

**FINAL REPORT**  
**IOWA ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS**  
**STUDY COMMITTEE**

**November 1990**

AUTHORIZATION AND APPOINTMENT

The Iowa Advisory Commission on Intergovernmental Relations Study Committee was established by the Legislative Council. The charge to the Committee was to study the Iowa Advisory Commission on Intergovernmental Relations (ACIR) structure and its mission and make recommendations as to the future of the Commission.

The members of the Study Committee were:

Senator Alvin Miller, Co-chairperson  
Representative Florence Buhr, Co-chairperson  
Senator Richard Vande Hoef  
Representative Bob Renken  
Mr. Patrick D. Cavanaugh  
Ms. Beverly Kehoe  
Ms. JoAnn Grueskin  
Ms. Ann Hutchinson  
Mr. Michael Grandon

BACKGROUND INFORMATION

The Iowa ACIR was enacted in 1982 and, subsequently, became Chapter 28C of the Code of Iowa. The legislation included a "sunset" or repealer provision which was extended by the General Assembly in 1986 from the original June 30, 1986 date to June 30, 1990.

Since formal action to review the operations and studies carried out by the Iowa ACIR was not taken by the General Assembly or its standing committees during the 1990 legislative session and the Chapter was repealed effective June 30, 1990, the Legislative Council agreed that a study committee should be established to study the Iowa ACIR's structure and mission and to make recommendations as to the future of the Commission.

## SCOPE AND DUTIES OF ACIR

The Iowa Advisory Commission on Intergovernmental Relations was created to study and make recommendations on issues affecting the state and its political subdivisions, primarily cities, counties, and school districts. The Advisory Commission was directed to study and investigate matters relating to the structure and fiscal powers of local governments; promote desirable relationships between the state and its political subdivisions and among the political subdivisions of the state; encourage and coordinate, if appropriate, studies relating to intergovernmental relations conducted by universities, state, local, and federal agencies, and research and consulting agencies; and review and assess the recommendations of national commissions or organizations addressing intergovernmental relations and problems.

## ADVISORY COMMISSION MEMBERSHIP

The membership of the Advisory Commission prior to its June 30, 1990, repeal consisted of 21 members: four representing the General Assembly, four representing the state executive branch, four representing cities, four representing counties, four representing school districts (K-12), and one representing regional councils of governments. The 17 members appointed by the Governor were elected or appointed state or local officials. The two senators were appointed by the Majority Leader of the Senate and the two state representatives were appointed by the Speaker of the House. In making the appointments, consideration was given to population factors, geographic diversification, demography of the state, and partisan political balance where appropriate.

## COMMITTEE PROCEEDINGS

The Study Committee was authorized one meeting day which was held on September 18, 1990. All of the Committee members attended except for Ms. Hutchinson who could not attend due to family illness. The Study Committee received written and oral testimony from representatives of the League of Iowa Municipalities, the Iowa State Association of Counties, and the Iowa State Association of School Boards. In addition, Ms. Marilyn Staples, a member of the Polk County Charter Commission, gave testimony to the Study Committee.

Mr. Kent Sovern, Director of Legislative Services, League of Iowa Municipalities, read a statement on behalf of Elizabeth Snyder, Mayor of Clinton. Ms. Snyder, a former member of the Advisory Commission, was chosen to present the League's position on the Iowa ACIR. She stated that the League supported the legislation creating the Iowa ACIR in 1982 and continues to support the mission of the Advisory Commission. She stated that the studies conducted by the Iowa ACIR have included property taxes,

cooperative purchasing, tort liability for local governments, state mandates, pension systems, and shared use of public facilities. Concern was expressed that since the 1986 state reorganization plan was enacted, it appears that less support has been given by the Executive Branch while intergovernmental issues and problems continue. In conclusion, she urged that a state-local partnership be nurtured and noted that the League, at its 1990 Annual Meeting, approve legislative policies and directives which emphasize intergovernmental cooperation in the protection of the environment, management of human resources, civil rights enforcement, transportation, infrastructure maintenance, and numerous other areas.

