

*See Bill Copy*

093  
3/30/93 Motion to R/C by Szymoniak  
4/2/93 Motion to R/C Prevailed  
4/2/93 Failed to Pass Local Gov. Comm.

SENATE FILE 399  
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SSB 298)

*Failed* (p.909)

Passed Senate, Date 3/30/93 Passed House, Date \_\_\_\_\_

Vote: Ayes 22 Nays 27 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_  
*Passed 26/26 4/2/93 (p. 974)*

A BILL FOR

1 An Act relating to the charter commission process and alternative  
2 forms of government, including certain taxation authority and  
3 a retroactive applicability provision.

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

5  
6  
7  
8

*SF 399*

SENATE FILE 399

S-3348

1 Amend Senate File 399 as follows:  
2 1. Page 14, line 19, by inserting after the word  
3 "governments" the following: "; provided, however,  
4 that the issuance of bonds or incurring of debt for  
5 financing electric power facilities shall be conducted  
6 only in accordance with the provisions of chapter  
7 28F".

By ELAINE SZYMONIAK

S-3348 FILED APRIL 1, 1993

*Adopted*  
*4-2-93*  
*(p. 973)*

1 Section 1. Section 331.231, Code 1993, is amended to read  
2 as follows:

3 331.231 ALTERNATIVE FORMS OF COUNTY GOVERNMENT.

4 The alternative forms of county government are as follows:

5 1. Board of supervisor form as provided in division II,  
6 part 1.

7 2. Board-elected executive form as provided in section  
8 331.239.

9 3. Board-manager form as provided in section 331.241.

10 4. Charter government form as provided in section 331.246.

11 5. City-county consolidated form as provided in section  
12 331.247.

13 6. Multicounty consolidated form as provided in section  
14 331.253.

15 7. Community-commonwealth Regional service government form  
16 as provided in sections 331.260 through ~~331.263~~ 331.265.

17 An existing form of government may only be altered or  
18 changed by a charter submitted to the electorate by a charter  
19 commission established pursuant to sections 331.232 and  
20 331.233 or 331.233A. A change in the number of supervisors  
21 pursuant to sections 331.203 through 331.205 or a change in  
22 the supervisor representation plan pursuant to section 331.206  
23 and 331.207 shall be carried out in the manner provided for in  
24 those sections.

25 Sec. 2. Section 331.232, subsections 1 and 3, Code 1993,  
26 are amended to read as follows:

27 1. A charter to change a the form of county a county's  
28 government may be submitted to the electors ~~of-a-county~~ only  
29 by a commission established by resolution of the board upon  
30 petition of the number of eligible electors of the county  
31 equal to at least twenty-five percent of the votes cast in the  
32 county for the office of president of the United States or  
33 governor at the preceding general election or the signatures  
34 of at least ten thousand eligible electors of the county,  
35 whichever number is fewer.

1 3. An alternative form of county government shall be  
2 submitted to the county electorate residing within the  
3 boundaries of the proposed alternative government by the  
4 commission in the form of a charter or charter amendment.

5 Sec. 3. Section 331.233, subsections 2 and 3, Code 1993,  
6 are amended to read as follows:

7 2. Only eligible electors of the county not holding a  
8 city, county, or state office shall be members of the  
9 commission. In counties having multiple state legislative  
10 districts, the districts shall be represented as equally as  
11 possible. The membership shall be bipartisan and gender  
12 balanced and each appointing authority under subsection 1  
13 shall provide for representation of various age groups, racial  
14 minorities, economic groups, and representatives of  
15 identifiable geographically defined populations, all in  
16 reasonable relationship to the proportions in which these  
17 groups are present in the population of the commission area.

18 ~~A-vacancy-on-the-commission-shall-be-filled-by-appointment-in~~  
19 ~~the-same-manner-as-the-original-appointment.--The-county~~  
20 ~~auditor-shall-notify-the-appropriate-appointing-authority-of-a~~  
21 ~~vacancy.~~

22 The legislative appointing authorities shall be considered  
23 one appointing authority for the purpose of complying with  
24 this subsection. The senior legislative appointing authority  
25 in terms of length of legislative service shall convene the  
26 legislative appointing authorities to consult for the purpose  
27 of complying with this subsection.

28 3. If at any time during the commission process, the  
29 commission adopts a resolution by majority vote to prepare a  
30 charter proposing city-county consolidation or ~~the-community~~  
31 ~~commonwealth-form~~ a regional service government, additional  
32 members shall be appointed to the commission in order to  
33 comply with section 331.233A. The life of the commission  
34 shall be extended up to six months after the appointment of  
35 the additional members.

1 Sec. 4. Section 331.233, Code 1993, is amended by adding  
2 the following new subsections:

3 NEW SUBSECTION. 4. A vacancy on the commission shall be  
4 filled by appointment in the same manner as the original ap-  
5 pointment. The county auditor shall notify the appropriate  
6 appointing authority of a vacancy.

7 NEW SUBSECTION. 5. If a vacancy occurs for a state repre-  
8 sentative appointment after the representative district has  
9 been redrawn following redistricting, the vacancy shall be  
10 filled by vote of the state representatives whose districts  
11 following redistricting have a majority of their population  
12 residing in the county. The legislative appointing authority  
13 with the longest service in the general assembly shall convene  
14 the state representatives for the purpose of filling a vacancy  
15 and report the new member selected to the county auditor.

16 Sec. 5. Section 331.233A, Code 1993, is amended to read as  
17 follows:

18 331.233A APPOINTMENT OF COMMISSION MEMBERS -- CITY-COUNTY  
19 CONSOLIDATION OR ~~COMMUNITY-COMMONWEALTH~~ REGIONAL SERVICE  
20 GOVERNMENT.

21 1. The members of a commission created to study city-  
22 county consolidation or the ~~community-commonwealth~~ regional  
23 service government form shall be appointed within forty-five  
24 days after the adoption of a resolution creating the  
25 commission as follows:

26 a. One member shall be appointed by the city council of  
27 each city participating in the charter process.

28 b. One member shall be appointed by the board of each  
29 county participating in the charter process. The member must  
30 be a resident of the unincorporated area of the county.

31 c. One member shall be appointed by each state legislator  
32 whose legislative district is located in the commission area  
33 if a majority of the constituents of that legislative district  
34 resides in the commission area. However, if a commission area  
35 does not have a state legislative district which has a

1 majority of its constituents residing in the commission area,  
2 the legislative district having the largest plurality of  
3 constituents residing in the commission area shall appoint one  
4 member.

5 d. An additional member shall be appointed by each city  
6 council and each county board for every twenty-five thousand  
7 residents in the participating city or unincorporated area of  
8 the county, whichever is applicable.

9 2. The commission members shall be appointed in compliance  
10 with section 331.233, subsection 2. ~~A-vacancy-on-the~~  
11 ~~commission-shall-be-filled-by-appointment-in-the-same-manner~~  
12 ~~as-the-original-appointment.--The-county-auditor-shall-notify~~  
13 ~~the-appropriate-appointing-authority-of-a-vacancy.~~

14 3. If, at any time during the commission process, the  
15 commission adopts a resolution by majority vote to prepare a  
16 charter proposing an alternative form other than city-county  
17 consolidation or the ~~community-commonwealth~~ regional service  
18 government form, the resolution shall be submitted to the  
19 board of supervisors of the participating county, and the  
20 board shall proceed pursuant to section 331.233. The life of  
21 the commission shall be extended up to six months after the  
22 appointment of the new members.

23 4. A vacancy on the commission shall be filled by  
24 appointment in the same manner as the original appointment.  
25 The county auditor shall notify the appropriate appointing  
26 authority of a vacancy.

27 5. If a vacancy occurs for a legislative appointment after  
28 the legislative district has been redrawn following  
29 redistricting, the vacancy shall be filled by vote of the  
30 state representatives if the original appointment was made by  
31 a state representative or by vote of the senators if the  
32 original appointment was made by a senator. A legislator  
33 whose district following redistricting has a majority of its  
34 population in the county shall participate in filling the  
35 vacancy. The legislative appointing authority with the

1 longest service in the appropriate house shall convene the  
2 legislators who are to participate in filling the vacancy and  
3 shall report the new member selected to the county auditor.

4 Sec. 6. Section 331.235, subsections 2, 3, and 4, Code  
5 1993, are amended to read as follows:

6 2. Within nine months after the organization of the  
7 commission, the commission shall submit a preliminary report  
8 to the board, which report may include the text of the  
9 proposed charter. If a proposed charter is included in the  
10 preliminary report, the report shall also include an analysis  
11 of the fiscal impact of the proposed charter. Sufficient  
12 copies of the report shall be made available for distribution  
13 to residents of the county area within the proposed  
14 alternative government who request a copy. The commission  
15 shall hold at least one public hearing after submission of the  
16 preliminary report to obtain public comment.

17 3. Within twenty months after organization, the commission  
18 shall submit the final report to the board. If the commission  
19 recommends a charter including a form of government other than  
20 the existing form of government, the final report shall  
21 include the full text and an explanation of the proposed  
22 charter, an analysis of the fiscal impact of the proposed  
23 charter, any comments deemed desirable by the commission, and  
24 any minority reports. The final report may recommend no  
25 change to the existing form of government and that no charter  
26 be submitted to the electorate. The final report shall be  
27 made available to the residents of the county area within the  
28 proposed alternative government upon request. A summary of  
29 the final report shall be published in the official newspapers  
30 of the county.

31 4. The commission is dissolved on the date of the general  
32 election at which the proposed charter is submitted to the  
33 electorate. If a charter is not recommended, the commission  
34 is dissolved upon submission of its final report to the board.

35 Sec. 7. Section 331.237, Code 1993, is amended to read as

1 follows:

2 331.237 REFERENDUM -- EFFECTIVE DATE.

3 1. If a proposed charter for county an alternative  
4 government is received not later than five working days before  
5 the filing deadline for candidates for county offices  
6 specified in section 44.4 for the next general election, the  
7 board shall direct the county commissioner of elections to  
8 submit to the qualified electors of residing in the county  
9 area comprising the proposed alternative government at the  
10 next general election the question of whether the proposed  
11 charter shall be adopted. The charter commission may, at the  
12 time it forwards the charter to the board, direct submission  
13 to the qualified electors residing in the proposed alternative  
14 government area, of the question of whether the proposed  
15 charter shall be adopted at the next city election if it is at  
16 least sixty days but not more than one hundred days away or at  
17 a special election to be called within the next one hundred  
18 days as provided by law.

19 2. A summary of the proposed charter or amendment must be  
20 published in the official county newspapers and in a newspaper  
21 of general circulation in each participating city, if  
22 applicable, at least ten but not more than twenty days before  
23 the date of the election. If a majority of the votes cast on  
24 the question is in favor of the proposal, the proposal is  
25 adopted.

26 3. If a proposed charter for county an alternative  
27 government is adopted:

28 a. The adopted charter shall take effect July 1 following  
29 the general election at which it is approved if there are at  
30 least seven consecutive months between the date the charter is  
31 approved by the electorate and the next July 1 unless the  
32 charter provides a later effective date. If there are fewer  
33 than seven consecutive months remaining between the date the  
34 charter is approved and the next July 1, the charter shall  
35 specify its effective date which must be at least seven months

1 after the charter is approved.

2 b. If the adopted charter calls for a change in the form  
3 of government, a special election shall be called to elect the  
4 new elective officers. If the adopted charter provides for a  
5 special election, the board shall direct the county  
6 commissioner of elections to conduct the election.

7 b c. The adoption of the alternative ~~form-of-county~~  
8 government does not alter any right or liability of the  
9 county, a city, city utility, city enterprise, or other  
10 special purpose district in effect at the time of the election  
11 at which the charter was adopted.

12 e d. All departments and agencies shall continue to  
13 operate until replaced.

