

P R O G R E S S R E P O R T
COUNTY HOME RULE STUDY COMMITTEE

January, 1980

The County Home Rule Study Committee was created pursuant to Senate Joint Resolution 9 which was adopted during the 1979 Session of the Sixty-eighth General Assembly. The Committee has twelve members, three members of the House County Government Committee appointed by the Speaker of the House, three members of the Senate County Government Committee appointed by the Lieutenant Governor, one member of the Legislative Council appointed by the Legislative Council, and four county officials and one citizen appointed by the Governor. The members of the Committee are as follows:

Senator James E. Briles, Co-chairperson
Representative Arlyn E. Danker, Co-chairperson
Senator Charles P. Miller
Senator John N. Nystrom
Representative Donald H. Binneboese
Representative Clifford Branstad
Representative John H. Clark, Council member
Mr. Jack W. Dooley, County Attorney, Johnson County
Ms. Marjorie E. Karns, County Supervisor, Cass County
Mr. Donald J. Diwocky, Clerk of the District Court, Pottawattamie County
Mr. G. Richard Burr, County Supervisor, Buena Vista County
Mr. Fred W. Nolting, Citizen member, Black Hawk County

The Study Committee was initially authorized three meetings.

At its organization meeting on September 18, the Study Committee discussed the direction and priorities of the study. After receiving the Iowa State Association of Counties' recommendation to proceed slowly on county law revision until counties have gained experience operating under current law and the county home rule constitutional amendment, the Study Committee agreed to the following:

1. Not to consider joint county-municipal corporation government because it is not within the scope of the Study Committee's assignment.
2. To defer discussion and study of optional forms of county government.
3. To defer action on county finance matters until after the recommendations of the County Finance Committee are determined.
4. To proceed with the consolidation and clarification of current laws relating to counties without substantially changing the scope, powers or duties of the county or its officers.

5. To defer public hearings on revisions to county laws until draft proposals are prepared for specific public comment.

The staff was directed to proceed with a rewrite of Chapters 331 and 332 of the Code relating to the Organization of the Board of Supervisors and the Powers and Duties of the Board of Supervisors, respectively.

At its second meeting on October 24, the Study Committee reviewed the draft proposal relating to the Organization of the Board of Supervisors, approved amendments to remove the distinction between regular and special meetings of the board, specific dates for board meetings except for the annual organizational meeting, mileage limitations on supervisor travel and miscellaneous permissive authority considered unnecessary. The Study Committee also discussed but deferred final action on a proposal to delete plan two of the supervisor representation options which provides for election-at-large with equal-population district residency requirements. The Study Committee voted approval of the draft subject to review of the final draft. The Study Committee also reviewed and approved of staff proposals relating to consolidation and categorization of the powers and duties of the board of supervisors and agreed that permissive, unrestricted powers of the county supervisors, i.e. "may" take an action, should be deleted from the Code. The Study Committee tentatively approved the inclusion of language to clarify the scope and limitations of home rule similar to provisions enacted for cities under Chapter 364 of the Code.

At its third meeting on November 27, the Study Committee reviewed and gave final approval to the draft relating to the organization of the board of supervisors, basically a rewrite of Chapter 331 of the Code. The Study Committee also reviewed, amended and gave preliminary approval to a draft relating to the powers and duties exercised by the board of supervisors. The various powers and duties are listed by category, such as general powers of a county, legislative powers of a county, duties of the legislative authority, powers of the legislative authority, appointive duties and powers of the legislative authority, etc. In addition, the draft includes uniform procedures for enacting ordinances, the publication of notices and petition requirements.

A copy of the two completed drafts are attached to and by this reference made a part of this report.

CONCLUSIONS

1. The Study Committee finds that it is unable to complete the study assignment relating to the review and revision of county laws by February, 1980 and recommends continuation of the study during the 1980 interim period as provided in Senate Joint Resolution 9, adopted by the 1979 Session of the Sixty-eighth General Assembly.

2. The Study Committee requests authorization to hold an additional meeting during the 1979 interim to meet with the County Finance Committee.

1 BOARD OF SUPERVISORS
2 ORGANIZATION

3 Section 101. Chapter three hundred thirty-one (331), Code
4 1979, is amended by striking the chapter and inserting in
5 lieu thereof sections one hundred two (102) through one hundred
6 sixteen (116) of this Act.

7 Sec. 102. NEW SECTION. DEFINITIONS. As used in this
8 Act, unless the context otherwise requires:

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

10 2. "Supervisor" means a member of the board of super-
11 visors.

12 Sec. 103. NEW SECTION. BOARD MEMBERSHIP--QUALIFICATIONS-
13 -TERM.

14 1. The board of supervisors of a county shall consist
15 of three members unless the membership is increased to five
16 as provided in section one hundred four (104) of this Act.

17 2. A supervisor must be a qualified elector of the county
18 or supervisor district of the county which he or she
19 represents.

20 3. The office of supervisor is an elective office except
21 that if a vacancy occurs on the board, a successor may be
22 appointed to the unexpired term as provided in chapter sixty-
23 nine (69) of the Code.

24 4. The term of office of a supervisor is four years unless
25 a change in the supervisor district representation plan or
26 in the number of supervisors on the board requires the election
27 of one or two supervisors for an initial term of two years.

28 Sec. 104. NEW SECTION. MEMBERSHIP INCREASED--VOTE.

29 1. The board may by resolution, or shall upon petition
30 of the number of qualified electors of the county equal to
31 at least ten percent of the votes cast in the county at the
32 preceding election for the office of president of the United
33 States or governor, submit to the qualified electors of the
34 county at a regular election a proposition to increase the
35 number of supervisors to five.

