



THOMAS J. VILSACK
GOVERNOR

OFFICE OF THE GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

April 13, 2004

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit:

House File 2404, an Act relating to certain alternative forms of county and city government by providing for county redistricting and representation, charter commission administration, application of various statutory requirements, the manner in which a charter may be proposed and adopted, amendment of a charter, the organization of the governing body, and inclusions in a charter, making technical changes relating to the administration and authority of a city-county consolidated government and a community commonwealth, making changes related to multicounty consolidation, and including effective and retroactive applicability date provisions.

The above House File is hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas J. Vilsack".

Thomas J. Vilsack
Governor

TJV:jmc

cc: Secretary of the Senate
Chief Clerk of the House





HOUSE FILE 2404

AN ACT

RELATING TO CERTAIN ALTERNATIVE FORMS OF COUNTY AND CITY GOVERNMENT BY PROVIDING FOR COUNTY REDISTRICTING AND REPRESENTATION, CHARTER COMMISSION ADMINISTRATION, APPLICATION OF VARIOUS STATUTORY REQUIREMENTS, THE MANNER IN WHICH A CHARTER MAY BE PROPOSED AND ADOPTED, AMENDMENT OF A CHARTER, THE ORGANIZATION OF THE GOVERNING BODY, AND INCLUSIONS IN A CHARTER, MAKING TECHNICAL CHANGES RELATING TO THE ADMINISTRATION AND AUTHORITY OF A CITY-COUNTY CONSOLIDATED GOVERNMENT AND A COMMUNITY COMMONWEALTH, MAKING CHANGES RELATED TO MULTICOUNTY CONSOLIDATION, AND INCLUDING EFFECTIVE AND RETROACTIVE APPLICABILITY DATE PROVISIONS.

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

Section 1. Section 331.210A, subsection 2, Code 2003, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. (1) Notwithstanding the provisions of this section to the contrary, for a county with a population of one hundred eighty thousand or more that has adopted a charter for a city-county consolidated form of government or a community commonwealth form of government and which charter provides for representation by districts, the legislative services agency, and not the temporary county redistricting commission, shall draw a representation plan as provided by paragraph "a" pursuant to a contract executed with the county. The plan drawn by the legislative services agency shall be based upon the precinct plan adopted for use by the county and shall be drawn in accordance with section 42.4, to the extent applicable. After the legislative services agency has drawn the plan, the legislative services agency shall at the

earliest feasible time make available to the public all of the information required to be made public by paragraph "b".

(2) The legislative services agency shall submit the plan to the governing body, and the governing body shall comply with the duties required by paragraph "c", to the extent applicable.

(3) After the requirements of paragraphs "a" through "c" have been met, the governing body shall review the plan submitted by the legislative services agency and shall approve or reject the plan. If the plan is rejected, the governing body shall give written reasons for the rejection and shall direct the legislative services agency to prepare a second plan, as provided in paragraph "d". The second plan may be amended by the governing body in accordance with the provisions of paragraph "d". After receiving the second plan, the governing body shall approve either the first plan or the second plan.

(4) The governing body, after approving a plan, shall comply with the requirements of paragraph "e".

Sec. 2. Section 331.231, subsections 5 and 6, Code 2003, are amended to read as follows:

5. City-county consolidated form as provided in section sections 331.247 through 331.252.

6. Multicounty consolidated form as provided in section sections 331.253 through 331.259.

Sec. 3. Section 331.232, subsection 1, Code 2003, is amended to read as follows:

1. A charter to change a form of county government may be submitted to the electors of a county only by a commission established by resolution of the board upon petition of the number of eligible electors of the county equal to at least twenty-five percent of the votes cast in the county for the office of president of the United States or governor at the preceding general election or the signatures of at least ten thousand eligible electors of the county, whichever number is fewer. The board shall within ten days of the filing of a valid petition adopt such a resolution.

Sec. 4. Section 331.232, subsection 3, Code 2003, is amended to read as follows:

3. An alternative form of county government shall be submitted to the ~~county~~ electorate by the commission in the form of a charter ~~or-charter-amendment~~.