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

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

21 f g. The former governing bodies shall continue to perform  
22 their duties until the new governing body is sworn into  
23 office, and shall assist the new governing body in planning  
24 the transition to the charter government.

25 3 4. If a charter is submitted to the electorate but is  
26 not adopted, another charter shall not be submitted to the  
27 electorate for two years. If a charter is adopted, it may be  
28 amended at any time. If a charter is adopted, a proposed  
29 charter for another alternative form of county government  
30 shall not be submitted to the electorate for six years.

31 Sec. 8. Section 331.238, Code 1993, is amended to read as  
32 follows:

33 331.238 LIMITATIONS TO ALTERNATIVE FORMS OF COUNTY  
34 GOVERNMENT.

35 1. A county may adopt or amend an alternative form of



1 county government subject to the requirements and limitations  
2 provided in this section.

3 2. An alternative form of county government shall provide  
4 for the exercise of home rule power and authority not  
5 inconsistent with state law and may include provisions for any  
6 of the following:

7 a. A-board-of-an-odd An elective governing body with an  
8 odd number of members with established terms of office for the  
9 members. The number of members which may exceed the number of  
10 members specified in sections 331.201, 331.203, and 331.204.

11 b. A supervisor or other governing body representation  
12 plan for-the-county which may differ from the supervisor  
13 representation plans as provided in division II, part 1.

14 c. The initial compensation for members of the board  
15 governing body and the mayor or other official responsible for  
16 the general supervision of government which, thereafter, shall  
17 be determined as provided in section 331.215.

18 d. The method of selecting officers of the board governing  
19 body and fixing their terms of office which may differ from  
20 the requirements of sections 331.208 through 331.211.

21 e. Determining Provisions for meetings of the board  
22 governing body and rules of procedure which may differ from  
23 the requirements of section 331.213, except the meetings shall  
24 be scheduled and conducted in compliance with chapter 21.

25 f. The combining of powers and duties of elected or  
26 appointed officials or the elimination or consolidation of  
27 elected or appointed offices and the assumption of the duties  
28 of those offices by appointed officials or other designated  
29 officials, including the combining of the offices of assessor  
30 in cities with a population of one hundred twenty-five  
31 thousand or more with that of county assessor. However,  
32 property that is included in the alternative government that  
33 is within another county shall be valued by the assessor of  
34 the county in which the property is located.

35 g. The organization of county or the alternative

1 government's departments, agencies, or boards, utilities,  
2 commissions, enterprises, or special purpose districts. The  
3 organization plan may provide for the abolition, alteration,  
4 modification, or consolidation of a department, agency, board  
5 or a utility, commission, enterprise, or special purpose  
6 district, and the assumption of its powers and duties by the  
7 board of supervisors or another officer. This paragraph does  
8 not apply to the board of trustees of a county hospital.

9 h. In lieu of the election or appointment of township  
10 trustees, a method providing for the exercise of their powers  
11 and duties by the board of supervisors or other governing body  
12 of the county or another office.

13 i. Consolidating city-county government or government  
14 functions.

15 j. Consolidating county-county government or government  
16 functions.

17 k. The election or appointment of a mayor or other  
18 official responsible for the general supervision of government  
19 with an established term of office; appointment of a county  
20 manager or other official responsible for the implementation  
21 of duties and responsibilities required by law, ordinance, or  
22 the alternative form of government; appointment of other  
23 officials, boards, commissions, agencies, utilities, and  
24 enterprises; and prescribing the powers and duties of its  
25 officials, boards, commissions, utilities, agencies,  
26 enterprises, and special purpose districts.

27 l. Provide that a board, utility, commission, agency,  
28 enterprise, or special purpose district may exist and function  
29 independently or as otherwise provided by law.

30 m. Alter the method of appointing members of boards,  
31 commissions, utilities, agencies, enterprises, or special  
32 purpose districts provided by law and increase, decrease,  
33 alter, or modify their powers and duties and provide for the  
34 appointment of officials and employees for the boards,  
35 commissions, utilities, agencies, enterprises, or special

1 purpose districts.

2 n. Provide that a city, city utility, city enterprise, or  
3 special purpose district with the majority of its population  
4 or individuals serviced in the county or who holds title to  
5 its property in the name of a city in the county that extends  
6 into another county shall be included within and become a part  
7 of the alternative government which government shall possess  
8 and exercise all of the powers in another county that the  
9 city, city utility, city enterprise, or special purpose  
10 district previously possessed and exercised.

11 ~~This subsection does not apply to the board of trustees of~~  
12 ~~a county hospital.~~

13 3. An alternative form of county government shall provide  
14 for the partisan election of its officers.

15 Sec. 9. Section 331.244, Code 1993, is amended to read as  
16 follows:

17 331.244 AMENDMENT TO COUNTY GOVERNMENT.

18 1. An amendment to county a form of government  
19 organization established by charter shall only be made by  
20 submitting the question of amendment to the electors of the  
21 county government pursuant to section 331.236. To become  
22 effective, a proposed amendment must receive an affirmative  
23 vote of a majority of the electors voting on the question. An  
24 amendment approved by the electors becomes effective pursuant  
25 to section 331.237.

26 2. An amendment to a county government organization  
27 established by charter may be proposed by initiative upon  
28 petition of the number of eligible electors ~~of the county~~  
29 residing in the area comprising the alternative government  
30 equal to at least ten percent of the votes cast at the  
31 preceding election for the office of president of the United  
32 States or governor, or by resolution adopted by the governing  
33 body. The question on amendment of county a government  
34 organization established by charter shall be submitted to the  
35 electors as soon as possible practicable after the submission

1 of a petition or adoption of a resolution, either at a general  
2 election, city election, or at a special election, as selected  
3 by the governing body.

4 Sec. 10. Section 331.260, Code 1993, is amended to read as  
5 follows:

6 331.260 COMMUNITY-COMMONWEALTH REGIONAL SERVICE  
7 GOVERNMENT.

8 1. A county and one or more cities ~~or townships within,~~  
9 city utilities, city enterprises, and other special purpose  
10 districts in the county, a or in one or more contiguous  
11 county, and a city or a township within a contiguous county  
12 counties, may unite be united to establish an alternative form  
13 ~~of local~~ government for the purpose of making more efficient  
14 use of their resources by providing for the delivery of  
15 regional services. The boundaries of the cities and county or  
16 the cities and counties that later join the alternative  
17 government shall be those of the alternative government even  
18 though the service provided by a city utility, city  
19 enterprise, or special purpose district that becomes a part of  
20 the alternative government extends beyond these boundaries.

21 2. A charter proposing a community-commonwealth regional  
22 service government as an alternative ~~form of~~ government may be  
23 submitted to the voters only by a commission established under  
24 section 331.232 and 331.233A. A majority vote by the  
25 commission is required for the submission of a charter  
26 proposing a community-commonwealth regional service government  
27 as an alternative ~~form of local~~ government. The commission  
28 submitting a community-commonwealth regional service form of  
29 government shall issue a final report and proposal. ~~If an~~  
30 ~~alternative form of government for a community-commonwealth~~  
31 ~~form of local government is proposed, approval of the~~  
32 ~~commonwealth charter shall be a separate ballot issue from~~  
33 ~~approval of the alternative form of government in those cities~~  
34 ~~proposed to be included in the commonwealth.--The commonwealth~~  
35 ~~charter shall be effective in regard to a city government only~~

1 ~~if a majority of the voters of the city voting on the question~~  
2 ~~voted for participation in the commonwealth charter.~~

3 ~~The question of forming a community commonwealth shall be~~  
4 ~~submitted to the electorate in substantially the same form as~~  
5 ~~provided in section 331-252.~~

6 3. For purposes of this section, a city is within a county  
7 if more than fifty percent of its population resides in the  
8 county. For purposes of this section, a city utility, city  
9 enterprise, or other special purpose district is within a  
10 county if its property is held in the name of one or more  
11 cities within the county or if more than fifty percent of its  
12 service is delivered in the county or more than fifty percent  
13 of the recipients of the service reside in the county. The  
14 charter shall provide whether the electors who reside in a  
15 city within an adjacent county shall be permitted to vote on  
16 one or more of the elected officials of the alternative  
17 government.

18 Sec. 11. Section 331.261, Code 1993, is amended by  
19 striking the section and inserting in lieu thereof the  
20 following:

21 331.261 CHARTER -- REGIONAL SERVICE GOVERNMENT.

22 A charter proposing a regional service government shall  
23 provide for all of the following:

24 1. The name of the regional service government.

25 2. A form of government with powers and duties as provided  
26 in section 331.238.

27 3. The method of determining each of the following:

28 a. The services or programs to be delivered by the  
29 regional service government.

30 b. The amount and level of service to be delivered.

31 c. The means or method of assuming the delivery of other  
32 services and programs after the charter is adopted.

33 d. The geographical areas to receive these services or  
34 programs.

35 4. The maximum tax rate to be levied by the regional

1 service government for the services and programs it is to  
2 deliver.

3 5. The method to determine the tax rate to be levied for  
4 the delivery of each service or program which levy may vary  
5 between services and programs and geographical areas of the  
6 regional service government.

7 6. The method for assumption of bonded indebtedness or its  
8 distribution among the cities, county or counties, city  
9 utilities, city enterprises, or other special purpose  
10 districts, that has been incurred or will be incurred relating  
11 to the services or programs to be delivered.

12 7. The extent to which the regional service government may  
13 issue bonds or incur indebtedness for any public purpose in  
14 accordance with the terms and procedures authorized by law.

15 8. Whether a city, city utility, city enterprise, or  
16 special purpose district will receive compensation for assets  
17 and property transferred to the regional service government  
18 and the disposition of any existing liabilities for the assets  
19 transferred. If compensation is to be received for assets or  
20 property, the charter shall provide the amount of compensation  
21 or method of computation.

22 9. That if any of the elective offices of county attorney,  
23 auditor, treasurer, recorder, or sheriff are to be eliminated,  
24 combined, or powers and duties are to be assumed by another  
25 official or entity, a determination whether this question will  
26 be separately submitted to a vote of the electorate.

27 Sec. 12. Section 331.262, Code 1993, is amended to read as  
28 follows:

29 331.262 ADOPTION OF CHARTER -- EFFECT.

30 1. As a political subdivision of the state, the ~~community~~  
31 ~~commonwealth-unit-of-local~~ regional service government shall  
32 have the statutory and constitutional status of a county and  
33 of a city, city utility, city enterprise, or special purpose  
34 district to the extent the ~~community-commonwealth~~ regional  
35 service government's governing body assumes the powers and

1 duties of ~~cities~~ these entities as those powers and duties  
2 relate to a county and the delivery of services and programs.  
3 For each service or program provided by the community  
4 ~~commonwealth, the community-commonwealth~~ regional service  
5 government, the regional service government shall assume have  
6 the same constitutional and statutory rights, powers, and  
7 duties relating to ~~the provision of~~ the service or program as  
8 if the member city entity were itself providing the service to  
9 its citizens.

10 ~~On its effective date, the community-commonwealth charter~~  
11 ~~operates to replace the existing county government structure.~~  
12 ~~The governments of participating cities shall remain in~~  
13 ~~existence to render those services not transferred to the~~  
14 ~~community-commonwealth government.~~

15 2. A regional service government may issue bonds or incur  
16 indebtedness for any public purpose in accordance with the  
17 terms and procedures set forth in chapter 384, divisions III,  
18 IV, and V and the references in those divisions to cities  
19 shall be applicable to regional service governments. The debt  
20 service levy to retire general obligation bonds shall include  
21 property within the regional service government located in  
22 another county. The regional service government shall make  
23 the debt service levy for the repayment of these bonds or  
24 other indebtedness for and on behalf of and in the name of the  
25 city within which this property is located but this debt  
26 service tax, when collected, shall be paid to the regional  
27 service government. The regional service government shall be  
28 the same as the county whose form of government it has  
29 replaced for the purpose of applying the constitutional debt  
30 limitation.

