

Reprinted

FILED FEB 16 1990

SENATE FILE 2366
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO SSB 2198)

Passed Senate, Date 2/21/90 (p. 1580) Passed House, Date 3/29/90 (p. 1580)
Vote: Ayes 45 Nays 0 Vote: Ayes 96 Nays 0
Approved April 6, 1990

A BILL FOR

1 An Act establishing councils of governments and providing certain
2 duties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SENATE FILE 2366

S-5155

- 1 Amend Senate File 2366 as follows:
- 2 1. Page 2, line 10, by striking the word "shall"
- 3 and inserting the following: "may".
- 4 2. Page 2, line 12, by striking the word "The"
- 5 and inserting the following: "Upon petition the".

By LARRY MURPHY

S-5155 FILED FEBRUARY 20, 1990
Adopted 2/21 (p. 1580)

SF 2366

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1 Section 1. NEW SECTION. 473B.1 COUNCILS OF GOVERNMENTS
2 ESTABLISHED.

3 1. For purposes of this chapter, a council of governments
4 includes the following areas established by executive order
5 number 11,1969 or a chapter 28E agreement:

6 a. Upper explorerland regional planning commission serving
7 Allamakee, Clayton, Fayette, Howard, and Winneshiek counties.

8 b. North Iowa area council of governments serving Cerro
9 Cordo, Floyd, Franklin, Hancock, Kossuth, Mitchell, Winnebago,
10 and Worth counties.

11 c. Northwest Iowa planning and development commission
12 serving Buena Vista, Clay, Dickinson, Emmet, Lyon, O'Brien,
13 Osceola, Palo Alto, and Sioux counties.

14 d. Siouxland interstate metropolitan planning council
15 serving Ida, Monona, Plymouth, Woodbury, and Cherokee
16 counties.

17 e. MIDAS council of governments serving Calhoun, Hamilton,
18 Humboldt, Pocahontas, Webster, and Wright counties.

19 f. Region six planning commission serving Hardin,
20 Poweshiek, Tama, and Marshall counties.

21 g. Iowa northland regional council of governments serving
22 Black Hawk, Bremer, Buchanan, Butler, Chickasaw, and Grundy
23 counties.

24 h. East central intergovernmental association serving
25 Cedar, Clinton, Delaware, Dubuque, and Jackson counties.

26 i. Bi-state metropolitan planning commission serving Scott
27 and Muscatine counties.

28 j. East central Iowa council of governments serving
29 Benton, Iowa, Johnson, Jones, Linn, and Washington counties.

30 k. Region twelve council of governments serving Audubon,
31 Carroll, Crawford, Greene, Guthrie, and Sac counties.

32 l. Southwest Iowa planning council serving Cass, Fremont,
33 Harrison, Montgomery, Page, and Shelby counties.

34 m. Southern Iowa council of governments serving Adair,
35 Adams, Clarke, Decatur, Madison, Ringgold, Taylor, and Union

1 counties.

2 n. Area fifteen regional planning commission serving
3 Appanoose, Davis, Jefferson, Keokuk, Lucas, Mahaska, Monroe,
4 Van Buren, Wapello, and Wayne counties.

5 o. Southeast Iowa regional planning commission serving Des
6 Moines, Henry, Lee, and Louisa counties.

7 p. Metropolitan area planning agency serving Mills and
8 Pottawattamie counties.

9 2. A county or two or more contiguous counties that are
10 not served by a council of governments shall petition the
11 department of economic development to form a council of
12 governments. The department shall assign an unserved county
13 to an existing council of governments or designate the
14 unserved county as a single county council of governments.
15 This subsection does not prevent a county that is not a member
16 of a council of governments from joining an existing council
17 of governments.

18 Sec. 2. NEW SECTION. 473B.2 WORK PROGRAM --
19 COORDINATION.

20 1. Each council of governments shall adopt each year a
21 work program to establish guidelines for delivery of services
22 and activities to communities in the area. The work program
23 shall include but is not limited to the following:

24 a. Cooperation in delivery of community development
25 programs and services to units of local government.

26 b. Cooperation with the regional coordinating council in
27 the development of plans and programs for community
28 development.

29 2. The councils of governments shall elect annually a
30 representative to serve on the advisory council established by
31 the department of economic development to provide input on the
32 review and update of the state's economic development
33 strategic plan.

34 3. The councils of governments shall receive information
35 and recommendations on issues of regional economic importance

1 from the regional coordinating council for possible use in the
2 regional community development plan.

3 Sec. 3. NEW SECTION. 473B.3 DUTIES.

4 A council of governments shall perform, but is not limited
5 to, the following duties:

6 1. Provide planning services or technical assistance to
7 the region defined in section 473B.1.

