

Her County Sec. 3/15

ON THE CALENDAR

FILED MAR 1 1982

SENATE FILE 2219

BY COMMITTEE ON COUNTY GOVERNMENT

Approved (p. 547)

Passed Senate, Date 3-9-82 (p. 641) Passed House, Date _____

Vote: Ayes 47 Nays 1 Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act authorizing a county having a population of two
2 hundred fifty thousand or more to establish a county
3 charter commission, specifying the powers and duties
4 of the charter commission, and providing for the
5 adoption of a county charter, to be effective upon
6 publication.

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

8

SENATE FILE 2219

S-5192

1 Amend Senate File 2219 as follows:

2 1. Page 1, line 8, by striking the word "two"
3 and inserting in lieu thereof the word "one".

4 2. Amend the title, line 1, by striking the word
5 "two" and inserting in lieu thereof the word "one".

S-5192 FILED

BY BOB RUSH

MARCH 4, 1982

3/2 3/9 (p. 644)

S-5204

1 Amend the Amendment S-5192 to Senate File 2219 as
2 follows:

3 1. Page 1, by striking lines 2 through 5 and
4 inserting in lieu thereof the following:

5 "1. Page 1, by striking lines 8 and 9, and inserting
6 in lieu thereof the following:

7 "3. "County" means a county having a population
8 of fifty thousand or more."

9 2. Title, lines 1 and 2, by striking the words
10 "two hundred".

S-5204 FILED & WITHDRAWN

BY ARTHUR A. SMALL, JR.

MARCH 5, 1982 *(p. 614)*

1 Section 1. Chapter 331, division II, Code 1981 Supplement,
2 is amended by adding sections 2 through 9 of this Act.

3 Sec. 2. New Section. DEFINITIONS. As used in this Act,
4 unless the context otherwise requires:

5 1. "Board" means the board of supervisors of a county.

6 2. "Commission" means a charter commission created under
7 this Act.

8 3. "County" means a county having a population of two
9 hundred fifty thousand or more.

10 Sec. 3. NEW SECTION. COUNTY CHARTER AUTHORIZED--
11 LIMITATIONS.

12 1. A county may adopt or amend a charter for the government
13 of the county subject to the requirements and limitations
14 provided in this Act.

15 2. A county charter shall provide for the exercise of
16 home rule power and authority not inconsistent with state
17 law and may include, but is not limited to, provisions for:

18 a. A board of an odd number of members which may exceed
19 the number of members specified in section 331.201.

20 b. A supervisor representation plan for the county which
21 may differ from the supervisor representation plans specified
22 in sections 331.206, and 331.208 through 331.210.

23 c. The initial compensation for members of the board
24 which, thereafter, shall be determined as provided in section
25 331.907.

26 d. The method of selecting officers of the board and
27 fixing their terms of office which may differ from the
28 requirements of section 331.211.

29 e. Determining meetings of the board and rules of procedure
30 which may differ from the requirements of section 331.213
31 except the meetings shall be scheduled and conducted in
32 compliance with chapter 28A.

33 3. A county charter or charter amendment shall not contain
34 a provision which relates to the levy or collection of a tax.

35 Sec. 4. NEW SECTION. CHARTER COMMISSION CREATED. The

1 board may by resolution, or shall upon petition of the number
2 of eligible electors of the county equal to at least two
3 percent of the votes cast in the county at the preceding
4 election for the office of president of the United States
5 or governor, create a county charter commission to study and
6 make recommendations for the functions, organization, and
7 structure of county government subject to the requirements
8 and limitations specified in section 3 of this Act. The
9 recommendations of the commission shall be presented in the
10 form of a proposed county charter which shall be submitted
11 to the qualified electors of the county for approval or
12 disapproval as provided in this Act.

13 Sec. 5. NEW SECTION. APPOINTMENT OF MEMBERSHIP.

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

17 a. Two members shall be appointed by the board from each
18 legislative district from a list of three names submitted
19 to them by each legislator whose district is located in the
20 county and in which a majority of the electors reside in the
21 county. Each legislator must submit names of persons who
22 reside within the county in which the charter commission is
23 being requested and within that legislator's district.

24 b. One member shall be appointed by each member of the
25 board.

26 2. Only eligible electors of the county not holding a
27 city, county, or state office shall be members of the
28 commission.

29 3. A vacancy on the commission shall be filled by
30 appointment in the same manner as the original appointment.
31 The county auditor shall notify the appropriate appointing
32 authority of the vacancy.

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

34 1. Within thirty days after appointment of the members
35 of the commission, the county auditor shall give written

1 notice of the date, time, and location of the first meeting
2 of the commission. At its first meeting the commission shall
3 organize by electing a chairperson, vice chairperson, and
4 other officers as necessary. The commission shall adopt rules
5 governing the conduct of its meetings, subject to chapter
6 28A.

7 2. The members of the commission shall serve without
8 compensation, but they are entitled to travel and other
9 necessary expenses relating to their duties of office, subject
10 to section 79.9.