1 2. If a majority of the votes cast on the proposition
2 is in favor of the increase to five members, the board shall
3 be increased to five members effective on the second day in
4 January which is not a Sunday or holiday following the next
5 general election. The five-member board shall be elected
6 according to the supervisor representation plan in effect
7 in the county.

8 a. If plan one as defined in section one hundred seven
9 (107) of this Act is in effect, two additional supervisors
10 shall be elected at the next general election, one for a two-
11 year term and one for a four-year term.

12 b. If plan two or plan three as defined in section one
13 hundred seven (107) of this Act is in effect, the board shall
14 divide the county into five equal-population districts by
15 November first of the year preceding the year of the next
16 general election and at that general election, five board
17 members shall be elected, two for initial terms of two-years
18 and three for four-year terms. The terms of the three in-
19 cumbent supervisors shall expire on the date that the five-
20 member board becomes effective.

21 c. The length of term for which a person is a candidate
22 and the date when the term begins shall be indicated on the
23 ballot.

24 Sec. 105. NEW SECTION. MEMBERSHIP REDUCED--VOTE--NEW
25 MEMBERS.

26 1. In a county having a five-member board, the board
27 shall, upon petition of qualified voters of the county, or
28 may by its own resolution, submit a proposition to the
29 qualified electors of the county to reduce the number of
30 supervisors to three. The number of petitioners shall be
31 the same as provided in section one hundred four (104),
32 subsection one (1) of this Act and the proposition shall be
33 submitted at a regular election.

34 2. If a majority of the votes cast on the proposition
35 is in favor of the reduction to three members, the membership

1 of the board shall remain at five until the second day in
2 January which is not a Sunday or holiday following the next
3 general election, at which time the terms of the five members
4 shall expire.

5 3. At the next general election following the one at which
6 the proposition to reduce the membership of the board to three
7 is approved, the membership of the board shall be elected
8 according to the supervisor representation plan in effect
9 in the county. If the supervisor representation plan includes
10 equal-population districts, the districts shall be designated
11 by November first of the year preceding the year of the next
12 general election. One member of the board shall be elected
13 to a two-year term and the remaining two members shall be
14 elected to four-year terms. The length of the term for which
15 a person is a candidate and the date when the term begins
16 shall be indicated on the ballot.

17 Sec. 106. NEW SECTION. PETITION AND VOTE IN CERTAIN
18 COUNTIES--EXCEPTION.

19 1. In a county where there is a city operating under the
20 commission form of government with a population of more than
21 seventy-five thousand, the petition to increase or reduce
22 the number of members of the board of supervisors must contain
23 signatures of at least ten percent of the qualified electors
24 residing within the county and outside of the corporate limits
25 of the city and at least ten percent of the signatures of
26 the qualified electors residing within the city.

27 2. When the proposition to increase or reduce the member-
28 ship of the board is voted upon, the qualified electors of
29 a city described in subsection one (1) of this section and
30 the qualified electors residing outside of the city shall
31 vote on the proposition separately and a majority of the votes
32 cast on the proposition by each of the two classes of qualified
33 electors must approve the proposition before it becomes
34 effective.

35 Sec. 107. NEW SECTION. SUPERVISOR DISTRICTS.

1 1. One of the following supervisor district representation
2 plans must be used for the election of supervisors:

3 a. Plan one. Election at large without district residence
4 requirements for the members.

5 b. Plan two. Election at large but with equal-population
6 district residence requirements for the members.

7 c. Plan three. Election from single-member equal-
8 population districts, in which the electors of each district
9 shall elect one member who must reside in that district.

10 2. The plan used under subsection one (1) of this section
11 shall be selected by the board or by a special election as
12 provided in section one hundred eight (108) of this Act.

13 A plan selected by the board shall remain in effect for at
14 least six years unless it is changed by a special election
15 as provided in section one hundred eight (108) of this Act.

16 Sec. 108. NEW SECTION. SPECIAL ELECTION--SUPERVISOR
17 DISTRICTS.

18 1. The board, upon petition of qualified electors of the
19 county equal in number to at least ten percent of the votes
20 cast in the county in the preceding general election for the
21 office of president of the United States or governor shall
22 call a special election to be held for the purpose of selecting
23 one of the supervisor representation plans specified in section
24 one hundred seven (107) of this Act under which the board
25 of supervisors shall be elected.

26 2. The petition shall be filed with the county auditor
27 by January first of a general election year, subject to
28 subsection five (5) of this section. The special election
29 shall be held at least one hundred days before the primary
30 election. Notice of the special election shall be published
31 once each week for three successive weeks in an official
32 newspaper of the county, shall state the representation plans
33 to be submitted to the electors, and shall state the date
34 of the special election which must be held not less than five
35 nor more than twenty days from the date of last publication.

1 3. The supervisor representation plans submitted at the
2 special election shall be stated in substantially the following
3 manner:

4 The individual members of the board of supervisors in
5 county, Iowa, shall be elected:

6 Plan one. At large and without district residence
7 requirements for the members.

8 Plan two. At large but with equal-population district
9 residence requirements for the members.

10 Plan three. From single-member equal-population districts
11 in which the electors of each district shall elect one member
12 who must reside in that district.