8 2. Coordinate regional community development planning to
9 assist community development and planning.

10 3. Coordinate delivery of community development programs
11 and services with local, state, and federal programs and
12 activities.

13 4. Prepare a regional community development plan which
14 shall be updated annually. The plan shall include but is not
15 limited to the following:

16 a. Inventory and needs assessment of regional
17 infrastructure.

18 b. Labor supply.

19 c. Cultural and fine arts resources.

20 d. Housing.

21 e. Primary health care services.

22 f. Natural resources, conservation, and recreational
23 facilities.

24 g. Region-wide development opportunities.

25 Sec. 5. NEW SECTION. 473B.4 MEMBERSHIP -- LIABILITY OF
26 MEMBERS.

27 1. Membership, appointments, and terms of office shall be
28 governed by bylaws adopted by each council of governments.

29 2. A director, officer, employee, member, trustee, or
30 volunteer of a council of governments is not liable for the
31 debts or obligations of the council of governments. A
32 director, officer, employee, member, trustee, or volunteer is
33 not personally liable for a claim based upon an act or
34 omission of the person performed in the discharge of the
35 person's duties, except for acts or omissions which involve

1 intentional misconduct or knowing violation of the law, or for
2 a transaction for which the person derives an improper
3 personal benefit.

4 Sec. 6. NEW SECTION. 473B.5 AGREEMENTS WITH OTHER
5 AGENCIES.

6 A council of governments shall be considered a public
7 agency for the purpose of chapter 28E. A council of
8 governments may enter into an agreement under chapter 28E with
9 another council of governments, merged area school, or other
10 public agency for the purpose of community development and
11 planning.

12 Sec. 7.

13 The counties of Boone, Dallas, Jasper, Marion, Polk, Story,
14 and Warren, within six months of the effective date of this
15 Act, may petition the department of economic development to
16 form a council of governments. The petition may be filed by a
17 county or a group of contiguous counties not currently in a
18 council of governments. If a county named in this section has
19 not formed or joined a new council of governments within six
20 months of the effective date of this Act the department shall
21 assign any unserved county to a council of governments or
22 designate the unserved county as a single county council of
23 governments.

24

EXPLANATION

25 This bill statutorily establishes councils of governments
26 and requires the councils of governments to coordinate
27 regional planning and development duties through a work
28 program. Each council of governments will coordinate planning
29 services and technical assistance in their own area and will
30 prepare a regional community development plan. The bill
31 provides for one representative of the councils of governments
32 to serve on the advisory council established by the department
33 of economic development.

34 The bill allows a council of governments to enter into a
35 chapter 28E agreement.

1 Councils currently not served by a council of governments
2 will be required to form or join a new council of governments
3 or be placed in an existing council of governments within six
4 months of the effective date of the bill.

5 This bill may include a state mandate as defined in section
6 25B.3.

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7 p. Metropolitan area planning agency serving Mills and
8 Pottawattamie counties.

9 2. A county or two or more contiguous counties that are
10 not served by a council of governments may petition the
11 department of economic development to form a council of
12 governments. Upon petition the department shall assign an
13 unserved county to an existing council of governments or
14 designate the unserved county as a single county council of
15 governments. This subsection does not prevent a county that
16 is not a member of a council of governments from joining an
17 existing council of governments.

18 Sec. 2. NEW SECTION. 473B.2 WORK PROGRAM --COORDINATION.

19 1. Each council of governments shall adopt each year a
20 work program to establish guidelines for delivery of services
21 and activities to communities in the area. The work program
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24 programs and services to units of local government.

25 b. Cooperation with the regional coordinating council in
26 the development of plans and programs for community
27 development.

28 2. The councils of governments shall elect annually a
29 representative to serve on the advisory council established by
30 the department of economic development to provide input on the
31 review and update of the state's economic development
32 strategic plan.

33 3. The councils of governments shall receive information
34 and recommendations on issues of regional economic importance
35 from the regional coordinating council for possible use in the

1 regional community development plan.

2 Sec. 3. NEW SECTION. 473B.3 DUTIES.

3 A council of governments shall perform, but is not limited
4 to, the following duties:

5 1. Provide planning services or technical assistance to
6 the region defined in section 473B.1.

7 2. Coordinate regional community development planning to
8 assist community development and planning.

9 3. Coordinate delivery of community development programs
10 and services with local, state, and federal programs and
11 activities.

12 4. Prepare a regional community development plan which
13 shall be updated annually. The plan shall include but is not
14 limited to the following:

15 a. Inventory and needs assessment of regional
16 infrastructure.

17 b. Labor supply.

18 c. Cultural and fine arts resources.

19 d. Housing.

