

Reprinted 2/87

FEB 17 1987

Place On Calendar

HOUSE FILE 278

BY COMMITTEE ON LOCAL GOVERNMENT

(Formerly House Study Bill 1)

Passed House, Date 2-23-87 (p. 441) Passed Senate, Date 2/26/88

Vote: Ayes 71 Nays 25 Vote: Ayes 32 Nays 8

Approved May 12, 1988

A BILL FOR

1 An Act authorizing a county to establish a county charter
2 commission, specifying the powers and duties of the charter
3 commission, and providing for the adoption of a county
4 charter.

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

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HF 278

1 Section 1. NEW SECTION. 331.217 DEFINITIONS.

2 As used in this part, unless the context otherwise
3 requires, "commission" means a charter commission created
4 under section 331.218.

5 Sec. 2. NEW SECTION. 331.218 CHARTER COMMISSION CREATED.

3076 6 The board may by resolution, or shall upon petition of the
7 number of eligible electors of the county equal to at least
3076 8 twenty-five percent of the votes cast in the county at the
9 preceding election for the office of president of the United
10 States or governor, create a county charter commission to
11 study and make recommendations for the functions,
12 organization, and structure of county government subject to
13 the requirements and limitations specified in section 331.224.
14 The recommendations of the commission shall be presented in
15 the form of a proposed county charter which shall be submitted
16 to the qualified electors of the county for approval or
17 disapproval as provided in section 331.223.

18 Sec. 3. NEW SECTION. 331.219 APPOINTMENT OF MEMBERSHIP.

19 1. Within forty-five days after the adoption of the
20 resolution creating the commission, the membership of the
21 commission shall be appointed as follows:

22 a. Two members shall be appointed by the board from each
23 list of three names submitted by each of the following
24 officers:

- 25 (1) County auditor.
- 26 (2) County recorder.
- 27 (3) County treasurer.
- 28 (4) County sheriff.
- 29 (5) County attorney.

30 b. Ten members shall be appointed by the board. If a city
31 within a county comprises fifty percent or more of the
32 county's population, five members of those appointed by the
33 board shall be eligible electors of that city.

34 c. Two members shall be appointed by the board of trustees
31035 of a county hospital in a county having a population of two

1 hundred fifty thousand or more.

2 2. Only eligible electors of the county not holding a
3 city, county, or state office shall be members of the
4 commission.

5 3. A vacancy on the commission shall be filled by
6 appointment in the same manner as the original appointment.
7 The county auditor shall notify the appropriate appointing
8 authority of the vacancy.

9 Sec. 4. NEW SECTION. 331.220 ORGANIZATION AND EXPENSES.

10 1. Within thirty days after appointment of the members of
11 the commission, the county auditor shall give written notice
12 of the date, time, and location of the first meeting of the
13 commission. At its first meeting the commission shall
14 organize by electing a chairperson, vice chairperson, and
15 other officers as necessary. The commission shall adopt rules
16 governing the conduct of its meetings, subject to chapter 21.

17 2. The members of the commission shall serve without
18 compensation, but they are entitled to travel and other
19 necessary expenses relating to their duties of office, subject
20 to section 79.9.

21 3. The board shall provide office space, rooms, supplies,
22 and equipment for the commission and shall pay the necessary
23 expenses of the commission including compensation for
24 secretarial, clerical, professional, and consultant services
25 not to exceed one hundred thousand dollars. The commission
26 may employ staff as necessary.

27 4. The expenses of the commission may be paid from the
28 general fund of the county or from any combination of public
29 or private funds available for that purpose.

30 Sec. 5. NEW SECTION. 331.221 COMMISSION PROCEDURES AND
31 REPORTS.

32 1. Within sixty days after its organization, the
33 commission shall hold at least one public hearing for the
34 purpose of receiving information and materials which will
35 assist in the drafting of a county charter. Notice of the

1 date, time, and place of the hearing shall be given as
2 provided in chapter 21.

3 2. Within nine months after the organization of the
4 commission, the commission shall submit a preliminary report
5 to the board, which report may include the text of the
6 proposed county charter. Sufficient copies of the proposed
7 report shall be made available for distribution to residents
8 of the county who request a copy. The commission shall hold
9 at least one public hearing after submission of the
10 preliminary report to obtain public comment on the report.

11 3. Within fifteen months after its organization, the
12 commission shall submit its final report to the board. The
13 final report shall include the full text and an explanation of
14 the proposed charter, any comments deemed desirable by the
15 commission, a written opinion by the attorney general of this
16 state, stating that the proposed charter is not in conflict
17 with constitutional or statutory law of this state, and any
18 minority reports. The final report shall be made available to
19 the residents of the county upon request. A summary of the
20 final report shall be published in the official newspapers of
21 the county.

22 4. The commission is dissolved on the date of the general
23 election at which the proposed county charter is submitted to
24 the electorate.

25 Sec. 6. NEW SECTION. 331.222 AMENDMENT TO CHARTER.

26 1. The board, by resolution, may submit a proposed
27 amendment to the county electorate at a general election and
28 the proposed amendment becomes effective if approved by a
29 majority of those voting on the proposal. The board may
30 propose amendments to the charter to the county electorate,
31 but any amendments shall be limited to those subjects
32 contained in the charter as approved by the voters.

33 2. If a petition signed by eligible electors of the county
34 equal in number to at least ten percent of the votes cast in
35 the county for the office of president of the United States or

1 governor at the preceding general election is filed with the
2 board proposing an amendment to the charter, the board shall
3 submit the proposed amendment to the voters at the next
4 general election and the amendment becomes effective if
5 approved by a majority of those voting on the proposal.

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6 3. The submission of an amendment to the county electorate
7 is subject to the restrictions of section 331.223, subsection
8 3.

9 Sec. 7. NEW SECTION. 331.223 REFERENDUM -- EFFECTIVE
10 DATE.

11 1. Upon receipt of a proposed charter or charter
12 amendment, the board shall direct the county commissioner of
13 elections to submit to the qualified electors of the county at
14 the next general election the question of whether the proposed
15 charter or charter amendment shall be adopted. If a majority
16 of the votes cast on the question is in favor of the proposal,
17 the proposal is adopted.

18 2. If a county charter or charter amendment is adopted:

19 a. The proposed charter or charter amendment shall take
20 effect January 1 following the general election at which it is
21 approved unless the charter or charter amendment provides a
22 later effective date. If the adopted charter or charter
23 amendment provides for a special election, the board shall
24 direct the county commissioner of elections to conduct the
25 election.

26 b. The adoption of the charter or charter amendment does
27 not alter any right or liability of the county in effect at
28 the time of the election at which the charter or charter
29 amendment was adopted.

30 c. All departments and agencies shall continue to operate
31 until replaced.

32 d. All ordinances or resolutions in effect remain
33 effective until amended or repealed, unless they are
34 irreconcilable with the charter or charter amendment.

35 e. Upon the effective date of the charter or charter

1 amendment, the county shall adopt the charter by ordinance,
2 and shall file a copy of its charter with the secretary of
3 state, and maintain copies available for public inspection.

4 3. If a county charter is adopted by the electorate, a
5 county charter or charter amendment proposing a change in the
6 number of supervisors under section 331.224, subsection 2,
7 paragraph "a" shall not be submitted to the electorate for
8 three years.

9 4. If a proposed county charter is rejected by the voters,
10 it may not be resubmitted to the voters within the next four
11 years.

12 Sec. 8. NEW SECTION. 331.224 COUNTY CHARTER AUTHORIZED -
13 - LIMITATIONS.

14 1. A county may adopt or amend a charter for the
15 government of the county subject to the requirements and
16 limitations provided in this part.

17 2. A county charter shall provide for the exercise of home
18 rule power and authority not inconsistent with state law and
19 may include, but is not limited to, provisions for:

20 a. A board of an odd number of members which may exceed
21 the number of members specified in section 331.201.

22 b. A supervisor representation plan for the county which
23 may differ from the supervisor representation plans specified
24 in sections 331.206, and 331.208 through 331.210.

25 c. The initial compensation for members of the board
26 which, thereafter, shall be determined as provided in section
27 331.907.

28 d. The method of selecting officers of the board and
29 fixing their terms of office which may differ from the
30 requirements of section 331.211.

31 e. Determining meetings of the board and rules of
32 procedure which may differ from the requirements of section
33 331.213 except the meetings shall be scheduled and conducted
34 in compliance with chapter 21.

35 f. The method of combining the duties of elected county

1 officials which may differ from the requirements of section
2 331.323.

3 g. The organization of county departments, agencies,
4 township boards of trustees, or boards of trustees of a county
5 hospital in a county having a population of two hundred fifty
6 thousand or more. The organization plan may provide for the
7 abolition or consolidation of a board or commission and the
8 assumption of its powers and duties by the board of
9 supervisors or another officer.

10 h. A form of county government specified under section
11 331.225.

12 3. A county charter or charter amendment shall not contain
13 a provision which relates to the levy or collection of a tax.

14 4. A county charter or charter amendment shall not contain
15 a provision which relates to the method of conducting
16 nominations or elections pursuant to chapters 43 and 49.

17 Sec. 9. NEW SECTION. 331.225 FORMS OF COUNTY GOVERNMENT

18 1. The forms of county government are:

19 a. Board of supervisors.

20 b. Executive-board.

21 c. Board-manager form.

22 2. A county retains its form of government until it adopts
23 a different form as provided in this section.

24 Sec. 10. NEW SECTION. 331.226 COUNTY EXECUTIVE-BOARD
25 FORM.

26 A county governed by the county executive-board form has a
27 county executive and five board members elected at large,
28 unless by ordinance a county so governed chooses to have a
29 county executive elected at large and an odd number of board
30 members but not less than five, including at least two board
31 members elected at large and one board member elected by and
32 from each district.

33 The county executive is the chief executive officer of the
34 county, shall exercise all administrative duties consistent
35 with state law and county ordinances and shall appoint

1 officers whose offices are provided by ordinance and for whose
2 official conduct the county executive shall be responsible.
3 The county executive is not a member of the board and may not
4 vote as a member of the board.

5 Sec. 11. NEW SECTION. 331.227 BOARD-MANAGER FORMS.

6 A county governed by the board-manager-at-large form has at
7 least three board members elected at large for staggered four-
8 year terms. At the first meeting of the new term following
9 each regular election, the board shall elect one of the board
10 members to serve as chairperson, and one to serve as vice
11 chairperson. The chairperson is a member of the board and may
12 vote on all matters before the board. As soon as possible
13 after the beginning of the new term following each regular
14 county election, the board shall appoint a manager.

15 A county governed by board-manager-district form has a
16 board composed of an odd number of not less than three members
17 elected from designated districts. At the first meeting of
18 the new term following each regular election, the board shall
19 elect one of the board members to serve as chairperson and one
20 to serve as vice chairperson. The chairperson and other board
21 members serve four-year staggered terms. The chairperson is a
22 member of the board and may vote on all matters before the
23 board. The board shall also appoint a county manager as soon
24 as possible following the beginning of the new term.

25 Sec. 12. NEW SECTION. 331.228 COUNTY MANAGER POWERS AND
26 DUTIES.

27 The board-manager form of government shall be that form in
28 which the chief administrative officer is known as the county
29 manager. The manager shall be appointed for an indefinite
30 period by the county board solely on the basis of training,
31 experience, and administrative qualifications, and need not be
32 a resident of a county at the time of appointment. The
33 manager may be removed by the county board at any time.

34 When a county adopts a board-manager-at-large or board-
35 manager-district form of government, the powers and duties of

1 the county manager shall be specified by county ordinance.

2 Sec. 13. NEW SECTION. 331.229 ABANDONMENT OF FORM OF
3 GOVERNMENT.

4 A county may abandon an optional form of government by
5 approving an alternative form of government as provided in
6 this division. A form of government shall not be abandoned
7 until six years have elapsed after the date of referendum at
8 which the form was adopted.

9 Sec. 14. Section 39.18, Code 1987, is amended by adding
10 the following new unnumbered paragraph:

11 NEW UNNUMBERED PARAGRAPH. In lieu of the election of
12 township trustees, a county charter may provide for the
13 exercise of their powers and duties by the board of
14 supervisors or other governing body of the county or another
15 officer.

16 Sec. 15. Section 39.22, Code 1987, is amended by adding
17 the following new unnumbered paragraph:

18 NEW UNNUMBERED PARAGRAPH. In lieu of the election of
19 township clerks, a county charter may provide for the exercise
20 of their powers and duties by another county officer or
21 employee.

22 Sec. 16. Section 331.101, subsection 1, Code 1987, is
23 amended to read as follows:

24 1. "Board" means the board of supervisors or other
25 governing body of a county.

26 Sec. 17. Section 331.201, Code 1987, is amended by adding
27 the following new subsection:

28 NEW SUBSECTION. 5. This section does not apply to a board
29 otherwise constituted under a county charter.

30 Sec. 18. Section 331.501, Code 1987, is amended by adding
31 the following new subsection:

32 NEW SUBSECTION. 4. Subsections 1 and 3 do not apply to
33 the office of county auditor if the office is otherwise
34 constituted under a county charter.

35 Sec. 19. Section 331.551, Code 1987, is amended by adding

1 the following new subsection:

2 NEW SUBSECTION. 4. Subsections 1 and 3 do not apply to
3 the office of county treasurer if the office is otherwise
4 constituted under a county charter.

5 Sec. 20. Section 331.601, Code 1987, is amended by adding
6 the following new subsection:

7 NEW SUBSECTION. 4. Subsections 1 and 3 do not apply to
8 the office of county recorder if the office is otherwise
9 constituted under a county charter.

10 Sec. 21. Section 331.651, Code 1987, is amended by adding
11 the following new subsection:

12 NEW SUBSECTION. 4. Subsections 1 and 3 do not apply to
13 the office of county sheriff if the office is otherwise
14 constituted under a county charter.

15 Sec. 22. Section 331.751, Code 1987, is amended by adding
16 the following new subsection:

17 NEW SUBSECTION. 4. Subsections 1 and 3 do not apply to
18 the office of county attorney if the office is otherwise
19 constituted under a county charter.

20 Sec. 23. Section 347.9, Code 1987, is amended by adding
21 the following new unnumbered paragraph:

22 NEW UNNUMBERED PARAGRAPH. In lieu of the election of
23 hospital trustees, a county charter may provide for the
24 exercise of their powers and duties by the board of
25 supervisors or other governing body of the county, or as
26 provided in the charter.

27 EXPLANATION

28 This bill provides that a county may create a county
29 charter commission to prepare a charter to be submitted for
30 approval of the county electorate. The county charter
31 commission may be created by resolution of the board of
32 supervisors or by petition of the county electorate. The bill
33 outlines the membership of the charter commission, its funding
34 and authority. The bill establishes a timetable in which the
35 charter commission is to complete its charter proposal for

1 submission to a referendum.

2 The bill also outlines optional forms of governments which
3 may be selected by a county charter commission.

4 The bill creates new sections 331.217 through 331.229 as a
5 new part of chapter 331, division II.

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HOUSE FILE 278

H-3076

1 Amend House File 278 as follows:

2 1. Page 1, line 6, by striking the words "may by
3 resolution, or".

4 2. Page 1, line 8, by striking the word "twenty-
5 five" and inserting the following: "ten".

BY ROYER of Page

H-3076 FILED FEBRUARY 18, 1987

PLATT of Muscatine

A. Adopted
B. Lost 2/23/87 (p. 439)

HOUSE FILE 278

H-3106

1 Amend House File 278 as follows:

2 1. Page 1, by striking line 35 and inserting the
3 following: "of a county hospital."

4 2. Page 2, by striking line 1.

5 3. Page 4, line 5, by inserting after the word
6 "proposal." the following: "A proposed amendment
7 requested by petition may include any subject which
8 may be included in a county charter under this part."

9 4. Page 5, line 21, by inserting after the figure
10 "331.201" the following: ", but not more than seven
11 members".

12 5. Page 6, line 2, by inserting after the number
13 "331.323." the following: "If a charter or charter
14 amendment proposes to combine the powers and duties of
15 elected county officials, the charter or charter
16 amendment shall specifically identify the officer who
17 will exercise the powers and duties of the combined
18 office and any future powers and duties conferred by
19 state law."

H-3106 FILED FEBRUARY 20, 1987 BY SWARTZ of Marshall

A. C. Adopted
B. w/d 2/23 (p. 440)

HOUSE FILE 278

H-3108

1 Amend House File 278 as follows:

2 1. Page 7, line 32, by striking the words "a
3 county" and inserting the following: "the county".

H-3108 FILED FEBRUARY 23, 1987 BY SPEAR of Lee

ADOPTED (p. 441)

Gen. L... 2/1/87

LOCAL GOVERNMENT: Kinley, Chair; Wells and Vande Hoef

Amended per 5049 v. L... Pass 2/4/88 (p. 273)

HOUSE FILE 278

BY COMMITTEE ON LOCAL GOVERNMENT

(As Amended and Passed by the House February 23, 1987)

Passed House, Date 4/4/88 (p. 1341) Passed Senate, Date 3/22/88 (p. 518)

Vote: Ayes 72 Nays 24 Vote: Ayes 32 Nays 8

Approved May 12, 1988
Reported Senate 4/11/88 (p. 1399)
46-1

A BILL FOR

1 An Act authorizing a county to establish a county charter
2 commission, specifying the powers and duties of the charter
3 commission, and providing for the adoption of a county
4 charter.

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

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House Amendments _____
Deleted Language *

5649 amended
all

1 Section 1. NEW SECTION. 331.217 DEFINITIONS.

2 As used in this part, unless the context otherwise
3 requires, "commission" means a charter commission created
4 under section 331.218.

