

See Ways & Means 5/1/85 Do Pass 5/2

SENATE FILE 568

BY COMMITTEE ON WAYS AND MEANS

*Formerly SSB 379
Approved (p. 1677)*

FILED APR 25 1985

Passed Senate, Date 4-30-85 (p. 1807) Passed House, Date 5-3-85 (p. 2289)

Vote: Ayes 43 Nays 0 Vote: Ayes 87 Nays 7

Approved May 16, 1985

A BILL FOR

1 An Act relating to drainage improvements by counties and
2 providing for assessing the benefits of the improvements,
3 issuing bonds, and imposing rates for its use, benefit,
4 and connection.

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

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87-568

1 Section 1. Chapter 331, division IV, Code 1985, is amended
2 by adding the following new sections as a separate part:

3 NEW SECTION. 331.485 DEFINITIONS.

4 As used in this part, unless the context otherwise
5 requires:

6 1. "Drainage improvement" includes the construction,
7 improvement, or repair of the principal structures, works,
8 component parts and accessories of a storm sewer, drainage
9 conduit, channel, or levee for the collection, detention, or
10 discharge of drainage or surface waters.

11 2. "Urban drainage district" or "district" means a
12 district defined by a county and one or more cities within the
13 county pursuant to an agreement entered into by the county and
14 cities in accordance with chapter 28E and this part with
15 respect to drainage improvements which the county and cities
16 determine benefit the property located in the cities and the
17 designated unincorporated area of the county.

18 3. "Cost" means the same as defined in section 384.37,
19 subsection 6.

20 NEW SECTION. 331.486 ASSESSMENT OF COSTS OF DRAINAGE
21 IMPROVEMENTS.

22 A county may assess to property within an urban drainage
23 district the cost of a drainage improvement within the county
24 and drainage facilities extending outside the county. A
25 county is empowered to proceed and construct and to assess the
26 cost of a drainage improvement within a district in the same
27 manner as a city may proceed under division IV of chapter 384
28 and the provisions of division IV of chapter 384 apply to
29 counties with respect to drainage improvements, the assessment
30 of their costs and the issuance of bonds for the improvements.
31 A county may contract for a drainage improvement within a
32 district under this part pursuant to part 3 of division III of
33 chapter 331.

34 NEW SECTION. 331.487 SPECIAL ASSESSMENT BONDS.

35 A county may issue special assessment bonds in anticipation

1 of the collection of special assessments for the cost of
2 drainage improvements within a district in the same manner as
3 provided for cities under division IV of chapter 384.

4 NEW SECTION. 331.488 CHAPTER 28E AGREEMENT.

5 An agreement entered into between a city and a county in
6 accordance with chapter 28E with respect to a drainage
7 improvement may include among others the following provisions:

8 1. The sharing of the total cost of the drainage
9 improvement between the city and the county.

10 2. The amount of total assessments against private
11 property within the city and within the unincorporated area of
12 the county included within the district.

13 3. The method of specially assessing and determining
14 benefits.

15 4. The amount of funds, if any, to be contributed by the
16 city and county to the project other than special assessments.

17 5. The rates to be established and imposed upon property
18 within the drainage district to pay the expenses of operation
19 and maintenance of the drainage improvements.

20 6. The reduction of the county's debt service tax levy
21 rate against property within a city which is a party to the
22 joint agreement.

23 NEW SECTION. 331.489 RATES AND CHARGES FOR SERVICES AND
24 CONNECTION,

25 If a county and city have entered into an agreement
26 pursuant to chapter 28E to create an urban drainage district,
27 the county or city or both may, to the extent and in the
28 manner provided in the agreement, establish, impose, adjust,
29 and provide for the collection of rates to produce gross
30 revenues at least sufficient to pay the expenses of operation
31 and maintenance of a drainage improvement against property
32 within the district and establish, impose, adjust, and provide
33 for the collection of charges for connection to a drainage
34 improvement. Rates and charges must be established by
35 ordinance of the governing body of the county or city imposing

1 the rates or charges. Rates or charges for the services of
2 and connection to the drainage improvement if not paid as
3 provided by the ordinance of the governing body, are a lien
4 upon the premises served or benefited by that improvement and
5 may be certified to the county auditor and collected in the
6 same manner as other taxes.

7 NEW SECTION. 331.490 CITIES SUBJECT TO DEBT SERVICE TAX
8 LEVY -- RATES.

9 If a county and city have entered into a joint agreement
10 pursuant to chapter 28E to create a district and issue county
11 general obligation bonds to fund the costs of a drainage
12 improvement in that district, the county's debt service tax
13 levy for the county general obligation bond shall not be
14 levied against property located in any city except a city
15 which has entered into the joint agreement.

16 The county and the cities entering into the joint agreement
17 may provide in the joint agreement for a different rate of the
18 county's debt service tax levy against property in
19 unincorporated areas of the county and property within those
20 cities.