13 4. If the plan adopted by a plurality of the ballots cast
14 in the special election is not the supervisor representation
15 plan currently in effect in the county, the terms of the
16 county supervisors serving at the time of the special election
17 shall continue until the second day in January which is not
18 a Sunday or holiday following the next general election, at
19 which time the terms of the members shall expire and the terms
20 of the members elected under the requirements of the new
21 supervisor representation plan at the general election as
22 specified in section one hundred nine (109), one hundred ten
23 (110), or one hundred eleven (111) of this Act shall commence.

24 5. A supervisor representation plan adopted at a special
25 election shall remain in effect for at least six years.

26 Sec. 109. NEW SECTION. PLAN "ONE" TERMS OF OFFICE. If
27 plan "one" is selected pursuant to section one hundred seven
28 (107) or one hundred eight (108) of this Act, the board shall
29 be elected as provided in this section.

30 1. In the primary and general elections, the number of
31 supervisors, or candidates for the offices, which constitutes
32 the board in the county, shall be elected by the qualified
33 electors of the county at large without district residence
34 requirements.

35 2. In counties with three county supervisors, one person

1 shall be elected as a member of the board for two years and
2 two persons shall be elected as members of the board for four
3 years.

4 3. In counties with five supervisors, two persons shall
5 be elected as members of the board for two years and three
6 persons shall be elected as members of the board for four
7 years.

8 4. The determination as to whether a term of office shall
9 be for two or four years shall be decided by lot before the
10 primary election, and the results of the determination
11 indicated on the ballot in the primary and general elections.

12 Sec. 110. NEW SECTION. PLAN "TWO" TERMS OF OFFICE. If
13 plan "two" is selected pursuant to section one hundred seven
14 (107) or one hundred eight (108) of this Act, the board shall
15 be elected as provided in this section.

16 1. Before November first of the nonelection year fol-
17 lowing each federal decennial census the board shall divide
18 the county into a number of supervisor districts corresponding
19 to the number of supervisors in the county. However, if the
20 plan is selected pursuant to section one hundred eight (108)
21 of this Act, the board shall divide the county before March
22 fifteen of the election year. The board shall make a good-
23 faith effort to achieve precise mathematical equality in the
24 population of the districts as indicated by the most recent
25 federal decennial census. The supervisor districts may be
26 drawn on the basis of existing natural or artificial divisions
27 and boundaries of the county, and township and voting precinct
28 lines may be crossed; but the existence of convenient district
29 boundaries shall not justify the designation of supervisor
30 districts which are not of as nearly precise mathematical
31 equality in population as practicable.

32 2. Each member of the board must reside in a separate
33 supervisor district but shall be elected by the electors of
34 the county at large. Election ballots shall be prepared to
35 specify the district which each candidate seeks to represent

1 and each elector may cast a vote for one candidate from each
2 district for which a supervisor is to be chosen in the general
3 election.

4 3. The board may redesignate supervisor districts only
5 once in two years. If the board redistricts, it must be
6 completed and available to the public by November first of
7 the year before the election to be applicable in that election
8 year. This subsection does not lengthen or diminish the term
9 of office of a member of the board as a result of the
10 redesignation and districts shall not be redesignated except
11 in compliance with this section. A supervisor district shall
12 not be designated by the board pursuant to subsection one
13 (1) of this section which, while complying with the requirement
14 of being as nearly precise mathematical equality in population
15 as practicable to the other supervisor districts of the county,
16 discriminates by design for or against a political party,
17 board member, candidate for board membership, racial or ethnic
18 minority or another group of persons.

19 4. At the primary and general elections the number of
20 supervisors, or candidates for the offices, which constitute
21 the board in the county shall be elected as provided in this
22 section. Terms of members shall be the same as provided in
23 section one hundred nine (109) of this Act.

24 Sec. 111. NEW SECTION. PLAN "THREE." If plan "three"
25 is selected pursuant to section one hundred seven (107) or
26 one hundred eight (108) of this Act, the supervisor districts
27 shall be drawn and members of the board shall be elected as
28 provided in section one hundred ten (110) of this Act, except
29 the boundaries of supervisor districts shall follow voting
30 precinct lines and each member of the board and each candidate
31 for the office shall be elected or nominated at the primary
32 and general elections by only the electors of the district
33 which that candidate seeks to represent.

34 Sec. 112. NEW SECTION. ORGANIZATION OF THE BOARD.

35 1. The board, at its first meeting in each year, shall:

1 a. Organize by choosing one of its members as chairperson
2 who shall preside at all of its meetings during the year.
3 The board may also select a vice chairperson who shall serve
4 during the absence of the chairperson.

5 b. Choose one of its members to be a member of the board
6 of directors of the judicial district department of
7 correctional services as provided in section nine hundred
8 five point three (905.3), subsection one (1), paragraph a
9 of the Code.

10 2. The county auditor or the deputy auditor shall serve
11 as clerk to the board, but in the absence of the county auditor
12 or deputy auditor, the board may appoint a clerk.

13 Sec. 113. NEW SECTION. QUORUM--MAJORITY VOTE REQUIRED.

14 1. A majority of the members of the board constitutes
15 a quorum to transact the official business of the county.
16 If the board is equally divided on a question when less than
17 the full membership is present, the question shall be continued
18 until all of the members of the board are present.

19 2. The following actions of the board require the affirma-
20 tive vote of a majority of its membership:

21 a. Levying of a tax.

22 b. Entering into a contract for the erection of a public
23 building.

24 c. Making a settlement with a county officer.

25 d. Buying or selling real estate.