5 Sec. 2. NEW SECTION. 331.218 CHARTER COMMISSION CREATED.

* 6 The board shall upon petition of the number of eligible
7 electors of the county equal to at least twenty-five percent
8 of the votes cast in the county at the preceding election for
9 the office of president of the United States or governor,
10 create a county charter commission to study and make
11 recommendations for the functions, organization, and structure
12 of county government subject to the requirements and
13 limitations specified in section 331.224. The recommendations
14 of the commission shall be presented in the form of a proposed
15 county charter which shall be submitted to the qualified
16 electors of the county for approval or disapproval as provided
17 in section 331.223.

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23 list of three names submitted by each of the following
24 officers:

- 25 (1) County auditor.
- 26 (2) County recorder.
- 27 (3) County treasurer.
- 28 (4) County sheriff.
- 29 (5) County attorney.

30 b. Ten members shall be appointed by the board. If a city
31 within a county comprises fifty percent or more of the
32 county's population, five members of those appointed by the
33 board shall be eligible electors of that city.

34 c. Two members shall be appointed by the board of trustees
35 of a county hospital.

1 2. Only eligible electors of the county not holding a
2 city, county, or state office shall be members of the
3 commission.

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

8 Sec. 4. NEW SECTION. 331.220 ORGANIZATION AND EXPENSES.

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14 other officers as necessary. The commission shall adopt rules
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18 necessary expenses relating to their duties of office, subject
19 to section 79.9.

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21 and equipment for the commission and shall pay the necessary
22 expenses of the commission including compensation for
23 secretarial, clerical, professional, and consultant services
24 not to exceed one hundred thousand dollars. The commission
25 may employ staff as necessary.

26 4. The expenses of the commission may be paid from the
27 general fund of the county or from any combination of public
28 or private funds available for that purpose.

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32 commission shall hold at least one public hearing for the
33 purpose of receiving information and materials which will
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35 date, time, and place of the hearing shall be given as

1 provided in chapter 21.

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16 with constitutional or statutory law of this state, and any
17 minority reports. The final report shall be made available to
18 the residents of the county upon request. A summary of the
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35 f. The method of combining the duties of elected county

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5 officer who will exercise the powers and duties of the
6 combined office and any future powers and duties conferred by
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33 unless by ordinance a county so governed chooses to have a
34 county executive elected at large and an odd number of board
35 members but not less than five, including at least two board

1 members elected at large and one board member elected by and
2 from each district.

3 The county executive is the chief executive officer of the
4 county, shall exercise all administrative duties consistent
5 with state law and county ordinances and shall appoint
6 officers whose offices are provided by ordinance and for whose
7 official conduct the county executive shall be responsible.

8 The county executive is not a member of the board and may not
9 vote as a member of the board.

10 Sec. 11. NEW SECTION. 331.227 BOARD-MANAGER FORMS.

11 A county governed by the board-manager-at-large form has at
12 least three board members elected at large for staggered four-
13 year terms. At the first meeting of the new term following
14 each regular election, the board shall elect one of the board
15 members to serve as chairperson, and one to serve as vice
16 chairperson. The chairperson is a member of the board and may
17 vote on all matters before the board. As soon as possible
18 after the beginning of the new term following each regular
19 county election, the board shall appoint a manager.

20 A county governed by board-manager-district form has a
21 board composed of an odd number of not less than three members
22 elected from designated districts. At the first meeting of
23 the new term following each regular election, the board shall
24 elect one of the board members to serve as chairperson and one
25 to serve as vice chairperson. The chairperson and other board
26 members serve four-year staggered terms. The chairperson is a
27 member of the board and may vote on all matters before the
28 board. The board shall also appoint a county manager as soon
29 as possible following the beginning of the new term.

30 Sec. 12. NEW SECTION. 331.228 COUNTY MANAGER POWERS AND
31 DUTIES.

32 The board-manager form of government shall be that form in
33 which the chief administrative officer is known as the county
34 manager. The manager shall be appointed for an indefinite
35 period by the county board solely on the basis of training,

1 experience, and administrative qualifications, and need not be
2 a resident of the county at the time of appointment. The
3 manager may be removed by the county board at any time.

4 When a county adopts a board-manager-at-large or board-
5 manager-district form of government, the powers and duties of
6 the county manager shall be specified by county ordinance.

7 Sec. 13. NEW SECTION. 331.229 ABANDONMENT OF FORM OF
8 GOVERNMENT.

9 A county may abandon an optional form of government by
10 approving an alternative form of government as provided in
11 this division. A form of government shall not be abandoned
12 until six years have elapsed after the date of referendum at
13 which the form was adopted.

14 Sec. 14. Section 39.18, Code 1987, is amended by adding
15 the following new unnumbered paragraph:

16 NEW UNNUMBERED PARAGRAPH. In lieu of the election of
17 township trustees, a county charter may provide for the
18 exercise of their powers and duties by the board of
19 supervisors or other governing body of the county or another
20 officer.

21 Sec. 15. Section 39.22, Code 1987, is amended by adding
22 the following new unnumbered paragraph:

23 NEW UNNUMBERED PARAGRAPH. In lieu of the election of
24 township clerks, a county charter may provide for the exercise
25 of their powers and duties by another county officer or
26 employee.

27 Sec. 16. Section 331.101, subsection 1, Code 1987, is
28 amended to read as follows:

29 1. "Board" means the board of supervisors or other
30 governing body of a county.

31 Sec. 17. Section 331.201, Code 1987, is amended by adding
32 the following new subsection:

33 NEW SUBSECTION. 5. This section does not apply to a board
34 otherwise constituted under a county charter.

35 Sec. 18. Section 331.501, Code 1987, is amended by adding

1 the following new subsection:

2 NEW SUBSECTION. 4. Subsections 1 and 3 do not apply to
3 the office of county auditor if the office is otherwise
4 constituted under a county charter.

5 Sec. 19. Section 331.551, Code 1987, is amended by adding
6 the following new subsection:

7 NEW SUBSECTION. 4. Subsections 1 and 3 do not apply to
8 the office of county treasurer if the office is otherwise
9 constituted under a county charter.

10 Sec. 20. Section 331.601, Code 1987, is amended by adding
11 the following new subsection:

12 NEW SUBSECTION. 4. Subsections 1 and 3 do not apply to
13 the office of county recorder if the office is otherwise
14 constituted under a county charter.

15 Sec. 21. Section 331.651, Code 1987, is amended by adding
16 the following new subsection:

17 NEW SUBSECTION. 4. Subsections 1 and 3 do not apply to
18 the office of county sheriff if the office is otherwise
19 constituted under a county charter.

20 Sec. 22. Section 331.751, Code 1987, is amended by adding
21 the following new subsection:

22 NEW SUBSECTION. 4. Subsections 1 and 3 do not apply to
23 the office of county attorney if the office is otherwise
24 constituted under a county charter.

25 Sec. 23. Section 347.9, Code 1987, is amended by adding
26 the following new unnumbered paragraph:

27 NEW UNNUMBERED PARAGRAPH. In lieu of the election of
28 hospital trustees, a county charter may provide for the
29 exercise of their powers and duties by the board of
30 supervisors or other governing body of the county, or as
31 provided in the charter.

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SENATE AMENDMENT TO HOUSE FILE 278

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*changed
committee
to Comm
plan to
charter*

1 Amend House File 278, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. By striking everything after the enacting
 4 clause and inserting the following:
 5 "Section 1. NEW SECTION. 330.23 NO RESTRICTION
 6 ON ADMINISTRATIVE AGENCIES.
 7 This chapter does not prohibit a city from
 8 establishing an administrative agency pursuant to
 9 chapter 392 to manage and control all or part of its
 10 airport in lieu of an airport commission under this
 11 chapter. A city may abolish an airport commission and
 12 provide for the management and control of its airport
 13 by an administrative agency.
 6/33 14 Sec. 2. Section 331.101, Code 1987, is amended by
 15 adding the following new subsections:
 16 NEW SUBSECTION. 16. "Committee" means a body of
 17 eligible electors authorized to study, review,
 18 analyze, and recommend an alternative form of county
 19 government.
 20 NEW SUBSECTION. 17. "Plan" means a formal
 21 document establishing the functions, powers,
 22 organization, structure, privileges, rights, and
 23 duties of county government not inconsistent with
 24 state law.
 25 Sec. 3. NEW SECTION. 331.217 ALTERNATIVE FORMS
 26 OF COUNTY GOVERNMENT.
 27 The alternative forms of county government are as
 28 follows:
 29 1. Board of supervisor form as provided in
 30 division II.
 31 2. Board-elected executive form as provided in
 32 section 331.225.
 33 3. Board-manager form as provided in section
 34 331.227.
 35 4. Charter government form as provided in section
 36 331.232.
 37 5. City-county consolidated form as provided in
 38 section 331.233.
 39 6. County-county consolidated form as provided in
 40 section 331.239.
 41 Sec. 4. NEW SECTION. 331.218 PLAN FOR AN
 42 ALTERNATIVE FORM OF GOVERNMENT.
 43 1. A plan to change a form of county government
 44 may be submitted to the electors of a county only by a
 45 committee established by resolution of the board upon
 46 petition of the number of eligible electors of the
 47 county equal to at least twenty-five percent of the
 48 votes cast in the county for the office of president
 49 of the United States or governor at the preceding
 50 general election or the signatures of at least ten

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1 thousand eligible electors of the county, whichever
2 number is fewer.

3 2. The plan shall be submitted to the county
4 electorate by the committee in the form of a charter
5 or charter amendment.

6 Sec. 5. NEW SECTION. 331.219 APPOINTMENT OF
7 COMMITTEE MEMBERS.

8 1. Within forty-five days after the adoption of
9 the resolution creating the committee, the members of
10 the committee shall be appointed as follows:

11 a. Two members shall be appointed by each of the
12 following officers:

- 13 (1) County auditor.
- 14 (2) County recorder.
- 15 (3) County treasurer.
- 16 (4) County sheriff.
- 17 (5) County attorney.

18 b. Two members shall be appointed by each member
19 of the board.

20 c. Two members shall be appointed by each state
21 representative whose legislative district is located
22 in the county if a majority of the constituents of
23 that legislative district resides in the county.
24 However, if a county does not have a state
25 representative's legislative district which has a
26 majority of a state representative's constituency
27 residing in the county, the state representative
28 having the largest plurality of constituents residing
29 in the county shall appoint two members.

6654
30 2. The membership shall be bipartisan. In
31 counties having multiple state legislative districts,
32 the districts shall be represented as equally as
33 possible. Only eligible electors of the county not
34 holding a city, county, or state office shall be
35 members of the committee. A vacancy on the committee
36 shall be filled by appointment in the same manner as
37 the original appointment. The county auditor shall
38 notify the appropriate appointing authority of a
39 vacancy.

610240 Sec. 6. NEW SECTION. 331.220 ORGANIZATION AND
41 EXPENSES.

42 1. Within thirty days after the appointment of the
43 members of the committee, the county auditor shall
44 give written notice of the date, time, and location of
45 the first meeting of the committee. At the first
46 meeting the committee shall organize by electing a
47 chairperson, vice chairperson, and other officers as
48 necessary. The committee shall adopt rules governing
49 the conduct of its meetings, subject to chapter 21.

50 2. The members of the committee shall serve

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1 without compensation, but they are entitled to travel
2 and other necessary expenses relating to their duties
3 of office.

4 3. The board shall provide office space, rooms,
5 supplies, and equipment for the committee and shall
6 pay the necessary expenses of the committee including
7 compensation for secretarial, clerical, professional,
8 and consultant services. The total expenses shall not
9 exceed one hundred thousand dollars. The committee
10 may employ staff as necessary.

11 4. The expenses of the committee may be paid from
12 the general fund of the county or from any combination
13 of public or private funds available for that purpose.

6101 14 Sec. 7. NEW SECTION. 331.221 COMMITTEE
15 PROCEDURES AND REPORTS.

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

22 2. Within nine months after the organization of
23 the committee, the committee shall submit a
24 preliminary report to the board, which report may
25 include the text of the proposed plan. If a proposed
26 plan is included in the preliminary report, the report
27 shall also include an analysis of the fiscal impact of
28 the proposed plan. Sufficient copies of the report
29 shall be made available for distribution to residents
30 of the county who request a copy. The committee shall
31 hold at least one public hearing after submission of
32 the preliminary report to obtain public comment.

33 3. Within fifteen months after organization, the
34 committee shall submit the final report to the board.
35 If the committee recommends a plan other than the
36 existing form of government, the final report shall
37 include the full text and an explanation of the
38 proposed plan, an analysis of the fiscal impact of the
39 proposed plan, any comments deemed desirable by the
40 committee, a written opinion by the attorney general
41 stating that the proposed plan is not in conflict with
42 constitutional or statutory law, and any minority
43 reports. The final report may recommend no change to
44 the existing form of government and that no plan be
45 submitted to the electorate. The final report shall
46 be made available to the residents of the county upon
47 request. A summary of the final report shall be
48 published in the official newspaper of the county. If
49 a plan is not recommended, the committee is dissolved
50 upon submission of its final report to the board.

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1 4. The committee is dissolved on the date of the
 2 general election at which the proposed plan is
 3 submitted to the electorate. If a plan is not
 4 recommended, the committee is dissolved upon
 5 submission of its final report to the board.

6 Sec. 8. NEW SECTION. 331.222 BALLOT
 7 REQUIREMENTS.

8 The existing form of government shall be printed as
 9 the first item on the ballot and the proposed
 10 alternative form following in the same order on all
 11 ballots.

12 1. The question of adopting the proposed
 13 alternative form of government shall be submitted to
 14 the electors in substantially the following form:

15 Vote for one:

16 For (the existing form of government).

17 For adoption of the (plan, amendment to the
 18 existing form of county government, or charter)
 19 proposed for (insert name of local government).

20 2. If an existing office is affected by the
 21 proposed alternative form of government, a separate
 22 vote for each affected office shall be included on the
 23 ballot. The separate vote on the affected office
 24 becomes effective only if the proposed alternative
 25 form of government is adopted.

26 For election.

27 For appointment.

28 3. If consolidation is proposed, the affected
 29 county or city shall be separately listed as provided
 30 in section 331.238 or 331.241 as appropriate.

6107 31 Sec. 9. NEW SECTION. 331.223 REFERENDUM --
 32 EFFECTIVE DATE.

33 1. If a proposed plan for county government is
 34 received not later than sixty days before the next
 35 general election, the board shall direct the county
 36 commissioner of elections to submit to the qualified
 37 electors of the county at the next general election
 38 the question of whether the proposed plan shall be
 39 adopted. If a majority of the votes cast on the
 40 question is in favor of the proposal, the proposal is
 41 adopted.

42 2. If a proposed plan for county government is
 43 adopted:

44 a. The adopted plan shall take effect July 1
 45 following the general election at which it is approved
 46 unless the plan provides a later effective date. If
 47 the adopted plan calls for a change in the form of
 48 government, a special election shall be called to
 49 elect the new elective officers. If the adopted plan
 50 provides for a special election, the board shall

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1 direct the county commissioner of elections to conduct
2 the election.

3 b. The adoption of the alternative form of county
4 government does not alter any right or liability of
5 the county in effect at the time of the election at
6 which the plan was adopted.

7 c. All departments and agencies shall continue to
8 operate until replaced.

9 d. All ordinances or resolutions in effect remain
10 effective until amended or repealed, unless they are
11 irreconcilable with the adopted plan.

12 e. Upon the effective date of the adopted plan,
13 the county shall adopt the alternative form by
14 ordinance, and shall file a copy with the secretary of
15 state, and maintain available copies for public
16 inspection.

17 3. If a plan is submitted to the electorate,
18 another plan shall not be submitted to the electorate
19 for six years.

20 Sec. 10. NEW SECTION. 331.224 LIMITATIONS TO
21 ALTERNATIVE FORMS OF COUNTY GOVERNMENT.

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

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

29 a. A board of an odd number of members which may
30 exceed the number of members specified in sections
31 331.201, 331.203, and 331.204.

32 b. A supervisor representation plan for the county
33 which may differ from the supervisor representation
34 plans as provided in division II.

35 c. The initial compensation for members of the
36 board which, thereafter, shall be determined as
37 provided in section 331.215.

38 d. The method of selecting officers of the board
39 and fixing their terms of office which may differ from
40 the requirements of sections 331.208 through 331.211.

41 e. Determining meetings of the board and rules of
42 procedure which may differ from the requirements of
43 section 331.213, except the meetings shall be
44 scheduled and conducted in compliance with chapter 21.

45 f. The combining of duties of elected county
46 officials which may differ from the requirements of
47 section 331.323.

48 g. The organization of county departments,
49 agencies, or boards. The organization plan may pro-
50 vide for the abolition or consolidation of a board or

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1 a commission and the assumption of its powers and
2 duties by the board of supervisors or another officer.
3 This paragraph does not apply to the board of trustees
4 of a county hospital.

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

10 i. Consolidating city-county government or
11 government functions.

12 j. Consolidating county-county government or
13 government functions.

14 BOARD-ELECTED EXECUTIVE FORM

15 Sec. 11. NEW SECTION. 331.225 BOARD-ELECTED
16 EXECUTIVE FORM.

17 The board-elected executive form consists of an
18 elected board of an odd number with staggered terms of
19 office and one elected executive whose term shall be
20 the same as that of a member of the board. If the
21 administrative offices of the county, excluding the
22 county executive, are appointive under the plan, the
23 board shall have at least five members. The board
24 shall have a chairperson who shall be elected by the
25 members of the board from their own number for a term
26 established by ordinance, and who shall vote as a
27 member of the board. The elected executive may veto
28 ordinances and resolutions, subject to an override by
29 a two-thirds vote of the board.