Sec. 5. Section 331.233A, subsections 1 and 2, Code 2003, are amended to read as follows:

1. The members of a commission created to study city-county consolidation or the community commonwealth form shall be appointed within ~~forty-five~~ thirty days after the adoption of a resolution creating the commission as follows:

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

b. ~~One-member~~ Two members of the board of supervisors shall be appointed by the board of each county participating in the charter process. ~~The-member~~ One supervisor must be a resident of the unincorporated area of the county for each participating county. However, if no supervisor resides in the unincorporated area, the board shall appoint a resident of the unincorporated area of the county in lieu of appointing a supervisor.

c. One member shall be appointed by each state legislator whose legislative district is located in the commission area if a majority of the constituents of that legislative district resides in the commission area. However, if a commission area does not have a state legislative district which has a majority of its constituents residing in the commission area, the legislative district having the largest plurality of constituents residing in the commission area shall appoint one member.

d. An additional member shall be appointed by each city council and each county board for every twenty-five thousand residents in the participating city or unincorporated area of the county, whichever is applicable. The member shall be a resident of the city or county, as applicable. The member shall be a person who is not holding elected office at the time of the appointment.

2. ~~The-commission-members-shall-be-appointed-in-compliance-with-section-331-2337-subsection-2-~~ A vacancy on the commission shall be filled by appointment in the same manner as the original appointment. The county auditor shall notify the appropriate appointing authority of a vacancy.

Sec. 6. Section 331.234, subsection 4, Code 2003, is amended to read as follows:

4. ~~The~~ Except as otherwise provided in subsection 5, the expenses of the commission may be paid from the general fund of the county ~~or~~. Expenses of the commission may also be paid

from any combination of public or private funds available for that purpose. The commission's annual expenses may exceed the amount in subsection 3 only if the excess is paid from private funds. If a proposed charter is submitted to the electorate, private funds donated to the commission may be used to promote passage of the proposed charter.

Sec. 7. Section 331.234, Code 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 5. In the case of a city-county consolidation charter commission or a community commonwealth charter commission, the expenses of the commission shall be paid by each city and county participating in the charter process pursuant to section 331.233A. Each participating city's share shall be its pro rata share of the expenses based upon the ratio that the population of the city bears to the total population in the county. The remainder shall be paid from the general fund of the county. The amount paid by each city and county participating in the charter process shall be deposited in a segregated account maintained by the county.

Sec. 8. Section 331.235, Code 2003, is amended to read as follows:

331.235 COMMISSION PROCEDURES AND REPORTS.

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

2. Within ~~nine~~ seven months after the organization of the commission, the commission shall submit a preliminary report to the board, which report may include the text of the proposed charter. If a proposed charter is included in the preliminary report, the report shall also include an analysis of the fiscal impact of the proposed charter. Sufficient copies of the report shall be made available for distribution to residents of the county who request a copy. The commission shall hold at least one public hearing after submission of the preliminary report to obtain public comment. Notice of the date, time, and place of the hearing shall be given as provided in chapter 21.

3. Within ~~twenty~~ twelve months after organization, the commission shall submit the final report to the board.

However, a commission may adopt a motion granting itself a sixty-day extension of time for submission of its final report. If the commission recommends a charter including a form of government other than the existing form of government, the final report shall include the full text and an explanation of the proposed charter, an analysis of the fiscal impact of the proposed charter, any comments deemed desirable by the commission, and any minority reports. The final report may recommend no change to the existing form of government and that no charter be submitted to the electorate, in which case, the report shall state the reasons for and against a change in the existing form of government. The final report shall be made available to the residents of the county upon request. A summary of the final report shall be published by the commission in the official newspapers of the county and in a newspaper of general circulation in each participating city.

4. If a provision of this part is amended by enactment of the general assembly after a charter commission has submitted its final report to the board and before the proposed charter is submitted at an election, the commission may amend the proposed charter, only to the extent the charter amendment addresses the changes in the newly enacted law, and shall submit the amended proposed charter and an amended final report to the board in lieu of the original proposed charter. The amended proposed charter shall be placed on the ballot for the next general election if it is received by the board within the time set out in section 331.237, subsection 1. A summary of any amendments to the proposed charter shall be published by the commission as provided in subsection 3.

