisions of the
2 appropriate sections of chapters four hundred twenty-two
3 (422) and four hundred twenty-three (423) of the Code,
4 and all powers of the director to administer the state
5 sales and use tax law are applicable to his administra-
6 tion of a local sales and use tax ordinance. Local
7 officials shall confer with the director of revenue and
8 obtain his assistance in drafting the ordinance imposing
9 a local sales and use tax. A certified copy of the
10 ordinance shall be filed with the director as soon as
11 possible after passage.
12 The director, in consultation with local officials,
13 shall collect and account for a local sales and use tax.
14 The director shall retain for the use of the department
15 one percent of all local sales and use tax receipts, to
16 cover administrative expense, and shall credit remaining
17 local sales and use tax receipts to a local sales and
18 use tax fund hereby established in the office of the
19 treasurer of state.
20 The treasurer of state shall remit quarterly to the
21 cities which have imposed a local sales and use tax their
22 share of the balance in the local sales and use tax fund.
23 Local sales and use tax moneys received by a city may be
24 expended for any lawful city prupose.
25 2. Renumber sections and correct internal refer-

PAGE 4

1 ences as necessary in accordance with this amendment.

Filed By ARBUCKLE
May 4, 1971

1 Amend Senate File 397 as follows:
2 1. Page 8, line 28, by inserting after the word "city", the words
3 "having a population of five thousand or over".
4 2. Page 10, line 28, by striking the words ", and the commission's"
5 and inserting a period.
6 3. Page 10, by striking lines 29 and 30.
7 4. Page 81, lines 17 and 18 by striking the words "except for that
8 part for which railways are liable" and insert in lieu thereof the follow-
9 ing: "except for paving that portion of a street lying between railroad
10 tracks and one foot outside thereof".
11 5. Page 82, line 4, by adding the following new sentence after the
12 period: "Such connections shall not be installed to service railroad
13 right-of-way without written agreement with the railway company owning or
14 leasing said right-of way."
15 5. Page 89, by striking lines 30 through 35, and page 90, by strik-
16 ing lines 1 through 11 inclusive.

Filed By WALSH
May 4, 1971

23 delete such expenditure. The council shall then re-
24 consider the budget, delete the required expenditure".
25 17. Page 54, line 35, and page 55, line 1, by striking
Page 3
1 the words, "useful or convenient" and by inserting in lieu
2 thereof the word "necessary".
3 18. Page 56, lines 13 and 14, by striking the words,
4 "useful or convenient" and by inserting in lieu thereof the
5 word "necessary".
6 19. Page 56, lines 34 and 35, by striking the words,
7 "usefule or convenient" and by inserting in lieu thereof the
8 word "necessary".
9 20. Page 57, line 5, by striking the word, "useful"
10 and by inserting in lieu thereof the word, "necessary".
11 21. Page 58, line 24, by striking the words, "or
12 useful".
13 22. Page 60, line 25, by striking the word, "qualified"
14 and by inserting in lieu thereof the word, "eligible".
15 23. Page 65, line 30, by inserting after the word,
16 "part" the words, "if such lots bear common improvements".
17 24. Page 66, line 26, by striking all after the word,
18 "streets" and all of line 27 and by inserting in lieu
19 thereof a period (.).
20 25. Page 67, line 13, by inserting after the word,
21 "by" the words, "reolution or ordinance of".
22 26. Page 69, line 33, by inserting after the word,
23 "against" the word, "specially".
24 27. Page 72, line 12, by inserting after the word,
25 "objections" the words, "pertaining to the regularity of
Page 4
1 the proceeding and the legality of using the special assess-
2 ment procedure".
3 29. Page 73, line 32, by inserting after the word,
4 "mailed" the words, "by certified mail".
5 29. Page 74, line 3, by striking the word, "benefited"
6 and by inserting in lieu thereof the words, "specially bene-
7 fited to some extent".
8 30. Page 74, line 4, by inserting after the word,
9 "conclusive" the words, "unless objections thereto have
10 previously been filed with the council".
11 31. Page 76, line 7, by striking the words, "within
12 seven days" and by inserting in lieu thereof the words,
13 "as soon as practical".
14 32. Page 76, line 16, by striking all after the word,
15 "be" and all of lines 17 through 19, inclusive, and by in-
16 serting in lieu thereof the words, "as in other equity
17 cases.".
18 33. Page 77, line 11, by striking all after the
19 letters, "erty" and by inserting in lieu thereof the words,
20 "specially benefited in the assessment district.".
21 34. Page 77, line 15, by inserting after the word,
22 "may" the words, "assess the deficiency to the city or".