Mr. Paul Coates, Executive Director, Iowa State Association of Counties (ISAC), presented the Association's position regarding the continuation of the Iowa ACIR. Mr. Coates stated that Iowa counties want to be an active participant in providing services to their citizens. He stated that the Iowa ACIR should carry out two major functions: the sponsorship of research into major policy issues and effective means of delivering governmental services, and the monitoring and evaluation of policy implementation. He added that the Iowa ACIR should focus on issues such as tax policy, administration of services, and regulatory authority. Concerning the structure of the Iowa ACIR, he stated that the structure that existed prior to July 1, 1990, was very effective because it represented local units of government as well as the executive and legislative branches of the state. The main problems, he contended, were not having its own independent identity and insufficient funding to sponsor research. He stated that ISAC recommends that the Iowa ACIR have its own staff separated from other state agencies or departments. He stated that ISAC also recommends that Iowa ACIR should retain a small staff which would be primarily involved with identifying research needs, locating resources to carry on research, and evaluating and reporting on the findings. He also recommended that Iowa ACIR should be appropriated sufficient funds to sponsor research conducted by the vast resources available from the state universities and private colleges. In conclusion, he stated that ISAC strongly supports the continuation of the Iowa ACIR with the recommended improvements.

Mr. Jay B. Horstman, Director of Governmental Relations, Iowa Association of School Boards, stated that his Association represents 428 school districts, 15 area education agencies, and 15 community colleges in the state and that the Association believes that the Iowa ACIR is as important today as when it was first created. He stated that Iowa has only begun to explore new relationships among local governments and the need for increased cooperation among state, regional, and local governments. He concluded by stating that the Association urges the reenactment of Chapter 28C, the chapter that established the ACIR, to permit continuing the process of reviewing local, regional, and state issues and governmental structures.

Ms. Marilyn Staples, a member of the Polk County Charter Commission, also urged the continuation of the Iowa ACIR to study methods of reducing the number of local governments and to redefine and reexamine the need for tax exemptions on certain properties.

### RECOMMENDATIONS

Following receipt of testimony and additional discussion by members of the Study Committee, the Study Committee unanimously agreed to recommend that Chapter 28C of the 1989 Iowa Code be reenacted with the following changes:

1. The two-year staggered terms of the members shall commence on February 1 biennially to improve continuity of membership.
2. Gender shall be specifically included among the factors considered in selecting members of the Advisory Commission.
3. The last sentence of section 28C.5, subsection 1, shall be amended to delete the following words: "and additional staff shall not be employed to provide the technical and operational assistance".
4. The "sunset" or repealer provision shall be amended to June 30, 1995.
5. An appropriation of \$50,000 shall be made to the Department of Management for the fiscal year beginning July 1, 1991, for the expenses of the Iowa ACIR and for the salary, support, maintenance, and expenses of one full-time equivalent employee (FTE) to staff the Iowa ACIR.

### MISCELLANEOUS

A research report on the Iowa Advisory Commission on Intergovernmental Relations was prepared for the information of the Study Committee before its meeting. A copy of the research report is filed with the Legislative Service Bureau.

A copy of a bill draft creating an Iowa Advisory Commission on Intergovernmental Relations as recommended by the Study Committee is attached to this report.

CW 2244ic  
G/dg

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED IOWA ADVISORY  
COMMISSION ON INTER-  
GOVERNMENTAL RELATIONS  
STUDY COMMITTEE BILL)

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

**A BILL FOR**

1 An Act to create an advisory commission on intergovernmental  
2 relations, specify its membership, enumerate its powers and  
3 duties, and make an appropriation.

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

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1 Section 1. NEW SECTION. 28C.1 FINDINGS AND OBJECTIVES.

2 The general assembly finds that there is a need for an  
3 intergovernmental body to study and report on the following:

4 1. Current pattern of local governmental structure.

5 2. Powers and functions of local governments, including  
6 their fiscal powers.

7 3. Existing, necessary, and desirable relationships among  
8 local governments and the state.

9 4. Necessary and desirable allocation of state and local  
10 fiscal resources.

11 5. Necessary and desirable roles of the state as the  
12 creator of local governmental systems.

13 6. Special problems in interstate areas facing their  
14 general local governments, interstate regional units, and  
15 areawide bodies, the studies, where possible, to be conducted  
16 in conjunction with studies of commissions on  
17 intergovernmental relations of other states.