30 Sec. 12. NEW SECTION. 331.226 DUTIES OF
31 EXECUTIVE.

32 The executive shall:

33 1. Enforce laws, ordinances, and resolutions of
34 the county.

35 2. Perform duties required by law, ordinance, or
36 resolution of the county.

37 3. Administer affairs of the county government.

38 4. Carry out policies established by the board.

39 5. Recommend measures to the board.

40 6. Report to the board on the affairs and
41 financial condition of the county government.

42 7. Execute bonds, notes, contracts, and written
43 obligations of the board, subject to the approval of
44 the board.

45 8. Report to the board as the board may require.

46 9. Attend board meetings and take part in
47 discussion, but shall not vote.

48 10. Prepare and execute the budget adopted by the
49 board.

50 11. Appoint, with the consent of the board, all

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1 members of county boards, except the executive may
2 appoint without the consent of the board temporary
3 advisory committees established by the executive.

4 12. Appoint and remove all employees.

5 BOARD-MANAGER GOVERNMENT

6 Sec. 13. NEW SECTION. 331.227 BOARD-MANAGER
7 FORM.

8 The board-manager form consists of an elected board
9 and a manager appointed by the board, who shall be the
10 chief administrative officer of the county government.
11 The board shall have staggered terms of office. The
12 chairperson shall be elected by the members of the
13 board from their own number for a term established by
14 ordinance and shall vote as a member of the board. If
15 the administrative offices of the county are
16 appointive under the plan, the board shall have at
17 least five members.

18 The manager shall be appointed by the board and
19 removed only by a majority vote of the membership of
20 the board. The manager shall be responsible to the
21 board for the administration of all county government
22 affairs placed in the manager's charge by law,
23 ordinance, or resolution.

24 Sec. 14. NEW SECTION. 331.228 DUTIES OF MANAGER.

25 The manager shall:

26 1. Enforce laws, ordinances, and resolutions.

27 2. Perform the duties required of the manager by
28 law, ordinance, or resolution.

29 3. Administer the affairs of the county
30 government.

31 4. Direct, supervise, and administer all
32 departments, agencies, and offices of the county
33 government unit except as otherwise provided by law or
34 ordinance.

35 5. Carry out policies established by the board.

36 6. Prepare the board agenda.

37 7. Recommend measures to the board.

38 8. Report to the board on the affairs and
39 financial condition of the county government.

40 9. Execute bonds, notes, contracts, and written
41 obligations of the board, subject to the approval of
42 the board.

43 10. Report to the board as the board may require.

44 11. Attend board meetings and take part in the
45 discussion, but shall not vote.

46 12. Prepare and present the budget to the board
47 for its approval and execute the budget adopted by the
48 board.

49 13. Appoint, suspend, and remove all employees of
50 the county government except as otherwise provided by

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1 law or ordinance.

2 14. Appoint members of temporary advisory
3 committees.

4 Sec. 15. NEW SECTION. 331.229 EMPLOYEES OF
5 BOARD-MANAGER GOVERNMENT.

6 1. Employees appointed by the manager or
7 subordinates shall be administratively responsible to
8 the manager.

9 2. The board or its members shall not dictate the
10 appointment or removal of any employee appointed by
11 the manager or any subordinate of the manager.

12 3. Except for the purpose of inquiry or
13 investigation, the board or its members shall deal
14 with the county employees who are subject to the
15 direction and supervision of the manager solely
16 through the manager, and the board or its members
17 shall not give orders to an employee under the
18 manager's direction or supervision.

19 AMENDMENT TO COUNTY GOVERNMENT

20 Sec. 16. NEW SECTION. 331.230 AMENDMENT TO
21 COUNTY GOVERNMENT.

22 1. An amendment to county government organization
23 shall only be made by submitting the question of
24 amendment to the electors of the county government
25 pursuant to section 331.222. To become effective, a
26 proposed amendment must receive an affirmative vote of
27 a majority of the electors voting on the question. An
28 amendment approved by the electors becomes effective
29 pursuant to section 331.223.

30 2. An amendment to a county government
31 organization may be proposed by initiative upon
32 petition of the number of eligible electors of the
33 county equal to at least ten percent of the votes cast
34 at the preceding election for the office of president
35 of the United States or governor, or by resolution
36 adopted by the governing body. The question on
37 amendment of county government organization shall be
38 submitted to the electors as soon as possible after
39 the submission of a petition or adoption of a resolu-
40 tion, either at a general election or at a special
41 election.

42 Sec. 17. NEW SECTION. 331.231 LIMITATIONS ON
43 AMENDMENTS TO COUNTY GOVERNMENT.

44 The electors of a county who have adopted an
45 amendment to county government may not vote on the
46 question of amending the county government for two
47 years. An amendment shall not include an alternative
48 form of county government.

49 CHARTER FORM

50 Sec. 18. NEW SECTION. 331.232 CHARTER FORM OF

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1 GOVERNMENT.

2 The charter form of government shall be specified
3 in a plan written by a charter committee. The plan
4 shall establish an elected legislative body. The plan
5 shall specify the number of members and term of office
6 pursuant to section 331.224. If the administrative
7 offices of the county, excluding an elected county
8 executive, are appointive under the plan, the board
9 shall have at least five members. The plan may
10 establish legislative or administrative organizational
11 structure. The plan may include the provisions
12 necessary to permit an orderly transition to the
13 charter form of government. However, the provisions
14 shall be limited in scope consistent with the intent
15 of, and in accordance with, section 331.224.

16 CITY-COUNTY CONSOLIDATION

17 Sec. 19. NEW SECTION. 331.233 CITY-COUNTY
18 CONSOLIDATION FORM.

19 1. A county and one or more cities within the
20 county may unite to form a single unit of local
21 government in accordance with this part.

22 2. An alternative form of government, including a
23 charter form, for a consolidated unit of government
24 may be submitted to the voters only by a committee and
25 one or more commissions established by the affected
26 cities under section 372.9 that have cooperated in the
27 formulation of the plan. A majority vote by each of
28 the affected committee and commission is required for
29 the submission of an alternative form of government
30 for a consolidated unit of local government. The
31 affected committee and commission submitting a
32 consolidated form shall issue a single joint report
33 and proposal.

34 3. An alternative form of government for a
35 consolidated unit of local government does not need to
36 include more than one city. A city shall not be
37 included unless the charter commission of the affected
38 city participates in the cooperative study, its
39 commission by a majority vote approves the proposed
40 plan for consolidated government, and a majority of
41 the electors of the affected city voting approves the
42 proposed alternative plan for the consolidated
43 government.

44 4. If an alternative form of government for a
45 consolidated unit of local government is proposed,
46 approval of the consolidation plan shall be a separate
47 ballot issue from approval of the alternative form of
48 government in those cities proposed to be included in
49 the consolidation. The consolidation plan shall be
50 effective in regard to a city government only if a

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1 majority of the voters of the city voting on the
2 question voted for participation in the consolidation
3 plan.

4 Sec. 20. NEW SECTION. 331.234 PLAN OF

5 CONSOLIDATION.

6 1. The affected committee and commission proposing
7 consolidation shall prepare, adopt, and submit to the
8 voters a consolidation plan in addition to the
9 alternative form of government. If the affected
10 committee and commission propose a charter, the plan
11 may be included in the charter.

12 2. The consolidation plan shall:

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

17 b. Provide for establishment of service areas.

18 c. Provide for the transfer or other disposition
19 of property and other rights, claims, assets, and
20 franchises of local governments consolidated under the
21 alternative form.

22 d. Provide the official name of the consolidated
23 unit of local government.

24 e. Provide for the transfer, reorganization,
25 abolition, absorption, and adjustment of boundaries of
26 all existing boards, bureaus, commissions, agencies,
27 special districts, and political subdivisions of the
28 consolidated government.

29 f. Include other provisions which the committee
30 and commission elect to include and which are not
31 inconsistent with state law.

32 3. The plan may grant the legislative body of the
33 consolidated government the authority to transfer,
34 reorganize, and provide a method for adjusting the
35 boundaries of the entities within the consolidated
36 government.

37 Sec. 21. NEW SECTION. 331.235 EFFECT OF

38 CONSOLIDATION.

39 1. As a political subdivision of the state, the
40 consolidated unit of local government shall have the
41 status of a county and a city for all purposes and
42 shall replace and be the successor of the county and
43 the affected city.

44 2. On its effective date, the alternative form of
45 government and consolidation plan operate to dissolve
46 county and city governments within the area of
47 consolidation in accordance with its provisions. On
48 the effective date, the separate corporate existence
49 of the county and of each participating city shall be
50 consolidated into one local government unit under the

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1 name selected, designated, and adopted. The
2 consolidated local government shall succeed to,
3 possess, and own all of the property and assets of
4 every kind and description and shall, except as
5 otherwise provided, become responsible for all the
6 obligations and liabilities of the county and cities
7 so consolidated.

8 3. All provisions of law authorizing contributions
9 of any kind, in money or otherwise, from the state or
10 federal government to counties and cities shall remain
11 in full force with respect to a consolidated local
12 government.

13 Sec. 22. NEW SECTION. 331.236 GENERAL POWERS OF
14 CONSOLIDATED LOCAL GOVERNMENTS.

15 A consolidated local government shall have and may
16 exercise all powers that are conferred on counties and
17 cities by the constitution and laws of the state. The
18 consolidated local government may levy all taxes which
19 counties and cities are authorized to levy except that
20 city taxes shall be levied only within areas of the
21 consolidated local government designated as urban
22 service areas.

23 Sec. 23. NEW SECTION. 331.237 RULES, ORDINANCES,
24 AND RESOLUTIONS OF CONSOLIDATED UNIT.

25 Within two years after ratification of the
26 consolidation, the governing body of the consolidated
27 unit of local government shall revise, repeal, or
28 reaffirm all rules, ordinances, and resolutions in
29 force within the participating county and cities at
30 the time of consolidation. Each rule, ordinance, or
31 resolution in force at the time of consolidation shall
32 remain in force within the former geographic jurisdic-
33 tion until superseded by action of the new governing
34 body. Ordinances and resolutions relating to public
35 improvements to be paid for in whole or in part by
36 special assessments shall remain in effect until paid
37 in full.

38 Sec. 24. NEW SECTION. 331.238 FORM OF BALLOT.

39 Pursuant to section 331.222, the question of
40 county-city consolidation shall be submitted to the
41 electors in substantially the following form:

42 _____ For (the existing forms of government).

43 _____ For the consolidation of the corporate
44 existence and governments of the county of
45 _____ and the cities of _____ and
46 _____ into one joint county-municipal
47 corporation government.

48 If section 331.233, subsection 4, applies, the
49 following question shall be placed on the ballot of
50 each participating city:

- 1 _____ For participating in the consolidation plan.
- 2 _____ Against-participating in the consolidation
- 3 plan.

COUNTY-COUNTY CONSOLIDATION

6/10/88 5 Sec. 25 NEW SECTION. 331.239 REQUIREMENTS FOR
 6 COUNTY-COUNTY GOVERNMENT CONSOLIDATION.

- 7 1. Consolidation may be placed on the ballot only
- 8 by a joint report by contiguous counties.
- 9 2. A final report must contain a consolidation
- 10 plan if county-county consolidation is recommended.
- 11 The consolidation plan must conform to the provisions
- 12 and requirements in accordance with this part.

6/10/88 13 Sec. 26. NEW SECTION. 331.240 PLAN OF
 14 CONSOLIDATION.

- 15 When county consolidation is recommended, a
- 16 petition must contain a consolidation plan which
- 17 provides for:
- 18 1. Adjustment of existing bonded indebtedness and
- 19 other obligations in a manner which assures a fair and
- 20 equitable burden of taxation for debt service.
- 21 2. Establishment of subordinate service districts.
- 22 3. The transfer or other disposition of property
- 23 and other rights, claims, assets, and franchises of
- 24 the counties consolidated under the plan.
- 25 4. The official name of the consolidated county.
- 26 5. The transfer, reorganization, abolition
- 27 adjustment of boundaries, or absorption of existing
- 28 boards, subordinate service districts, local
- 29 improvement districts, and agencies of the
- 30 consolidated counties.

31 The consolidation plan may include other provisions
32 that are not inconsistent with state law.

33 Sec. 27. NEW SECTION. 331.241 FORM OF BALLOT.

34 Pursuant to section 331.222, the question of
35 county-county consolidation shall be submitted to the
36 electors in substantially the following form:

- 37 _____ For (the existing forms of government).
- 38 _____ For the consolidation of the corporate
- 39 existence and governments of the county of _____
- 40 and the county of _____ into one county
- 41 corporation and government.

42 Sec. 28. CODIFICATION. The Code editor shall
 43 codify new sections 331.217 through 331.241 as a new
 44 part or parts of division II of chapter 331."

- 45 2. Amend the title page, by striking lines 1
- 46 through 4 and inserting the following: "An Act
- 47 authorizing a city to establish an administrative
- 48 agency to manage and control a city airport, and
- 49 authorizing local government reorganization by the
- 50 establishment of an alternative form of county

- 1 government or city-county government, or by
- 2 consolidating county governments, and making
- 3 corresponding amendments to the Code."

*Adopted as amended by 6/16/88
4/4/88 (p. 1341)*

HOUSE FILE 278

H-6053

1 Amend the Senate amendment, H-5214, to House File
2 278, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 5, by striking lines 17 through 19 and
5 inserting the following:

6 "3. If an alternative form of county government is
7 adopted by the electorate, another alternative form
8 shall not be submitted to the electorate for six
9 years.

10 4. If an alternative form of county government is
11 submitted and not adopted, another alternative form
12 shall not be submitted to the electorate for two
13 years."

H-6053 FILED MARCH 30, 1988 BY SHERZAN of Polk

with 4/4 pg 1341

HOUSE FILE 278

H-6054

1 Amend the Senate amendment, H-5214, to House File
2 278, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 2, by inserting after line 29 the
5 following:

6 "d. Two members shall be appointed by the board of
7 trustees of a county hospital located in a county with
8 a population of two hundred fifty thousand or more."

9 2. Page 6, by striking line 4 and inserting the
10 following: "of a county hospital in a county having a
11 population of less than two hundred fifty thousand.

12 _____. In lieu of the election of hospital trustees
13 in a county with a population of two hundred fifty
14 thousand or more, a method providing for the exercise
15 of their powers and duties by the board of supervisors
16 or other governing body of the county or another
17 officer of the county."

18 3. By renumbering and relettering as necessary to
19 conform with this amendment.

H-6054 FILED MARCH 30, 1988 BY SHERZAN of Polk

Law 4/4 pg 1341

HOUSE FILE 278

H-6101

1 Amend the Senate Amendment, H-5214, to House File
2 278, as amended, passed, and reprinted by the House,
3 as follows:

4 1. By striking page 3, line 14, through page 4,
5 line 5 and inserting the following:

6 "Sec. ____ . NEW SECTION. 331.221 COMMITTEE
7 PROCEDURES AND REPORTS.

8 1. If the committee proposes to prepare a charter
9 plan, the committee shall hold at least one public
10 hearing within sixty days of its organization, for the
11 purpose of receiving information and materials which
12 will assist in the drafting of a county charter.

13 Notice of the date, time, and place of the hearing
14 shall be given as provided in chapter 21.

15 2. Within nine months after the organization of
16 the committee, the committee shall submit a
17 preliminary report to the board, which report shall
18 include the text of a proposed county charter plan.
19 Sufficient copies of the proposed charter plan shall
20 be made available for distribution to residents of the
21 county who request a copy. The committee shall hold
22 at least one public hearing after submission of the
23 preliminary report to obtain public comment on the
24 report.

25 3. Within fifteen months after its organization,
26 the committee shall submit its final report to the
27 board. The final report shall include the full text
28 and an explanation of a proposed charter plan, any
29 comments deemed desirable by the committee, a written
30 opinion by the attorney general of this state, stating
31 that the proposed charter plan is not in conflict with
32 constitutional or statutory law of this state, and any
33 minority reports. The final report shall be made
34 available to the residents of the county upon
35 request."

H-6101 FILED MARCH 30, 1988 BY SHERZAN of Polk

w/s 4/4 (7.1341)

HOUSE FILE 278

H-6102

Amend the Senate amendment, H-5214, to House File 278, as amended, passed, and reprinted by the House, as follows:

1. By striking page 2, line 40 through page 3, line 13 and inserting the following:

"Sec. . NEW SECTION. 331.220 ORGANIZATION AND EXPENSES -- TAX.

1. Within thirty days after appointment of the members of the committee, the county auditor shall give written notice of the date, time, and location of the first meeting of the committee. At its first meeting the committee shall organize by electing a chairperson, vice chairperson, and other officers as necessary. The committee shall adopt rules governing the conduct of its meetings, subject to chapter 21.

2. The members of the committee shall serve without compensation, but they are entitled to travel and other necessary expenses relating to their duties of office, subject to section 79.9.

3. The board shall provide office space, rooms, supplies, and equipment for the committee. The committee may employ staff as necessary and pay for the research and development of educational materials subject to the budget limitations specified in subsection 4.

4. A county government review committee account is created in the general fund of the county. The board shall provide funding for the committee equivalent to ten cents per capita of the population in the county at the preceding federal census. The expenses of the committee may be paid from any combination of public or private funds available for that purpose.

5. To fund the committee, the board may levy a tax on the assessed value of the taxable property in the county in an amount not to exceed the equivalent of ten cents per capita of the population in the county at the preceding federal census. This tax is in addition to any other tax authorized by law."

H-6102 FILED MARCH 30, 1988 BY SHERZAN of Polk

w/d 4/4 (p. 1341)

HOUSE FILE 278

H-6103

1 Amend the Senate amendment, H-5214, to House File
2 278, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 12, by striking lines 5 through 32 and
5 inserting the following:

6 "Sec. ____ . NEW SECTION. 331.239 COUNTY
7 CONSOLIDATION -- COUNTIES OF LESS THAN TEN THOUSAND
8 POPULATION.

