

Local Gov 46

Reprinted 1/27/86

Amend (3236) to Code 3/7/85 (p 670)

Local Gov 5/6/85

no item 1/22/86 (p 127)

FILED FEB 5 1986

SENATE FILE

184

BY KINLEY, GENTLEMAN, READINGER  
PALMER and MANN

Passed Senate, Date 1-27-86 (p 153) Passed House, Date \_\_\_\_\_

Vote: Ayes 46 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.
- 6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 7
- 8

SF 184

SENATE FILE 184

S-5017

- 1 Amend Senate File 184 as follows:
- 2 1. Page 1, lines 6 and 7, by striking the words
- 3 "two hundred fifty" and inserting the words "one
- 4 hundred".
- 5 2. Amend the title, lines 1 and 2, by striking
- 6 the words "two hundred fifty" and inserting the words
- 7 "one hundred".

S-5017 Filed and adopted January 27, 1986 BY HOLDEN  
(p 152)

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1 Section 1. NEW SECTION. 331.217 DEFINITIONS.

2 As used in this part, unless the context otherwise  
3 requires:

4 1. "Commission" means a charter commission created under  
5 section 331.219.

6 2. "County" means a county having a population of two  
7 hundred fifty thousand or more.

8 Sec. 2. NEW SECTION. 331.218 COUNTY CHARTER AUTHORIZED -  
9 - LIMITATIONS.

10 1. A county may adopt or amend a charter for the  
11 government of the county subject to the requirements and  
12 limitations provided in this part.

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

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

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

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

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

27 e. Determining meetings of the board and rules of  
28 procedure which may differ from the requirements of section  
29 331.213 except the meetings shall be scheduled and conducted  
30 in compliance with chapter 21.

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

33 Sec. 3. NEW SECTION. 331.219 CHARTER COMMISSION CREATED.

34 The board may by resolution, or shall upon petition of the  
35 number of eligible electors of the county equal to at least

1 two percent of the votes cast in the county at the preceding  
2 election for the office of president of the United States or  
3 governor, create a county charter commission to study and make  
4 recommendations for the functions, organization, and structure  
5 of county government subject to the requirements and  
6 limitations specified in section 331.218. The recommendations  
7 of the commission shall be presented in the form of a proposed  
8 county charter which shall be submitted to the qualified  
9 electors of the county for approval or disapproval as provided  
10 in section 331.224.

11 Sec. 4. NEW SECTION. 331.220 APPOINTMENT OF MEMBERSHIP.

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

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

22 b. One member shall be appointed by each member of the  
23 board.

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

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

31 Sec. 5. NEW SECTION. 331.221 ORGANIZATION AND EXPENSES.

32 1. Within thirty days after appointment of the members of  
33 the commission, the county auditor shall give written notice  
34 of the date, time, and location of the first meeting of the  
35 commission. At its first meeting the commission shall

1 organize by electing a chairperson, vice chairperson, and  
2 other officers as necessary. The commission shall adopt rules  
3 governing the conduct of its meetings, subject to chapter 21.

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

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

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

17 Sec. 6. NEW SECTION. 331.222 COMMISSION PROCEDURES AND  
18 REPORTS.

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

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

33 3. Within fifteen months after its organization, the  
34 commission shall submit its final report to the board. The  
35 final report shall include the full text and an explanation of

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

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

10 Sec. 7. NEW SECTION. 331.223 AMENDMENT TO CHARTER.

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

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

23 3. The submission of an amendment to the county electorate  
24 is subject to the restrictions of section 331.224, subsection  
25 3.

26 Sec. 8. NEW SECTION. 331.224 REFERENDUM -- EFFECTIVE  
27 DATE.

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

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

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

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

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

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

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

19 3. If a county charter is adopted by the electorate, a  
20 county charter or charter amendment proposing a change in the  
21 number of supervisors under section 331.218, subsection 2,  
22 paragraph "a" shall not be submitted to the electorate for  
23 three years.