18 Sec. 2. NEW SECTION. 28C.2 COMMISSION CREATED --  
19 MEMBERSHIP.

20 1. An Iowa advisory commission on intergovernmental rela-  
21 tions is created.

22 2. The membership of the commission shall be:

23 a. Four elected or appointed state officers, four elected  
24 or appointed county officers, four elected or appointed city  
25 officers, four elected or appointed officers of school  
26 corporations, and one member or staff member of a regional  
27 council of governments established under chapter 473B,  
28 appointed by the governor.

29 b. Two state senators appointed by the majority leader of  
30 the senate.

31 c. Two state representatives appointed by the speaker of  
32 the house of representatives.

33 3. In making all appointments, consideration shall be  
34 given to population factors, gender, the representation of  
35 different geographic regions, and the demography of the state.

1 4. The initial chairperson of the commission shall be  
2 designated by the governor from among the commission members  
3 for a term of one year. Subsequent chairpersons shall be  
4 elected by the commission from among its membership for a term  
5 of one year. A vice chairperson may be elected by the  
6 commission from among its membership for a one-year term. In  
7 case of the absence or disability of the chairperson and vice  
8 chairperson, the members of the commission shall elect a  
9 temporary chairperson by a majority vote of those members who  
10 are present and voting.

11 5. The members shall be appointed to two-year staggered  
12 terms and the terms shall commence on February 1 of the year  
13 of appointment. If a vacancy occurs, a successor shall be  
14 appointed to serve the unexpired term. If a member ceases to  
15 be an officer or employee of the governmental unit or agency  
16 which qualifies the person for membership on the commission, a  
17 vacancy exists and a successor shall be appointed in the same  
18 manner and subject to the same qualifications as the original  
19 appointment to serve the unexpired term.

20 6. Of the members who are county officers appointed by the  
21 governor, not more than two shall be members of the same  
22 political party. Of the members appointed by the majority  
23 leader of the senate and the speaker of the house of  
24 representatives, not more than one from each house shall be a  
25 member of the same political party.

26 7. A majority of the commission constitutes a quorum.

27 Sec. 3. NEW SECTION. 28C.3 POWERS AND DUTIES.

28 The commission shall:

29 1. Engage in activities and make studies and  
30 investigations as necessary or desirable to accomplish the  
31 purposes specified in section 28C.1.

32 2. Encourage and, where appropriate, coordinate studies  
33 relating to intergovernmental relations conducted by  
34 universities, state, local, and federal agencies, and research  
35 and consulting organizations.

1 3. Review the recommendations of national commissions  
2 studying federal, state, and local government relationships  
3 and problems and assess their possible application to this  
4 state.

5 Sec. 4. NEW SECTION. 28C.4 ORGANIZATION -- MEETINGS.

6 1. The commission shall meet quarterly and at other times  
7 as necessary. The commission may hold public hearings on  
8 matters within its purview.

9 2. The commission may establish committees as it deems ad-  
10 visable and feasible, whose membership shall include at least  
11 one member of the commission, but only the commission may take  
12 final action on a proposal or recommendation of a committee.

13 3. The commission is not an agency as defined in, or for  
14 the purpose of, chapter 17A.

15 4. All meetings of the commission or a committee  
16 established by the commission at which public business is  
17 discussed or formal action is taken, shall comply with the  
18 requirements of chapter 21.

19 Sec. 5. NEW SECTION. 28C.5 STAFF -- FACILITIES -- EX-  
20 PENSES.

21 1. The commission and committees established by the  
22 commission may accept technical and operational assistance  
23 from the staff of the department of management, other state or  
24 federal agencies, units of local governments, or any other  
25 public or private source. The director of the department of  
26 management may assign professional, technical, legal,  
27 clerical, or other staff, as necessary and authorized for  
28 continued operation of the commission. However, the technical  
29 and operational assistance shall be provided within existing  
30 appropriations made to or with existing resources of the state  
31 or local agencies to carry out its powers and duties.

32 2. The director of the department of management may also  
33 provide available facilities and equipment as requested by the  
34 commission.

35 3. The members of the commission are entitled to .

1 reimbursement for travel and other necessary expenses incurred  
2 in the performance of official duties. Each member may also  
3 be eligible to receive compensation as provided in section  
4 7E.6. The expenses shall be paid from funds appropriated to  
5 the department of management.