26 e. Designating a new site for a county building.

27 f. Changing the boundaries of a township.

28 g. Appropriating money to aid in the construction of a
29 highway or a bridge.

30 h. Appointing or removing an officer from office.

31 Sec. 114. NEW SECTION. MEETINGS OF THE BOARD.

32 i. The board of supervisors shall hold its first meeting
33 of each year on the second day in January which is not a
34 Saturday, Sunday or holiday and all subsequent meetings of
35 the year as scheduled by the board. All meetings of the board

1 shall be scheduled and conducted in compliance with chapter
2 twenty-eight A (28A) of the Code.

3 2. If a quorum of the board fails to appear at a meeting,
4 the clerk shall adjourn the meeting from day to day until
5 a quorum is present.

6 Sec. 115. NEW SECTION. VACANCY OF SUPERVISOR'S OFFICE.

7 In addition to the circumstances which constitute a vacancy
8 in office under section sixty-nine point two (69.2) of the
9 Code, the absence of a county supervisor from the county for
10 sixty consecutive days shall be treated as a resignation of
11 his or her office. At its next meeting after the sixty-day
12 absence, the board, by resolution adopted and included in
13 its minutes, shall declare the absent supervisor's seat vacant.

14 Sec. 116. NEW SECTION. COMPENSATION AND EXPENSES.

15 1. The members of the board shall receive an annual salary
16 or per diem compensation as determined under section three
17 hundred forty A point six (340A.6) of the Code. The annual
18 salary or per diem shall be full payment for all services
19 rendered to the county except for reimbursement for mileage
20 and other expenses authorized in subsection two (2) of this
21 section.

22 2. A county supervisor is entitled to reimbursement for
23 mileage expenses incurred while engaged in the performance
24 of official duties at the rate specified in section seventy-
25 nine point nine (79.9) of the Code. The board may also
26 authorize reimbursement for mileage and other actual expenses
27 incurred by its members when attending an educational course,
28 seminar or school which is related to the performance of their
29 official duties as provided in section three hundred forty-
30 three point twelve (343.12) of the Code.

31 Sec. 117. Section three hundred thirty-one point twenty-
32 three (331.23), Code 1979, is repealed; however, an action
33 taken by a board of supervisors between July 1, 1974 and June
34 30, 1975 authorizing the payment of a mileage warrant for
35 a member of the board of supervisors which exceeded an

1 aggregate mileage expense of one thousand dollars per year
2 but not more than one thousand five hundred dollars per year
3 is valid.

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1 Sec. 201. GENERAL POWERS OF A COUNTY--LIMITATIONS.

2 1. A county may, except as expressly limited by the
3 Constitution, and if not inconsistent with the laws of the
4 general assembly, exercise any power and perform any function
5 it deems appropriate to protect and preserve the rights,
6 privileges, and property of the county or of its residents,
7 and to preserve and improve the peace, safety, health, welfare,
8 comfort, and convenience of its residents. This grant of
9 home rule powers does not include the power to enact private
10 or civil law governing civil relationships, except as incident
11 to an exercise of an independent county power.

12 2. A power of a county is vested in the legislative
13 authority of the county except as otherwise provided by a
14 state law.

15 3. The enumeration of a specific power of a county does
16 not limit or restrict the general grant of home rule power
17 conferred by the Constitution(, and the repeal of a grant
18 of power or the failure to state a specific power does not
19 limit or restrict the general grant of home rule power
20 conferred by the Constitution). A county may exercise its
21 general powers subject only to limitations expressly imposed
22 by a state or county law.

23 4. An exercise of a county power is not inconsistent with
24 a state law unless it is irreconcilable with the state law.

25 5. A county shall substantially comply with a procedure
26 established by a state law for exercising a county power.
27 If a procedure is not established by state law, a county may
28 determine its own procedure for exercising the power.

29 6. A county shall not set standards and requirements which
30 are lower or less stringent than those imposed by state law,
31 but may set standards and requirements which are higher or
32 more stringent than those imposed by state law, unless a state
33 law provides otherwise.

34 7. A county shall not levy a tax unless specifically au-
35 thorized by a state law.

1 8. A county is a body corporate for civil and political
2 purposes and shall have a seal.

3 Sec. 202. LEGISLATIVE POWERS OF A COUNTY.

4 1. The legislative authority of a county shall exercise
5 a power only by the passage of a motion, a resolution, an
6 amendment, or an ordinance.

7 2. A county shall not provide a penalty in excess of a
8 one hundred dollar fine or in excess of thirty days
9 imprisonment for the violation of an ordinance.

10 3. The subject matter of an ordinance or amendment shall
11 be generally described in its title.

12 4. An amendment to an ordinance or to a code of ordinances
13 must specifically repeal the ordinance or code, or the section
14 or subsection to be amended, and must set forth in full the
15 ordinance, code, section or subsection as amended.

16 5. A proposed ordinance or amendment must be considered
17 and voted on for passage at two meetings prior to the meeting
18 at which it is to be finally passed, unless this requirement
19 is suspended by a recorded vote of not less than two-thirds
20 of the members on a three-member board or three-fourths of
21 the members on a larger board.

22 However, if a summary of the proposed ordinance or amendment
23 is published as provided in section two hundred five (205)
24 of this Act, prior to its first consideration, and copies
25 are available at the time of publication at the office of
26 the county auditor, the ordinance or amendment must be
27 considered and voted on for passage at one meeting prior to
28 the meeting at which it is to be finally passed, unless this
29 requirement is suspended by a recorded vote of not less than
30 two-thirds of the members on a three-member board or three-
31 fourths of the members on a larger board.