31 3. A city or county wishing to terminate its membership  
32 in the community-commonwealth regional service government must  
33 do so pursuant to the existing charter procedure under this  
34 chapter or chapter 372, whichever is applicable. The  
35 termination of membership must be approved by resolution of

1 the governing bodies of at least seventy-five percent of the  
2 other cities and counties comprising the regional service  
3 government.

4 4. A city or county may join an existing community  
5 commonwealth regional service government by resolution of the  
6 board or council, whichever is applicable, or upon petition of  
7 eligible electors of the city or county, whichever is  
8 applicable, equal in number to at least twenty-five percent of  
9 the persons who voted at the last general election for the  
10 office of governor or president of the United States,  
11 whichever is fewer. Within fifteen days after receiving a  
12 valid petition, the applicable governing body shall adopt a  
13 resolution in favor of participation and shall immediately  
14 forward the resolution to the governing body of the community  
15 commonwealth regional service government. If a majority of  
16 the community-commonwealth regional service government's  
17 governing body approves the resolution, the question of  
18 joining the community-commonwealth regional service government  
19 shall be submitted to the electorate of the petitioning city  
20 or county within sixty one hundred days after approval of the  
21 resolution.

22 Sec. 13. NEW SECTION. 331.264 SUBMISSION OF CHARTER TO  
23 VOTERS -- EFFECT OF ADOPTION.

24 A majority vote of the charter commission shall be required  
25 for the submission of a charter for a regional service govern-  
26 ment to the voters. If the commission approves the submission  
27 of a charter to the voters, the commission shall certify the  
28 proposed charter to the board of supervisors and issue its  
29 final report. The proposed charter shall be adopted if  
30 approved by a majority of the qualified electors voting in the  
31 county and cities that comprise the area of the proposed  
32 regional service government. The question submitted shall be,  
33 "Shall the (name of the proposed regional service government)  
34 be established that (place a summary of the proposed  
35 charter)."



1 Upon adoption of the charter, the government shall be reor-  
2 ganized as provided in the charter. The regional service  
3 government shall thereafter provide the services and programs  
4 as provided in the charter and those required by law of a  
5 county and shall exercise the powers and perform the duties of  
6 a county, city, city utility, city enterprise, and other  
7 special purpose district, and the services and programs to be  
8 delivered by the regional service government and those assumed  
9 after the charter is adopted. The cities, city utilities,  
10 city enterprises, and other special purpose districts within  
11 the regional service government shall continue to exist and  
12 provide the services and programs and exercise the powers and  
13 perform the duties as provided by law not transferred to the  
14 regional service government in the charter or assumed after  
15 the charter is adopted.

16 Sec. 14. NEW SECTION. 331.265 SUBMISSION OF CHANGE IN  
17 ELECTIVE OFFICES.

18 If the charter proposing a regional service government  
19 provides for the submission to the voters of the question of  
20 the elimination or consolidation of any of the elective  
21 offices of county attorney, auditor, recorder, sheriff, or  
22 treasurer, the additional question, "Shall the elective office  
23 or offices of (name office or offices) be eliminated and its  
24 or their powers and duties assumed by (a brief description of  
25 what official or entity will assume these powers and duties)?"  
26 A separate question may be proposed for an elective office or  
27 offices to be eliminated or consolidated that the charter pro-  
28 poses to be submitted to a vote of the electorate. If a  
29 majority of the qualified electors voting vote to eliminate an  
30 office as elective, the office shall no longer be elective;  
31 otherwise the office shall continue to be filled by an  
32 election as provided by law. The charter shall be adopted and  
33 the regional service government established if approved by a  
34 majority vote of the qualified electors voting even if the  
35 electorate votes against the elimination of one or more

1 elective offices. If an elective office is retained, that  
2 office shall continue to be elective but its powers and duties  
3 shall be as prescribed by the newly established regional  
4 service government.

5 Sec. 15. Section 331.421, Code 1993, is amended by adding  
6 the following new subsection:

7 NEW SUBSECTION. 10. "Regional services and programs"  
8 means the services and programs provided by a regional service  
9 government established by charter.

10 Sec. 16. Section 331.422, Code 1993, is amended by adding  
11 the following new subsection:

12 NEW SUBSECTION. 3A. Taxes for delivery of regional  
13 services and programs and debt service by a regional service  
14 government established by charter shall be levied on property  
15 as certified by the regional service government.

16 Sec. 17. Section 331.423, Code 1993, is amended by adding  
17 the following new subsection:

18 NEW SUBSECTION. 3. For regional services and programs  
19 delivered by a regional service government established by  
20 charter, an amount not to exceed the maximum amount  
21 established in the charter. For this purpose the regional  
22 service government has all of the rights and powers of a city,  
23 city utility, city enterprise, or other special purpose  
24 district to levy taxes and service fees upon property within  
25 the regional service government, notwithstanding sections  
26 384.1 and 384.2.

27 Sec. 18. Sections 331.245 and 331.263, Code 1993, are  
28 repealed.

29 Sec. 19. Sections 4 and 5 of this Act shall apply  
30 retroactively to a charter commission established before the  
31 effective date of this Act. A charter commission established  
32 before the effective date of this Act shall remain in  
33 existence after the effective date of this Act for the time  
34 periods prescribed by section 331.233, subsection 3, if  
35 applicable, and section 331.235.

EXPLANATION

1  
2 This bill amends the charter local government provisions to  
3 substitute a regional service government form of alternative  
4 government for the community commonwealth form and provides  
5 for the powers and procedures of charter commissions in  
6 proposing a charter to the electorate. The bill specifies the  
7 commission's powers to provide for the assumption of existing  
8 and future bonded indebtedness and to prescribe the method of  
9 taxation for the new government for the services and programs  
10 it delivers. It permits a charter commission to propose a  
11 regional government to provide selected services and programs  
12 throughout the area of the regional government.

13 The bill also provides that the provisions of the bill  
14 apply to a charter commission established before the effective  
15 date of the bill, and a charter commission established before  
16 the effective date of the bill shall be allowed to go through  
17 the commission process after the effective date of the bill.

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SENATE FILE 399

S-3308

1 Amend Senate File 399 as follows:

2 1. Page 10, line 13, by inserting after the word  
3 "government" the following: "provided for in section  
4 331.231, subsection 1, 2, 3, 4, or 6,".

5 2. Page 10, line 14, by inserting after the word  
6 "officers." the following: "An alternative form of  
7 county government provided for in section 331.231,  
8 subsection 5 or 7, shall provide for the nonpartisan  
9 election of its officers."

By MARY E. KRAMER  
O. GENE MADDOX

S-3308 FILED MARCH 30, 1993  
LOST

SENATE FILE 399

S-3313

1 Amend Senate File 399 as follows:

2 1. Page 9, by inserting before line 9 the  
3 following: "This paragraph does not apply to the  
4 county conservation board, or to the county commission  
5 of veteran affairs".

By JAMES R. RIORDAN

S-3313 FILED MARCH 30, 1993  
LOST

SENATE FILE 399

S-3307

1 Amend Senate File 399 as follows:

2 1. Page 10, line 23, by inserting after the word  
3 "question." the following: "However, the following  
4 shall require an affirmative vote of sixty percent of  
5 the votes cast on the proposed amendment:

6 a. An amendment changing the charter provisions  
7 relating to services or programs adopted pursuant to  
8 section 331.261, subsection 3.

9 b. An amendment changing the maximum tax rate to  
10 be levied or the method to determine that rate by the  
11 regional service government adopted pursuant to  
12 section 331.261, subsection 4 or 5.

13 c. An amendment changing the method for assumption  
14 of bonded indebtedness or the extent to which the  
15 regional service government may issue bonds or incur  
16 indebtedness adopted pursuant to section 331.261,  
17 subsection 6 or 7.

18 d. An amendment changing whether a city, city  
19 utility, city enterprise, or special purpose district  
20 will receive compensation for assets and property  
21 transferred to the regional service government and the  
22 disposition of any existing liabilities for the assets  
23 transferred, adopted pursuant to section 331.261,  
24 subsection 8.

25 PARAGRAPH DIVIDED."

By MARY E. KRAMER  
O. GENE MADDOX

S-3307 FILED MARCH 30, 1993  
ADOPTED

## SENATE FILE 399

S-3282

1 Amend Senate File 399 as follows:

2 1. Page 5, by inserting after line 3 the  
3 following:4 "Sec. \_\_\_\_ Section 331.234, subsection 3, Code  
5 1993, is amended to read as follows:6 3. The board shall make available to the  
7 commission in-kind services such as office space,  
8 printing, supplies, and equipment and shall pay the  
9 other necessary expenses of the commission including  
10 compensation for secretarial, clerical, professional,  
11 and consultant services. The total-annual amount of  
12 public funds used to finance expenses relating to a  
13 charter commission, or a proposed charter or charter  
14 amendment, not including the value of in-kind  
15 expenses, to be paid from public funds shall not  
16 exceed one hundred thousand dollars or an amount equal  
17 to thirty cents times the population of the commission  
18 area, according to the most recent certified federal  
19 census. The commission may employ staff as necessary.  
20 No more than sixty percent of the public funds used to  
21 finance expenses may be used to fund expenses of a  
22 charter commission. The remaining forty percent shall  
23 be made available to any group organized with the sole  
24 purpose of opposing a charter or charter amendment and  
25 may be used to pay only the actual expenses of such a  
26 group."

27 2. By renumbering as necessary.

By RAY TAYLOR

*Last 3/30/93 (p.906)*

S-3282 FILED MARCH 29, 1993

## SENATE FILE 399

S-3281

1 Amend Senate File 399 as follows:

2 1. Page 9, line 8, by inserting after the word  
3 "hospital" the following: "to the county4 conservation board, or to the county commission of  
5 veteran affairs".By JAMES R. RIORDAN  
JOHN P. KIBBIE  
WILLIAM W. DIELEMAN  
JOHN W. JENSENO. GENE MADDOX  
EMIL J. HUSAK  
WILLIAM A. FINK

S-3281 FILED MARCH 29, 1993

*out of order  
3-30-93 (p.906)*

## SENATE FILE 399

S-3246

1 Amend Senate File 399 as follows:

2 1. By striking page 11, line 29, through page 12,  
3 line 5, and inserting the following: "government  
4 shall issue a final report and proposal. If an  
5 alternative form of government for a ~~community~~  
6 commonwealth regional service form of local government  
7 is proposed, approval of the ~~commonwealth regional~~  
8 service government charter shall be a separate ballot  
9 issue from approval of the alternative form of  
10 government in those cities proposed to be included in  
11 the ~~commonwealth regional service~~ government. The  
12 commonwealth regional service government charter shall  
13 be effective in regard to a city government only if a  
14 majority of the voters of the city voting on the  
15 question voted for participation in the ~~commonwealth~~  
16 regional service government charter.

17 The question of forming a ~~community-commonwealth~~  
18 regional service government shall be submitted to the  
19 electorate in substantially the same form as provided  
20 in section 331.252."

21 2. Page 14, by inserting after line 14 the  
22 following:

23 "Upon adoption of the charter, the government shall  
24 be reorganized as provided in the charter. The  
25 regional service government shall thereafter provide  
26 the services and programs as provided in the charter  
27 and those required by law of a county and shall  
28 exercise the powers and perform the duties of a  
29 county, city, city utility, city enterprise, and other  
30 special purpose district, and the services and  
31 programs to be delivered by the regional service  
32 government and those assumed after the charter is  
33 adopted. The cities, city utilities, ~~city~~  
34 enterprises, and other special purpose districts  
35 within the regional service government shall continue  
36 to exist and provide the services and programs and  
37 exercise the powers and perform the duties as provided  
38 by law not transferred to the regional service  
39 government in the charter or assumed after the charter  
40 is adopted."

41 3. By striking page 15, line 22, through page 16,  
42 line 15.