9 1. Two or more committees may meet for the purpose
10 of considering the consolidation of their respective
11 counties.

12 2. In a county having a population of less than
13 ten thousand, the committee shall meet with the
14 committees of contiguous counties for the purpose of
15 considering consolidation with one or more of the
16 contiguous counties.

17 3. If two or more committees agree to a
18 consolidation of their respective counties, the
19 committees shall prepare a county charter plan as
20 provided in section 331.223 and provide for all of the
21 following in the charter or in a supplemental
22 agreement:

23 a. Liquidation or refinancing of existing bonded
24 indebtedness and other obligations of the counties.

25 b. Transfer or disposition of property and other
26 rights, assets, and claims of the affected counties.

27 c. The name of the consolidated county.

28 d. The name and location of one or more county
29 seats.

30 e. Transfer of county personnel and continuation
31 of salaries, benefits, collective bargaining

32 agreements, retirement rights, and related matters.

33 f. Recommendations for resolution of conflicting
34 or irreconcilable ordinances or resolutions of the
35 affected counties.

36 g. Consolidation of elective and appointive
37 offices, boards, commissions, or other agencies of the
38 counties included in the consolidated county."

H-6103 FILED MARCH 30, 1988 BY SHERZAN of Polk

w/d 4/7 (p. 1541)

HOUSE FILE 278

H-6104

1 Amend the Senate amendment, H-5214, to House File
2 278, as amended, passed, and reprinted by the House,
3 as follows:

4 1. By striking page 5, line 20 through page 6,
5 line 13 and inserting the following:

6 "Sec. ____ . NEW SECTION. 331.224 COUNTY CHARTER
7 PLAN AUTHORIZED -- LIMITATIONS.

8 1. A county may adopt or amend a charter plan for
9 the government of the county as provided in this
10 chapter. The committee may submit a charter plan or
11 amendment. An amendment may also be submitted by the
12 board or upon petition as provided in section 331.225.

13 2. A county charter plan shall provide for the
14 exercise of home rule power and authority and may
15 include provisions for:

16 a. A board of an odd number of members which may
17 exceed the number of members specified in section
18 331.201.

19 b. A supervisor representation plan for the county
20 which may differ from the supervisor representation
21 plans specified in sections 331.206, and 331.208
22 through 331.210.

23 c. The compensation for members of the board and
24 other elected officers.

25 d. The appointment by the board of one or more of
26 the county officers otherwise elected as provided in
27 section 39.17.

28 e. The method of selecting officers of the board
29 and fixing their terms of office which may differ from
30 the requirements of section 331.211.

31 f. Determining meetings of the board and rules of
32 procedure which may differ from the requirements of
33 section 331.213 except the meetings shall be scheduled
34 and conducted in compliance with chapter 21.

35 g. The method of combining the duties of elected
36 county officers which may differ from the requirements
37 of section 331.323.

38 h. The organization of county departments or
39 agencies including, but not limited to, the county
40 commission of veterans affairs organized under chapter
41 250, a board of county public hospital trustees
42 established under chapter 347 or 347A, and a county
43 conservation board established under chapter 111A.
44 The organization plan may provide for the abolition of
45 a board or commission and the assumption of its powers
46 and duties by the board of supervisors or another
47 officer.

48 3. A county charter plan or amendment shall not
49 contain a provision which relates to the levy or
50 collection of a tax."

-6104 FILED MARCH 30, 1988 BY SHERZAN of Polk

125 #14 (p. 134)

HOUSE FILE 278

H-6107

1 Amend the Senate amendment, H-5214, to House File
2 278, as amended, passed, and reprinted by the House,
3 as follows:
4 1. By striking page 4, line 31 through page 5,
5 line 19 and inserting the following:
6 "Sec. ____ . NEW SECTION. 331.223 REFERENDUM --
7 EFFECTIVE DATE.
8 1. Upon receipt of a proposed charter plan of the
9 committee requiring a vote, the board shall direct the
10 county commissioner of elections to submit to the
11 qualified electors of the county at the next general
12 election the question of whether the proposed charter,
13 amendment, or other recommendation shall be adopted.
14 If a majority of the votes cast on the question is in
15 favor of the proposal, the proposal is adopted.
16 2. If a county charter plan is adopted:
17 a. The proposed charter plan shall take effect
18 July 1 following the general election at which it is
19 approved unless the charter plan provides a later
20 effective date. If the adopted charter plan provides
21 for a special election, the board shall direct the
22 county commissioner of elections to conduct the
23 election.
24 b. The adoption of the charter does not alter any
25 right or liability of the county in effect at the time
26 of the election at which the charter was adopted.
27 c. All departments and agencies shall continue to
28 operate until replaced.
29 d. All ordinances or resolutions in effect remain
30 effective until amended or repealed, unless they are
31 irreconcilable with the charter.
32 e. Upon the effective date of the charter, the
33 county shall adopt the charter by ordinance, and shall
34 file a copy of its charter with the secretary of
35 state, and maintain copies available for public
36 inspection.
37 3. If a county charter plan is adopted by the
38 electorate, a county charter plan proposing a change
39 in the number of supervisors shall not be submitted to
40 the electorate for three years.
41 4. Each recommendation of the committee requiring
42 a referendum shall be submitted as a separate issue on
43 the ballot."

H-6107 FILED MARCH 30, 1988 BY SHERZAN of Polk

w/15 4/4 (p.1341)

HOUSE FILE 278

H-6112

1 Amend the Senate amendment, H-5214, to House File
2 278, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 5, by striking lines 45 through 47.

5 2. Page 6, by inserting after line 13 the fol-
6 lowing:

7 "Sec. ____ . NEW SECTION. 331.225 COMBINING OR
8 SHARING OF ELECTIVE OR APPOINTIVE OFFICES.

9 1. Notwithstanding the requirements of section
10 331.323, the committee may recommend the combining of
11 the elective offices specified in section 331.323.
12 The consolidation shall be effective January 1
13 following the next general election at which the
14 officer is elected to fill the combined office unless
15 the committee recommends a later date. The election
16 shall be called by the board as provided in section
17 331.223.

18 2. A committee may also meet with one or more
19 other committees to consider one or more multicounty
20 shared elective or appointive county offices. The
21 recommendations of the committees shall be submitted
22 by the respective boards at the next general election
23 for voter approval. Upon approval of a majority of
24 the voters in each affected county, the boards shall
25 provide, by agreement under chapter 28E, for the
26 sharing of the offices involved. Shared elective
27 officers shall be elected as otherwise provided by law
28 and shared appointive officers shall be appointed as
29 provided by the agreement. The county officers whose
30 duties may be shared include, but are not limited to,
31 the following:

32 a. Sheriff.

33 b. Treasurer.

34 c. Recorder.

35 d. Auditor.

36 e. Medical examiner.

37 f. General relief director.

38 g. County care facility administrator.

39 h. Commissioner of veterans affairs.

40 i. Director of social welfare.

41 j. County assessor.

42 k. County weed commissioner.

43 l. County engineer.

44 3. The committee shall also review the following
45 options for sharing of functions, facilities, and
46 personnel:

47 a. Agreements adopted pursuant to chapter 28E.

48 b. Civil defense functions under chapter 29C.

49 c. County conservation board responsibilities

50 under chapter 11A.

H-6112

Page 2

- 1 d. Public health responsibilities under chapter
- 2 137.
- 3 e. Mental health centers under chapter 230A.
- 4 f. County engineering responsibilities under
- 5 chapter 309.
- 6 g. City and county assessors under chapter 441."

By SHERZAN of Polk

H-6112 FILED MARCH 30, 1988

w/15 4/4 (p. 1341)

HOUSE FILE 278

H-6123

Amend the Senate amendment, H-5214, to House File 278, as amended, passed, and reprinted by the House, as follows:

1. Page 1, by striking lines 15 through 24 and inserting the following: "adding the following new subsection:

NEW SUBSECTION. 16. "Committee" means a county review committee created under section 331.218."

2. By striking page 1, line 41 through page 2, line 39 and inserting the following:

"Sec. ____ . NEW SECTION. 331.218 COUNTY REVIEW COMMITTEE CREATED.

1. The board shall create a county review committee each ten years commencing January 1, 1989. The purpose of the county review committee is to study and make recommendations for the functions, organization, and structure of county government subject to the requirements and limitations specified in this chapter.

2. Within forty-five days after January 1, 1989, and each ten years thereafter, the membership of the committee shall be appointed as follows:

a. Two members shall be appointed by the board from each state legislative district from a list of three names submitted to it by each legislator whose district is located in the county and in which a majority of the constituency resides in the county. Each state legislator shall submit names of persons who reside within the county in which the review committee is being appointed and within that state legislator's district. However, if a county does not have a legislative district which has a majority of a legislator's constituency residing in the county, the state representative and the state senator having the largest plurality of constituents residing in the county shall each nominate three persons.

b. One member shall be appointed by each member of the board.

3. Each committee appointed under this section shall have a minimum of nine members. If the appointment procedures provided under subsection 2 do not result in a minimum of nine members, the board shall appoint the additional members.

4. A vacancy on the committee shall be filled by appointment in the same manner as the original vacated appointment was made. The county auditor shall notify the appropriate appointing authority of the vacancy.

5. The committee shall be dissolved on its own motion following completion of its work or on the date of the next general election following its creation,

2
whichever date comes first."

HOUSE FILE 278

H-6163

- 1 Amend the Senate amendment, H-5214, to House File
2 278, as amended, passed, and reprinted by the House,
3 as follows:
- 4 1. Page 1, line 16, by striking the word
5 "Committee" and inserting the following:
6 "Commission".
- 7 2. Page 1, line 20, by striking the word "Plan"
8 and inserting the following: "Charter".
- 9 3. Page 1, line 43, by striking the word "plan"
10 and inserting the following: "charter".
- 11 4. Page 1, line 45, by striking the word
12 "committee" and inserting the following:
13 "commission".
- 14 5. Page 2, line 3, by striking the words "The
15 plan" and inserting the following: "An alternative
16 form of county government".
- 17 6. Page 2, line 4, by striking the word
18 "committee" and inserting the following:
19 "commission".
- 20 7. Page 2, line 7, by striking the word
21 "COMMITTEE" and inserting the following:
22 "COMMISSION".
- 23 8. Page 2, line 9, by striking the word
24 "committee" and inserting the following:
25 "commission".
- 26 9. Page 2, line 10, by striking the word
27 "committee" and inserting the following:
28 "commission".
- 29 10. Page 2, by striking line 35 and inserting the
30 following: "members of the commission. A vacancy on
31 the commission".
- 32 11. Page 2, line 43, by striking the word
33 "committee" and inserting the following:
34 "commission".
- 35 12. Page 2, line 45, by striking the word
36 "committee" and inserting the following:
37 "commission".
- 38 13. Page 2, line 46, by striking the word
39 "committee" and inserting the following:
40 "commission".
- 41 14. Page 2, line 48, by striking the word
42 "committee" and inserting the following:
43 "commission".
- 44 15. Page 2, line 50, by striking the word
45 "committee" and inserting the following:
46 "commission".
- 47 16. Page 3, line 5, by striking the word
48 "committee" and inserting the following:
49 "commission".
- 50 17. Page 3, line 6, by striking the word

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Page 2

1 "committee" and inserting the following:
2 "commission".
3 18. Page 3, line 9, by striking the word
4 "committee" and inserting the following:
5 "commission".
6 19. Page 3, line 11, by striking the word
7 "committee" and inserting the following:
8 "commission".
9 20. Page 3, line 14, by striking the word
10 "COMMITTEE" and inserting the following:
11 "COMMISSION".
12 21. Page 3, line 17, by striking the word
13 "committee" and inserting the following:
14 "commission".
15 22. Page 3, line 19, by striking the word "plan"
16 and inserting the following: "charter".
17 23. Page 3, by striking line 23 and inserting the
18 following: "the commission, the commission shall
19 submit a".
20 24. Page 3, line 25, by striking the word "plan"
21 and inserting the following: "charter".
22 25. Page 3, line 26, by striking the word "plan"
23 and inserting the following: "charter".
24 26. Page 3, line 28, by striking the word "plan"
25 and inserting the following: "charter".
26 27. Page 3, line 30, by striking the word
27 "committee" and inserting the following:
28 "commission".
29 28. Page 3, line 34, by striking the word
30 "committee" and inserting the following:
31 "commission".
32 29. Page 3, line 35, by striking the word
33 "committee" and inserting the following:
34 "commission".
35 30. Page 3, line 35, by striking the word "plan"
36 and inserting the following: "charter including a
37 form of government".
38 31. Page 3, line 38, by striking the word "plan"
39 and inserting the following: "charter".
40 32. Page 3, line 39, by striking the word "plan"
41 and inserting the following: "charter".
42 33. Page 3, line 40, by striking the word
43 "committee" and inserting the following:
44 "commission".
45 34. Page 3, line 41, by striking the word "plan"
46 and inserting the following: "charter".
47 35. Page 3, line 44, by striking the word "plan"
48 and inserting the following: "charter".
49 36. Page 3, line 49, by striking the word "plan"
50 and inserting the following: "charter".

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Page 3

- 1 37. Page 3, line 49, by striking the word
2 "committee" and inserting the following:
3 "commission".
- 4 38. Page 4, line 1, by striking the word
5 "committee" and inserting the following:
6 "commission".
- 7 39. Page 4, line 2, by striking the word "plan"
8 and inserting the following: "charter".
- 9 40. Page 4, line 3, by striking the word "plan"
10 and inserting the following: "charter".
- 11 41. Page 4, line 4, by striking the word
12 "committee" and inserting the following:
13 "commission".
- 14 42. Page 4, line 17, by striking the word "plan,"
15 and inserting the following: "charter or".
- 16 43. Page 4, line 18, by striking the words ", or
17 charter".
- 18 44. Page 4, line 33, by striking the word "plan"
19 and inserting the following: "charter".
- 20 45. Page 4, line 38, by striking the word "plan"
21 and inserting the following: "charter".
- 22 46. Page 4, line 42, by striking the word "plan"
23 and inserting the following: "charter".
- 24 47. Page 4, line 44, by striking the word "plan"
25 and inserting the following: "charter".
- 26 48. Page 4, line 46, by striking the word "plan"
27 and inserting the following: "charter".
- 28 49. Page 4, line 47, by striking the word "plan"
29 and inserting the following: "charter".
- 30 50. Page 4, line 49, by striking the word "plan"
31 and inserting the following: "charter".
- 32 51. Page 5, line 6, by striking the word "plan"
33 and inserting the following: "charter".
- 34 52. Page 5, line 11, by striking the word "plan"
35 and inserting the following: "charter".
- 36 53. Page 5, line 12, by striking the word "plan"
37 and inserting the following: "charter".
- 38 54. Page 5, line 17, by striking the word "plan"
39 and inserting the following: "charter".
- 40 55. Page 5, line 18, by striking the word "plan"
41 and inserting the following: "charter".
- 42 56. Page 6, by inserting after line 13 the
43 following:
44 "k. A charter or charter amendment shall not
45 contain a provision which relates to the method of
46 conducting nominations or elections pursuant to
47 chapter 43 and 49."
- 48 57. Page 9, line 3, by striking the words "a
49 plan" and inserting the following: "a proposed
50 charter".

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Page 4

- 1 58. Page 9, line 3, by striking the words "The
2 plan" and inserting the following: "The proposed
3 charter".
- 4 59. Page 9, line 4, by striking the word "plan"
5 and inserting the following: "charter".
- 6 60. Page 9, line 8, by striking the word "plan"
7 and inserting the following: "charter".
- 8 61. Page 9, line 9, by striking the word "plan"
9 and inserting the following: "charter".
- 10 62. Page 9, line 11, by striking the word "plan"
11 and inserting the following: "charter".
- 12 63. Page 9, line 24, by striking the word
13 "committee" and inserting the following: "commission
14 established under this chapter".
- 15 64. Page 9, line 27, by striking the word "plan"
16 and inserting the following: "charter".
- 17 65. Page 9, line 28, by striking the words
18 "committee and commission" and inserting the
19 following: "county charter commission and city
20 charter commission".
- 21 66. Page 9, line 31, by striking the words
22 "committee and commission" and inserting the
23 following: "county charter commission and city
24 charter commission".
- 25 67. Page 9, line 40, by striking the word "plan"
26 and inserting the following: "charter".
- 27 68. Page 9, line 42, by striking the words
28 "alternative plan" and inserting the following:
29 "charter".
- 30 69. Page 9, line 46, by striking the word "plan"
31 and inserting the following: "charter".
- 32 70. Page 9, line 49, by striking the word "plan"
33 and inserting the following: "charter".
- 34 71. Page 10, line 3, by striking the word "plan"
35 and inserting the following: "charter".
- 36 72. Page 10, line 4, by striking the word "PLAN"
37 and inserting the following: "CHARTER".
- 38 73. Page 10, line 6, by striking the words
39 "committee and commission" and inserting the
40 following: "county charter commission and city
41 charter commission".
- 42 74. Page 10, line 8, by striking the words "plan
43 in addition to the" and inserting the following:
44 "charter including an".
- 45 75. Page 10, by striking lines 9 through 11 and
46 inserting the following: "alternative form of
47 government."
- 48 76. Page 10, line 12, by striking the word "plan"
49 and inserting the following: "charter".
- 50 77. Page 10, lines 29 and 30, by striking the

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Page 5

1 words "committee and commission" and inserting the
 2 following: "county charter commission and the city
 3 charter commission".
 4 78. Page 10, line 32, by striking the word "plan"
 5 and inserting the following: "charter".
 6 79. Page 10, line 45, by striking the word "plan"
 7 and inserting the following: "charter".
 8 80. Page 12, line 1, by striking the word "plan"
 9 and inserting the following: "charter".
 10 81. Page 12, line 3, by striking the word "plan"
 11 and inserting the following: "charter".
 12 82. Page 12, line 10, by striking the word "plan"
 13 and inserting the following: "charter".
 14 83. Page 12, line 11, by striking the word "plan"
 15 and inserting the following: "charter".
 16 84. Page 12, line 13, by striking the word "PLAN"
 17 and inserting the following: "CHARTER".
 18 85. Page 12, line 16, by striking the word "plan"
 19 and inserting the following: "charter".
 20 86. Page 12, line 24, by striking the word "plan"
 21 and inserting the following: "charter".
 22 87. Page 12, line 31, by striking the word "plan"
 23 and inserting the following: "charter".