32 6. Passage of an ordinance, amendment, or resolution
33 requires an affirmative vote of not less than a majority of
34 the members. Each member's vote on an ordinance, amendment,
35 or resolution must be recorded.

1 7. A resolution becomes effective fourteen days after
2 the date of passage and an ordinance or amendment becomes
3 a law when published, but not sooner than fourteen days after
4 the date of passage, unless a subsequent effective date is
5 provided within the measure.

6 8. The auditor shall promptly record each measure, publish
7 all ordinances and amendments in the manner provided in section
8 two hundred five (205) of this Act, authenticate all measures
9 except motions with signature and certification as to time
10 and manner of publication, if any, and maintain for public
11 use copies of all effective ordinances and codes. The
12 auditor's certification is presumptive evidence of the facts
13 stated therein.

14 9. At least once every five years, a county shall compile
15 a code of ordinances containing all of the county ordinances
16 in effect.

17 If a proposed code of ordinances contains only existing
18 ordinances edited and compiled without change in substance,
19 the legislative authority of the county may adopt the code
20 by ordinance.

21 If a proposed code of ordinances contains a proposed new
22 ordinance or amendment, the legislative authority shall hold
23 a public hearing on the proposed code before adoption. The
24 clerk shall publish notice of the hearing as provided in
25 section two hundred five (205) of this Act. Copies of the
26 proposed code of ordinances must be available at the county
27 auditor's office and the notice must so state. Within thirty
28 days after the hearing, the legislative authority may adopt
29 the proposed code of ordinances which becomes law upon
30 publication of the ordinance adopting it. If the legislative
31 authority substantially amends the proposed code of ordinances
32 after a hearing, notice and hearing must be repeated.

33 Ordinances and amendments which become effective after
34 adoption of a code of ordinances may be compiled as supplements
35 to the code, and upon adoption of the supplement by resolution,

1 become part of the code of ordinances.

2 An adopted code of ordinances is presumptive evidence of
3 the passage, publication, and content of the ordinances therein
4 as of the date of the clerk's certification of the ordinance
5 adopting the code or supplement.

6 10. The compensation paid to a newspaper for any
7 publication required by this section may not exceed three-
8 fourths of the fee provided in section six hundred eighteen
9 point eleven (618.11) of the Code.

10 11. A county may adopt the provisions of any statewide
11 or nationally recognized standard code or portions of any
12 such code by an ordinance which identifies the code by subject
13 matter, source and date, and incorporates the provisions,
14 either by reference or by setting them forth in full. Such
15 code or portion shall be adopted only after notice and hearing
16 in the manner provided in subsection nine (9) of this section.

17 12. Immediately after the effective date of a measure
18 establishing any zoning district, building lines or fire
19 limits, the clerk shall certify the measure and a plat showing
20 the district, lines or limits, to the county recorder. The
21 county recorder shall record the measure and plat in the
22 miscellaneous record or other book provided for special
23 records, and shall index the record.

24 13. A measure voted upon is not invalid because a member
25 of the legislative authority has a conflict of interest,
26 unless the vote of the member was decisive to passage of the
27 measure. If a specific majority or unanimous vote of the
28 legislative authority is required by statute, the majority
29 or vote must be computed on the basis of the number of members
30 not disqualified by reason of conflict of interest. However,
31 a majority of all members is required for a quorum. For the
32 purposes of this subsection, the statement of a member that
33 he or she declines to vote by reason of conflict of interest
34 is conclusive and must be entered of record.

35 14. A valid measure adopted by a county prior to the

1 effective date of this Act remains valid unless the measure
2 is irreconcilable with state law.

3 15. As used in this Act, unless the context otherwise
4 requires:

5 a. "Measure" means an ordinance, amendment, resolution,
6 or motion.

7 b. "Ordinance" means a county law of a general and
8 permanent nature.

9 c. "Amendment" means a revision or repeal of an existing
10 ordinance or code of ordinances.

11 d. "Resolution" or "motion" means a statement of policy
12 or an order for action to be taken.

13 e. "Recorded vote" means a record, roll call vote.

14 Sec. 203. DUTIES OF LEGISLATIVE AUTHORITY OF A COUNTY-
15 -GENERAL. The legislative authority of a county shall:

16 1. Conduct its meetings in accordance with chapter twenty-
17 eight A (28A) of the Code.

18 2. Keep record books as follows:

19 a. A "minute book" which records all orders and decisions
20 other than those relating to drainage districts. The minute
21 book or a separate index book must contain an alphabetical
22 index by subject matter categories of the proceedings shown
23 by the minutes.

24 b. A "warrant book" which records in the order of issuance
25 by number, date, amount and name of drawee, each warrant
26 drawn, and refers to the order in the minute book authorizing
27 its drawing.

28 c. A "claim register" which records all claims for money
29 filed against the county. Claims shall be numbered
30 consecutively in order of filing and entered alphabetically
31 by the claimant's name. The claim register shall show the
32 date of filing, the number of the claim and its general nature,
33 and the action of the board on the claim including the fund
34 against which it is allowed if it is allowed. The claims
35 allowed at each meeting shall be listed in the minute book

1 by claim number.

2 3. Select official newspapers and cause official publica-
3 tions to be made in accordance with chapter three hundred
4 forty-nine (349) of the Code.