~~4.~~ 5. The commission is dissolved on the date of the general election at which the proposed charter is submitted to the electorate. However, if a charter proposing the city-county consolidated form or the community commonwealth form is adopted, the commission is dissolved on the date that the terms of office of the members of the governing body for the alternative form of government commence. If a charter is not recommended, the commission is dissolved upon submission of its final report to the board.

Sec. 9. Section 331.237, subsection 1, Code 2003, is amended to read as follows:

1. If a proposed charter for county government is received not less than five working days before the filing deadline for

candidates for county offices specified in section 44.4 for the next general election, the board shall direct the county commissioner of elections to submit to the registered voters of the county at the next general election the question of whether the proposed charter shall be adopted. A summary of the proposed charter or amendment shall be published in the official county newspapers and in a newspaper of general circulation in each participating city, if applicable, at least ten but not more than twenty days before the date of the election. ¶ Except as otherwise provided in sections 331.247 and 331.260, if a majority of the votes cast on the question is in favor of the proposal, the proposal is adopted.

Sec. 10. Section 331.237, Code 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Subsections 2 and 3 do not apply to the city-county consolidated form of government or the community commonwealth form of government.

Sec. 11. Section 331.238, Code 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Subsections 1 and 2 do not apply to the city-county consolidated form of government or the community commonwealth form of government.

Sec. 12. Section 331.244, Code 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 3. This section does not apply to the city-county consolidated form of government or the community commonwealth form of government.

Sec. 13. Section 331.245, Code 2003, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. This section does not apply to the city-county consolidated form of government or the community commonwealth form of government.

Sec. 14. Section 331.247, Code 2003, is amended to read as follows:

331.247 CITY-COUNTY CONSOLIDATION FORM.

1. A-county-and-one-or-more-cities-within-the-county-may unite-to-form-a-single-unit-of-local-government-in-accordance-with-this-part. A commission appointed pursuant to section 331.233A may propose a charter under which a county and one or more cities within the county may unite to form a single unit of local government, or may propose a charter under which a county and one or more cities within the county may create a

unified government empowered to govern a city and a county with each retaining the separate status and power of a city or a county for all purposes and constituting separate political subdivisions under combined governance. Either option proposed shall be referred to as a city-county consolidated form of government. If more than fifty percent of the population of a city resides within the affected county, it is a city within the county for the purposes of this section and may continue its status as a city within the county even if the population of such city falls below the more than fifty percent threshold in a future census.

2. ~~An alternative form of government, including a charter form, for a consolidated unit of government may be submitted to the voters only by a commission established under this chapter.~~ A majority vote by the charter commission is required for the submission to the electorate of an alternative form of government for a consolidated unit of local government a proposed charter for a city-county consolidated form of government. ~~The charter commission submitting a consolidated form shall issue a final report and proposal.~~

3. ~~An alternative form of government for a consolidated unit of local government~~ A city-county consolidated unit of local form of government does not need to include more than one city. A city shall not be included unless the city participates in the commission process, ~~and a majority of the electors of the affected city voting approves the proposed charter for the consolidated government.~~

4. ~~If an alternative form of government for a consolidated unit of local government is proposed, approval of the consolidation charter shall be a separate ballot issue from approval of the alternative form of government in those cities proposed to be included in the consolidation.~~ Adoption of the proposed consolidation charter requires the approval of a majority of the votes cast in the entire county and requires the approval of a majority of the votes cast in one or more cities named on the ballot. The consolidation charter shall be effective in regard to a city government named on the ballot only if a majority of the ~~voters of the city voting on the question voted for participation in the~~ votes cast in that city approves the consolidation charter.

5. An adopted charter takes effect July 1 following the general election at which it is approved unless the charter

provides a later effective date. If the adopted charter calls for a change in the form of government, officers to fill elective offices created by the charter shall be elected in the general election in the even-numbered year following the adoption of the charter.