24 Sec. 9. This Act shall be added as a new part to chapter  
25 331, division II.

26 EXPLANATION

27 This bill provides that a county having a population of  
28 250,000 or more may create a county charter commission to  
29 prepare a charter to be submitted for approval of the county  
30 electorate. The county charter commission may be created by  
31 resolution of the board of supervisors or by petition of the  
32 county electorate. The bill outlines the membership of the  
33 charter commission, its funding and authority. The bill  
34 establishes a timetable in which the charter commission is to  
35 complete its charter proposal for submission to a referendum.

1 The bill creates new sections 331.217 through 331.224 as a new  
2 part of the county home rule implementation chapter, and  
3 refers to those sections.

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1 Amend Senate File 184 as follows:

2 1. Page 1, by inserting after line 7 the  
3 following:

A 4 "3. "County officer" means the county auditor,  
5 sheriff, treasurer, recorder, or attorney."

6 2. Page 1, by inserting after line 30 the  
7 following:

8 "f. The appointment by the board of one or more of  
9 the county officers otherwise elected as provided in  
10 section 39.17."

11 3. Page 2, line 19, by inserting after the word  
12 "county." the following: "If a legislative district

B 13 in a county does not include a majority of the  
14 electors of the district, one member shall be  
15 appointed from a list of three persons submitted to  
16 them by the legislator."

A 17 4. Page 5, by inserting after line 25 the  
18 following:

19 "Sec. \_\_\_\_ . Section 39.17, Code 1985, is amended by  
20 adding the following new unnumbered paragraph:

21 NEW UNNUMBERED PARAGRAPH. If a county charter  
22 provides for the appointment of any of the elective  
23 county officers as authorized in section 331.218, this  
24 section does not apply to that county officer.

25 Sec. \_\_\_\_ . Section 69.13, subsection 2, Code 1985,  
26 is amended to read as follows:

27 2. COUNTY OFFICERS. If a vacancy occurs in the  
28 office of county supervisor or in any of the offices  
29 listed in section 39.17 sixty or more days prior to a  
30 general election, and the unexpired term in which the  
31 vacancy exists has more than seventy days to run after  
32 the date of that general election, the vacancy shall  
33 be filled for the balance of the unexpired term at  
34 that general election and the person elected to fill  
35 the vacancy shall assume office as soon as a  
36 certificate of election has been issued and the person  
37 has qualified. However, this subsection does not  
38 apply to any county officers listed in section 39.17  
39 which are appointive under a county charter.

40 Sec. \_\_\_\_ . Section 331.501, subsection 1, Code  
41 1985, is amended to read as follows:

42 1. The office of auditor is an elective office  
43 except that-if when a county charter provides for  
44 appointment of the auditor as authorized under section  
45 331.218. If a vacancy occurs in the office, a  
46 successor shall be appointed to the unexpired term as  
47 provided in chapter 69.

48 Sec. \_\_\_\_ . Section 331.551, subsection 1, Code 1985,  
49 is amended to read as follows:

50 1. The office of treasurer is an elective office

1 ~~except that-if~~ when a county charter provides for  
2 appointment of the treasurer as authorized under  
3 section 331.218. If a vacancy occurs in the office, a  
4 successor shall be appointed to the unexpired term as  
5 provided in chapter 69.

6 Sec. \_\_\_\_ . Section 331.601, subsection 1, Code  
7 1985, is amended to read as follows:

8 1. The office of recorder is an elective office  
9 ~~except that-if~~ when a county charter provides for  
10 appointment of the recorder as authorized under  
11 section 331.218. If a vacancy occurs in the office, a  
12 successor shall be appointed to the unexpired term as  
13 provided in chapter 69.

14 Sec. \_\_\_\_ . Section 331.651, subsection 1, Code  
15 1985, is amended to read as follows:

16 1. The office of sheriff is an elective office  
17 ~~except that-if~~ when a county sheriff provides for  
18 appointment of the sheriff as authorized under section  
19 331.218. If a vacancy occurs in the office, the first  
20 deputy shall assume the office after qualifying as  
21 provided in this section and shall hold the office  
22 until a successor is appointed to the unexpired term  
23 as provided in chapter 69. If a sheriff is suspended  
24 from office, the district court may appoint a sheriff  
25 until a temporary appointment is made by the board as  
26 provided in section 66.19.