5 4. Proceed upon a petition to relocate the county seat
6 as provided in chapter three hundred fifty-three (353) of
7 the Code.

8 5. Proceed upon a petition to change the name of a vil-
9 lage as provided in chapter three hundred fifty-four (354)
10 of the Code.

11 6. Divide the county into townships and proceed upon a
12 petition to divide, dissolve or change the name of a township
13 in accordance with chapter three hundred fifty-nine (359)
14 of the Code.

15 7. Proceed upon a petition to establish a county conserva-
16 tion board and appoint or remove its members as provided in
17 section one hundred eleven A point two (111A.2) of the Code.

18 8. Act upon applications for liquor control licenses and
19 retail beer permits in accordance with section one hundred
20 twenty-three point thirty-two (123.32) of the Code.

21 Sec. 204. POWERS OF LEGISLATIVE AUTHORITY OF A COUNTY-
22 -GENERAL. If a county proposes to exercise any of the
23 following powers, it shall do so in accordance with the
24 following limitations:

25 1. The power to act jointly with other public and private
26 agencies shall be exercised as provided in chapter twenty-
27 eight E (28E) of the Code of other applicable Code sections.

28 2. The power to form a metropolitan or regional planning
29 commission shall be exercised as provided in chapter four
30 hundred seventy-three A (473A) of the Code.

31 3. The powers to administer oaths and take affirmations
32 in any matter pertaining to the business of the legislative
33 authority shall be exercised as provided in section seventy-
34 eight point two (78.2), subsection two (2) of the Code.

35 4. The power to take private property for public use shall

1 not be exercised by counties except for public purposes which
2 are reasonable and necessary as an incident to the powers
3 and duties conferred upon counties, and in accordance with
4 chapter four hundred seventy-two (472) of the Code.

5 5. The power to adopt county zoning regulations shall
6 be exercised in accordance with chapter three hundred fifty-
7 eight A (358A) of the Code.

8 6. The power to adopt airport zoning regulations applicable
9 to airport hazard areas shall be exercised in accordance with
10 chapter three hundred twenty-nine (329) of the Code.

11 7. The power to adopt, administer and enforce the state
12 building code shall be exercised as provided in chapter one
13 hundred three A (103A) of the Code. The power to adopt by
14 ordinance, administer and enforce a county building code,
15 is subject to the following restrictions:

16 a. A county building code shall not apply within the
17 incorporated area of a city and shall not apply within a
18 city's two-mile limit referred to in section four hundred
19 fourteen point twenty-three (414.23) of the Code, to the
20 extent that the city has adopted a building code within the
21 two-mile limit.

22 b. A county building code shall not apply to farm houses
23 or other farm buildings which are primarily adapted for use
24 for agricultural purposes, while so used or under construc-
25 tion for that use.

26 8. The power to assume and exercise the powers and duties
27 of any of the governing bodies of special districts under
28 chapter three hundred fifty-seven (357), three hundred fifty-
29 seven A (357A), three hundred fifty-seven B (357B), three
30 hundred fifty-eight (358) or four hundred sixty-two (462)
31 of the Code shall be exercised only if the governing body
32 of the special district has insufficient membership to perform
33 its powers and duties or as otherwise provided in those
34 chapters.

35 9. The power to establish a service district within the

1 unincorporated area of the county and exercise the powers
2 and duties granted under chapter three hundred fifty-seven
3 (357), three hundred fifty-seven A (357A), three hundred
4 fifty-seven B (357B), three hundred fifty-seven C (357C),
5 three hundred fifty-eight (358), three hundred fifty-nine
6 (359), three hundred eighty-four (384), division four (IV),
7 or four hundred sixty-two (462) of the Code within the district
8 shall be exercised only upon petition of the number of property
9 owners and filing of the bond required in section three hundred
10 fifty-seven A point two (357A.2) of the Code or as otherwise
11 provided in those chapters.

12 10. The power to issue and revoke licenses is limited
13 as follows:

14 a. It extends to the unincorporated area of the county
15 only.

16 b. The decision to exercise a specific licensing power
17 shall be established by ordinance.

18 c. For business establishments where entertainment, food
19 or drink is furnished to the general public, the powers shall
20 be exercised only upon a finding that the public health,
21 safety, recreation, and general welfare will be served. The
22 license fee shall not exceed ten dollars for a period of not
23 less than six months or more than one year. An application
24 for a license shall state in writing, under oath, the name
25 and address of all owners of the business, the name and address
26 of the business, the type of business activity, and a
27 certification that the applicant will not permit intoxication,
28 profane or obscene language, lewd or lascivious acts, indecent
29 or suggestive dancing, fighting or quarreling to be engaged
30 in on the premises. When a license is granted, the terms
31 and conditions in this subsection along with the penalty for
32 violation and appeal procedures shall be entered in the minutes
33 of the board and the licensee shall be considered to have
34 notice of them, and is entitled to a copy of them upon payment
35 of the cost of making a copy.

1 d. Public exhibitions, shows or public displays of any
2 kind may be licensed or prohibited. The license fee shall
3 not exceed one hundred dollars for each place in the county
4 at which the event is exhibited or performed.

5 e. If a license is revoked the licensee shall be repaid
6 a pro rata part of the license fee.

7 f. A license to authorize any person to conduct the
8 business of an auctioneer any place in the state shall be
9 issued only for a period of one year for a fee of ten dollars.