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

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

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

21 1. Within sixty days after its organization, the commission
22 shall hold at least one public hearing for the purpose of
23 receiving information and materials which will assist in the
24 drafting of a county charter. Notice of the date, time, and
25 place of the hearing shall be given as provided in chapter
26 28A.

27 2. Within nine months after the organization of the
28 commission, the commission shall submit a preliminary report
29 to the board, which report shall include the text of the
30 proposed county charter. Sufficient copies of the proposed
31 charter shall be made available for distribution to residents
32 of the county who request a copy. The commission shall hold
33 at least one public hearing after submission of the preliminary
34 report to obtain public comment on the report.

35 3. Within fifteen months after its organization, the

1 commission shall submit its final report to the board. The
2 final report shall include the full text and an explanation
3 of the proposed charter, any comments deemed desirable by
4 the commission, a written opinion by the attorney general
5 of this state, stating that the proposed charter is not in
6 conflict with constitutional or statutory law of this state,
7 and any minority reports. The final report shall be made
8 available to the residents of the county upon request.

9 4. The commission is dissolved on the date of the general
10 election at which the proposed county charter is submitted
11 to the electorate.

12 Sec. 8. NEW SECTION. AMENDMENT TO CHARTER.

13 1. The board, by resolution, may submit a proposed
14 amendment to the county electorate at a general election and
15 the proposed amendment becomes effective if approved by a
16 majority of those voting on the proposal.

17 2. If a petition signed by eligible electors of the county
18 equal in number to at least ten percent of the votes cast
19 in the county for the office of president of the United States
20 or governor at the preceding general election is filed with
21 the board proposing an amendment to the charter, the board
22 shall submit the proposed amendment to the voters at the next
23 general election and the amendment becomes effective if
24 approved by a majority of those voting on the proposal.

25 3. The submission of an amendment to the county electorate
26 is subject to the restrictions of section 9, subsection 3,
27 of this Act.

28 Sec. 9. NEW SECTION. REFERENDUM--EFFECTIVE DATE.

29 1. Upon receipt of a proposed charter or charter amendment,
30 the board shall direct the county commissioner of elections
31 to submit to the qualified electors of the county at the next
32 general election the question of whether the proposed charter
33 or amendment shall be adopted. If a majority of the votes
34 cast on the question is in favor of the proposal, the proposal
35 is adopted.

1 2. If a county charter or charter amendment is adopted:

2 a. The proposed charter or amendment shall take effect
3 January 1 following the general election at which it is
4 approved unless the charter or amendment provides a later
5 effective date. If the adopted charter or charter amendment
6 provides for a special election, the board shall direct the
7 county commissioner of elections to conduct the election.

8 b. The adoption of the charter does not alter any right
9 or liability of the county in effect at the time of the
10 election at which the charter was adopted.

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

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

16 e. Upon the effective date of the charter, the county
17 shall adopt the charter by ordinance, and shall file a copy
18 of its charter with the secretary of state, and maintain
19 copies available for public inspection.

20 3. If a county charter is adopted by the electorate, a
21 county charter or charter amendment proposing a change in
22 the number of supervisors under section 3, subsection 2,
23 paragraph a shall not be submitted to the electorate for three
24 years.

25 Sec. 10. This Act, being deemed of immediate importance,
26 takes effect from and after its publication in The Des Moines
27 Register, a newspaper published in Des Moines, Iowa, and in
28 the Urbandale News, a newspaper published in Urbandale, Iowa.

29 EXPLANATION

30 This bill provides that a county having a population of
31 250,000 or more may create a county charter commission to
32 prepare a charter to be submitted for approval of the county
33 electorate. The county charter commission may be created
34 by resolution of the board of supervisors or by petition of
35 the county electorate. The bill outlines the membership of

1 the charter commission, its funding and authority. The bill
2 establishes a timetable in which the charter commission is
3 to complete its charter proposal for submission to a
4 referendum. The bill takes effect upon publication.

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SENATE FILE 2219
FISCAL NOTE

REQUESTED BY SENATOR BRILES

In compliance with a written request there is hereby submitted a Fiscal Note for Senate File 2219 pursuant to Joint Rule 16.

S.F. 2219, An Act authorizing a county having a population of two hundred-fifty thousand or more to establish a county charter commission, specifying the powers and duties of the charter commission, and providing for the adoption of a county charter, to be effective upon publication.

Fiscal Effect: This bill would have no effect on state revenues. Only one county would be covered by this bill and the total effect would probably be minimal. The forty to forty-five members of the commission would not receive pay. The county would furnish mileage reimbursement, office space, rooms, supplies and equipment. The county could appropriate up to \$100,000 for secretarial, clerical professional and consultant services.

SOURCE: IOWA STATE ASSOCIATION OF COUNTIES

FILED:
MARCH 5, 1982

BY GERRY RANKIN, FISCAL DIRECTOR