27 Sec. \_\_\_\_ . Section 331.751, subsection 1, Code  
28 1985, is amended to read as follows:

29 1. The office of county attorney is an elective  
30 office ~~except that-if~~ when a county charter provides  
31 for appointment of the county attorney as authorized  
32 under section 331.218. If a vacancy occurs in the  
33 office, a successor shall be appointed to the  
34 unexpired term as provided in chapter 69."  
35 5. By renumbering sections as necessary.

*A- Loss, B w/d 4/10/85 (p. 1252)*  
S-3661 Filed April 8, 1985 By GENTLEMAN  
*Motion to reconsider (Withdrawn with adjournment 5/4/85)*

S-3236 SENATE FILE 184

1 Amend Senate File 184 as follows:

2 1. Page 1, by striking lines 1 through 7 and  
3 inserting the following:

4 "Section 1. NEW SECTION. 331.217 DEFINITION.

5 As used in this part, unless the context otherwise  
6 requires, "commission" means a charter commission  
7 created under section 331.219."

8 2. Amend the title, by striking lines 1 and 2 and  
9 inserting the following: "An Act authorizing a county  
10 to establish a county".

S-3236 Filed

March 7, 1985

*Loss 4/10 (p. 1251)*

by COMMITTEE ON LOCAL GOVERNMENT



1 Section 1. NEW SECTION. 331.217 DEFINITIONS.

2 As used in this part, unless the context otherwise  
3 requires:

4 1. "Commission" means a charter commission created under  
5 section 331.219.

6 2. "County" means a county having a population of one  
7 hundred thousand or more.

8 Sec. 2. NEW SECTION. 331.218 COUNTY CHARTER AUTHORIZED -  
9 -LIMITATIONS.

10 1. A county may adopt or amend a charter for the  
11 government of the county subject to the requirements and  
12 limitations provided in this part.

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

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

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

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

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

27 e. Determining meetings of the board and rules of  
28 procedure which may differ from the requirements of section  
29 331.213 except the meetings shall be scheduled and conducted  
30 in compliance with chapter 21.

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

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35 number of eligible electors of the county equal to at least

1 two percent of the votes cast in the county at the preceding  
2 election for the office of president of the United States or  
3 governor, create a county charter commission to study and make  
4 recommendations for the functions, organization, and structure  
5 of county government subject to the requirements and  
6 limitations specified in section 331.218. The recommendations  
7 of the commission shall be presented in the form of a proposed  
8 county charter which shall be submitted to the qualified  
9 electors of the county for approval or disapproval as provided  
10 in section 331.224.

11 Sec. 4. NEW SECTION. 331.220 APPOINTMENT OF MEMBERSHIP.

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

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

22 b. One member shall be appointed by each member of the  
23 board.

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

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

31 Sec. 5. NEW SECTION. 331.221 ORGANIZATION AND EXPENSES.

32 1. Within thirty days after appointment of the members of  
33 the commission, the county auditor shall give written notice  
34 of the date, time, and location of the first meeting of the  
35 commission. At its first meeting the commission shall

1 organize by electing a chairperson, vice chairperson, and  
2 other officers as necessary. The commission shall adopt rules  
3 governing the conduct of its meetings, subject to chapter 21.

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

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

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

17 Sec. 6. NEW SECTION. 331.222 COMMISSION PROCEDURES AND  
18 REPORTS.

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

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

33 3. Within fifteen months after its organization, the  
34 commission shall submit its final report to the board. The  
35 final report shall include the full text and an explanation of

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

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

10 Sec. 7. NEW SECTION. 331.223 AMENDMENT TO CHARTER.

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

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

23 3. The submission of an amendment to the county electorate  
24 is subject to the restrictions of section 331.224, subsection  
25 3.

26 Sec. 8. NEW SECTION. 331.224 REFERENDUM -- EFFECTIVE  
27 DATE.

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

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

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

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

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

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

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

19 3. If a county charter is adopted by the electorate, a  
20 county charter or charter amendment proposing a change in the  
21 number of supervisors under section 331.218, subsection 2,  
22 paragraph "a" shall not be submitted to the electorate for  
23 three years.

24 Sec. 9. This Act shall be added as a new part to chapter  
25 331, division II.

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