10 Sec. 205. PUBLICATION OF NOTICES. Unless otherwise
11 provided by state law:

12 1. If notice of an election, hearing, or other official
13 action is required by this Act, the notice must be published
14 at least once, not less than four nor more than twenty days
15 before the date of the election, hearing, or other action.

16 2. A publication required by this Act must be in ac-
17 cordance with chapter six hundred eighteen (618) of the Code.
18 (Similar to 362.3 in the City Code, a section like this will
19 permit us to strike many varied publication requirements.)

20 Sec. 206. PETITION OF ELIGIBLE ELECTORS. If a petition
21 of the voters is authorized by this Act, the petition is valid
22 if signed by eligible electors of the county equal in number
23 to ten percent of the persons who voted in the county at the
24 last preceding general election, unless otherwise provided
25 by state law.

26 Sec. 207. Sections three hundred thirty-two point one
27 (332.1), three hundred thirty-two point twenty-seven (332.27),
28 three hundred thirty-two point twenty-eight (332.28), three
29 hundred thirty-two point fifty (332.50), three hundred thirty-
30 two point fifty-one (332.51), three hundred fifty-eight A
31 point twenty-five (358A.25), five hundred forty-six point
32 one (546.1) and five hundred forty-six point three (546.3),
33 Code 1979, are repealed.

34 Sec. 208. Section three hundred thirty-two point three
35 (332.3), subsections two (2), three (3), four (4), six (6),

1 twenty-two (22) and thirty-three (33), Code 1979, are amended
2 by striking the subsections.

3 Sec. 301. APPOINTIVE DUTIES AND POWERS OF THE LEGISLATIVE
4 AUTHORITY OF A COUNTY.

5 1. The legislative authority of a county shall make the
6 following appointments and may remove appointees from office
7 as provided in this Act:

8 a. The members of the county board of social welfare shall
9 be appointed as provided in section two hundred thirty-four
10 point nine (234.9) of the Code.

11 b. A county medical examiner shall be appointed and fa-
12 cilities, deputy examiners and other employees may be provided
13 in accordance with sections three hundred thirty-nine point
14 one (339.1), three hundred thirty-nine point two (339.2) and
15 three hundred thirty-nine point three (339.3) of the Code.

16 c. One member of the county compensation board shall be
17 selected as provided in section three hundred forty A point
18 one (340A.1) of the Code.

19 d. One member of the civil service commission shall be
20 appointed and may be removed as provided in section three
21 hundred forty-one A point two (341A.2) or three hundred forty-
22 one A point three (341A.3) of the Code.

23 e. A list of residents eligible to serve as a condemnation
24 commission shall be appointed as provided in section four
25 hundred seventy-two point four (472.4) of the Code.

26 f. Members of the county judicial magistrate appointing
27 commission shall be appointed in accordance with section six
28 hundred two point forty-three (602.43) of the Code.

29 2. If a county proposes to establish the office of public
30 defender, it shall do so and appoint the public defender in
31 accordance with chapter three hundred thirty-six A (336A)
32 of the Code.

33 Sec. 302. DUTIES AND POWERS OF THE LEGISLATIVE AUTHORITY
34 RELATING TO COUNTY OFFICERS.

35 1. The legislative authority of a county shall:

1 a. Require and approve official bonds in accordance with
2 chapter sixty-four (64) of the Code.

3 b. Make temporary appointments as required by section
4 sixty-six point nineteen (66.19) of the Code, when an officer
5 is suspended under chapter sixty-six (66) of the Code.

6 c. Fill vacancies in county offices in accordance with
7 sections sixty-nine point eight (69.8) through sixty-nine
8 point thirteen (69.13) of the Code, and make appointments
9 in accordance with section sixty-nine point thirteen (69.13)
10 of the Code.

11 d. Furnish offices at the county seat for the clerk of
12 the district court, recorder, treasurer, auditor, county at-
13 torney, county surveyor or engineer and county assessor.
14 If the office of public defender is established, the
15 legislative authority shall furnish the public defender's
16 office, including furniture and equipment or an allowance
17 in place of facilities. The board shall not furnish an office
18 also occupied by a practicing attorney to any officer other
19 than the county attorney or public defender. The board shall
20 furnish such officers with fuel, lights, and office supplies.
21 However, the board is not required to furnish the county
22 attorney or public defender with law books.

23 e. Provide necessary office facilities and the technical
24 and clerical assistance requested by the county compensation
25 board.

26 f. Combine the duties of two or more of the following
27 county officers and employees as provided in this subsection:

- 28 (1) County sheriff
- 29 (2) County treasurer
- 30 (3) County recorder
- 31 (4) County auditor
- 32 (5) Medical examiner
- 33 (6) Clerk of the district court
- 34 (7) Overseer of the poor
- 35 (8) County care facility steward

1 (9) Commission on veteran affairs

2 (10) Director of social welfare

3 (11) County assessor

4 (12) County weed commissioner.

5 Upon petition of electors equal in number to twenty-five
6 percent of the votes cast for the county office receiving
7 the greatest number of votes at the last preceding general
8 election filed with the county auditor, the legislative
9 authority shall direct the commissioner of elections to call
10 an election for the purpose of voting on the proposal. If
11 the petition contains more than one proposal for combining
12 duties, each proposal shall be listed on the ballot as a
13 separate issue. If the majority of the votes cast are in
14 favor of a proposal, the legislative authority shall take
15 all steps necessary to combine the duties as specified in
16 the petition.

17 The petition shall state the offices and positions to be
18 combined and the office or position to be abolished. Offices
19 and positions that have been combined may be subsequently
20 separated by a petition and election in the same manner.