43 4. By renumbering as necessary.

By O. GENE MADDOX  
MARY E. KRAMER

S-3246 FILED MARCH 25, 1993

*Lot 3/30/93 (P.908)*

SENATE FILE 399

S-3231

- 1 Amend Senate File 399 as follows:  
2 1. Page 6, by striking lines 11 through 18, and  
3 inserting the following: "charter shall be adopted."  
4 2. By striking page 6, line 29 through page 7,  
5 line 1, and inserting the following: "the general  
6 election at which it is approved unless the charter  
7 provides a later effective date."

By TONY BISIGNANO

*Adopted 3/30/93 (p.906)*  
S-3231 FILED MARCH 24, 1993

SENATE FILE 399

S-3243

- 1 Amend Senate File 399 as follows:  
2 1. Page 9, by striking lines 7 and 8 and  
3 inserting the following: "board of supervisors or  
4 another officer. ~~This paragraph does not apply to the~~  
5 ~~board of trustees of a county hospital.~~"  
6 2. Page 10, by inserting after line 14 the  
7 following:  
8 "4. This section does not apply to the board of  
9 trustees of a county hospital."

By ELAINE SZYMONIAK

*Adopted 3/30/93 (p.906)*  
S-3243 FILED MARCH 24, 1993

SENATE FILE 399

S-3247

- 1 Amend Senate File 399 as follows:  
2 1. Page 17, by striking lines 31 through 35 and  
3 inserting the following: "effective date of this  
4 Act."

By O. GENE MADDOX  
MARY E. KRAMER

**WITHDRAWN**  
*3-30-93 (p.908)*  
S-3247 FILED MARCH 25, 1993

SENATE FILE 399

S-3248

- 1 Amend Senate File 399 as follows:  
2 1. Page 10, line 14, by striking the word  
3 "partisan" and inserting the following: "partisan  
4 nonpartisan".

By MARY E. KRAMER  
O. GENE MADDOX

*Lost 3/30/93 (p.907)*  
S-3248 FILED MARCH 25, 1993

SENATE FILE 399

S-3249

- 1 Amend Senate File 399 as follows:  
2 1. Page 15, line 1, by striking the words  
3 "seventy-five percent" and inserting the following:  
4 "a majority".

By MARY E. KRAMER  
O. GENE MADDOX

*Lost 3/30/93 (p.908)*  
S-3249 FILED MARCH 25, 1993





1 Section 1. Section 331.231, Code 1993, is amended to read  
2 as follows:

3 331.231 ALTERNATIVE FORMS OF COUNTY GOVERNMENT.

4 The alternative forms of county government are as follows:

5 1. Board of supervisor form as provided in division II,  
6 part 1.

7 2. Board-elected executive form as provided in section  
8 331.239.

9 3. Board-manager form as provided in section 331.241.

10 4. Charter government form as provided in section 331.246.

11 5. City-county consolidated form as provided in section  
12 331.247.

13 6. Multicounty consolidated form as provided in section  
14 331.253.

15 7. ~~Community-commonwealth~~ Regional service government form  
16 as provided in sections 331.260 through ~~331-263~~ 331.265.

17 An existing form of government may only be altered or  
18 changed by a charter submitted to the electorate by a charter  
19 commission established pursuant to sections 331.232 and  
20 331.233 or 331.233A. A change in the number of supervisors  
21 pursuant to sections 331.203 through 331.205 or a change in  
22 the supervisor representation plan pursuant to section 331.206  
23 and 331.207 shall be carried out in the manner provided for in  
24 those sections.

25 Sec. 2. Section 331.232, subsections 1 and 3, Code 1993,  
26 are amended to read as follows:

27 1. A charter to change ~~a~~ the form of ~~county~~ a county's  
28 government may be submitted to the electors ~~of-a-county~~ only  
29 by a commission established by resolution of the board upon  
30 petition of the number of eligible electors of the county  
31 equal to at least twenty-five percent of the votes cast in the  
32 county for the office of president of the United States or  
33 governor at the preceding general election or the signatures  
34 of at least ten thousand eligible electors of the county,  
35 whichever number is fewer.

1 3. An alternative form of county government shall be  
2 submitted to the county electorate residing within the  
3 boundaries of the proposed alternative government by the  
4 commission in the form of a charter or charter amendment.

5 Sec. 3. Section 331.233, subsections 2 and 3, Code 1993,  
6 are amended to read as follows:

7 2. Only eligible electors of the county not holding a  
8 city, county, or state office shall be members of the  
9 commission. In counties having multiple state legislative  
10 districts, the districts shall be represented as equally as  
11 possible. The membership shall be bipartisan and gender  
12 balanced and each appointing authority under subsection 1  
13 shall provide for representation of various age groups, racial  
14 minorities, economic groups, and representatives of  
15 identifiable geographically defined populations, all in  
16 reasonable relationship to the proportions in which these  
17 groups are present in the population of the commission area.  
18 ~~A vacancy on the commission shall be filled by appointment in~~  
19 ~~the same manner as the original appointment. The county~~  
20 ~~auditor shall notify the appropriate appointing authority of a~~  
21 ~~vacancy.~~

22 The legislative appointing authorities shall be considered  
23 one appointing authority for the purpose of complying with  
24 this subsection. The senior legislative appointing authority  
25 in terms of length of legislative service shall convene the  
26 legislative appointing authorities to consult for the purpose  
27 of complying with this subsection.

28 3. If at any time during the commission process, the  
29 commission adopts a resolution by majority vote to prepare a  
30 charter proposing city-county consolidation or ~~the community~~  
31 ~~commonwealth form~~ a regional service government, additional  
32 members shall be appointed to the commission in order to  
33 comply with section 331.233A. The life of the commission  
34 shall be extended up to six months after the appointment of  
35 the additional members.

1 Sec. 4. Section 331.233, Code 1993, is amended by adding  
2 the following new subsections:

3 NEW SUBSECTION. 4. A vacancy on the commission shall be  
4 filled by appointment in the same manner as the original ap-  
5 pointment. The county auditor shall notify the appropriate  
6 appointing authority of a vacancy.

7 NEW SUBSECTION. 5. If a vacancy occurs for a state repre-  
8 sentative appointment after the representative district has  
9 been redrawn following redistricting, the vacancy shall be  
10 filled by vote of the state representatives whose districts  
11 following redistricting have a majority of their population  
12 residing in the county. The legislative appointing authority  
13 with the longest service in the general assembly shall convene  
14 the state representatives for the purpose of filling a vacancy  
15 and report the new member selected to the county auditor.

16 Sec. 5. Section 331.233A, Code 1993, is amended to read as  
17 follows:

18 331.233A APPOINTMENT OF COMMISSION MEMBERS -- CITY-COUNTY  
19 CONSOLIDATION OR COMMUNITY-COMMONWEALTH REGIONAL SERVICE  
20 GOVERNMENT.

21 1. The members of a commission created to study city-  
22 county consolidation or the community-commonwealth regional  
23 service government form shall be appointed within forty-five  
24 days after the adoption of a resolution creating the  
25 commission as follows:

26 a. One member shall be appointed by the city council of  
27 each city participating in the charter process.

28 b. One member shall be appointed by the board of each  
29 county participating in the charter process. The member must  
30 be a resident of the unincorporated area of the county.

31 c. One member shall be appointed by each state legislator  
32 whose legislative district is located in the commission area  
33 if a majority of the constituents of that legislative district  
34 resides in the commission area. However, if a commission area  
35 does not have a state legislative district which has a

1 majority of its constituents residing in the commission area,  
2 the legislative district having the largest plurality of  
3 constituents residing in the commission area shall appoint one  
4 member.

5 d. An additional member shall be appointed by each city  
6 council and each county board for every twenty-five thousand  
7 residents in the participating city or unincorporated area of  
8 the county, whichever is applicable.

9 2. The commission members shall be appointed in compliance  
10 with section 331.233, subsection 2. ~~A vacancy on the~~  
11 ~~commission shall be filled by appointment in the same manner~~  
12 ~~as the original appointment. The county auditor shall notify~~  
13 ~~the appropriate appointing authority of a vacancy.~~

14 3. If, at any time during the commission process, the  
15 commission adopts a resolution by majority vote to prepare a  
16 charter proposing an alternative form other than city-county  
17 consolidation or the community-commonwealth regional service  
18 government form, the resolution shall be submitted to the  
19 board of supervisors of the participating county, and the  
20 board shall proceed pursuant to section 331.233. The life of  
21 the commission shall be extended up to six months after the  
22 appointment of the new members.

23 4. A vacancy on the commission shall be filled by  
24 appointment in the same manner as the original appointment.  
25 The county auditor shall notify the appropriate appointing  
26 authority of a vacancy.

27 5. If a vacancy occurs for a legislative appointment after  
28 the legislative district has been redrawn following  
29 redistricting, the vacancy shall be filled by vote of the  
30 state representatives if the original appointment was made by  
31 a state representative or by vote of the senators if the  
32 original appointment was made by a senator. A legislator  
33 whose district following redistricting has a majority of its  
34 population in the county shall participate in filling the  
35 vacancy. The legislative appointing authority with the

1 longest service in the appropriate house shall convene the  
2 legislators who are to participate in filling the vacancy and  
3 shall report the new member selected to the county auditor.

4 Sec. 6. Section 331.235, subsections 2, 3, and 4, Code  
5 1993, are amended to read as follows:

6 2. Within nine months after the organization of the  
7 commission, the commission shall submit a preliminary report  
8 to the board, which report may include the text of the  
9 proposed charter. If a proposed charter is included in the  
10 preliminary report, the report shall also include an analysis  
11 of the fiscal impact of the proposed charter. Sufficient  
12 copies of the report shall be made available for distribution  
13 to residents of the county area within the proposed  
14 alternative government who request a copy. The commission  
15 shall hold at least one public hearing after submission of the  
16 preliminary report to obtain public comment.

17 3. Within twenty months after organization, the commission  
18 shall submit the final report to the board. If the commission  
19 recommends a charter including a form of government other than  
20 the existing form of government, the final report shall  
21 include the full text and an explanation of the proposed  
22 charter, an analysis of the fiscal impact of the proposed  
23 charter, any comments deemed desirable by the commission, and  
24 any minority reports. The final report may recommend no  
25 change to the existing form of government and that no charter  
26 be submitted to the electorate. The final report shall be  
27 made available to the residents of the county area within the  
28 proposed alternative government upon request. A summary of  
29 the final report shall be published in the official newspapers  
30 of the county.

31 4. The commission is dissolved on the date of the ~~generat~~  
32 election at which the proposed charter is submitted to the  
33 electorate. If a charter is not recommended, the commission  
34 is dissolved upon submission of its final report to the board.

35 Sec. 7. Section 331.237, Code 1993, is amended to read as

1 follows:

2 331.237 REFERENDUM -- EFFECTIVE DATE.

3 1. If a proposed charter for county an alternative  
4 government is received not later than five working days before  
5 the filing deadline for candidates for county offices  
6 specified in section 44.4 for the next general election, the  
7 board shall direct the county commissioner of elections to  
8 submit to the qualified electors of residing in the county  
9 area comprising the proposed alternative government at the  
10 next general election the question of whether the proposed  
11 charter shall be adopted.

12 2. A summary of the proposed charter or amendment must be  
13 published in the official county newspapers and in a newspaper  
14 of general circulation in each participating city, if  
15 applicable, at least ten but not more than twenty days before  
16 the date of the election. If a majority of the votes cast on  
17 the question is in favor of the proposal, the proposal is  
18 adopted.

19 3. If a proposed charter for county an alternative  
20 government is adopted:

21 a. The adopted charter shall take effect July 1 following  
22 the general election at which it is approved unless the  
23 charter provides a later effective date.

24 b. If the adopted charter calls for a change in the form  
25 of government, a special election shall be called to elect the  
26 new elective officers. If the adopted charter provides for a  
27 special election, the board shall direct the county  
28 commissioner of elections to conduct the election.