SENATE FILE 397

1 Amend Senate File 397 as follows:
2 1. Page 48, by striking all of lines 31 and 32, and renumbering
3 subsections of this section to conform with this amendment.
4 2. Page 52, by striking all of lines 28 through 35, inclusive,
5 and inserting in lieu thereof the following:
6 "Upon the filing of any such protest, the county auditor shall
7 immediately prepare a true and complete copy of the written protest,
8 together with the budget to which the objections are made, and shall
9 transmit the same forthwith to the state appeal board, and shall
10 also send a copy of the protest to the council.
11 The state appeal board shall proceed to consider the protest in
12 accordance with the same provisions that protests to budgets of
13 municipalities are considered under chapter 24 of the Code,ex except
14 that final dispostion of appeals of city budgets shall be made on
15 or before November 24 of each year. The state appeal board shall
16 certify its decision with respect to the protest to the county
17 auditor, and such decision shall be final.
18 The county auditor shall make up his records in accordance with
19 such decision and the levying board shall make its levy in accordance
20 therewith. Upon receipt of such decision, the county auditor shall
21 immediately notify both parties thereof, whereupon the council shall
22 correct its records accordingly, if necessary."
23 3. Page 53, by striking all of lines 1 through 24, inclusive.

Filed By CARLSON
May 5, 1971

SENATE FILE 397

1 Amend the Arbuckle amendment to Senate File 397,
2 filed May 4, 1971, commencing on page 1113 of the Jouranl
3 of the Senate, as follows:
4 1. Page 1, line 5, insert after the word "of" the
5 words "not more than".
6 2. Page 1, line 14, insert after the word "tax"
7 the words "at a specified rate of not more than one
8 percent".
9 3. Page 1, line 23, insert after the word "same"
10 the words "rate of tax".

Filed By ARBUCKLE
May 5, 1971

23 35. Page 77, line 19, by inserting after the word,
24 "be" the word, "specially".
25 36. Page 77, line 21, by inserting after the word,

1 "assessments," the words, "or as reduced by the court".
2 37. Page 80, line 28, by inserting after the word,
3 "of" the word, "annual".
4 38. Page 81, line 34, by inserting after the word,
5 "council" the words, "or as reduced by the court".
6 39. Page 82, line 8, by striking the word, "may"
7 and by inserting in lieu thereof the word, "shall".
8 40. Page 83, line 23, by inserting after the word,
9 "proceedings" the words, "or legality of the assessment
10 procedure".
11 41. Page 83, line 33, by striking all after the word,
12 "located" and all of lines 34 and 35 and by inserting in
13 lieu thereof the words, "but such appeal is only to".
14 42. Page 84, line 1, by striking the word, "and" and
15 by inserting in lieu thereof the following:
16 ", unless such person filed objections with the
17 council prior to the adoption of the resolution of
18 necessity, they shall also be considered; however,
19 such appeal".

Filed By GAUDINEER
March 29, 1971

1 Amend Senate File 397 as follows:
2 1. Page 63, by striking lines 17 through 19 inclusive.
3 2. Page 87, by striking lines 1 through 3 inclusive.
4 3. Page 99, by striking lines 19 through 21 inclusive.
5 4. Page 110, line 34, by striking all after the word
6 "created." and all of line 35 and page 111, line 1.
7 5. Page 115, by striking lines 2 through 4, inclusive.
8 6. Page 177, line 32, by adding thereafter the follow-
9 ing new sentence:
10 "Revenue bonds issued by the authority and the interest
11 thereon shall be subject to taxation."
12 7. By renumbering the sections and internal references
13 to conform with this amendment.