6 Sec. 6. NEW SECTION. 28C.6 REPORTS.

7 The commission shall submit an annual report of its  
8 findings and recommendations to the governor, president of the  
9 senate, speaker of the house, and the majority and minority  
10 leaders of each house, and make the report available to  
11 legislators upon request. The report shall also be made  
12 available to the public.

13 Sec. 7. NEW SECTION. 28C.7 INFORMATION.

14 The commission may request from any state agency or  
15 official the information and assistance as needed to perform  
16 the duties of the commission. A state agency or official  
17 shall furnish the information or assistance requested within  
18 the authority and resources of the state agency or official.  
19 This section does not require the production or opening of any  
20 public record which is required by law to be kept  
21 confidential.

22 Sec. 8. NEW SECTION. 28C.8 REPEALER.

23 This chapter is repealed effective July 1, 1995.

24 Sec. 9. APPROPRIATION -- TRANSITION.

25 1. There is appropriated from the general fund of the  
26 state to the department of management for the fiscal year  
27 beginning July 1, 1991, and ending June 30, 1992, the  
28 following amount, or so much thereof as is necessary, to be  
29 used for the purposes designated:

30 For the salary, support, maintenance, and expenses of one  
31 full-time professional employee and expenses of members of the  
32 Iowa advisory commission on intergovernmental relations:  
33 ..... \$ 50,000

34 2. The terms of office of the initial members of the Iowa  
35 advisory commission on intergovernmental relations appointed

1 as provided in section 28C.2 shall commence retroactively to  
2 February 1, 1991. Of the initial appointees, the legislative  
3 members and six additional members selected by the governor  
4 shall be appointed to initial terms of one year ending January  
5 31, 1992. Thereafter, their successors shall be appointed to  
6 two-year terms. The initial appointees are eligible for  
7 reappointment if they are otherwise qualified as provided in  
8 section 28C.2.

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#### EXPLANATION

10 This bill creates an Iowa Advisory Commission on  
11 Intergovernmental Relations (ACIR). The new ACIR has the same  
12 membership and powers and duties as the Iowa ACIR which was  
13 repealed on June 30, 1990. Chapter 28C, Code of Iowa 1989,  
14 which contained the Iowa ACIR previously, is changed in this  
15 draft as follows:

16 1. The reference to chapter 28E for the establishment of  
17 regional councils of government is changed to chapter 473B  
18 which established regional councils of government as enacted  
19 during the 1990 Legislative Session.

20 2. The two-year term of office of the commission members  
21 is to begin February 1 of the year of appointment.

22 3. Gender is specifically included among the factors  
23 considered in selecting members of the commission.

24 4. The last sentence of section 28C.5, subsection 1, is  
25 amended to delete the following words "and additional staff  
26 shall not be employed to provide the technical and operational  
27 assistance".

28 5. The "sunset" or repealer provision is amended to July  
29 1, 1995. (June 30 is changed to July 1 to coincide with the  
30 fiscal year.)

31 The remainder of the bill is substantially the same as  
32 chapter 28C of the Code of Iowa 1989.

33 The Iowa advisory commission on intergovernmental relations  
34 has a membership of 21 persons. The members are selected as  
35 follows: four elected or appointed state officers; four

1 elected or appointed city officers; four elected or appointed  
2 county officers; four elected or appointed officers of school  
3 corporations; and one representative of a regional council of  
4 governments established under chapter 473B, all appointed by  
5 the governor. In addition, two state senators shall be  
6 appointed by the majority leader of the senate and two state  
7 representatives appointed by the speaker of the house of  
8 representatives. Members representing the general assembly  
9 and the counties are to be divided equally between the  
10 political parties. All appointees are to be chosen giving  
11 consideration to population, gender, demography, and geography  
12 of the state. The commission is charged with the study of  
13 patterns, powers, and functions of local governments, existing  
14 and desirable relationships between local governments and the  
15 state, necessary and desirable allocation of fiscal resources,  
16 special problems among local, regional, state and interstate  
17 governments, and necessary and desirable roles of the state as  
18 the creator of local governmental systems.

19 Also included is an appropriation to the department of  
20 management to fund one full-time professional employee to  
21 staff the new commission and to pay the expenses of the  
22 commission members.

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