29 c. The adoption of the alternative form-of-county  
30 government does not alter any right or liability of the  
31 county, a city, city utility, city enterprise, or other  
32 special purpose district in effect at the time of the election  
33 at which the charter was adopted.

34 d. All departments and agencies shall continue to  
35 operate until replaced.

1 d e. All ordinances or resolutions in effect remain  
2 effective until amended or repealed, unless they are  
3 irreconcilable with the adopted charter.

4 e f. Upon the effective date of the adopted charter, the  
5 county shall adopt the alternative form by ordinance, and  
6 shall file a copy with the secretary of state, and maintain  
7 available copies for public inspection.

8 f g. The former governing bodies shall continue to perform  
9 their duties until the new governing body is sworn into  
10 office, and shall assist the new governing body in planning  
11 the transition to the charter government.

12 3 4. If a charter is submitted to the electorate but is  
13 not adopted, another charter shall not be submitted to the  
14 electorate for two years. If a charter is adopted, it may be  
15 amended at any time. If a charter is adopted, a proposed  
16 charter for another alternative form of county government  
17 shall not be submitted to the electorate for six years.

18 Sec. 8. Section 331.238, Code 1993, is amended to read as  
19 follows:

20 331.238 LIMITATIONS TO ALTERNATIVE FORMS OF COUNTY  
21 GOVERNMENT.

22 1. A county may adopt or amend an alternative form of  
23 county government subject to the requirements and limitations  
24 provided in this section.

25 2. An alternative form of county government shall provide  
26 for the exercise of home rule power and authority not  
27 inconsistent with state law and may include provisions for any  
28 of the following:

29 a. ~~A-board-of-an-odd~~ An elective governing body with an  
30 odd number of members with established terms of office for the  
31 members. The number of members which may exceed the number of  
32 members specified in sections 331.201, 331.203, and 331.204.

33 b. A supervisor or other governing body representation  
34 ~~plan for the county~~ which may differ from the supervisor  
35 representation plans as provided in division II, part 1.

1 c. The initial compensation for members of the board  
2 governing body and the mayor or other official responsible for  
3 the general supervision of government which, thereafter, shall  
4 be determined as provided in section 331.215.

5 d. The method of selecting officers of the board governing  
6 body and fixing their terms of office which may differ from  
7 the requirements of sections 331.208 through 331.211.

8 e. Determining Provisions for meetings of the board  
9 governing body and rules of procedure which may differ from  
10 the requirements of section 331.213, except the meetings shall  
11 be scheduled and conducted in compliance with chapter 21.

12 f. The combining of powers and duties of elected or  
13 appointed officials or the elimination or consolidation of  
14 elected or appointed offices and the assumption of the duties  
15 of those offices by appointed officials or other designated  
16 officials, including the combining of the offices of assessor  
17 in cities with a population of one hundred twenty-five  
18 thousand or more with that of county assessor. However,  
19 property that is included in the alternative government that  
20 is within another county shall be valued by the assessor of  
21 the county in which the property is located.

22 g. The organization of county or the alternative  
23 government's departments, agencies, or boards, utilities,  
24 commissions, enterprises, or special purpose districts. The  
25 organization plan may provide for the abolition, alteration,  
26 modification, or consolidation of a department, agency, board  
27 or a utility, commission, enterprise, or special purpose  
28 district, and the assumption of its powers and duties by the  
29 board of supervisors or another officer. ~~This paragraph does~~  
30 ~~not apply to the board of trustees of a county hospital.~~

31 h. In lieu of the election or appointment of township  
32 trustees, a method providing for the exercise of their powers  
33 and duties by the board of supervisors or other governing body  
34 of the county or another office.

35 i. Consolidating city-county government or government



1 functions.

2 j. Consolidating county-county government or government  
3 functions.

4 k. The election or appointment of a mayor or other  
5 official responsible for the general supervision of government  
6 with an established term of office; appointment of a county  
7 manager or other official responsible for the implementation  
8 of duties and responsibilities required by law, ordinance, or  
9 the alternative form of government; appointment of other  
10 officials, boards, commissions, agencies, utilities, and  
11 enterprises; and prescribing the powers and duties of its  
12 officials, boards, commissions, utilities, agencies,  
13 enterprises, and special purpose districts.

14 1. Provide that a board, utility, commission, agency,  
15 enterprise, or special purpose district may exist and function  
16 independently or as otherwise provided by law.

17 m. Alter the method of appointing members of boards,  
18 commissions, utilities, agencies, enterprises, or special  
19 purpose districts provided by law and increase, decrease,  
20 alter, or modify their powers and duties and provide for the  
21 appointment of officials and employees for the boards,  
22 commissions, utilities, agencies, enterprises, or special  
23 purpose districts.

24 n. Provide that a city, city utility, city enterprise, or  
25 special purpose district with the majority of its population  
26 or individuals serviced in the county or who holds title to  
27 its property in the name of a city in the county that extends  
28 into another county shall be included within and become a part  
29 of the alternative government which government shall possess  
30 and exercise all of the powers in another county that the  
31 city, city utility, city enterprise, or special purpose  
32 district previously possessed and exercised.

33 ~~This subsection does not apply to the board of trustees of~~  
34 ~~a county hospital.~~

35 3. An alternative form of county government shall provide

1 for the partisan election of its officers.

2 4. This section does not apply to the board of trustees of  
3 a county hospital.

4 Sec. 9. Section 331.244, Code 1993, is amended to read as  
5 follows:

6 331.244 AMENDMENT TO COUNTY GOVERNMENT.

7 1. An amendment to county a form of government  
8 organization established by charter shall only be made by  
9 submitting the question of amendment to the electors of the  
10 county government pursuant to section 331.236. To become  
11 effective, a proposed amendment must receive an affirmative  
12 vote of a majority of the electors voting on the question.

13 However, the following shall require an affirmative vote of  
14 sixty percent of the votes cast on the proposed amendment:

15 a. An amendment changing the charter provisions relating  
16 to services or programs adopted pursuant to section 331.261,  
17 subsection 3.

18 b. An amendment changing the maximum tax rate to be levied  
19 or the method to determine that rate by the regional service  
20 government adopted pursuant to section 331.261, subsection 4  
21 or 5.

22 c. An amendment changing the method for assumption of  
23 bonded indebtedness or the extent to which the regional  
24 service government may issue bonds or incur indebtedness  
25 adopted pursuant to section 331.261, subsection 6 or 7.

26 d. An amendment changing whether a city, city utility,  
27 city enterprise, or special purpose district will receive  
28 compensation for assets and property transferred to the  
29 regional service government and the disposition of any  
30 existing liabilities for the assets transferred, adopted  
31 pursuant to section 331.261, subsection 8.

32 PARAGRAPH DIVIDED. An amendment approved by the electors  
33 becomes effective pursuant to section 331.237.

34 2. An amendment to a county government organization  
35 established by charter may be proposed by initiative upon

1 petition of the number of eligible electors ~~of-the-county~~  
2 residing in the area comprising the alternative government  
3 equal to at least ten percent of the votes cast at the  
4 preceding election for the office of president of the United  
5 States or governor, or by resolution adopted by the governing  
6 body. The question on amendment of county a government  
7 organization established by charter shall be submitted to the  
8 electors as soon as possible practicable after the submission  
9 of a petition or adoption of a resolution, either at a general  
10 election, city election, or at a special election, as selected  
11 by the governing body.

12 Sec. 10. Section 331.260, Code 1993, is amended to read as  
13 follows:

14 331.260 COMMUNITY-COMMONWEALTH REGIONAL SERVICE  
15 GOVERNMENT.

16 1. A county and one or more cities ~~or-townships-within,~~  
17 city utilities, city enterprises, and other special purpose  
18 districts in the county, a or in one or more contiguous  
19 county,-and-a-city-or-a-township-within-a-contiguous-county  
20 counties, may unite be united to establish an alternative form  
21 ~~of-local~~ government for the purpose of making more efficient  
22 use of their resources by providing for the delivery of  
23 regional services. The boundaries of the cities and county or  
24 the cities and counties that later join the alternative  
25 government shall be those of the alternative government even  
26 though the service provided by a city utility, city  
27 enterprise, or special purpose district that becomes a part of  
28 the alternative government extends beyond these boundaries.

29 2. A charter proposing a community-commonwealth regional  
30 service government as an alternative ~~form-of~~ government may be  
31 submitted to the voters only by a commission established under  
32 section 331.232 and 331.233A. A majority vote by the  
33 commission is required for the submission of a charter  
34 proposing a community-commonwealth regional service government  
35 as an alternative ~~form-of-local~~ government. The commission

1 submitting a community-commonwealth regional service form of  
2 government shall issue a final report and proposal. ~~If an~~  
3 ~~alternative form of government for a community-commonwealth~~  
4 ~~form of local government is proposed, approval of the~~  
5 ~~commonwealth charter shall be a separate ballot issue from~~  
6 ~~approval of the alternative form of government in those cities~~  
7 ~~proposed to be included in the commonwealth. The commonwealth~~  
8 ~~charter shall be effective in regard to a city government only~~  
9 ~~if a majority of the voters of the city voting on the question~~  
10 ~~voted for participation in the commonwealth charter.~~

11 ~~The question of forming a community-commonwealth shall be~~  
12 ~~submitted to the electorate in substantially the same form as~~  
13 ~~provided in section 331.252.~~

14 3. For purposes of this section, a city is within a county  
15 if more than fifty percent of its population resides in the  
16 county. For purposes of this section, a city utility, city  
17 enterprise, or other special purpose district is within a  
18 county if its property is held in the name of one or more  
19 cities within the county or if more than fifty percent of its  
20 service is delivered in the county or more than fifty percent  
21 of the recipients of the service reside in the county. The  
22 charter shall provide whether the electors who reside in a  
23 city within an adjacent county shall be permitted to vote on  
24 one or more of the elected officials of the alternative  
25 government.

26 Sec. 11. Section 331.261, Code 1993, is amended by  
27 striking the section and inserting in lieu thereof the  
28 following:

29 331.261 CHARTER -- REGIONAL SERVICE GOVERNMENT.

30 A charter proposing a regional service government shall  
31 provide for all of the following:

32 1. The name of the regional service government.

33 2. A form of government with powers and duties as provided  
34 in section 331.238.

35 3. The method of determining each of the following:

1 a. The services or programs to be delivered by the  
2 regional service government.

3 b. The amount and level of service to be delivered.

4 c. The means or method of assuming the delivery of other  
5 services and programs after the charter is adopted.

6 d. The geographical areas to receive these services or  
7 programs.

8 4. The maximum tax rate to be levied by the regional  
9 service government for the services and programs it is to  
10 deliver.

11 5. The method to determine the tax rate to be levied for  
12 the delivery of each service or program which levy may vary  
13 between services and programs and geographical areas of the  
14 regional service government.

15 6. The method for assumption of bonded indebtedness or its  
16 distribution among the cities, county or counties, city  
17 utilities, city enterprises, or other special purpose  
18 districts, that has been incurred or will be incurred relating  
19 to the services or programs to be delivered.

20 7. The extent to which the regional service government may  
21 issue bonds or incur indebtedness for any public purpose in  
22 accordance with the terms and procedures authorized by law.

23 8. Whether a city, city utility, city enterprise, or  
24 special purpose district will receive compensation for assets  
25 and property transferred to the regional service government  
26 and the disposition of any existing liabilities for the assets  
27 transferred. If compensation is to be received for assets or  
28 property, the charter shall provide the amount of compensation  
29 or method of computation.

30 9. That if any of the elective offices of county attorney,  
31 auditor, treasurer, recorder, or sheriff are to be eliminated,  
32 combined, or powers and duties are to be assumed by another  
33 official or entity, a determination whether this question will  
34 be separately submitted to a vote of the electorate.