21 If an appointive officer or position is abolished, the
22 term of office of the incumbent shall terminate one month
23 from the day the proposal is approved. If an elective office
24 is abolished, the incumbent shall hold office until the
25 completion of the term for which elected, except that if a
26 proposal is approved at a general election which fills the
27 abolished office, the person elected shall not take office.

28 When the duties of an officer or employee are assigned
29 to an elective officer, the legislative authority may set
30 the salary for the elective officer in lieu of the salary
31 provided in chapter three hundred forty (340) of the Code.
32 When the duties of officers or employees are combined, the
33 person who fills the combined office shall take the oath and
34 give the bond required for each office and perform all the
35 duties pertaining to each.

1 The salary of a combined office shall be thirty percent
2 greater than the salary otherwise established for the combined
3 office or position with the largest salary. The salary for
4 deputy county officers shall continue to be based on the
5 salary which would be drawn by the principal officer if the
6 offices had not been combined.

7 2. The legislative authority of the county may:

8 a. Require additional security on an officer's bond, as
9 provided in sections sixty-five point two (65.2) and sixty-
10 five point three (65.3) of the Code, or hear a petition of
11 the surety for release and require a new bond, as provided
12 in sections sixty-five point four (65.4) through sixty-five
13 point eight (65.8) of the Code.

14 b. Require any county officer to make a report to it under
15 oath on any subject connected with the duties of the office,
16 and remove from office by majority vote any officer who refuses
17 or neglects to make a report or give a bond required by the
18 board within twenty days after the requirement is made known
19 to the office.

20 c. Compromise an unsatisfied judgment rendered in favor
21 of the county against any county officer and the sureties
22 on the officer's bond, if the legislative authority is
23 satisfied that the full amount cannot be collected. The
24 legislative authority may compromise with one or more of the
25 sureties and release those sureties if the officer and each
26 of the sureties on the officer's bond execute a written consent
27 to the compromise and to the release of each of the sureties
28 who agree to the compromise and in the writing agree that
29 the compromise and release do not release any of the sureties
30 who do not agree to the compromise. The written consent shall
31 be filed with the county auditor. If the judgment is based
32 upon a default in county funds, the money received under the
33 compromise shall be paid pro rata to the funds in proportion
34 to the amount each fund was in default at the time the judgment
35 was rendered.

1 d. Order the county auditor to destroy all duplicate tax
2 receipts, poll tax receipts, and hunting license applications
3 which have been on file in the office of the county treasurer,
4 recorder or auditor for more than five years, and all
5 assessors' books, assessment rolls, tax lists, county vouchers
6 and canceled county warrants which have been on file in the
7 office of the county auditor for more than ten years.

8 e. Enter into an agreement with one or more other counties
9 to share the services of a county attorney, as provided in
10 section three hundred thirty-six point six (336.6) of the
11 Code.

12 f. Provide that the county attorney be a full-time or
13 part-time officer in accordance with sections three hundred
14 thirty-two point sixty-one (332.61) through three hundred
15 thirty-two point sixty-four (332.64) of the Code.

16 g. Establish the number of deputies, assistants and clerks
17 for the offices of county auditor, treasurer, recorder,
18 sheriff, county attorney, and clerk of the district court
19 and approve the appointments made by these officers, as
20 provided in section three hundred forty-one point one (341.1)
21 of the Code.

22 Sec. 303. DUTIES AND POWERS OF THE LEGISLATIVE AUTHORITY
23 OF THE COUNTY RELATING TO COUNTY OFFICERS AND EMPLOYEES.

24 1. The legislative authority shall:

25 a. Carry out the duties of a public employer to engage
26 in collective bargaining under chapter twenty (20) of the
27 Code.

28 b. Grant employees leaves of absence to participate in
29 olympic competition in accordance with section seventy-nine
30 point twenty-four (79.24) of the Code.

31 c. Provide workers' compensation benefits to officers
32 and employees in accordance with chapter eighty-five (85)
33 of the Code.

34 d. Comply with occupational safety and health standards
35 in accordance with chapter eighty-eight (88) of the Code.

1 e. Participate in the Iowa public employees' retirement
2 system in accordance with chapter ninety-seven B (97B) of
3 the Code.

4 f. Participate in the federal social security Act in
5 accordance with chapter ninety-seven C (97C) of the Code.

6 g. Provide a deferred compensation program for any
7 employee, in accordance with section five hundred nine A point
8 twelve (509A.12) of the Code.

9 2. If the legislative authority wishes to participate
10 in a program of interchange of employees, it shall do so in
11 accordance with chapter twenty-eight D (28D) of the Code.

12 3. If the liability of a county officer or employee in
13 the performance of official duties is not fully indemnified
14 by insurance, the legislative authority shall pay any loss
15 for which the officer or employee is found liable, and may
16 compromise and settle any such claim.

17 Sec. 304. Sections three hundred thirty-two point nine
18 (332.9), three hundred thirty-two point ten (332.10), three
19 hundred thirty-two point fifteen (332.15), three hundred
20 thirty-two point seventeen (332.17) through three hundred
21 thirty-two point twenty-two (332.22) and three hundred thirty-
22 two point forty-three (332.43), Code 1979, are repealed.

23 Sec. 305. Section three hundred thirty-two point three
24 (332.3), subsections eight (8), nine (9) and twenty (20),
25 Code 1979, are amended by striking the subsections.

26 EXPLANATION

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