5- 6. A city may request to join an existing city-county consolidated government by resolution of the city council or upon petition of eligible electors of the city equal in number to at least twenty-five percent of the persons who voted at the last ~~general election for the office of governor or president of the United States, whichever is fewer~~ regular city election. Within fifteen days after receiving a valid petition, the city council of the petitioning city shall adopt a resolution in favor of participation and shall ~~immediately,~~ within ten days of adoption, forward the resolution to the ~~legislative governing body of the city-county consolidated government.~~ legislative governing body of the city-county consolidated government approves the resolution, the question of joining the city-county consolidated government shall be submitted to the electorate of the petitioning city within sixty days after approval of the resolution.

7. a. If a charter is adopted, it may be amended at any time by one of the following methods:

(1) The governing body of the city-county consolidated government, by resolution, may submit a proposed amendment to the voters, and the proposed amendment becomes effective only upon approval by a majority of those voting on the proposed amendment within the city-county consolidated area.

(2) The governing body of the city-county consolidated government, by ordinance, may amend the charter. However, within thirty days following publication of the ordinance, if a petition valid under the provisions of section 331.306 is filed with the governing body of the city-county consolidated government, the governing body must submit the charter amendment to the voters and, in such event, the amendment becomes effective only upon approval of a majority of those voting on the proposed amendment within the city-county consolidated area.

(3) If a petition valid under the provisions of section 331.306 is filed with the governing body of the city-county consolidated government, proposing an amendment to the

charter, the governing body must submit the proposed amendment to the voters and, in such an event, the amendment becomes effective only upon approval of a majority of those voting on the proposed amendment within the city-county consolidated area.

b. The proposed amendment shall be submitted at the general election. However, if the amendment is proposed pursuant to paragraph "a", subparagraph (1), the proposed amendment may be submitted at a special election if the resolution submitting the amendment to the voters is adopted by a two-thirds majority of the membership of the governing body.

c. If an election is held, the governing body shall submit the question of amending the charter to the electors in substantially the following form:

Should the amendment described below be adopted for the city-county consolidated charter of (insert name of county and of each consolidated city)?

The ballot must contain a brief description and summary of the proposed amendment.

d. An amendment shall not adopt an alternative form of county government.

e. Notwithstanding paragraph "b", if an amendment to a charter proposes to increase or decrease the number of members on the governing body, the amendment shall be submitted to the voters at a general election.

Sec. 15. Section 331.248, subsection 1, Code 2003, is amended to read as follows:

1. The charter commission proposing ~~consolidation~~ a city-county consolidated form of government shall prepare, adopt, and ~~submit~~ cause to be submitted to the voters ~~a-consolidation the charter including-an-alternative-form-of-government.~~

Sec. 16. Section 331.248, subsection 2, Code 2003, is amended to read as follows:

2. The ~~consolidation~~ charter for a city-county consolidated form of government shall:

a. Provide for adjustment of existing bonded indebtedness and other obligations in a manner which will provide for a fair and equitable burden of taxation for debt service.

b. Provide for establishment of service areas, except that formation of a city-county ~~consolidation-government~~ consolidated form of government shall not affect the

assignment of electric utility service territories pursuant to chapter 476, and shall not affect the rights of a city to grant a franchise under chapter 364.

c. Provide for the transfer or other disposition of property and other rights, claims, assets, and franchises of ~~local governments~~ the county and each city consolidated under the alternative form.

d. Provide the official name of the city-county consolidated ~~unit-of-local~~ government.

e. Provide for the transfer, reorganization, abolition, absorption, and adjustment of boundaries of all existing boards, bureaus, commissions, agencies, special districts, and political subdivisions of the city-county consolidated government.

f. ~~Include other provisions which the county charter commission and the city charter commission elect to include and which are not inconsistent with state law.~~ Provide for the exercise of home rule power and authority not inconsistent with state law.

g. Provide for a governing body of an odd number of members, not less than five, but which may exceed the number of members specified in sections 331.201, 331.203, and 331.204. The titles of the members of the governing body shall be determined by the charter.