35 Sec. 12. Section 331.262, Code 1993, is amended to read as

1 follows:

2 331.262 ADOPTION OF CHARTER -- EFFECT.

3 1. As a political subdivision of the state, the community  
4 ~~commonwealth-unit-of-local~~ regional service government shall  
5 have the statutory and constitutional status of a county and  
6 of a city, city utility, city enterprise, or special purpose  
7 district to the extent the ~~community-commonwealth~~ regional  
8 service government's governing body assumes the powers and  
9 duties of ~~cities~~ these entities as those powers and duties  
10 relate to a county and the delivery of services and programs.  
11 For each service or program provided by the community  
12 ~~commonwealth,~~ ~~the community-commonwealth~~ regional service  
13 government, the regional service government shall assume have  
14 the same constitutional and statutory rights, powers, and  
15 duties relating to ~~the-provision-of~~ the service or program as  
16 if the member city entity were itself providing the service to  
17 its citizens.

18 ~~On-its-effective-date,-the-community-commonwealth-charter~~  
19 ~~operates-to-replace-the-existing-county-government-structure-~~  
20 ~~The-governments-of-participating-cities-shall-remain-in~~  
21 ~~existence-to-render-those-services-not-transferred-to-the~~  
22 ~~community-commonwealth-government-~~

23 2. A regional service government may issue bonds or incur  
24 indebtedness for any public purpose in accordance with the  
25 terms and procedures set forth in chapter 384, divisions III,  
26 IV, and V and the references in those divisions to cities  
27 shall be applicable to regional service governments; provided,  
28 however, that the issuance of bonds or incurring of debt for  
29 financing electric power facilities shall be conducted only in  
30 accordance with the provisions of chapter 28F. The debt  
31 service levy to retire general obligation bonds shall include  
32 property within the regional service government located in  
33 another county. The regional service government shall make  
34 the debt service levy for the repayment of these bonds or  
35 other indebtedness for and on behalf of and in the name of the

1 city within which this property is located but this debt  
2 service tax, when collected, shall be paid to the regional  
3 service government. The regional service government shall be  
4 the same as the county whose form of government it has  
5 replaced for the purpose of applying the constitutional debt  
6 limitation.

7     2 3. A city or county wishing to terminate its membership  
8 in the community-commonwealth regional service government must  
9 do so pursuant to the existing charter procedure under this  
10 chapter or chapter 372, whichever is applicable. The  
11 termination of membership must be approved by resolution of  
12 the governing bodies of at least seventy-five percent of the  
13 other cities and counties comprising the regional service  
14 government.

15     4. A city or county may join an existing community  
16 commonwealth regional service government by resolution of the  
17 board or council, whichever is applicable, or upon petition of  
18 eligible electors of the city or county, whichever is  
19 applicable, equal in number to at least twenty-five percent of  
20 the persons who voted at the last general election for the  
21 office of governor or president of the United States,  
22 whichever is fewer. Within fifteen days after receiving a  
23 valid petition, the applicable governing body shall adopt a  
24 resolution in favor of participation and shall immediately  
25 forward the resolution to the governing body of the community  
26 commonwealth regional service government. If a majority of  
27 the community-commonwealth regional service government's  
28 governing body approves the resolution, the question of  
29 joining the community-commonwealth regional service government  
30 shall be submitted to the electorate of the petitioning city  
31 or county within sixty one hundred days after approval of the  
32 resolution.

33     Sec. 13. NEW SECTION. 331.264 SUBMISSION OF CHARTER TO  
34 VOTERS -- EFFECT OF ADOPTION.

35     A majority vote of the charter commission shall be required

1 for the submission of a charter for a regional service govern-  
2 ment to the voters. If the commission approves the submission  
3 of a charter to the voters, the commission shall certify the  
4 proposed charter to the board of supervisors and issue its  
5 final report. The proposed charter shall be adopted if  
6 approved by a majority of the qualified electors voting in the  
7 county and cities that comprise the area of the proposed  
8 regional service government. The question submitted shall be,  
9 "Shall the (name of the proposed regional service government)  
10 be established that (place a summary of the proposed  
11 charter)."

12 Upon adoption of the charter, the government shall be reor-  
13 ganized as provided in the charter. The regional service  
14 government shall thereafter provide the services and programs  
15 as provided in the charter and those required by law of a  
16 county and shall exercise the powers and perform the duties of  
17 a county, city, city utility, city enterprise, and other  
18 special purpose district, and the services and programs to be  
19 delivered by the regional service government and those assumed  
20 after the charter is adopted. The cities, city utilities,  
21 city enterprises, and other special purpose districts within  
22 the regional service government shall continue to exist and  
23 provide the services and programs and exercise the powers and  
24 perform the duties as provided by law not transferred to the  
25 regional service government in the charter or assumed after  
26 the charter is adopted.

27 Sec. 14. NEW SECTION. 331.265 SUBMISSION OF CHANGE IN  
28 ELECTIVE OFFICES.

29 If the charter proposing a regional service government  
30 provides for the submission to the voters of the question of  
31 the elimination or consolidation of any of the elective  
32 offices of county attorney, auditor, recorder, sheriff, or  
33 treasurer, the additional question, "Shall the elective office  
34 or offices of (name office or offices) be eliminated and its  
35 or their powers and duties assumed by (a brief description of



1 what official or entity will assume these powers and duties)?"  
2 A separate question may be proposed for an elective office or  
3 offices to be eliminated or consolidated that the charter pro-  
4 poses to be submitted to a vote of the electorate. If a  
5 majority of the qualified electors voting vote to eliminate an  
6 office as elective, the office shall no longer be elective;  
7 otherwise the office shall continue to be filled by an  
8 election as provided by law. The charter shall be adopted and  
9 the regional service government established if approved by a  
10 majority vote of the qualified electors voting even if the  
11 electorate votes against the elimination of one or more  
12 elective offices. If an elective office is retained, that  
13 office shall continue to be elective but its powers and duties  
14 shall be as prescribed by the newly established regional  
15 service government.

16 Sec. 15. Section 331.421, Code 1993, is amended by adding  
17 the following new subsection:

18 NEW SUBSECTION. 10. "Regional services and programs"  
19 means the services and programs provided by a regional service  
20 government established by charter.

21 Sec. 16. Section 331.422, Code 1993, is amended by adding  
22 the following new subsection:

23 NEW SUBSECTION. 3A. Taxes for delivery of regional  
24 services and programs and debt service by a regional service  
25 government established by charter shall be levied on property  
26 as certified by the regional service government.

27 Sec. 17. Section 331.423, Code 1993, is amended by adding  
28 the following new subsection:

29 NEW SUBSECTION. 3. For regional services and programs  
30 delivered by a regional service government established by  
31 charter, an amount not to exceed the maximum amount  
32 established in the charter. For this purpose the regional  
33 service government has all of the rights and powers of a city,  
34 city utility, city enterprise, or other special purpose  
35 district to levy taxes and service fees upon property within

1 the regional service government, notwithstanding sections  
2 384.1 and 384.2.

3 Sec. 18. Sections 331.245 and 331.263, Code 1993, are  
4 repealed.

5 Sec. 19. Sections 4 and 5 of this Act shall apply  
6 retroactively to a charter commission established before the  
7 effective date of this Act. A charter commission established  
8 before the effective date of this Act shall remain in  
9 existence after the effective date of this Act for the time  
10 periods prescribed by section 331.233, subsection 3, if  
11 applicable, and section 331.235.

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SZYMONIAK, et.  
VILSACK  
RITTMER

SSB 298  
LOCAL GOVERNMENT

SENATE FILE 399  
BY (PROPOSED COMMITTEE ON LOCAL  
GOVERNMENT BILL BY CHAIR-  
PERSON SORENSEN)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the charter commission process and alternative  
2 forms of government, including certain taxation authority.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 331.231, Code 1993, is amended to read  
2 as follows:

3 331.231 ALTERNATIVE FORMS OF COUNTY GOVERNMENT.

4 The alternative forms of county government are as follows:

5 1. Board of supervisor form as provided in division II,  
6 part 1.

7 2. Board-elected executive form as provided in section  
8 331.239.

9 3. Board-manager form as provided in section 331.241.

10 4. Charter government form as provided in section 331.246.

11 5. City-county consolidated form as provided in section  
12 331.247.

13 6. Multicounty consolidated form as provided in section  
14 331.253.

15 7. Community-commonwealth Regional service government form  
16 as provided in sections 331.260 through ~~331.263~~ 331.265.

17 An existing form of government may only be altered or  
18 changed by a charter submitted to the electorate by a charter  
19 commission established pursuant to sections 331.232 and  
20 331.233 or 331.233A. A change in the number of supervisors  
21 pursuant to sections 331.203 through 331.205 or a change in  
22 the supervisor representation plan pursuant to section 331.206  
23 and 331.207 shall be carried out in the manner provided for in  
24 those sections.

25 Sec. 2. Section 331.322, subsections 1 and 3, Code 1993,  
26 are amended to read as follows:

27 1. A charter to change a the form of county a county's  
28 government may be submitted to the electors ~~of-a-county~~ only  
29 by a commission established by resolution of the board upon  
30 petition of the number of eligible electors of the county  
31 equal to at least twenty-five percent of the votes cast in the  
32 county for the office of president of the United States or  
33 governor at the preceding general election or the signatures  
34 of at least ten thousand eligible electors of the county,  
35 whichever number is fewer.

1 3. An alternative form of county government shall be  
2 submitted to the county electorate residing within the  
3 boundaries of the proposed alternative government by the  
4 commission in the form of a charter or charter amendment.

5 Sec. 3. Section 331.233, subsections 2 and 3, Code 1993,  
6 are amended to read as follows:

7 2. Only eligible electors of the county not holding a  
8 city, county, or state office shall be members of the  
9 commission. In counties having multiple state legislative  
10 districts, the districts shall be represented as equally as  
11 possible. The membership shall be bipartisan and gender  
12 balanced and each appointing authority under subsection 1  
13 shall provide for representation of various age groups, racial  
14 minorities, economic groups, and representatives of  
15 identifiable geographically defined populations, all in  
16 reasonable relationship to the proportions in which these  
17 groups are present in the population of the commission area.

18 ~~A vacancy on the commission shall be filled by appointment in~~  
19 ~~the same manner as the original appointment. The county~~  
20 ~~auditor shall notify the appropriate appointing authority of a~~  
21 ~~vacancy.~~

22 The legislative appointing authorities shall be considered  
23 one appointing authority for the purpose of complying with  
24 this subsection. The senior legislative appointing authority  
25 in terms of length of legislative service shall convene the  
26 legislative appointing authorities to consult for the purpose  
27 of complying with this subsection.

28 3. If at any time during the commission process, the  
29 commission adopts a resolution by majority vote to prepare a  
30 charter proposing city-county consolidation or ~~the community~~  
31 ~~commonwealth form~~ a regional service government, additional  
32 members shall be appointed to the commission in order to  
33 comply with section 331.233A. The life of the commission  
34 shall be extended up to six months after the appointment of  
35 the additional members.

1 Sec. 4. Section 331.233, Code 1993, is amended by adding  
2 the following new subsections:

3 NEW SUBSECTION. 4. A vacancy on the commission shall be  
4 filled by appointment in the same manner as the original ap-  
5 pointment. The county auditor shall notify the appropriate  
6 appointing authority of a vacancy.

7 NEW SUBSECTION. 5. If a vacancy occurs for a state repre-  
8 sentative appointment after the representative district has  
9 been redrawn following redistricting, the vacancy shall be  
10 filled by vote of the state representatives whose districts  
11 following redistricting have a majority of their population  
12 residing in the county. The legislative appointing authority  
13 with the longest service in the general assembly shall convene  
14 the state representatives for the purpose of filling a vacancy  
15 and report the new member selected to the county auditor.