By HATCH of Polk

COOPER of Lucas

ROYER of Page

PLATT of Muscatine

H-6163 FILED MARCH 31, 1988

Adopted 4/4 (p. 1341)

HOUSE FILE 278

H-6166

1 Amend the Senate amendment, H-5214, to House File
 2 278, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 2, by inserting after line 29 the
 5 following:
 6 "d. The county conservation board may appoint one
 7 nonvoting member."

By BLACK of Jasper

H-6166 FILED APRIL 4, 1988

LOST (p. 1341)

HOUSE FILE 278

S-5049

1 Amend House File 278, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5/56 5 "Section 1. Section 331.101, Code 1987, is amended
6 by adding the following new subsections:

7 NEW SUBSECTION. 16. "Committee" means a body of
8 eligible electors authorized to study, review,
9 analyze, and recommend an alternative form of county
10 government.

11 NEW SUBSECTION. 17. "Plan" means a formal
12 document establishing the functions, powers,
13 organization, structure, privileges, rights, and
14 duties of county government not inconsistent with
15 state law.

16 Sec. 2. NEW SECTION. 331.217 ALTERNATIVE FORMS
17 OF COUNTY GOVERNMENT.

18 The alternative forms of county government are as
19 follows:

20 1. Board of supervisor form as provided in
21 division II.

22 2. Board-elected executive form as provided in
23 section 331.225.

24 3. Board-manager form as provided in section
25 331.227.

26 4. Charter government form as provided in section
27 331.232.

28 5. City-county consolidated form as provided in
29 section 331.233.

30 6. County-county consolidated form as provided in
31 section 331.239.

567 32 Sec. 3. NEW SECTION. 331.218 PLAN FOR AN
33 ALTERNATIVE FORM OF GOVERNMENT.

34 1. A plan to change a form of county government
35 may be submitted to the electors of a county only by a
36 committee established by resolution of the board upon
37 petition of the number of eligible electors of the
38 county equal to at least twenty-five percent of the
39 votes cast in the county for the office of president
40 of the United States or governor at the preceding
41 general election or the signatures of at least ten
42 thousand eligible electors of the county, whichever
43 number is fewer.

44 2. The plan shall be submitted to the county
45 electorate by the committee in the form of a charter
46 or charter amendment.

47 Sec. 4. NEW SECTION. 331.219 APPOINTMENT OF
48 COMMITTEE MEMBERS.

49 1. Within forty-five days after the adoption of
50 the resolution creating the committee, the members of

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1 the committee shall be appointed as follows:

2 a. Two members shall be appointed by each of the
3 following officers:

- 4 (1) County auditor.
- 5 (2) County recorder.
- 6 (3) County treasurer.
- 7 (4) County sheriff.
- 8 (5) County attorney.

9 b. Two members shall be appointed by each member
10 of the board.

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11 c. Two members shall be appointed by each state
12 representative whose legislative district is located
13 in the county if a majority of the constituents of
14 that legislative district resides in the county.
15 However, if a county does not have a state
16 representative's legislative district which has a
17 majority of a state representative's constituency
18 residing in the county, the state representative
19 having the largest plurality of constituents residing
20 in the county shall appoint two members.

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21 2. The membership shall be bipartisan. In
22 counties having multiple state legislative districts,
23 the districts shall be represented as equally as
24 possible. Only eligible electors of the county not
25 holding a city, county, or state office shall be
26 members of the committee. A vacancy on the committee
27 shall be filled by appointment in the same manner as
28 the original appointment. The county auditor shall
29 notify the appropriate appointing authority of a
30 vacancy.

31 Sec. 5. NEW SECTION. 331.220 ORGANIZATION AND
32 EXPENSES.

33 1. Within thirty days after the appointment of the
34 members of the committee, the county auditor shall
35 give written notice of the date, time, and location of
36 the first meeting of the committee. At the first
37 meeting the committee shall organize by electing a
38 chairperson, vice chairperson, and other officers as
39 necessary. The committee shall adopt rules governing
40 the conduct of its meetings, subject to chapter 21.

41 2. The members of the committee shall serve
42 without compensation, but they are entitled to travel
43 and other necessary expenses relating to their duties
44 of office.

45 3. The board shall provide office space, rooms,
46 supplies, and equipment for the committee and shall
47 pay the necessary expenses of the committee including
48 compensation for secretarial, clerical, professional,
49 and consultant services. The total expenses shall not
50 exceed one hundred thousand dollars. The committee

1 may employ staff as necessary.

2 4. The expenses of the committee may be paid from
3 the general fund of the county or from any combination
4 of public or private funds available for that purpose.

5 Sec. 6. NEW SECTION. 331.221 COMMITTEE

6 PROCEDURES AND REPORTS.

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

13 2. Within nine months after the organization of
14 the committee, the committee shall submit a
15 preliminary report to the board, which report may
16 include the text of the proposed plan. If a proposed
17 plan is included in the preliminary report, the report
18 shall also include an analysis of the fiscal impact of
19 the proposed plan. Sufficient copies of the report
20 shall be made available for distribution to residents
21 of the county who request a copy. The committee shall
22 hold at least one public hearing after submission of
23 the preliminary report to obtain public comment.

24 3. Within fifteen months after organization, the
25 committee shall submit the final report to the board.
26 The final report shall include the full text and an
27 explanation of the proposed plan, an analysis of the
28 fiscal impact of the proposed plan, any comments
29 deemed desirable by the committee, a written opinion
30 by the attorney general stating that the proposed plan
31 is not in conflict with constitutional or statutory
32 law, and any minority reports. The final report may
33 recommend no change to the existing form of government
34 and that no plan be submitted to the electorate. The
35 final report shall be made available to the residents
36 of the county upon request. A summary of the final
37 report shall be published in the official newspaper of
38 the county. If a plan is not recommended, the
39 committee is dissolved upon submission of its final
40 report to the board.

41 4. The committee is dissolved on the date of the
42 general election at which the proposed plan is
43 submitted to the electorate. If a plan is not
44 recommended, the committee is dissolved upon
45 submission of its final report to the board.

46 Sec. 7. NEW SECTION. 331.222 BALLOT

47 REQUIREMENTS.

48 The existing form of government shall be printed as
49 the first item on the ballot and the proposed
50 alternative form following in the same order on all

1 ballots.

2 1. The question of adopting the proposed
3 alternative form of government shall be submitted to
4 the electors in substantially the following form:

5 Vote for one:

6 For (the existing form of government).

7 For adoption of the (plan, amendment to the
8 existing form of county government, or charter

9 proposed for (insert name of local government).

507/10 2. If an existing office is affected by the
11 proposed alternative form of government, a separate
12 vote for each affected office shall be included on the
508/13 ballot.

14 For election.

15 For appointment.

16 3. If consolidation is proposed, the affected
17 county or city shall be separately listed as provided
18 in section 331.238 or 331.241 as appropriate.

19 Sec. 8. NEW SECTION. 331.223 REFERENDUM --
20 EFFECTIVE DATE.

509/21 1. Upon receipt of a proposed plan for county
22 government, the board shall direct the county
23 commissioner of elections to submit to the qualified
24 electors of the county at the next general election
25 the question of whether the proposed plan shall be
26 adopted. If a majority of the votes cast on the
27 question is in favor of the proposal, the proposal is
28 adopted.

29 2. If a proposed plan for county government is
30 adopted:

31 a. The adopted plan shall take effect July 1
32 following the general election at which it is approved
33 unless the plan provides a later effective date. If
34 the adopted plan calls for a change in the form of
35 government, a special election shall be called to
36 elect the new elective officers. If the adopted plan
37 provides for a special election, the board shall
38 direct the county commissioner of elections to conduct
39 the election.

40 b. The adoption of the alternative form of county
41 government does not alter any right or liability of
42 the county in effect at the time of the election at
43 which the plan was adopted.

44 c. All departments and agencies shall continue to
45 operate until replaced.

46 d. All ordinances or resolutions in effect remain
47 effective until amended or repealed, unless they are
48 irreconcilable with the adopted plan.

49 e. Upon the effective date of the adopted plan,
50 the county shall adopt the alternative form by

1 ordinance, and shall file a copy with the secretary of
2 state, and maintain available copies for public
3 inspection.

509/4 3. If a plan is submitted to the electorate,
5 another plan shall not be submitted to the electorate
6 for six years.

7 Sec. 9. NEW SECTION. 331.224 LIMITATIONS TO
8 ALTERNATIVE FORMS OF COUNTY GOVERNMENT.

9 1. A county may adopt or amend an alternative form
10 of county government subject to the requirements and
11 limitations provided in this section.

12 2. An alternative form of county government shall
13 provide for the exercise of home rule power and
14 authority not inconsistent with state law and may
15 include provisions for any of the following:

16 a. A board of an odd number of members which may
17 exceed the number of members specified in sections
18 331.201, 331.203, and 331.204.

19 b. A supervisor representation plan for the county
20 which may differ from the supervisor representation
21 plans as provided in division II.

22 c. The initial compensation for members of the
23 board which, thereafter, shall be determined as
24 provided in section 331.215.

25 d. The method of selecting officers of the board
26 and fixing their terms of office which may differ from
27 the requirements of sections 331.208 through 331.211.

28 e. Determining meetings of the board and rules of
29 procedure which may differ from the requirements of
30 section 331.213, except the meetings shall be
31 scheduled and conducted in compliance with chapter 21.

32 f. The combining of duties of elected county
33 officials which may differ from the requirements of
34 section 331.323.

35 g. The organization of county departments,
36 agencies, or boards. The organization plan may pro-
37 vide for the abolition or consolidation of a board or
38 a commission and the assumption of its powers and
39 duties by the board of supervisors or another officer.
40 This paragraph does not apply to the board of trustees
41 of a county hospital.

509/42 h. In lieu of the election of township trustees, a
43 method providing for the exercise of their powers and
44 duties by the board of supervisors or other governing
45 body of the county or another office.

46 i. Consolidating city-county government or
47 government functions.

48 j. Consolidating county-county government or
49 government functions.

50 BOARD-ELECTED EXECUTIVE FORM

1 Sec. 10. NEW SECTION. 331.225 BOARD-ELECTED
2 EXECUTIVE FORM.

3 The board-elected executive form consists of an
4 elected board of an odd number with staggered terms of
5 office and one elected executive whose term shall be
6 the same as that of a member of the board. The board
7 shall have a chairperson who shall be elected by the
8 members of the board from their own number for a term
9 established by ordinance, and who shall vote as a
10 member of the board. The elected executive may veto
11 ordinances and resolutions, subject to an override by
12 a two-thirds vote of the board.

13 Sec. 11. NEW SECTION. 331.226 DUTIES OF
14 EXECUTIVE.

15 The executive shall:

- 16 1. Enforce laws, ordinances, and resolutions of
17 the county.
- 18 2. Perform duties required by law, ordinance, or
19 resolution of the county.
- 20 3. Administer affairs of the county government.
- 21 4. Carry out policies established by the board.
- 22 5. Recommend measures to the board.
- 23 6. Report to the board on the affairs and
24 financial condition of the county government.
- 25 7. Execute bonds, notes, contracts, and written
26 obligations of the board, subject to the approval of
27 the board.
- 28 8. Report to the board as the board may require.
- 29 9. Attend board meetings and take part in
30 discussion, but shall not vote.
- 31 10. Prepare and execute the budget adopted by the
32 board.
- 33 11. Appoint, with the consent of the board, all
34 members of county boards, except the executive may
35 appoint without the consent of the board temporary
36 advisory committees established by the executive.
- 37 12. Appoint and remove all employees.

38 BOARD-MANAGER GOVERNMENT

39 Sec. 12. NEW SECTION. 331.227 BOARD-MANAGER
40 FORM.

41 The board-manager form consists of an elected board
42 and a manager appointed by the board, who shall be the
43 chief administrative officer of the county government.
44 The board shall have staggered terms of office. The
45 chairperson shall be elected by the members of the
46 board from their own number for a term established by
47 ordinance and shall vote as a member of the board.

48 The manager shall be appointed by the board and
49 removed only by a majority vote of the membership of
50 the board. The manager shall be responsible to the

1 board for the administration of all county government
2 affairs placed in the manager's charge by law,
3 ordinance, or resolution.

4 Sec. 13. NEW SECTION. 331.228 DUTIES OF MANAGER.

5 The manager shall:

- 6 1. Enforce laws, ordinances, and resolutions.
- 7 2. Perform the duties required of the manager by
8 law, ordinance, or resolution.
- 9 3. Administer the affairs of the county
10 government.
- 11 4. Direct, supervise, and administer all
12 departments, agencies, and offices of the county
13 government unit except as otherwise provided by law or
14 ordinance.
- 15 5. Carry out policies established by the board.
- 16 6. Prepare the board agenda.
- 17 7. Recommend measures to the board.
- 18 8. Report to the board on the affairs and
19 financial condition of the county government.
- 20 9. Execute bonds, notes, contracts, and written
21 obligations of the board, subject to the approval of
22 the board.
- 23 10. Report to the board as the board may require.
- 24 11. Attend board meetings and take part in the
25 discussion, but shall not vote.
- 26 12. Prepare and present the budget to the board
27 for its approval and execute the budget adopted by the
28 board.
- 29 13. Appoint, suspend, and remove all employees of
30 the county government except as otherwise provided by
31 law or ordinance.
- 32 14. Appoint members of temporary advisory
33 committees.

34 Sec. 14. NEW SECTION. 331.229 EMPLOYEES OF
35 BOARD-MANAGER GOVERNMENT.

- 36 1. Employees appointed by the manager or
37 subordinates shall be administratively responsible to
38 the manager.
- 39 2. The board or its members shall not dictate the
40 appointment or removal of any employee appointed by
41 the manager or any subordinate of the manager.

42 3. Except for the purpose of inquiry or
43 investigation, the board or its members shall deal
44 with the county employees who are subject to the
45 direction and supervision of the manager solely
46 through the manager, and the board or its members
47 shall not give orders to an employee under the
48 manager's direction or supervision.

49 AMENDMENT TO COUNTY GOVERNMENT

50 Sec. 15. NEW SECTION. 331.230 AMENDMENT TO

1 COUNTY GOVERNMENT.

2 1. An amendment to county government organization
3 shall only be made by submitting the question of
4 amendment to the electors of the county government
5 pursuant to section 331.222. To become effective, a
6 proposed amendment must receive an affirmative vote of
7 a majority of the electors voting on the question. An
8 amendment approved by the electors becomes effective
9 pursuant to section 331.223.

10 2. An amendment to a county government
11 organization may be proposed by initiative upon
12 petition of the number of eligible electors of the
13 county equal to at least ten percent of the votes cast
14 at the preceding election for the office of president
15 of the United States or governor, or by resolution
16 adopted by the governing body. The question on
17 amendment of county government organization shall be
18 submitted to the electors as soon as possible after
19 the submission of a petition or adoption of a resolu-
20 tion, either at a general election or at a special
21 election.

22 Sec. 16. NEW SECTION. 331.231 LIMITATIONS ON
23 AMENDMENTS TO COUNTY GOVERNMENT.

24 The electors of a county who have adopted an
25 amendment to county government may not vote on the
26 question of amending the county government for two
27 years. An amendment shall not include an alternative
28 form of county government.

29 CHARTER FORM

30 Sec. 17. NEW SECTION. 331.232 CHARTER FORM OF
31 GOVERNMENT.

32 The charter form of government shall be specified
33 in a plan written by a charter committee. The plan
34 shall establish an elected legislative body. The plan
5069 35 shall specify the number of members and term of office
5077 36 pursuant to section 331.224. The plan may establish
37 legislative or administrative organizational
38 structure. The plan may include the provisions
39 necessary to permit an orderly transition to the
40 charter form of government. However, the provisions
41 shall be limited in scope consistent with the intent
42 of, and in accordance with, section 331.224.

43 CITY-COUNTY CONSOLIDATION

44 Sec. 18. NEW SECTION. 331.233 CITY-COUNTY
45 CONSOLIDATION FORM.

46 1. A county and one or more cities within the
47 county may unite to form a single unit of local
48 government in accordance with this part.

49 2. An alternative form of government, including a
50 charter form, for a consolidated unit of government

1 may be submitted to the voters only by a committee and
2 one or more commissions established by the affected
3 cities under section 372.9 that have cooperated in the
4 formulation of the plan. A majority vote by each of
5 the affected committee and commission is required for
6 the submission of an alternative form of government
7 for a consolidated unit of local government. The
8 affected committee and commission submitting a
9 consolidated form shall issue a single joint report
10 and proposal.

5061 11 3. An alternative form of government for a
12 consolidated unit of local government does not need to
13 include more than one city. A city shall not be
14 included unless the charter commission of the affected
15 city participates in the cooperative study and unless
16 its commission by a majority vote approves the
17 proposed alternative plan for the consolidated
18 government.