h. Provide for a representation plan for the governing body which representation plan may differ from the representation plans provided in section 331.206 and in chapter 372. If the plan calls for representation by districts and the charter has been approved in a county whose population is one hundred eighty thousand or more, the plan shall be drawn pursuant to section 331.210A, subsection 2, paragraph "f". The initial representation plan for such a county shall be drawn as provided in section 331.210A, subsection 2, paragraph "f", within one hundred twenty days after the election at which the charter is approved. For the initial representation plan, the charter commission shall assume the role of the governing body for purposes of this paragraph and section 331.210A, subsection 2, paragraphs "d" through "f".

i. Provide for the initial compensation for members of the governing body and for a method of changing the compensation.

Sec. 17. Section 331.248, Code 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The consolidation charter may include other provisions which the commission elects to include and which are not irreconcilable with state law. These provisions may include but are not limited to the following:

a. Provide for a method of selecting officers of the governing body and fixing their terms of office which may differ from the requirements of sections 331.208 through 331.211 and the provisions of chapter 372.

b. Provide for meetings of the governing body and rules of procedure which may differ from the requirements of section 331.213, except that the meetings shall be scheduled and conducted in compliance with chapter 21.

c. Provide for combining the duties of elected officials of the county, for eliminating elected offices and the assumption of the duties of those offices by appointed officials, and for adding to, deleting from, or otherwise changing the duties of officials, elected or otherwise, of the county and each consolidated city. If the charter provides that one or more elective offices are combined, the board of supervisors shall appoint one of the elective officers of the combined offices to serve until new officers have been elected at the general election in the even-numbered year and have qualified for office. If the charter calls for the elimination of an elective office, that elective officer's term of office shall expire on the date specified in the charter.

d. Provide for the organization of city and county departments, agencies, or boards. The organization plan may provide for the abolition or consolidation of a department, agency, board, or commission and the assumption of its powers and duties by the governing body or by another department, agency, board, or commission.

e. Provide for a method for the governing body or another office to exercise the powers and duties of the township trustees, in lieu of their election or appointment.

f. Provide for a chief executive officer, a method of selecting that officer, the compensation for that officer, a method of changing the compensation, and the powers and duties of that officer.

g. If the charter provides for a chief executive office, provide for the appointment of a chief executive officer pro tem, the compensation for that officer, a method of changing the compensation, and the manner in which that officer would exercise the powers and duties of the chief executive officer.

h. Provide for the appointment of a city manager, a method for determining and changing the compensation for the city manager, and the powers and duties of the city manager.

This subsection does not apply to the board of trustees of a county hospital or to the board of trustees of a city hospital.

Sec. 18. Section 331.249, Code 2003, is amended to read as follows:

331.249 EFFECT OF CONSOLIDATION.

1. a. ~~The consolidation of one or more cities and one or more counties shall create a unified government which includes a municipal corporation and a county.~~ A city-county consolidated form of government under which a county and one or more cities within the county unite to form a single unit of local government shall create a unified government which includes a municipal corporation and a county. The consolidated unit shall have the separate status of a county and a city for all purposes and shall constitute two political subdivisions, a consolidated city and a county, under combined governance. The consolidated unit shall retain one separate constitutional debt limitation with respect to its status as a city and a separate constitutional debt limitation with respect to its status as a county.

b. The governing body of a city-county consolidated form of government under which a county and one or more cities within the county create a unified government empowered to govern a city and a county shall have, with respect to the county, the power and authority of the board of supervisors of a county, and, with respect to each city, the power and authority of the city council of a city. Each consolidated city and the county constitute separate political subdivisions. Each consolidated city and the county shall each retain a separate constitutional debt limitation and shall each have the authority to issue bonds and incur financial obligations in accordance with the provisions of state law applicable to a city or a county, respectively.

2. A The city-county consolidated unit-of-local form of government may include an area which is located in another county, but which is within the corporate boundaries of one of the consolidated cities. County-services-shall Services may be provided in the extra-county area and taxes to fund those services shall may be collected in the extra-county area by the consolidated government, to the extent permitted by the Constitution of the State of Iowa. In addition to the right to vote in the county of residence, electors residing in the extra-county area shall have the right to vote on any matter related to the city-county consolidated unit-of-local government, including election of its officials governing body and its chief executive officer, if any.