16 Sec. 5. Section 331.233A, Code 1993, is amended to read as  
17 follows:

18 331.233A APPOINTMENT OF COMMISSION MEMBERS -- CITY-COUNTY  
19 CONSOLIDATION OR ~~COMMUNITY-COMMONWEALTH~~ REGIONAL SERVICE  
20 GOVERNMENT.

21 1. The members of a commission created to study city-  
22 county consolidation or the ~~community-commonwealth~~ regional  
23 service government form shall be appointed within forty-five  
24 days after the adoption of a resolution creating the  
25 commission as follows:

26 a. One member shall be appointed by the city council of  
27 each city participating in the charter process.

28 b. One member shall be appointed by the board of each  
29 county participating in the charter process. The member must  
30 be a resident of the unincorporated area of the county.

31 c. One member shall be appointed by each state legislator  
32 whose legislative district is located in the commission area  
33 if a majority of the constituents of that legislative district  
34 resides in the commission area. However, if a commission area  
35 does not have a state legislative district which has a

1 majority of its constituents residing in the commission area,  
2 the legislative district having the largest plurality of  
3 constituents residing in the commission area shall appoint one  
4 member.

5 d. An additional member shall be appointed by each city  
6 council and each county board for every twenty-five thousand  
7 residents in the participating city or unincorporated area of  
8 the county, whichever is applicable.

9 2. The commission members shall be appointed in compliance  
10 with section 331.233, subsection 2. ~~A vacancy on the~~  
11 ~~commission shall be filled by appointment in the same manner~~  
12 ~~as the original appointment. The county auditor shall notify~~  
13 ~~the appropriate appointing authority of a vacancy.~~

14 3. If, at any time during the commission process, the  
15 commission adopts a resolution by majority vote to prepare a  
16 charter proposing an alternative form other than city-county  
17 consolidation or the community-commonwealth regional service  
18 government form, the resolution shall be submitted to the  
19 board of supervisors of the participating county, and the  
20 board shall proceed pursuant to section 331.233. The life of  
21 the commission shall be extended up to six months after the  
22 appointment of the new members.

23 4. A vacancy on the commission shall be filled by  
24 appointment in the same manner as the original appointment.  
25 The county auditor shall notify the appropriate appointing  
26 authority of a vacancy.

27 5. If a vacancy occurs for a legislative appointment after  
28 the legislative district has been redrawn following  
29 redistricting, the vacancy shall be filled by vote of the  
30 state representatives if the original appointment was made by  
31 a state representative or by vote of the senators if the  
32 original appointment was made by a senator. A legislator  
33 whose district following redistricting has a majority of its  
34 population in the county shall participate in filling the  
35 vacancy. The legislative appointing authority with the

1 longest service in the appropriate house shall convene the  
2 legislators who are to participate in filling the vacancy and  
3 shall report the new member selected to the county auditor.

4 Sec. 6. Section 331.235, subsections 2, 3, and 4, Code  
5 1993, are amended to read as follows:

6 2. Within nine months after the organization of the  
7 commission, the commission shall submit a preliminary report  
8 to the board, which report may include the text of the  
9 proposed charter. If a proposed charter is included in the  
10 preliminary report, the report shall also include an analysis  
11 of the fiscal impact of the proposed charter. Sufficient  
12 copies of the report shall be made available for distribution  
13 to residents of the county area within the proposed  
14 alternative government who request a copy. The commission  
15 shall hold at least one public hearing after submission of the  
16 preliminary report to obtain public comment.

17 3. Within twenty months after organization, the commission  
18 shall submit the final report to the board. If the commission  
19 recommends a charter including a form of government other than  
20 the existing form of government, the final report shall  
21 include the full text and an explanation of the proposed  
22 charter, an analysis of the fiscal impact of the proposed  
23 charter, any comments deemed desirable by the commission, and  
24 any minority reports. The final report may recommend no  
25 change to the existing form of government and that no charter  
26 be submitted to the electorate. The final report shall be  
27 made available to the residents of the county area within the  
28 proposed alternative government upon request. A summary of  
29 the final report shall be published in the official newspapers  
30 of the county.

31 4. The commission is dissolved on the date of the general  
32 election at which the proposed charter is submitted to the  
33 electorate. If a charter is not recommended, the commission  
34 is dissolved upon submission of its final report to the board.

35 Sec. 7. Section 331.237, Code 1993, is amended to read as



1 follows:

2 331.237 REFERENDUM -- EFFECTIVE DATE.

3 1. If a proposed charter for county an alternative  
4 government is received not later than five working days before  
5 the filing deadline for candidates for county offices  
6 specified in section 44.4 for the next general election, the  
7 board shall direct the county commissioner of elections to  
8 submit to the qualified electors of residing in the county  
9 area comprising the proposed alternative government at the  
10 next general election the question of whether the proposed  
11 charter shall be adopted. The charter commission may, at the  
12 time it forwards the charter to the board, direct submission  
13 to the qualified electors residing in the proposed alternative  
14 government area, of the question of whether the proposed  
15 charter shall be adopted at the next city election if it is at  
16 least sixty days but not more than one hundred days away or at  
17 a special election to be called within the next one hundred  
18 days as provided by law.

19 2. A summary of the proposed charter or amendment must be  
20 published in the official county newspapers and in a newspaper  
21 of general circulation in each participating city, if  
22 applicable, at least ten but not more than twenty days before  
23 the date of the election. If a majority of the votes cast on  
24 the question is in favor of the proposal, the proposal is  
25 adopted.

26 3. If a proposed charter for county an alternative  
27 government is adopted:

28 a. The adopted charter shall take effect July 1 following  
29 the general election at which it is approved if there are at  
30 least seven consecutive months between the date the charter is  
31 approved by the electorate and the next July 1 unless the  
32 charter provides a later effective date. If there are fewer  
33 than seven consecutive months remaining between the date the  
34 charter is approved and the next July 1, the charter shall  
35 specify its effective date which must be at least seven months

1 after the charter is approved.

2 b. If the adopted charter calls for a change in the form  
3 of government, a special election shall be called to elect the  
4 new elective officers. If the adopted charter provides for a  
5 special election, the board shall direct the county  
6 commissioner of elections to conduct the election.

7 b c. The adoption of the alternative form-of-county  
8 government does not alter any right or liability of the  
9 county, a city, city utility, city enterprise, or other  
10 special purpose district in effect at the time of the election  
11 at which the charter was adopted.

12 e d. All departments and agencies shall continue to  
13 operate until replaced.

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

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

21 f g. The former governing bodies shall continue to perform  
22 their duties until the new governing body is sworn into  
23 office, and shall assist the new governing body in planning  
24 the transition to the charter government.

25 3 4. If a charter is submitted to the electorate but is  
26 not adopted, another charter shall not be submitted to the  
27 electorate for two years. If a charter is adopted, it may be  
28 amended at any time. If a charter is adopted, a proposed  
29 charter for another alternative form of county government  
30 shall not be submitted to the electorate for six years.

31 Sec. 8. Section 331.238, Code 1993, is amended to read as  
32 follows:

33 331.238 LIMITATIONS TO ALTERNATIVE FORMS OF COUNTY  
34 GOVERNMENT.

35 1. A county may adopt or amend an alternative form of

1 county government subject to the requirements and limitations  
2 provided in this section.

3 2. An alternative form of county government shall provide  
4 for the exercise of home rule power and authority not  
5 inconsistent with state law and may include provisions for any  
6 of the following:

7 a. A-board-of-an-odd An elective governing body with an  
8 odd number of members with established terms of office for the  
9 members. The number of members which may exceed the number of  
10 members specified in sections 331.201, 331.203, and 331.204.

11 b. A supervisor or other governing body representation  
12 plan for-the-county which may differ from the supervisor  
13 representation plans as provided in division II, part 1.

14 c. The initial compensation for members of the board  
15 governing body and the mayor or other official responsible for  
16 the general supervision of government which, thereafter, shall  
17 be determined as provided in section 331.215.

18 d. The method of selecting officers of the board governing  
19 body and fixing their terms of office which may differ from  
20 the requirements of sections 331.208 through 331.211.

21 e. Determining Provisions for meetings of the board  
22 governing body and rules of procedure which may differ from  
23 the requirements of section 331.213, except the meetings shall  
24 be scheduled and conducted in compliance with chapter 21.

25 f. The combining of powers and duties of elected or  
26 appointed officials or the elimination or consolidation of  
27 elected or appointed offices and the assumption of the duties  
28 of those offices by appointed officials or other designated  
29 officials, including the combining of the offices of assessor  
30 in cities with a population of one hundred twenty-five  
31 thousand or more with that of county assessor. However,  
32 property that is included in the alternative government that  
33 is within another county shall be valued by the assessor of  
34 the county in which the property is located.

35 g. The organization of county or the alternative

1 government's departments, agencies, or boards, utilities,  
2 commissions, enterprises, or special purpose districts. The  
3 organization plan may provide for the abolition, alteration,  
4 modification, or consolidation of a department, agency, board  
5 or-a utility, commission, enterprise, or special purpose  
6 district, and the assumption of its powers and duties by the  
7 board of supervisors or another officer. This paragraph does  
8 not apply to the board of trustees of a county hospital.

9 h. In lieu of the election or appointment of township  
10 trustees, a method providing for the exercise of their powers  
11 and duties by the board of supervisors or other governing body  
12 of the county or another office.

13 i. Consolidating city-county government or government  
14 functions.

15 j. Consolidating county-county government or government  
16 functions.

17 k. The election or appointment of a mayor or other  
18 official responsible for the general supervision of government  
19 with an established term of office; appointment of a county  
20 manager or other official responsible for the implementation  
21 of duties and responsibilities required by law, ordinance, or  
22 the alternative form of government; appointment of other  
23 officials, boards, commissions, agencies, utilities, and  
24 enterprises; and prescribing the powers and duties of its  
25 officials, boards, commissions, utilities, agencies,  
26 enterprises, and special purpose districts.

27 l. Provide that a board, utility, commission, agency,  
28 enterprise, or special purpose district may exist and function  
29 independently or as otherwise provided by law.

30 m. Alter the method of appointing members of boards,  
31 commissions, utilities, agencies, enterprises, or special  
32 purpose districts provided by law and increase, decrease,  
33 alter, or modify their powers and duties and provide for the  
34 appointment of officials and employees for the boards,  
35 commissions, utilities, agencies, enterprises, or special

1 purpose districts.

2 n. Provide that a city, city utility, city enterprise, or  
3 special purpose district with the majority of its population  
4 or individuals serviced in the county or who holds title to  
5 its property in the name of a city in the county that extends  
6 into another county shall be included within and become a part  
7 of the alternative government which government shall possess  
8 and exercise all of the powers in another county that the  
9 city, city utility, city enterprise, or special purpose  
10 district previously possessed and exercised.

11 ~~This subsection does not apply to the board of trustees of~~  
12 ~~a county hospital.~~

13 3. An alternative form of county government shall provide  
14 for the partisan election of its officers.

15 Sec. 9. Section 331.244, Code 1993, is amended to read as  
16 follows:

17 331.244 AMENDMENT TO COUNTY GOVERNMENT.

18 1. An amendment to county a form of government  
19 organization established by charter shall only be made by  
20 submitting the question of amendment to the electors of the  
21 county government pursuant to section 331.236. To become  
22 effective, a proposed amendment must receive an affirmative  
23 vote of a majority of the electors voting on the question. An  
24 amendment approved by the electors becomes effective pursuant  
25 to section 331.237.

26 2. An amendment to a county government organization  
27 established by charter may be proposed by initiative upon  
28 petition of the number of eligible electors ~~of the county~~  
29 residing in the area comprising the alternative government  
30 equal to at least ten percent of the votes cast at the  
31 preceding election for the office of president of the United  
32 States or governor, or by resolution adopted by the governing  
33 body. The question on amendment of county a government  
34 organization established by charter shall be submitted to the  
35 electors as soon as possible practicable after the submission

1 of a petition or adoption of a resolution, either at a general  
2 election, city election, or at a special election, as selected  
3 by the governing body.