Filed By GAUDINEER
April 13, 1911

1 Amend Senate File 397 as follows:
2 1. Page 15, after line 24, by inserting the following new
3 paragraph: "Sections 30 through 43 inclusive of this Act shall
4 not be effective or operative unless funded by an appropriation
5 of the General Assembly."
6 2. Page 48, line 21, by inserting after the word "duties" the
7 words, "if an appropriation is made by the General Assembly for
8 such purposes".

Filed By POTTER
April 22, 1971

1 Amend Senate File 397, page 120, line 25, by inserting after
2 the word "division." the following:
3 "Nothing in this Act shall be construed to allow the
4 abrogation of any franchise approved prior to the effective
5 date of this Act."

Filed By POTTER
April 23, 1971

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1 Amend Senate File 397, page 6, line 30, by inserting after the
2 word "divisions" the words ", or parts of a division".

Filed By POTTER
April 29, 1971

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1 Amend Senate File 397, Page 120, by inserting after line 3,
2 the following:
3 "In cities having more than one hundred fifty thousand popula-
4 tion the utility board shall each month prepare in pamphlet form the
5 statement herein required for the preceeding month, and furnish
6 copies to the state library, the city library, the daily newspapers
7 of the city, the city clerk, and to persons who apply at the office
8 of the secretary, and the pamphlet shall constitute publication as
9 required.

Filed By CARLSON
April 30, 1971

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1 Amend Senate File 397 as follows:
2 1. Page 15, line 24, by inserting after the word "duties"
3 the words ", if an appropriation is made by the General Assembly
4 for such purposes".
5 2. Page 48, line 21, by inserting after the word "duties"
6 the words ", if an appropriation is made by the General Assembly
7 for such purposes".

Filed By POTTER
May 3, 1971

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1 Amend Senate File 397 as follows:
2 1. Page 106, by striking lines 15 through 35, and all of
3 Pages 107 through 116 inclusive, and on page 117, lines 1 through
4 28 inclusive.

Filed By POTTER
May 3, 1971

1 Amend Senate File 397 as follows:
2 1. Page 121, line 32, strike the words "library
3 board of trustees or a city".
4 2. Page 122, line 1, strike the words "the boards"
5 and insert in lieu thereof the words "a board".
6 3. Page 122, line 5, strike the words "library or".
7 4. Page 122, lines 6 and 7, strike the words
8 "library or".
9 5. Page 122, line 13, strike the words "library or".

Filed
May 3, 1971

By GROSS

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1 Amend Senate File 397 as follows:
2 1. Page 91, lines 10 and 11 by inserting after the word "utilities" the
3 words "owned by a single city".
4 2. Page 91, line 28 by inserting after the word "within" the words "the
5 state of Iowa whether within".
6 Page 29, line 10 by inserting after the word "payable" the words "soley
7 and only".
8 Page 92, line 13 by inserting after the word "pay" the words "soley and
9 only".
10 5. Page 92, line 25 by inserting after the word "Act" the words "and
11 specifically subject to the requirements of section two hundred ten (210)
12 hereof".
13 6. Page 98, line 22 by striking the word "forty" and inserting in lieu
14 thereof the word "twenty".
15 7. Page 98, line 26 by striking the word "forty" and inserting in lieu
16 thereof the word "twenty".
17 8. Page 100, line 32 by inserting after the word "project" the words
18 "except gasworks and electric light and power plants and systems".
19 9. Page 118, line 6 by inserting after the comma (,) the words "or
20 the proposal to generate power and electric energy by a city utility already
21 engaged in the distribution of electricity at retail,".

Filed
May 5, 1971

By RILEY, GRIFFIN and NICHOLSON

1 Amend Senate File 397, as follows:
2 1. Page 4, by inserting a new subsection after line 12,
3 as follows: "3. Ordinances and amendments shall be published
4 in a newspaper published in the city, but in cities in which
5 no newspaper is published such publication shall be given
6 by posting in three public places which have been permanently
7 designated by ordinance."
8 2. Page 94, by inserting after the period in line 28
9 the following sentence: "A city may deliver revenue bonds
10 to the federal government or an agency thereof which has
11 loaned the city money for any of the purposes referred to
12 in this section."

Filed
May 6, 1971

By RHODES