If a city-county consolidation charter is proposed, within ninety days following the final report of the commission, a resident or property owner of the commission area proposed to be consolidated may bring an action in district court for declaratory judgment to determine the legality of the proposed charter and to otherwise declare the effect of the charter. The court shall expedite its review and determination in this matter. The referendum on the proposed charter shall be stayed during pendency of the action and for such additional time during which the proposed charter or its enabling legislation does not conform to the Constitution or laws of the State of Iowa. If in its final judgment the court determines that the proposed charter fails to conform to the Constitution or laws of this state, the commission shall have a period of six months in which to revise and resubmit the proposed charter.

3. All provisions of law authorizing contributions of any kind, in money or otherwise, from the state or federal government to counties and cities shall remain in full force with respect to each city and the county comprising a city-county consolidated local government.

4. The adoption of a charter for a city-county consolidated government does not alter any right or liability of the county or consolidated city in effect at the time of the election at which the charter was adopted.

5. All departments and agencies of the county and of each consolidated city shall continue to operate until their authority to operate is superseded by action of the governing body.

6. Upon the effective date of the adopted charter, the county and each participating city shall adopt the city-county consolidated form of government by ordinance, and shall file a copy with the secretary of state and maintain available copies for public inspection. The county shall provide each participating city with a copy of the county's ordinance. Each participating city shall provide a copy of that city's ordinance to the county and to the other participating cities.

7. Members of the governing body of the county shall continue in office after the effective date of the charter until the members of the governing body and the chief executive officer, if any, of the city-county consolidated government have been elected and qualified, at which time the offices of the former governing body of the county shall be abolished and the terms of the members of the former governing body shall be terminated. Members of the governing body and the mayor of each consolidated city shall continue in office after the effective date of the charter until the members of the governing body of the city-county consolidated government and the chief executive officer, if any, have been elected and qualified, at which time the office of mayor and of the former governing body of each consolidated city shall be abolished and the term of the members of each governing body and the term of each mayor shall be terminated.

During the period between the effective date of the charter and the election and qualification of the members of the governing body of the city-county consolidated government and the election and qualification of the chief executive officer, if any, the former governing bodies of the county and each city and the mayor of each city shall continue to exercise the power of, and to perform the duties for, their respective county and city. The charter shall provide that these incumbent officers assist in planning and carrying out the transition to the city-county consolidated form of government. The board of supervisors shall include in its budget for the fiscal year in which the charter becomes effective funds sufficient to provide for the operating expenses of a transition committee and for expenses incurred in initially establishing districts if the charter provides for representation by districts and for salaries for newly elected officers of the city-county consolidated government, after consultation with the transition committee.

8. If a city-county consolidation charter is submitted to the electorate but is not adopted, another charter shall not be submitted to the electorate for at least two years from the date of the election at which the charter was rejected. If a city-county consolidation charter is adopted, a proposed charter for another alternative form of county government shall not be submitted to the electorate for at least six years from the date of the election at which the charter was adopted.

Sec. 19. Section 331.250, Code 2003, is amended to read as follows:

331.250 GENERAL POWERS OF CONSOLIDATED LOCAL GOVERNMENTS.

The consolidation charter shall provide for the delivery of services to specified areas of the ~~consolidated-local government~~ county and of each consolidated city. The governing body of the consolidated government shall ~~administer~~ supervise the administration of the provision of services in each of the designated service areas and shall have the authority to determine the boundaries of the service areas. For each service provided by the consolidated government, the consolidated government shall assume the same statutory rights, powers, and duties relating to the provision of the service as if the county or the member city were itself providing the service to its citizens.