4 Sec. 10. Section 331.260, Code 1993, is amended to read as  
5 follows:

6 331.260 COMMUNITY-COMMONWEALTH REGIONAL SERVICE  
7 GOVERNMENT.

8 1. A county and one or more cities ~~or townships within,~~  
9 city utilities, city enterprises, and other special purpose  
10 districts in the county, a or in one or more contiguous  
11 ~~county, and a city or a township within a contiguous county~~  
12 counties, may ~~unite~~ be united to establish an alternative form  
13 ~~of local~~ government for the purpose of making more efficient  
14 use of their resources by providing for the delivery of  
15 regional services. The boundaries of the cities and county or  
16 the cities and counties that later join the alternative  
17 government shall be those of the alternative government even  
18 though the service provided by a city utility, city  
19 enterprise, or special purpose district that becomes a part of  
20 the alternative government extends beyond these boundaries.

21 2. A charter proposing a community-commonwealth regional  
22 service government as an alternative ~~form of~~ government may be  
23 submitted to the voters only by a commission established under  
24 section 331.232 and 331.233A. A majority vote by the  
25 commission is required for the submission of a charter  
26 proposing a community-commonwealth regional service government  
27 as an alternative ~~form of local~~ government. The commission  
28 submitting a community-commonwealth regional service form of  
29 government shall issue a final report and proposal. ~~if an~~  
30 ~~alternative form of government for a community-commonwealth~~  
31 ~~form of local government is proposed, approval of the~~  
32 ~~commonwealth charter shall be a separate ballot issue from~~  
33 ~~approval of the alternative form of government in those cities~~  
34 ~~proposed to be included in the commonwealth. --The commonwealth~~  
35 ~~charter shall be effective in regard to a city government only~~

1 if a majority of the voters of the city voting on the question  
2 voted for participation in the commonwealth charter.

3 The question of forming a community commonwealth shall be  
4 submitted to the electorate in substantially the same form as  
5 provided in section 331.252.

6 3. For purposes of this section, a city is within a county  
7 if more than fifty percent of its population resides in the  
8 county. For purposes of this section, a city utility, city  
9 enterprise, or other special purpose district is within a  
10 county if its property is held in the name of one or more  
11 cities within the county or if more than fifty percent of its  
12 service is delivered in the county or more than fifty percent  
13 of the recipients of the service reside in the county. The  
14 charter shall provide whether the electors who reside in a  
15 city within an adjacent county shall be permitted to vote on  
16 one or more of the elected officials of the alternative  
17 government.

18 Sec. 11. Section 331.261, Code 1993, is amended by  
19 striking the section and inserting in lieu thereof the  
20 following:

21 331.261 CHARTER -- REGIONAL SERVICE GOVERNMENT.

22 A charter proposing a regional service government shall  
23 provide for all of the following:

24 1. The name of the regional service government.

25 2. A form of government with powers and duties as provided  
26 in section 331.238.

27 3. The method of determining each of the following:

28 a. The services or programs to be delivered by the  
29 regional service government.

30 b. The amount and level of service to be delivered.

31 c. The means or method of assuming the delivery of other  
32 services and programs after the charter is adopted.

33 d. The geographical areas to receive these services or  
34 programs.

35 4. The maximum tax rate to be levied by the regional

1 service government for the services and programs it is to  
2 deliver.

3 5. The method to determine the tax rate to be levied for  
4 the delivery of each service or program which levy may vary  
5 between services and programs and geographical areas of the  
6 regional service government.

7 6. The method for assumption of bonded indebtedness or its  
8 distribution among the cities, county or counties, city  
9 utilities, city enterprises, or other special purpose  
10 districts, that has been incurred or will be incurred relating  
11 to the services or programs to be delivered.

12 7. The extent to which the regional service government may  
13 issue bonds or incur indebtedness for any public purpose in  
14 accordance with the terms and procedures authorized by law.

15 8. Whether a city, city utility, city enterprise, or  
16 special purpose district will receive compensation for assets  
17 and property transferred to the regional service government  
18 and the disposition of any existing liabilities for the assets  
19 transferred. If compensation is to be received for assets or  
20 property, the charter shall provide the amount of compensation  
21 or method of computation.

22 9. That if any of the elective offices of county attorney,  
23 auditor, treasurer, recorder, or sheriff are to be eliminated,  
24 combined, or powers and duties are to be assumed by another  
25 official or entity, a determination whether this question will  
26 be separately submitted to a vote of the electorate.

27 Sec. 12. Section 331.262, Code 1993, is amended to read as  
28 follows:

29 331.262 ADOPTION OF CHARTER -- EFFECT.

30 1. As a political subdivision of the state, the community  
31 ~~commonwealth-unit-of-local~~ regional service government shall  
32 have the statutory and constitutional status of a county and  
33 of a city, city utility, city enterprise, or special purpose  
34 district to the extent the community-commonwealth regional  
35 service government's governing body assumes the powers and



1 duties of ~~cities~~ these entities as those powers and duties  
2 relate to a county and the delivery of services and programs.  
3 For each service or program provided by the community  
4 ~~commonwealth, the community-commonwealth~~ regional service  
5 government, the regional service government shall assume have  
6 the same constitutional and statutory rights, powers, and  
7 duties relating to ~~the-provision-of~~ the service or program as  
8 if the member city entity were itself providing the service to  
9 its citizens.

10 ~~On-its-effective-date, the community-commonwealth charter~~  
11 ~~operates-to-replace-the-existing-county-government-structure.~~  
12 ~~The-governments-of-participating-cities-shall-remain-in~~  
13 ~~existence-to-render-those-services-not-transferred-to-the~~  
14 ~~community-commonwealth-government.~~

15 2. A regional service government may issue bonds or incur  
16 indebtedness for any public purpose in accordance with the  
17 terms and procedures set forth in chapter 384, divisions III,  
18 IV, and V and the references in those divisions to cities  
19 shall be applicable to regional service governments. The debt  
20 service levy to retire general obligations bonds shall include  
21 property within the regional service government located in  
22 another county. The regional service government shall make  
23 the debt service levy for the repayment of these bonds or  
24 other indebtedness for and on behalf of and in the name of the  
25 city within which this property is located but this debt  
26 service tax, when collected, shall be paid to the regional  
27 service government. The regional service government shall be  
28 the same as the county whose form of government it has  
29 replaced for the purpose of applying the constitutional debt  
30 limitation.

31 2 3. A city or county wishing to terminate its membership  
32 in the community-commonwealth regional service government must  
33 do so pursuant to the existing charter procedure under this  
34 chapter or chapter 372, whichever is applicable. The  
35 termination of membership must be approved by resolution of

1 the governing bodies of at least seventy-five percent of the  
2 other cities and counties comprising the regional service  
3 government.

4 4. A city or county may join an existing community  
5 commonwealth regional service government by resolution of the  
6 board or council, whichever is applicable, or upon petition of  
7 eligible electors of the city or county, whichever is  
8 applicable, equal in number to at least twenty-five percent of  
9 the persons who voted at the last general election for the  
10 office of governor or president of the United States,  
11 whichever is fewer. Within fifteen days after receiving a  
12 valid petition, the applicable governing body shall adopt a  
13 resolution in favor of participation and shall immediately  
14 forward the resolution to the governing body of the community  
15 commonwealth regional service government. If a majority of  
16 the community-commonwealth regional service government's  
17 governing body approves the resolution, the question of  
18 joining the community-commonwealth regional service government  
19 shall be submitted to the electorate of the petitioning city  
20 or county within sixty one hundred days after approval of the  
21 resolution.

22 Sec. 13. NEW SECTION. 331.264 SUBMISSION OF CHARTER TO  
23 VOTERS -- EFFECT OF ADOPTION.

24 A majority vote of the charter commission shall be required  
25 for the submission of a charter for a regional service govern-  
26 ment to the voters. If the commission approves the submission  
27 of a charter to the voters, the commission shall certify the  
28 proposed charter to the board of supervisors and issue its  
29 final report. The proposed charter shall be adopted if  
30 approved by a majority of the qualified electors voting in the  
31 county and cities that comprise the area of the proposed  
32 regional service government. The question submitted shall be,  
33 "Shall the (name of the proposed regional service government)  
34 be established that (place a summary of the proposed  
35 charter)."

1 Upon adoption of the charter, the government shall be reor-  
2 ganized as provided in the charter. The regional service  
3 government shall thereafter provide the services and programs  
4 as provided in the charter and those required by law of a  
5 county and shall exercise the powers and perform the duties of  
6 a county, city, city utility, city enterprise, and other  
7 special purpose district, and the services and programs to be  
8 delivered by the regional service government and those assumed  
9 after the charter is adopted. The cities, city utilities,  
10 city enterprises, and other special purpose districts within  
11 the regional service government shall continue to exist and  
12 provide the services and programs and exercise the powers and  
13 perform the duties as provided by law not transferred to the  
14 regional service government in the charter or assumed after  
15 the charter is adopted.

16 Sec. 14. NEW SECTION. 331.265 SUBMISSION OF CHANGE IN  
17 ELECTIVE OFFICES.

18 If the charter proposing a regional service government  
19 provides for the submission to the voters of the question of  
20 the elimination or consolidation of any of the elective  
21 offices of county attorney, auditor, recorder, sheriff, or  
22 treasurer, the additional question, "Shall the elective office  
23 or offices of (name office or offices) be eliminated and its  
24 or their powers and duties assumed by (a brief description of  
25 what official or entity will assume these powers and duties)?"  
26 A separate question may be proposed for an elective office or  
27 offices to be eliminated or consolidated that the charger pro-  
28 poses to be submitted to a vote of the electorate. If a  
29 majority of the qualified electors voting vote to eliminate an  
30 office as elective, the office shall no longer be elective;  
31 otherwise the office shall continue to be filled by an  
32 election as provided by law. The charter shall be adopted and  
33 the regional service government established if approved by a  
34 majority vote of the qualified electors voting even if the  
35 electorate votes against the elimination of one or more

1 elective offices. If an elective office is retained, that  
2 office shall continue to be elective but its powers and duties  
3 shall be as prescribed by the newly established regional  
4 service government.

5 Sec. 15. Section 331.421, Code 1993, is amended by adding  
6 the following new subsection:

7 NEW SUBSECTION. 10. "Regional services and programs"  
8 means the services and programs provided by a regional service  
9 government established by charter.

10 Sec. 16. Section 331.422, Code 1993, is amended by adding  
11 the following new subsection:

12 NEW SUBSECTION. 3A. Taxes for delivery of regional  
13 services and programs and debt service by a regional service  
14 government established by charter shall be levied on property  
15 as certified by the regional service government.

16 Sec. 17. Section 331.423, Code 1993, is amended by adding  
17 the following new subsection:

18 NEW SUBSECTION. 3. For regional services and programs  
19 delivered by a regional service government established by  
20 charter, an amount not to exceed the maximum amount  
21 established in the charter. For this purpose the regional  
22 service government has all of the rights and powers of a city,  
23 city utility, city enterprise, or other special purpose  
24 district to levy taxes and service fees upon property within  
25 the regional service government, notwithstanding sections  
26 384.1 and 384.2.

27 Sec. 18. Sections 331.245 and 331.263, Code 1993, are  
28 repealed.

29

#### EXPLANATION

30 This bill amends the charter local government provisions to  
31 substitute a regional service government form of alternative  
32 government for the community commonwealth form and provides  
33 for the powers and procedures of charter commissions in  
34 proposing a charter to the electorate. The bill specifies the  
35 commission's powers to provide for the assumption of existing

1 and future bonded indebtedness and to prescribe the method of  
2 taxation for the new government for the services and programs  
3 it delivers. It permits a charter commission to propose a  
4 regional government to provide selected services and programs  
5 throughout the area of the regional government.

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