21 NEW SECTION. 331.491 AUTHORITY.

22 The authority of a city or county under this part with
23 respect to districts and the financing of drainage
24 improvements is in addition to any other authority of a city
25 or county to contract, and levy special assessments and issue
26 bonds to fund the costs.

27 EXPLANATION

28 The bill provides for a county to levy a special assessment
29 on property within an urban drainage district for the cost of
30 drainage improvements and to issue special assessment bonds,
31 in anticipation of the collection of the special assessment,
32 to pay the cost of the improvement. An urban drainage
33 district would be formed as a result of a joint agreement
34 under chapter 28E between the county and cities within the
35 county. The bill also provides that the urban drainage

1 district may fund the costs of the drainage improvements
2 through issuance of county general obligation bonds. These
3 bonds would be repaid from a debt service tax levy on all
4 property within those cities that are parties to the agreement
5 and the unincorporated areas of the county.

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SSB 379
Ways + Means

New
SF 568

SENATE FILE _____

BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL)

Passed Senate, Date _____ Passed House, Date _____

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

Approved _____

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18 within the drainage district to pay the expenses of operation
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SENATE FILE 568

AN ACT

RELATING TO DRAINAGE IMPROVEMENTS BY COUNTIES AND PROVIDING FOR
ASSESSING THE BENEFITS OF THE IMPROVEMENTS, ISSUING BONDS,
AND IMPOSING RATES FOR ITS USE, BENEFIT, AND CONNECTION.

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

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component parts and accessories of a storm sewer, drainage
conduit, channel, or levee for the collection, detention, or
discharge of drainage or surface waters.

2. "Urban drainage district" or "district" means a
district defined by a county and one or more cities within the
county pursuant to an agreement entered into by the county and
cities in accordance with chapter 28E and this part with
respect to drainage improvements which the county and cities
determine benefit the property located in the cities and the
designated unincorporated area of the county.

3. "Cost" means the same as defined in section 384.37,
subsection 6.

NEW SECTION. 331.486 ASSESSMENT OF COSTS OF DRAINAGE
IMPROVEMENTS.

A county may assess to property within an urban drainage
district the cost of a drainage improvement within the county
and drainage facilities extending outside the county. A

county is empowered to proceed and construct and to assess the
cost of a drainage improvement within a district in the same
manner as a city may proceed under division IV of chapter 384
and the provisions of division IV of chapter 384 apply to
counties with respect to drainage improvements, the assessment
of their costs and the issuance of bonds for the improvements.
A county may contract for a drainage improvement within a
district under this part pursuant to part 3 of division III of
chapter 331.

NEW SECTION. 331.487 SPECIAL ASSESSMENT BONDS.

A county may issue special assessment bonds in anticipation
of the collection of special assessments for the cost of
drainage improvements within a district in the same manner as
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improvement between the city and the county.
2. The amount of total assessments against private
property within the city and within the unincorporated area of
the county included within the district.
3. The method of specially assessing and determining
benefits.
4. The amount of funds, if any, to be contributed by the
city and county to the project other than special assessments.
5. The rates to be established and imposed upon property
within the drainage district to pay the expenses of operation
and maintenance of the drainage improvements.
6. The reduction of the county's debt service tax levy
rate against property within a city which is a party to the
joint agreement.

NEW SECTION. 331.489 RATES AND CHARGES FOR SERVICES AND
CONNECTION.

If a county and city have entered into an agreement pursuant to chapter 28E to create an urban drainage district, the county or city or both may, to the extent and in the manner provided in the agreement, establish, impose, adjust, and provide for the collection of rates to produce gross revenues at least sufficient to pay the expenses of operation and maintenance of a drainage improvement against property within the district and establish, impose, adjust, and provide for the collection of charges for connection to a drainage improvement. Rates and charges must be established by ordinance of the governing body of the county or city imposing the rates or charges. Rates or charges for the services of and connection to the drainage improvement if not paid as provided by the ordinance of the governing body, are a lien upon the premises served or benefited by that improvement and may be certified to the county auditor and collected in the same manner as other taxes.

NEW SECTION. 331.490 CITIES SUBJECT TO DEBT SERVICE TAX LEVY -- RATES.

If a county and city have entered into a joint agreement pursuant to chapter 28E to create a district and issue county general obligation bonds to fund the costs of a drainage improvement in that district, the county's debt service tax levy for the county general obligation bond shall not be levied against property located in any city except a city which has entered into the joint agreement.

The county and the cities entering into the joint agreement may provide in the joint agreement for a different rate of the county's debt service tax levy against property in unincorporated areas of the county and property within those cities.

NEW SECTION. 331.491 AUTHORITY.

The authority of a city or county under this part with respect to districts and the financing of drainage improvements is in addition to any other authority of a city

or county to contract, and levy special assessments and issue bonds to fund the costs.

ROBERT T. ANDERSON
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 568, Seventy-first General Assembly.

K. MARIE THAYER
Secretary of the Senate

Approved May 16, 1985

TERRY E. BRANSTAD
Governor