Sec. 20. Section 331.251, Code 2003, is amended to read as follows:

331.251 RULES, ORDINANCES, AND RESOLUTIONS OF CONSOLIDATED ~~UNIT~~ GOVERNMENT.

~~Within-two-years-after-ratification-of-the-consolidation, the-governing-body-of-the-consolidated-unit-of-local government-shall-revise, repeal, or reaffirm all rules, ordinances, and resolutions in force within the participating county and cities at the time of consolidation.~~

1. Each rule, ordinance, or resolution in force at the time of consolidation within a county or within a city on the effective date of the charter shall remain in force within the former geographic jurisdiction that county or within that city until superseded by action of the new governing body, unless the rule, ordinance, or resolution is in conflict with a provision of the charter, in which case, the charter provision shall supersede the conflicting rule, ordinance, or resolution. The governing body of a participating city or

county in office on the effective date of the charter shall retain its powers to adopt motions, resolutions, or ordinances provided that such motions, resolutions, or ordinances do not conflict with the provisions of the charter. Ordinances and resolutions relating to public improvements to be paid for in whole or in part by special assessments shall remain in effect until paid in full.

2. If a charter creating a city-county consolidated form of government provides for a chief executive officer with the power to veto an ordinance, an amendment to an ordinance, or a resolution, the governing body shall adopt legislation in accordance with the provisions of chapter 380. If a charter creating a city-county consolidated form of government does not provide for a chief executive officer, the governing body shall adopt legislation in accordance with the provisions of section 331.302. However, a charter may provide that approval of certain ordinances, amendments, or resolutions shall require the affirmative vote of more than a majority of all members of the governing body.

Sec. 21. Section 331.252, Code 2003, is amended to read as follows:

331.252 FORM OF BALLOT -- CITY-COUNTY CONSOLIDATION.

The question of city-county consolidation shall be submitted to the electors in substantially the following form:

~~Should the corporate-existence-and-governments-of-the county-of-.....-and-the-cities-of-.....-and-.....-be consolidated-into-one-joint-city-county-corporation-government charter described below be adopted for (insert name of county and each city proposing to consolidate)?~~

~~If-section-331-247-subsection-4-applies-the-following question-shall-be-placed-on-the-ballot-of-each-participating city:~~

~~Should-the-(name-of-city-or-second-county)-participate-in the-consolidation-charter?~~

The ballot must contain a brief description and summary of the proposed charter ~~or-amendment.~~

Sec. 22. Section 331.254, unnumbered paragraph 1, Code 2003, is amended to read as follows:

When multicounty consolidation is recommended, ~~a-petition must-contain-a~~ the consolidation charter which-provides shall provide for all of the following:

Sec. 23. Section 331.254, subsection 6, Code 2003, is amended by striking the subsection.

Sec. 24. NEW SECTION. 331.257 RECOGNITION OF CHANGE IN BOUNDARIES BY GENERAL ASSEMBLY.

If a charter for multicounty consolidation is adopted pursuant to section 331.255 or if the question of joining a multicounty consolidated government is approved pursuant to section 331.256, the general assembly next convening following the election required by section 331.255 or 331.256 shall pass legislation recognizing the change in boundaries of the counties where the question of multicounty consolidation was approved. The boundaries recognized in the legislation shall conform to the boundaries contained in the consolidation charter. The legislation shall contain the official name of the consolidated county as that name is given in the consolidation charter.

Sec. 25. Section 331.260, subsection 2, Code 2003, is amended to read as follows:

2. A charter proposing a community commonwealth as an alternative form of government may be submitted to the voters only by a commission established under section 331.232. A majority vote by the commission is required for the submission of a charter proposing a community commonwealth as an alternative form of local government. The commission submitting a community commonwealth form of government shall issue a final report and proposal. ~~If an alternative form of government for a community commonwealth form of local government is proposed, approval of the commonwealth charter shall be a separate ballot issue from approval of the alternative form of government in those cities proposed to be included in the commonwealth. The commonwealth charter shall be effective in regard to a city government only if a majority of the voters of the city voting on the question voted for participation in the commonwealth charter.~~ Adoption of the proposed community commonwealth charter requires the approval of a majority of the votes cast in the entire county and requires the approval of a majority of the votes cast in one or more cities named on the ballot. A city named on the ballot is included in the community commonwealth only if the proposed community commonwealth charter is approved by a majority of the votes cast in the city.