19 Sec. 19. NEW SECTION. 331.234 PLAN OF
20 CONSOLIDATION.

21 1. The affected committee and commission proposing
22 consolidation shall prepare, adopt, and submit to the
23 voters a consolidation plan in addition to the
24 alternative form of government. If the affected
25 committee and commission propose a charter, the plan
26 may be included in the charter.

27 2. The consolidation plan shall:

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

32 b. Provide for establishment of service areas.

33 c. Provide for the transfer or other disposition
34 of property and other rights, claims, assets, and
35 franchises of local governments consolidated under the
36 alternative form.

37 d. Provide the official name of the consolidated
38 unit of local government.

39 e. Provide for the transfer, reorganization,
40 abolition, absorption, and adjustment of boundaries of
41 all existing boards, bureaus, commissions, agencies,
42 special districts, and political subdivisions of the
43 consolidated government.

44 f. Include other provisions which the committee
45 and commission elect to include and which are not
46 inconsistent with state law.

47 3. The plan may grant the legislative body of the
48 consolidated government the authority to transfer,
49 reorganize, and provide a method for adjusting the
50 boundaries of the entities within the consolidated

1 government.

2 Sec. 20. NEW SECTION. 331.235 EFFECT OF
3 CONSOLIDATION.

4 1. As a political subdivision of the state, the
5 consolidated unit of local government shall have the
6 status of a county and a city for all purposes and
7 shall replace and be the successor of the county and
8 the affected city.

9 2. On its effective date, the alternative form of
10 government and consolidation plan operate to dissolve
11 county and city governments within the area of
12 consolidation in accordance with its provisions. On
13 the effective date, the separate corporate existence
14 of the county and of each participating city shall be
15 consolidated into one local government unit under the
16 name selected, designated, and adopted. The
17 consolidated local government shall succeed to,
18 possess, and own all of the property and assets of
19 every kind and description and shall, except as
20 otherwise provided, become responsible for all the
21 obligations and liabilities of the county and cities
22 so consolidated.

23 3. All provisions of law authorizing contributions
24 of any kind, in money or otherwise, from the state or
25 federal government to counties and cities shall remain
26 in full force with respect to a consolidated local
27 government.

28 Sec. 21. NEW SECTION. 331.236 GENERAL POWERS OF
29 CONSOLIDATED LOCAL GOVERNMENTS.

30 A consolidated local government shall have and may
31 exercise all powers that are conferred on counties and
32 cities by the constitution and laws of the state. The
33 consolidated local government may levy all taxes which
34 counties and cities are authorized to levy except that
35 city taxes shall be levied only within areas of the
36 consolidated local government designated as urban
37 service areas.

38 Sec. 22. NEW SECTION. 331.237 RULES, ORDINANCES,
39 AND RESOLUTIONS OF CONSOLIDATED UNIT.

40 Within two years after ratification of the
41 consolidation, the governing body of the consolidated
42 unit of local government shall revise, repeal, or
43 reaffirm all rules, ordinances, and resolutions in
44 force within the participating county and cities at
45 the time of consolidation. Each rule, ordinance, or
46 resolution in force at the time of consolidation shall
47 remain in force within the former geographic jurisdic-
48 tion until superseded by action of the new governing
49 body. Ordinances and resolutions relating to public
50 improvements to be paid for in whole or in part by

1 special assessments shall remain in effect until paid
2 in full.

3 Sec. 23. NEW SECTION. 331.238 FORM OF BALLOT.

4 Pursuant to section 331.222, the question of
5 county-city consolidation shall be submitted to the
6 electors in substantially the following form:

7 _____ For (the existing forms of government).

8 _____ For the consolidation of the corporate
9 existence and governments of the county of

10 _____ and the cities of _____ and

11 _____ into one joint county-municipal

12 corporation government.

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13 COUNTY-COUNTY CONSOLIDATION

14 Sec. 24 NEW SECTION. 331.239 REQUIREMENTS FOR
15 COUNTY-COUNTY GOVERNMENT CONSOLIDATION.

16 1. Consolidation may be placed on the ballot only
17 by a joint report by contiguous counties.

18 2. A final report must contain a consolidation
19 plan if county-county consolidation is recommended.
20 The consolidation plan must conform to the provisions
21 and requirements in accordance with this part.

22 Sec. 25. NEW SECTION. 331.240 PLAN OF
23 CONSOLIDATION.

24 When county consolidation is recommended, a
25 petition must contain a consolidation plan which
26 provides for:

27 1. Adjustment of existing bonded indebtedness and
28 other obligations in a manner which assures a fair and
29 equitable burden of taxation for debt service.

30 2. Establishment of subordinate service districts.

31 3. The transfer or other disposition of property
32 and other rights, claims, assets, and franchises of
33 the counties consolidated under the plan.

34 4. The official name of the consolidated county.

35 5. The transfer, reorganization, abolition,
36 adjustment of boundaries, or absorption of existing
37 boards, subordinate service districts, local
38 improvement districts, and agencies of the
39 consolidated counties.

40 The consolidation plan may include other provisions
41 that are not inconsistent with state law.

42 Sec. 26. NEW SECTION. 331.241 FORM OF BALLOT.

43 Pursuant to section 331.222, the question of
44 county-county consolidation shall be submitted to the
45 electors in substantially the following form:

46 _____ For (the existing forms of government).

47 _____ For the consolidation of the corporate

48 existence and governments of the county of _____

49 and the county of _____ into one county

50 corporation and government.

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1 Sec. 27. CODIFICATION. The Code editor shall
2 codify new sections 331.217 through 331.241 as a new
3 part or parts of division II of chapter 331."

4 2. Amend the title page, by striking lines 1
5 through 4 and inserting the following: "An Act
6 authorizing local government reorganization by the
7 establishment of an alternative form of county
8 government or city-county government, or by
9 consolidating county governments, and making
10 corresponding amendments to the Code."

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S-5049

Filed February 4, 1988

BY COMMITTEE ON LOCAL GOVERNMENT
ALVIN MILLER, Chairperson

*Adopted or amended by 5077, 5081, 5082B,
5091, & 5156 2/26/88 (p. 517)*

HOUSE AMENDMENT TO
SENATE AMENDMENT TO
HOUSE FILE 278

796

- 1 Amend the Senate amendment, H-5214, to House File
- 2 278, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, line 16, by striking the word
- 5 "Committee" and inserting the following:
- 6 "Commission".
- 7 2. Page 1, line 20, by striking the word "Plan"
- 8 and inserting the following: "Charter".
- 9 3. Page 1, line 43, by striking the word "plan"
- 10 and inserting the following: "charter".
- 11 4. Page 1, line 45, by striking the word
- 12 "committee" and inserting the following:
- 13 "commission".
- 14 5. Page 2, line 3, by striking the words "The
- 15 plan" and inserting the following: "An alternative
- 16 form of county government".
- 17 6. Page 2, line 4, by striking the word
- 18 "committee" and inserting the following:
- 19 "commission".
- 20 7. Page 2, line 7, by striking the word
- 21 "COMMITTEE" and inserting the following:
- 22 "COMMISSION".
- 23 8. Page 2, line 9, by striking the word
- 24 "committee" and inserting the following:
- 25 "commission".
- 26 9. Page 2, line 10, by striking the word
- 27 "committee" and inserting the following:
- 28 "commission".
- 29 10. Page 2, by striking line 35 and inserting the
- 30 following: "members of the commission. A vacancy on
- 31 the commission".
- 32 11. Page 2, line 43, by striking the word
- 33 "committee" and inserting the following:
- 34 "commission".
- 35 12. Page 2, line 45, by striking the word
- 36 "committee" and inserting the following:
- 37 "commission".
- 38 13. Page 2, line 46, by striking the word
- 39 "committee" and inserting the following:
- 40 "commission".
- 41 14. Page 2, line 48, by striking the word
- 42 "committee" and inserting the following:
- 43 "commission".
- 44 15. Page 2, line 50, by striking the word
- 45 "committee" and inserting the following:
- 46 "commission".
- 47 16. Page 3, line 5, by striking the word
- 48 "committee" and inserting the following:
- 49 "commission".
- 50 17. Page 3, line 6, by striking the word

- 1 "committee" and inserting the following:
- 2 "commission".
- 3 18. Page 3, line 9, by striking the word
- 4 "committee" and inserting the following:
- 5 "commission".
- 6 19. Page 3, line 11, by striking the word
- 7 "committee" and inserting the following:
- 8 "commission".
- 9 20. Page 3, line 14, by striking the word
- 10 "COMMITTEE" and inserting the following:
- 11 "COMMISSION".
- 12 21. Page 3, line 17, by striking the word
- 13 "committee" and inserting the following:
- 14 "commission".
- 15 22. Page 3, line 19, by striking the word "plan"
- 16 and inserting the following: "charter".
- 17 23. Page 3, by striking line 23 and inserting the
- 18 following: "the commission, the commission shall
- 19 submit a".
- 20 24. Page 3, line 25, by striking the word "plan"
- 21 and inserting the following: "charter".
- 22 25. Page 3, line 26, by striking the word "plan"
- 23 and inserting the following: "charter".
- 24 26. Page 3, line 28, by striking the word "plan"
- 25 and inserting the following: "charter".
- 26 27. Page 3, line 30, by striking the word
- 27 "committee" and inserting the following:
- 28 "commission".
- 29 28. Page 3, line 34, by striking the word
- 30 "committee" and inserting the following:
- 31 "commission".
- 32 29. Page 3, line 35, by striking the word
- 33 "committee" and inserting the following:
- 34 "commission".
- 35 30. Page 3, line 35, by striking the word "plan"
- 36 and inserting the following: "charter including a
- 37 form of government".
- 38 31. Page 3, line 38, by striking the word "plan"
- 39 and inserting the following: "charter".
- 40 32. Page 3, line 39, by striking the word "plan"
- 41 and inserting the following: "charter".
- 42 33. Page 3, line 40, by striking the word
- 43 "committee" and inserting the following:
- 44 "commission".
- 45 34. Page 3, line 41, by striking the word "plan"
- 46 and inserting the following: "charter".
- 47 35. Page 3, line 44, by striking the word "plan"
- 48 and inserting the following: "charter".
- 49 36. Page 3, line 49, by striking the word "plan"
- 50 and inserting the following: "charter".

- 1 37. Page 3, line 49, by striking the word
- 2 "committee" and inserting the following:
- 3 "commission".
- 4 38. Page 4, line 1, by striking the word
- 5 "committee" and inserting the following:
- 6 "commission".
- 7 39. Page 4, line 2, by striking the word "plan"
- 8 and inserting the following: "charter".
- 9 40. Page 4, line 3, by striking the word "plan"
- 10 and inserting the following: "charter".
- 11 41. Page 4, line 4, by striking the word
- 12 "committee" and inserting the following:
- 13 "commission".
- 14 42. Page 4, line 17, by striking the word "plan,"
- 15 and inserting the following: "charter or".
- 16 43. Page 4, line 18, by striking the words ", or
- 17 charter".
- 18 44. Page 4, line 33, by striking the word "plan"
- 19 and inserting the following: "charter".
- 20 45. Page 4, line 38, by striking the word "plan"
- 21 and inserting the following: "charter".
- 22 46. Page 4, line 42, by striking the word "plan"
- 23 and inserting the following: "charter".
- 24 47. Page 4, line 44, by striking the word "plan"
- 25 and inserting the following: "charter".
- 26 48. Page 4, line 46, by striking the word "plan"
- 27 and inserting the following: "charter".
- 28 49. Page 4, line 47, by striking the word "plan"
- 29 and inserting the following: "charter".
- 30 50. Page 4, line 49, by striking the word "plan"
- 31 and inserting the following: "charter".
- 32 51. Page 5, line 6, by striking the word "plan"
- 33 and inserting the following: "charter".
- 34 52. Page 5, line 11, by striking the word "plan"
- 35 and inserting the following: "charter".
- 36 53. Page 5, line 12, by striking the word "plan"
- 37 and inserting the following: "charter".
- 38 54. Page 5, line 17, by striking the word "plan"
- 39 and inserting the following: "charter".
- 40 55. Page 5, line 18, by striking the word "plan"
- 41 and inserting the following: "charter".
- 42 56. Page 6, by inserting after line 13 the
- 43 following:
- 44 "k. A charter or charter amendment shall not
- 45 contain a provision which relates to the method of
- 46 conducting nominations or elections pursuant to
- 47 chapter 43 and 49."
- 48 57. Page 9, line 3, by striking the words "a
- 49 plan" and inserting the following: "a proposed
- 50 charter".

- 1 58. Page 9, line 3, by striking the words "The
2 plan" and inserting the following: "The proposed
3 charter".
- 4 59. Page 9, line 4, by striking the word "plan"
5 and inserting the following: "charter".
- 6 60. Page 9, line 8, by striking the word "plan"
7 and inserting the following: "charter".
- 8 61. Page 9, line 9, by striking the word "plan"
9 and inserting the following: "charter".
- 10 62. Page 9, line 11, by striking the word "plan"
11 and inserting the following: "charter".
- 12 63. Page 9, line 24, by striking the word
13 "committee" and inserting the following: "commission
14 established under this chapter".
- 15 64. Page 9, line 27, by striking the word "plan"
16 and inserting the following: "charter".
- 17 65. Page 9, line 28, by striking the words
18 "committee and commission" and inserting the
19 following: "county charter commission and city
20 charter commission".
- 21 66. Page 9, line 31, by striking the words
22 "committee and commission" and inserting the
23 following: "county charter commission and city
24 charter commission".
- 25 67. Page 9, line 40, by striking the word "plan"
26 and inserting the following: "charter".
- 27 68. Page 9, line 42, by striking the words
28 "alternative plan" and inserting the following:
29 "charter".
- 30 69. Page 9, line 46, by striking the word "plan"
31 and inserting the following: "charter".
- 32 70. Page 9, line 49, by striking the word "plan"
33 and inserting the following: "charter".
- 34 71. Page 10, line 3, by striking the word "plan"
35 and inserting the following: "charter".
- 36 72. Page 10, line 4, by striking the word "PLAN"
37 and inserting the following: "CHARTER".
- 38 73. Page 10, line 6, by striking the words
39 "committee and commission" and inserting the
40 following: "county charter commission and city
41 charter commission".
- 42 74. Page 10, line 8, by striking the words "plan
43 in addition to the" and inserting the following:
44 "charter including an".
- 45 75. Page 10, by striking lines 9 through 11 and
46 inserting the following: "alternative form of
47 government."
- 48 76. Page 10, line 12, by striking the word "plan"
49 and inserting the following: "charter".
- 50 77. Page 10, lines 29 and 30, by striking the

HOUSE FILE 278

S-5069

- 1 Amend the Committee amendment, S-5049, to House
 2 File 278, as amended, passed, and reprinted by the
 3 House, as follows:
 4 1. Page 6, line 6, by inserting after the word
 5 "board." the following: "The board shall have at
 6 least five members."
 7 2. Page 6, line 47, by inserting after the word
 8 "board." the following: "The board shall have at
 9 least five members."
 10 3. Page 8, line 35, by inserting after the word
 11 "members" the following: ", but not less than five
 12 members,".

S-5069

Filed February 15, 1988

BY RICHARD VANDE HOEF

S-5074

HOUSE FILE 278

- 1 Amend the Committee amendment, S-5049, to House
 2 File 278 as amended, passed and reprinted by the House
 3 as follows:
 4 1. Page 2, by striking lines 11 through 20.
 5 2. Page 2, lines 21 through 24, by striking the
 6 words "In counties having multiple state legislative
 7 districts, the districts shall be represented as
 8 equally as possible."
 9 3. Page 3, line 26, by striking the word "The"
 10 and inserting the following: "If the committee
 11 recommends a plan other than the existing form of
 12 government, the".
 13 4. Page 4, by striking lines 10 through 15.

S-5074

Filed February 15, 1988

BY EUGENE FRAISE

W/D 2/26 (p. 5/15)

S-5077

HOUSE FILE 278

- 1 Amend the Committee amendment, S-5049, to House
 2 File 278, as amended, passed, and reprinted by the
 3 House, as follows:
 4 1. Page 6, line 6, by inserting after the word
 5 "board." the following: "If the administrative
 6 offices of the county, excluding the county executive,
 7 are appointive under the plan, the board shall have at
 8 least five members."
 9 2. Page 6, line 47, by inserting after the word
 10 "board." the following: "If the administrative
 11 offices of the county are appointive under the plan,
 12 the board shall have at least five members."
 13 3. Page 8, line 36, by inserting after the figure
 14 "331.224." the following: "If the administrative
 15 offices of the county, excluding an elected county
 16 executive, are appointive under the plan, the board
 17 shall have at least five members."

S-5077

Filed February 15, 1988

BY RICHARD VANDE HOEF

Adopted 2/26 (p. 5/17)

HOUSE FILE 278

S-5079

1 Amend the Committee amendment, S-5049, to House
2 File 278, as amended, passed and reprinted by the
3 House as follows:

4 1. Page 1, by striking lines 32 through 46 and
5 inserting the following:

6 "Sec. ____ . NEW SECTION. 331.218 PLAN FOR AN
7 ALTERNATIVE FORM OF GOVERNMENT.

8 1. A plan to change a form of county government
9 may be submitted to the electors of a county by any of
10 the following methods:

11 a. A plan submitted by a committee established by
12 the board upon petition of the number of eligible
13 electors of the county equal to at least twenty-five
14 percent of the votes cast in the county for the office
15 of the president of the United States or governor at
16 the preceding general election or the signatures of at
17 least ten thousand eligible electors of the county,
18 which ever number is fewer.

19 b. A plan submitted by resolution of the board.
20 If within thirty days after the resolution is adopted,
21 a valid petition is submitted as provided in paragraph
22 "a", the resolution is nullified and a committee shall
23 be appointed as provided in section 331.219.

24 c. A plan submitted by a committee established by
25 resolution of the board.

26 2. The plan shall be submitted to the county
27 electorate by the board or the committee in the form
28 of a charter or charter amendment."

S-5079

Filed February 15, 1988

Lost 2/26/88 (p. 515)

BY JULIA GENTLEMAN

S-5082

1 Amend the Committee amendment, S-5049, to House
2 File 278 as amended, passed and reprinted by the House
3 as follows:

4 1. Page 2, by striking lines 11 through 20.

5 2. Page 2, lines 21 through 24, by striking the
6 words "In counties having multiple state legislative
7 districts, the districts shall be represented as
8 equally as possible."

9 3. Page 3, line 26, by striking the word "The"
10 and inserting the following: "If the committee
11 recommends a plan other than the existing form of
12 government, the".

13 4. Page 4, line 13, by inserting after the word
14 "ballot." the following: "The separate vote on the
15 affected office becomes effective only if the proposed
16 alternative form of government is adopted."

S-5082

Filed February 16, 1988

BY EUGENE FRAISE

A- Lost, B- Accepted 2/26 (p. 515)

HOUSE FILE 278

S-5087

1 Amend amendment, S-5049, to House File 278, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 2, by inserting after line 20, the
5 following:

6 "d. Two members shall be appointed by the board of
7 trustees of a county hospital located in a county with
8 a population of two hundred fifty thousand or more."

9 2. Page 5, by striking line 41, and inserting the
10 following: "of a county hospital in a county having a
11 population of less than two hundred fifty thousand.

12 _____. In lieu of the election of hospital trustees
13 in a county with a population of two hundred fifty
14 thousand or more, a method providing for the exercise
15 of their powers and duties by the board of supervisors
16 or other governing body of the county or another
17 officer of the county."

18 3. By renumbering and relettering as necessary to
19 conform with this amendment.

S-5087

Filed February 16, 1988

BY WILLIAM D. PALMER

Lost 2/26 (p. 516)

HOUSE FILE 278

S-5081

1 Amend the committee amendment, S-5049, to House
2 File 278, as amended, passed and reprinted by the
3 House, as follows:

4 1. Page 9, by striking lines 11 through 18 and
5 inserting the following:

6 "3. An alternative form of government for a
7 consolidated unit of local government does not need to
8 include more than one city. A city shall not be
9 included unless the charter commission of the affected
10 city participates in the cooperative study, its
11 commission by a majority vote approves the proposed
12 plan for consolidated government, and a majority of
13 the electors of the affected city voting approves the
14 proposed alternative plan for the consolidated
15 government.

16 4. If an alternative form of government for a
17 consolidated unit of local government is proposed,
18 approval of the consolidation plan shall be a separate
19 ballot issue from approval of the alternative form of
20 government in those cities proposed to be included in
21 the consolidation. The consolidation plan shall be
22 effective in regard to a city government only if a
23 majority of the voters of the city voting on the
24 question voted for participation in the consolidation
25 plan."

26 2. Page 11, by inserting after line 12 the
27 following:

28 "If section 331.233, subsection 4, applies, the
29 following question shall be placed on the ballot of
30 each participating city:

31 For participating in the consolidation plan.
32 Against participating in the consolidation
33 plan."

S-5081

Filed February 15, 1988
Adopted 2/26/88 (p. 517)

BY JULIA GENTLEMAN
DAVID M. READINGER

HOUSE FILE 278

S-5080

1 Amend the committee amendment, S-5049, to House
2 File 278, as amended, passed and reprinted by the
3 House, as follows:

4 1. Page 5, by striking lines 4 through 6, and
5 inserting the following:

6 "3. If an alternative form of county government is
7 adopted by the electorate, another alternative form
8 shall not be submitted to the electorate for six
9 years."

S-5080

Filed February 15, 1988
Lost 2/26 (p. 517)

BY JULIA GENTLEMAN

HOUSE FILE 278

S-5091

1 Amend the Committee amendment, S-5049, to House
2 File 278, as amended, passed and reprinted by the
3 House, as follows:
4 1. Page 4, by striking lines 21 and 22 and
5 inserting the following:
6 "1. If a proposed plan for county government is
7 received not later than sixty days before the next
8 general election, the board shall direct the county".
9 2. Page 5, line 42, by inserting after the word
10 "election" the following: "or appointment".

S-5091

Filed February 17, 1988

BY MICHAEL GRONSTAL

Adopted 2/26/88 (p 517)

HOUSE FILE 278

S-5156

1 Amend the Committee amendment S-5049, to House File
2 275 as amended, passed and reprinted by the House as
3 follows:
4 1. Page 1, by inserting before line 3 the
5 following:
6 "Section 1. NEW SECTION. 339.23 NO RESTRICTION
7 ON ADMINISTRATIVE AGENCIES.
8 This chapter does not prohibit a city from
9 establishing an administrative agency pursuant to
10 chapter 392 to manage and control all or part of its
11 airport in lieu of an airport commission under this
12 chapter. A city may abolish an airport commission and
13 provide for the management and control of its airport
14 by an administrative agency."
15 2. Page 12, by inserting after line 10 the
16 following:
17 "____. Title, line 1, by inserting after the
18 word "Act" the following: "authorizing a city to
19 establish an administrative agency to manage and
20 control a city airport, and"".

S-5156

Filed February 26, 1988

BY JOE WELSH

Adopted 2/26/88 (p 517)

S-5796 Page 5

- 1 words "committee and commission" and inserting the
2 following: "county charter commission and the city
3 charter commission".
4 78. Page 10, line 32, by striking the word "plan"
5 and inserting the following: "charter".
6 79. Page 10, line 45, by striking the word "plan"
7 and inserting the following: "charter".
8 80. Page 12, line 1, by striking the word "plan"
9 and inserting the following: "charter".
10 81. Page 12, line 3, by striking the word "plan"
11 and inserting the following: "charter".
12 82. Page 12, line 10, by striking the word "plan"
13 and inserting the following: "charter".
14 83. Page 12, line 11, by striking the word "plan"
15 and inserting the following: "charter".
16 84. Page 12, line 13, by striking the word "PLAN"
17 and inserting the following: "CHARTER".
18 85. Page 12, line 16, by striking the word "plan"
19 and inserting the following: "charter".
20 86. Page 12, line 24, by striking the word "plan"
21 and inserting the following: "charter".
22 87. Page 12, line 31, by striking the word "plan"
23 and inserting the following: "charter".

S-5796

Filed April 6, 1988

Senate concurred 4/11 (p. 1399)

RECEIVED FROM THE HOUSE

HSB 1 MWB
Now
LOCAL GOVERNMENT HF 278

SENATE/HOUSE FILE _____
BY (PROPOSED BILL RECOMMENDED BY
THE LOCAL GOVERNMENT
REORGANIZATION STUDY COMMITTEE)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act authorizing a county to establish a county charter
2 commission, specifying the powers and duties of the charter
3 commission, and providing for the adoption of a county
4 charter.

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

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SUB COMMITTEE ASSIGNMENTS

CHAIR: *Hatch*

COMMITTEE: *Local Gov.*

1-20-87

TLSB 1104IS 72 :

tj/sc/14

1 Section 1. NEW SECTION. 331.217 DEFINITIONS.

2 As used in this part, unless the context otherwise
3 requires, "commission" means a charter commission created
4 under section 331.218.

5 Sec. 2. NEW SECTION. 331.218 CHARTER COMMISSION CREATED.

6 The board may by resolution, or shall upon petition of the
7 number of eligible electors of the county equal to at least
8 twenty-five percent of the votes cast in the county at the
9 preceding election for the office of president of the United
10 States or governor, create a county charter commission to
11 study and make recommendations for the functions,
12 organization, and structure of county government subject to
13 the requirements and limitations specified in section 331.224.
14 The recommendations of the commission shall be presented in
15 the form of a proposed county charter which shall be submitted
16 to the qualified electors of the county for approval or
17 disapproval as provided in section 331.223.

18 Sec. 3. NEW SECTION. 331.219 APPOINTMENT OF MEMBERSHIP.

19 1. Within forty-five days after the adoption of the
20 resolution creating the commission, the membership of the
21 commission shall be appointed as follows:

22 a. Two members shall be appointed by the board from each
23 list of three names submitted by each of the following
24 officers:

- 25 (1) County auditor.
- 26 (2) County recorder.
- 27 (3) County treasurer.
- 28 (4) County sheriff.
- 29 (5) County attorney.

30 b. Ten members shall be appointed by the board. If a city
31 within a county comprises fifty percent or more of the
32 county's population, five members of those appointed by the
33 board shall be eligible electors of that city.

34 2. Only eligible electors of the county not holding a
35 city, county, or state office shall be members of the

1 commission.

2 3. A vacancy on the commission shall be filled by
3 appointment in the same manner as the original appointment.
4 The county auditor shall notify the appropriate appointing
5 authority of the vacancy.

6 Sec. 4. NEW SECTION. 331.220 ORGANIZATION AND EXPENSES.

7 1. Within thirty days after appointment of the members of
8 the commission, the county auditor shall give written notice
9 of the date, time, and location of the first meeting of the
10 commission. At its first meeting the commission shall
11 organize by electing a chairperson, vice chairperson, and
12 other officers as necessary. The commission shall adopt rules
13 governing the conduct of its meetings, subject to chapter 21.

14 2. The members of the commission shall serve without
15 compensation, but they are entitled to travel and other
16 necessary expenses relating to their duties of office, subject
17 to section 79.9.

18 3. The board shall provide office space, rooms, supplies,
19 and equipment for the commission and shall pay the necessary
20 expenses of the commission including compensation for
21 secretarial, clerical, professional, and consultant services
22 not to exceed one hundred thousand dollars. The commission
23 may employ staff as necessary.

24 4. The expenses of the commission may be paid from the
25 general fund of the county or from any combination of public
26 or private funds available for that purpose.

27 Sec. 5. NEW SECTION. 331.221 COMMISSION PROCEDURES AND
28 REPORTS.

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

35 2. Within nine months after the organization of the

1 commission, the commission shall submit a preliminary report
2 to the board, which report may include the text of the
3 proposed county charter. Sufficient copies of the proposed
4 report shall be made available for distribution to residents
5 of the county who request a copy. The commission shall hold
6 at least one public hearing after submission of the
7 preliminary report to obtain public comment on the report.

8 3. Within fifteen months after its organization, the
9 commission shall submit its final report to the board. The
10 final report shall include the full text and an explanation of
11 the proposed charter, any comments deemed desirable by the
12 commission, a written opinion by the attorney general of this
13 state, stating that the proposed charter is not in conflict
14 with constitutional or statutory law of this state, and any
15 minority reports. The final report shall be made available to
16 the residents of the county upon request. A summary of the
17 final report shall be published in the official newspapers of
18 the county.

19 4. The commission is dissolved on the date of the general
20 election at which the proposed county charter is submitted to
21 the electorate.

22 Sec. 6. NEW SECTION. 331.222 AMENDMENT TO CHARTER.

23 1. The board, by resolution, may submit a proposed
24 amendment to the county electorate at a general election and
25 the proposed amendment becomes effective if approved by a
26 majority of those voting on the proposal. The board may
27 propose amendments to the charter to the county electorate,
28 but any amendments shall be limited to those subjects
29 contained in the charter as approved by the voters.

30 2. If a petition signed by eligible electors of the county
31 equal in number to at least ten percent of the votes cast in
32 the county for the office of president of the United States or
33 governor at the preceding general election is filed with the
34 board proposing an amendment to the charter, the board shall
35 submit the proposed amendment to the voters at the next

1 general election and the amendment becomes effective if
2 approved by a majority of those voting on the proposal.

3 3. The submission of an amendment to the county electorate
4 is subject to the restrictions of section 331.223, subsection
5 3.

6 Sec. 7. NEW SECTION. 331.223 REFERENDUM -- EFFECTIVE
7 DATE.

8 1. Upon receipt of a proposed charter or charter
9 amendment, the board shall direct the county commissioner of
10 elections to submit to the qualified electors of the county at
11 the next general election the question of whether the proposed
12 charter or charter amendment shall be adopted. If a majority
13 of the votes cast on the question is in favor of the proposal,
14 the proposal is adopted.

15 2. If a county charter or charter amendment is adopted:

16 a. The proposed charter or charter amendment shall take
17 effect January 1 following the general election at which it is
18 approved unless the charter or charter amendment provides a
19 later effective date. If the adopted charter or charter
20 amendment provides for a special election, the board shall
21 direct the county commissioner of elections to conduct the
22 election.

23 b. The adoption of the charter or charter amendment does
24 not alter any right or liability of the county in effect at
25 the time of the election at which the charter or charter
26 amendment was adopted.

27 c. All departments and agencies shall continue to operate
28 until replaced.

29 d. All ordinances or resolutions in effect remain
30 effective until amended or repealed, unless they are
31 irreconcilable with the charter or charter amendment.

32 e. Upon the effective date of the charter or charter
33 amendment, the county shall adopt the charter by ordinance,
34 and shall file a copy of its charter with the secretary of
35 state, and maintain copies available for public inspection.

1 3. If a county charter is adopted by the electorate, a
2 county charter or charter amendment proposing a change in the
3 number of supervisors under section 331.224, subsection 2,
4 paragraph "a" shall not be submitted to the electorate for
5 three years.

6 Sec. 8. NEW SECTION. 331.224 COUNTY CHARTER AUTHORIZED -
7 - LIMITATIONS.

8 1. A county may adopt or amend a charter for the
9 government of the county subject to the requirements and
10 limitations provided in this part.

11 2. A county charter shall provide for the exercise of home
12 rule power and authority not inconsistent with state law and
13 may include, but is not limited to, provisions for:

14 a. A board of an odd number of members which may exceed
15 the number of members specified in section 331.201.

16 b. A supervisor representation plan for the county which
17 may differ from the supervisor representation plans specified
18 in sections 331.206, and 331.208 through 331.210.

19 c. The initial compensation for members of the board
20 which, thereafter, shall be determined as provided in section
21 331.907.

22 d. The method of selecting officers of the board and
23 fixing their terms of office which may differ from the
24 requirements of section 331.211.

25 e. Determining meetings of the board and rules of
26 procedure which may differ from the requirements of section
27 331.213 except the meetings shall be scheduled and conducted
28 in compliance with chapter 21.

29 f. The method of combining the duties of elected county
30 officials which may differ from the requirements of section
31 331.323.

32 g. The organization of county departments, agencies, or
33 elected boards of trustees. The organization plan may provide
34 for the abolition or consolidation of a board or commission
35 and the assumption of its powers and duties by the board of

1 supervisors or another officer.

2 h. A form of county government specified under section
3 331.225.

4 3. A county charter or charter amendment shall not contain
5 a provision which relates to the levy or collection of a tax.

6 4. A county charter or charter amendment shall not contain
7 a provision which relates to the method of conducting
8 nominations or elections pursuant to chapters 43 and 49.

9 Sec. 9. NEW SECTION. 331.225 FORMS OF COUNTY GOVERNMENT

10 1. The forms of county government are:

11 a. Board of supervisors.

12 b. Executive-board.

13 c. Board-manager form.

14 d. Commission form.

15 2. A county retains its form of government until it adopts
16 a different form as provided in this section.

17 Sec. 10. NEW SECTION. 331.226 COUNTY EXECUTIVE-BOARD
18 FORM.

19 A county governed by the county executive-board form has a
20 county executive and five board members elected at large,
21 unless by ordinance a county so governed chooses to have a
22 county executive elected at large and an odd number of board
23 members but not less than five, including at least two board
24 members elected at large and one board member elected by and
25 from each district.

26 The county executive is the chief executive officer of the
27 county, shall exercise all administrative duties consistent
28 with state law and county ordinances and shall appoint
29 officers whose offices are provided by ordinance and for whose
30 official conduct the county executive shall be responsible.
31 The county executive is not a member of the board and may not
32 vote as a member of the board.

33 Sec. 11. NEW SECTION. 331.227 BOARD-MANAGER FORMS.

34 A county governed by the board-manager-at-large form has at
35 least three board members elected at large for staggered four-

1 year terms. At the first meeting of the new term following
2 each regular election, the board shall elect one of the board
3 members to serve as chairperson, and one to serve as vice
4 chairperson. The chairperson is a member of the board and may
5 vote on all matters before the board. As soon as possible
6 after the beginning of the new term following each regular
7 county election, the board shall appoint a manager.

8 A county governed by board-manager-district form has a
9 board composed of an odd number of not less than three members
10 elected from designated districts. At the first meeting of
11 the new term following each regular election, the board shall
12 elect one of the board members to serve as chairperson and one
13 to serve as vice chairperson. The chairperson and other board
14 members serve four-year staggered terms. The chairperson is a
15 member of the board and may vote on all matters before the
16 board. The board shall also appoint a county manager as soon
17 as possible following the beginning of the new term.

18 Sec. 12. NEW SECTION. 331.328 COUNTY MANAGER POWERS AND
19 DUTIES.

20 When a county adopts a board-manager-at-large or board-
21 manager-district form of government, the powers and duties of
22 the county manager shall be specified by county ordinance.

23 Sec. 13. NEW SECTION. 331.229 COMMISSION FORM.

24 A county governed by the commission form has five
25 departments as follows:

- 26 1. Department of health and human services.
- 27 2. Department of public safety.
- 28 3. Department of public works.
- 29 4. Department of parks and property.
- 30 5. Department of administrative services.

31 A county governed by the commission form has a board
32 composed of five board members elected at large. A
33 chairperson of the board shall be elected from among the board
34 members and shall administer the department of administrative
35 services. Each other board member shall be elected to

1 administer one of the other four departments.