The question of forming a community commonwealth shall be submitted to the electorate in substantially the same ~~form~~ manner as provided in section 331.247, subsection 4, and section 331.252. The effective date of the charter and election of new officers of the community commonwealth shall be as provided in section 331.247, subsection 5.

Sec. 26. Section 331.261, subsection 2, Code 2003, is amended to read as follows:

2. An elective legislative body established in the manner provided for county boards of supervisors under sections 331.201 through 331.216 and section ~~331.238~~ 331.248, subsection 2, the initial compensation for members of that body, and for a method of changing the compensation.

Sec. 27. Section 331.261, unnumbered paragraph 2, Code 2003, is amended to read as follows:

The community commonwealth charter may include other provisions which the commission elects to include and which are not inconsistent irreconcilable with state law, including, but not limited to, those provisions in section 331.248, subsection 4.

Sec. 28. Section 331.262, Code 2003, is amended by adding the following new subsections:

NEW SUBSECTION. 1A. The adoption of the community commonwealth form of government does not alter any right or liability of the county or member city in effect at the time of the election at which the charter was adopted.

NEW SUBSECTION. 1B. All departments and agencies of the county and of each member city shall continue to operate until their authority to operate is superseded by action of the governing body.

NEW SUBSECTION. 1C. All ordinances or resolutions in effect remain effective until amended or repealed, unless they are irreconcilable with the adopted charter.

NEW SUBSECTION. 1D. Upon the effective date of the adopted charter, the county shall adopt the community commonwealth form of government by ordinance, and shall file a copy with the secretary of state and maintain available copies for public inspection.

NEW SUBSECTION. 1E. Members of the governing body of the county and of each member city shall continue in office until the members of the governing body of the community commonwealth have been elected and sworn into office, at which

time the offices of the former governing bodies shall be abolished, and the terms of the members of the former governing bodies shall be terminated. During the period between the effective date of the charter and the election and qualification of the elected members of the new governing body, the former governing bodies of each member city and of the county shall continue to perform their duties and shall assist in planning the transition to the community commonwealth form of government.

NEW SUBSECTION. 1F. If a community commonwealth charter is submitted to the electorate but is not adopted, another charter shall not be submitted to the electorate for at least two years from the date of the election at which the charter was rejected. If a community commonwealth charter is adopted, a proposed charter for another alternative form of county government shall not be submitted to the electorate for at least six years from the date of the election at which the charter was adopted.

NEW SUBSECTION. 1G. If a community commonwealth charter is adopted, the charter may be amended at any time. The charter shall be amended in the manner provided in section 331.247, subsection 7.

Sec. 29. Section 372.1, Code 2003, is amended by adding the following new subsections:

NEW SUBSECTION. 7. City-county consolidated form as provided in sections 331.247 through 331.252.

NEW SUBSECTION. 8. Community commonwealth as provided in sections 331.260 through 331.263.

Sec. 30. Section 372.2, unnumbered paragraph 1, Code 2003, is amended to read as follows:


A Unless otherwise provided by law, a city may adopt a different form of government not more often than once in a six-year period. A different form, other than a home rule charter, or special charter, city-county consolidated government, or community commonwealth must be adopted as follows:

Sec. 31. EFFECTIVE AND APPLICABILITY DATES. This Act, being deemed of immediate importance, takes effect upon enactment and applies as follows:

1. The sections of this Act amending sections 331.232 and 331.233A, and the portion of the section of this Act amending section 331.235, subsections 1 through 3, do not apply to a

charter commission that has been established and is operating as of the effective date of this Act.

2. The remainder of this Act applies retroactively to charter commissions in existence before and on the effective date of this Act.



CHRISTOPHER C. RANTS
Speaker of the House



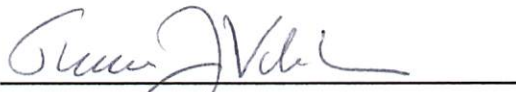
JEFFREY M. LAMBERTI
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2404, Eightieth General Assembly.



MARGARET THOMSON
Chief Clerk of the House

Approved April 13, 2004



THOMAS J. VILSACK
Governor