2 The chairperson shall supervise the administration of all
3 departments and report to the board all matters requiring its
4 attention. The chairperson is a member of the board and may
5 vote on all matters before the board.

6 Sec. 14. Section 331.101, subsection 1, Code 1987, is
7 amended to read as follows:

8 1. "Board" means the board of supervisors or other
9 governing body of a county.

10 Sec. 15. This Act shall be codified as a new part under
11 chapter 331, division II.

12 EXPLANATION

13 This bill provides that a county may create a county
14 charter commission to prepare a charter to be submitted for
15 approval of the county electorate. The county charter
16 commission may be created by resolution of the board of
17 supervisors or by petition of the county electorate. The bill
18 outlines the membership of the charter commission, its funding
19 and authority. The bill establishes a timetable in which the
20 charter commission is to complete its charter proposal for
21 submission to a referendum.

22 The bill also outlines optional forms of governments which
23 may be selected by a county charter commission.

24 The bill creates new sections 331.217 through 331.329 as a
25 new part of chapter 331, division II.

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HOUSE FILE 278

AN ACT

AUTHORIZING A CITY TO ESTABLISH AN ADMINISTRATIVE AGENCY TO MANAGE AND CONTROL A CITY AIRPORT, AND AUTHORIZING LOCAL GOVERNMENT REORGANIZATION BY THE ESTABLISHMENT OF AN ALTERNATIVE FORM OF COUNTY GOVERNMENT OR CITY-COUNTY GOVERNMENT, OR BY CONSOLIDATING COUNTY GOVERNMENTS, AND MAKING CORRESPONDING AMENDMENTS TO THE CODE.

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

Section 1. NEW SECTION. 330.23 NO RESTRICTION ON ADMINISTRATIVE AGENCIES.

This chapter does not prohibit a city from establishing an administrative agency pursuant to chapter 392 to manage and control all or part of its airport in lieu of an airport commission under this chapter. A city may abolish an airport commission and provide for the management and control of its airport by an administrative agency.

Sec. 2. Section 331.101, Code 1987, is amended by adding the following new subsections:

NEW SUBSECTION. 16. "Commission" means a body of eligible electors authorized to study, review, analyze, and recommend an alternative form of county government.

NEW SUBSECTION. 17. "Charter" means a formal document establishing the functions, powers, organization, structure, privileges, rights, and duties of county government not inconsistent with state law.

Sec. 3. NEW SECTION. 331.217 ALTERNATIVE FORMS OF COUNTY GOVERNMENT.

The alternative forms of county government are as follows:

1. Board of supervisor form as provided in division II.
2. Board-elected executive form as provided in section 331.225.

3. Board-manager form as provided in section 331.227.
4. Charter government form as provided in section 331.232.
5. City-county consolidated form as provided in section 331.233.
6. County-county consolidated form as provided in section 331.239.

Sec. 4. NEW SECTION. 331.218 PLAN FOR AN ALTERNATIVE FORM OF GOVERNMENT.

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.

2. 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. NEW SECTION. 331.219 APPOINTMENT OF COMMISSION MEMBERS.

1. Within forty-five days after the adoption of the resolution creating the commission, the members of the commission shall be appointed as follows:

a. Two members shall be appointed by each of the following officers:

- (1) County auditor.
- (2) County recorder.
- (3) County treasurer.
- (4) County sheriff.
- (5) County attorney.

b. Two members shall be appointed by each member of the board.

c. Two members shall be appointed by each state representative whose legislative district is located in the county if a majority of the constituents of that legislative district resides in the county. However, if a county does not have a state representative's legislative district which has a majority of a state representative's constituency residing in the county, the state representative having the largest plurality of constituents residing in the county shall appoint two members.

2. The membership shall be bipartisan. In counties having multiple state legislative districts, the districts shall be represented as equally as possible. Only eligible electors of the county not holding a city, county, or state office shall be members of the commission. 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. NEW SECTION. 331.220 ORGANIZATION AND EXPENSES.

1. Within thirty days after the appointment of the members of the commission, the county auditor shall give written notice of the date, time, and location of the first meeting of the commission. At the first meeting the commission shall organize by electing a chairperson, vice chairperson, and other officers as necessary. The commission shall adopt rules governing the conduct of its meetings, subject to chapter 21.

2. The members of the commission shall serve without compensation, but they are entitled to travel and other necessary expenses relating to their duties of office.

3. The board shall provide office space, rooms, supplies, and equipment for the commission and shall pay the necessary expenses of the commission including compensation for secretarial, clerical, professional, and consultant services. The total expenses shall not exceed one hundred thousand dollars. The commission may employ staff as necessary.

4. The expenses of the commission may be paid from the general fund of the county or from any combination of public or private funds available for that purpose.

Sec. 7. NEW SECTION. 331.221 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 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.

3. Within fifteen months after organization, the commission shall submit the final report to the board. 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, a written opinion by the attorney general stating that the proposed charter is not in conflict with constitutional or statutory law, 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. The final report shall be made available to the residents of the county upon request. A summary of the final report shall be

published in the official newspaper of the county. If a charter is not recommended, the commission is dissolved upon submission of its final report to the board.

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

Sec. 8. NEW SECTION. 331.222 BALLOT REQUIREMENTS.

The existing form of government shall be printed as the first item on the ballot and the proposed alternative form following in the same order on all ballots.

1. The question of adopting the proposed alternative form of government shall be submitted to the electors in substantially the following form:

Vote for one:

For (the existing form of government).

For adoption of the (charter or amendment to the existing form of county government) proposed for (insert name of local government).

2. If an existing office is affected by the proposed alternative form of government, a separate vote for each affected office shall be included on the ballot. The separate vote on the affected office becomes effective only if the proposed alternative form of government is adopted.

For election.

For appointment.

3. If consolidation is proposed, the affected county or city shall be separately listed as provided in section 331.238 or 331.241 as appropriate.

Sec. 9. NEW SECTION. 331.223 REFERENDUM -- EFFECTIVE DATE.

1. If a proposed charter for county government is received not later than sixty days before the next general election, the board shall direct the county commissioner of elections to submit to the qualified electors of the county at the next

general election the question of whether the proposed charter shall be adopted. If a majority of the votes cast on the question is in favor of the proposal, the proposal is adopted.

2. If a proposed charter for county government is adopted:

a. The adopted charter shall take 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, a special election shall be called to elect the new elective officers. If the adopted charter provides for a special election, the board shall direct the county commissioner of elections to conduct the election.

b. The adoption of the alternative form of county government does not alter any right or liability of the county in effect at the time of the election at which the charter was adopted.

c. All departments and agencies shall continue to operate until replaced.

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

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

3. If a charter is submitted to the electorate, another charter shall not be submitted to the electorate for six years.

Sec. 10. NEW SECTION. 331.224 LIMITATIONS TO ALTERNATIVE FORMS OF COUNTY GOVERNMENT.

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

2. An alternative form of county government shall provide for the exercise of home rule power and authority not

inconsistent with state law and may include provisions for any of the following:

a. A board of an odd number of members which may exceed the number of members specified in sections 331.201, 331.203, and 331.204.

b. A supervisor representation plan for the county which may differ from the supervisor representation plans as provided in division II.

c. The initial compensation for members of the board which, thereafter, shall be determined as provided in section 331.215.

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

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

f. The combining of duties of elected county officials which may differ from the requirements of section 331.323.

g. The organization of county departments, agencies, or boards. The organization plan may provide for the abolition or consolidation of a board or a commission and the assumption of its powers and duties by the board of supervisors or another officer. This paragraph does not apply to the board of trustees of a county hospital.

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

i. Consolidating city-county government or government functions.

j. Consolidating county-county government or government functions.

k. A charter or charter amendment shall not contain a provision which relates to the method of conducting nominations or elections pursuant to chapters 43 and 49.

BOARD-ELECTED EXECUTIVE FORM

Sec. 11. NEW SECTION. 331.225 BOARD-ELECTED EXECUTIVE FORM.

The board-elected executive form consists of an elected board of an odd number with staggered terms of office and one elected executive whose term shall be the same as that of a member of the board. If the administrative offices of the county, excluding the county executive, are appointive under the plan, the board shall have at least five members. The board shall have a chairperson who shall be elected by the members of the board from their own number for a term established by ordinance, and who shall vote as a member of the board. The elected executive may veto ordinances and resolutions, subject to an override by a two-thirds vote of the board.

Sec. 12. NEW SECTION. 331.226 DUTIES OF EXECUTIVE.

The executive shall:

1. Enforce laws, ordinances, and resolutions of the county.
2. Perform duties required by law, ordinance, or resolution of the county.
3. Administer affairs of the county government.
4. Carry out policies established by the board.
5. Recommend measures to the board.
6. Report to the board on the affairs and financial condition of the county government.
7. Execute bonds, notes, contracts, and written obligations of the board, subject to the approval of the board.
8. Report to the board as the board may require.
9. Attend board meetings and take part in discussion, but shall not vote.
10. Prepare and execute the budget adopted by the board.

11. Appoint, with the consent of the board, all members of county boards, except the executive may appoint without the consent of the board temporary advisory committees established by the executive.

12. Appoint and remove all employees.

BOARD-MANAGER GOVERNMENT

Sec. 13. NEW SECTION. 331.227 BOARD-MANAGER FORM.

The board-manager form consists of an elected board and a manager appointed by the board, who shall be the chief administrative officer of the county government. The board shall have staggered terms of office. The chairperson shall be elected by the members of the board from their own number for a term established by ordinance and shall vote as a member of the board. If the administrative offices of the county are appointive under the plan, the board shall have at least five members.

The manager shall be appointed by the board and removed only by a majority vote of the membership of the board. The manager shall be responsible to the board for the administration of all county government affairs placed in the manager's charge by law, ordinance, or resolution.

Sec. 14. NEW SECTION. 331.228 DUTIES OF MANAGER.

The manager shall:

1. Enforce laws, ordinances, and resolutions.
2. Perform the duties required of the manager by law, ordinance, or resolution.
3. Administer the affairs of the county government.
4. Direct, supervise, and administer all departments, agencies, and offices of the county government unit except as otherwise provided by law or ordinance.
5. Carry out policies established by the board.
6. Prepare the board agenda.
7. Recommend measures to the board.
8. Report to the board on the affairs and financial condition of the county government.

9. Execute bonds, notes, contracts, and written obligations of the board, subject to the approval of the board.

10. Report to the board as the board may require.

11. Attend board meetings and take part in the discussion, but shall not vote.

12. Prepare and present the budget to the board for its approval and execute the budget adopted by the board.

13. Appoint, suspend, and remove all employees of the county government except as otherwise provided by law or ordinance.

14. Appoint members of temporary advisory committees.

Sec. 15. NEW SECTION. 331.229 EMPLOYEES OF BOARD-MANAGER GOVERNMENT.

1. Employees appointed by the manager or subordinates shall be administratively responsible to the manager.

2. The board or its members shall not dictate the appointment or removal of any employee appointed by the manager or any subordinate of the manager.

3. Except for the purpose of inquiry or investigation, the board or its members shall deal with the county employees who are subject to the direction and supervision of the manager solely through the manager, and the board or its members shall not give orders to an employee under the manager's direction or supervision.

AMENDMENT TO COUNTY GOVERNMENT

Sec. 16. NEW SECTION. 331.230 AMENDMENT TO COUNTY GOVERNMENT.

1. An amendment to county government organization shall only be made by submitting the question of amendment to the electors of the county government pursuant to section 331.222. To become effective, a proposed amendment must receive an affirmative vote of a majority of the electors voting on the question. An amendment approved by the electors becomes effective pursuant to section 331.223.

2. An amendment to a county government organization may be proposed by initiative upon petition of the number of eligible electors of the county equal to at least ten percent of the votes cast at the preceding election for the office of president of the United States or governor, or by resolution adopted by the governing body. The question on amendment of county government organization shall be submitted to the electors as soon as possible after the submission of a petition or adoption of a resolution, either at a general election or at a special election.

Sec. 17. NEW SECTION. 331.231 LIMITATIONS ON AMENDMENTS TO COUNTY GOVERNMENT.

The electors of a county who have adopted an amendment to county government may not vote on the question of amending the county government for two years. An amendment shall not include an alternative form of county government.

CHARTER FORM

Sec. 18. NEW SECTION. 331.232 CHARTER FORM OF GOVERNMENT.

The charter form of government shall be specified in a proposed charter written by a charter committee. The proposed charter shall establish an elected legislative body. The charter shall specify the number of members and term of office pursuant to section 331.224. If the administrative offices of the county, excluding an elected county executive, are appointive under the charter, the board shall have at least five members. The charter may establish legislative or administrative organizational structure. The charter may include the provisions necessary to permit an orderly transition to the charter form of government. However, the provisions shall be limited in scope consistent with the intent of, and in accordance with, section 331.224.

CITY-COUNTY CONSOLIDATION

Sec. 19. NEW SECTION. 331.233 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.

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 and one or more commissions established by the affected cities under section 372.9 that have cooperated in the formulation of the charter. A majority vote by each of the affected county charter commission and city charter commission is required for the submission of an alternative form of government for a consolidated unit of local government. The affected county charter commission and city charter commission submitting a consolidated form shall issue a single joint report and proposal.

3. An alternative form of government for a consolidated unit of local government does not need to include more than one city. A city shall not be included unless the charter commission of the affected city participates in the cooperative study, its commission by a majority vote approves the proposed charter for consolidated government, 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. The consolidation 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 consolidation charter.

Sec. 20. NEW SECTION. 331.234 CHARTER OF CONSOLIDATION.

1. The affected county charter commission and city charter commission proposing consolidation shall prepare, adopt, and

submit to the voters a consolidation charter including an alternative form of government.

2. The consolidation charter 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.
- c. Provide for the transfer or other disposition of property and other rights, claims, assets, and franchises of local governments consolidated under the alternative form.
- d. Provide the official name of the 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 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.

3. The charter may grant the legislative body of the consolidated government the authority to transfer, reorganize, and provide a method for adjusting the boundaries of the entities within the consolidated government.

Sec. 21. NEW SECTION. 331.235 EFFECT OF CONSOLIDATION.

1. As a political subdivision of the state, the consolidated unit of local government shall have the status of a county and a city for all purposes and shall replace and be the successor of the county and the affected city.
2. On its effective date, the alternative form of government and consolidation charter operate to dissolve county and city governments within the area of consolidation in accordance with its provisions. On the effective date, the separate corporate existence of the county and of each participating city shall be consolidated into one local government unit under the name selected, designated, and

adopted. The consolidated local government shall succeed to, possess, and own all of the property and assets of every kind and description and shall, except as otherwise provided, become responsible for all the obligations and liabilities of the county and cities so consolidated.

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 a consolidated local government.

Sec. 22. NEW SECTION. 331.236 GENERAL POWERS OF CONSOLIDATED LOCAL GOVERNMENTS.

A consolidated local government shall have and may exercise all powers that are conferred on counties and cities by the constitution and laws of the state. The consolidated local government may levy all taxes which counties and cities are authorized to levy except that city taxes shall be levied only within areas of the consolidated local government designated as urban service areas.

Sec. 23. NEW SECTION. 331.237 RULES, ORDINANCES, AND RESOLUTIONS OF CONSOLIDATED UNIT.

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. Each rule, ordinance, or resolution in force at the time of consolidation shall remain in force within the former geographic jurisdiction until superseded by action of the new governing body. 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.

Sec. 24. NEW SECTION. 331.238 FORM OF BALLOT.

Pursuant to section 331.222, the question of county-city consolidation shall be submitted to the electors in substantially the following form:

___ For (the existing forms of government).

___ For the consolidation of the corporate existence and governments of the county of _____ and the cities of _____ and _____ into one joint county-municipal corporation government.

If section 331.233, subsection 4, applies, the following question shall be placed on the ballot of each participating city:

- ___ For participating in the consolidation charter.
- ___ Against participating in the consolidation charter.

COUNTY-COUNTY CONSOLIDATION

Sec. 25. NEW SECTION. 331.239 REQUIREMENTS FOR COUNTY-COUNTY GOVERNMENT CONSOLIDATION.

1. Consolidation may be placed on the ballot only by a joint report by contiguous counties.
2. A final report must contain a consolidation charter if county-county consolidation is recommended. The consolidation charter must conform to the provisions and requirements in accordance with this part.

Sec. 26. NEW SECTION. 331.240 CHARTER OF CONSOLIDATION.

When county consolidation is recommended, a petition must contain a consolidation charter which provides for:

1. Adjustment of existing bonded indebtedness and other obligations in a manner which assures a fair and equitable burden of taxation for debt service.
2. Establishment of subordinate service districts.
3. The transfer or other disposition of property and other rights, claims, assets, and franchises of the counties consolidated under the charter.
4. The official name of the consolidated county.
5. The transfer, reorganization, abolition, adjustment of boundaries, or absorption of existing boards, subordinate service districts, local improvement districts, and agencies of the consolidated counties.

The consolidation charter may include other provisions that are not inconsistent with state law.

Sec. 27. NEW SECTION. 331.241 FORM OF BALLOT.

Pursuant to section 331.222, the question of county-county consolidation shall be submitted to the electors in substantially the following form:

- ___ For (the existing forms of government).
- ___ For the consolidation of the corporate existence and governments of the county of _____ and the county of _____ into one county corporation and government.

Sec. 28. CODIFICATION. The Code editor shall codify new sections 331.217 through 331.241 as a new part or parts of division II of chapter 331.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 278, Seventy-second General Assembly.

Approved May 12, 1988

JOSEPH O'HERN
Chief Clerk of the House

TERRY E. BRANSTAD
Governor