20 e. Primary health care services.

21 f. Natural resources, conservation, and recreational
22 facilities.

23 g. Region-wide development opportunities.

24 Sec. 5. NEW SECTION. 473B.4 MEMBERSHIP -- LIABILITY OF
25 MEMBERS.

26 1. Membership, appointments, and terms of office shall be
27 governed by bylaws adopted by each council of governments.

28 2. A director, officer, employee, member, trustee, or
29 volunteer of a council of governments is not liable for the
30 debts or obligations of the council of governments. A
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32 not personally liable for a claim based upon an act or
33 omission of the person performed in the discharge of the
34 person's duties, except for acts or omissions which involve
35 intentional misconduct or knowing violation of the law, or for

1 a transaction for which the person derives an improper
2 personal benefit.

3 Sec. 6. NEW SECTION. 473B.5 AGREEMENTS WITH OTHER
4 AGENCIES.

5 A council of governments shall be considered a public
6 agency for the purpose of chapter 28E. A council of
7 governments may enter into an agreement under chapter 28E with
8 another council of governments, merged area school, or other
9 public agency for the purpose of community development and
10 planning.

11 Sec. 7.

12 The counties of Boone, Dallas, Jasper, Marion, Polk, Story,
13 and Warren, within six months of the effective date of this
14 Act, may petition the department of economic development to
15 form a council of governments. The petition may be filed by a
16 county or a group of contiguous counties not currently in a
17 council of governments. If a county named in this section has
18 not formed or joined a new council of governments within six
19 months of the effective date of this Act the department shall
20 assign any unserved county to a council of governments or
21 designate the unserved county as a single county council of
22 governments.

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MURPHY, CH.
MILLER
TINSMAN

SSB 2198
LOCAL GOVERNMENT

SENATE FILE 2366
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL
BY CHAIRPERSON MILLER)

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

A BILL FOR

1 An Act establishing councils of governments and providing certain
2 duties.

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

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1 Section 1. Section 15.103, unnumbered paragraph 1, Code
2 1989, is amended to read as follows:

3 The Iowa economic development board is created, consisting
4 of eleven voting members appointed by the governor and ~~seven~~
5 eight ex officio nonvoting members. The ex officio nonvoting
6 members are four legislative members; one president, or the
7 president's designee, of the University of Northern Iowa, the
8 University of Iowa, or Iowa State University of science and
9 technology designated by the state board of regents on a
10 rotating basis; and one president, or the president's
11 designee, of a private college or university appointed by the
12 Iowa association of independent colleges and universities; and
13 one superintendent, or the superintendent's designee, of a
14 merged area school, appointed by the Iowa association of
15 community college presidents, and one representative of a
16 council of governments appointed pursuant to section 473B.2.
17 The legislative members are two state senators, one appointed
18 by the majority leader and one appointed by the minority
19 leader of the senate from their respective parties; and two
20 state representatives, one appointed by the speaker and one
21 appointed by the minority leader of the house of
22 representatives from their respective parties. Not more than
23 six of the voting members shall be from the same political
24 party. The secretary of agriculture shall be one of the
25 voting members. The governor shall appoint the remaining ten
26 voting members of the board for a term of four years beginning
27 and ending as provided by section 69.19, subject to
28 confirmation by the senate, and the governor's appointments
29 shall include persons knowledgeable of the various elements of
30 the department's responsibilities.

31 Sec. 2. NEW SECTION. 473B.1 COUNCILS OF GOVERNMENTS
32 ESTABLISHED.

33 1. For purposes of this chapter, a council of governments
34 includes the following areas established by executive order
35 number 11,1969 or a chapter 28E agreement:

- 1 a. Upper explorerland regional planning commission serving
- 2 Allamakee, Clayton, Fayette, Howard, and Winneshiek counties.
- 3 b. North Iowa area council of governments serving Cerro
- 4 Gordo, Floyd, Franklin, Hancock, Kossuth, Mitchell, Winnebago,
- 5 and Worth counties.
- 6 c. Northwest Iowa planning and development commission
- 7 serving Buena Vista, Clay, Dickinson, Emmet, Lyon, O'Brien,
- 8 Osceola, Palo Alto, and Sioux counties.
- 9 d. Siouland interstate metropolitan planning council
- 10 serving Ida, Monona, Plymouth, Woodbury, and Cherokee
- 11 counties.
- 12 e. MIDAS council of governments serving Calhoun, Hamilton,
- 13 Humboldt, Pocahontas, Webster, and Wright counties.
- 14 f. Region six planning commission serving Hardin,
- 15 Poweshiek, Tama, and Marshall counties.
- 16 g. Iowa northland regional council of governments serving
- 17 Black Hawk, Bremer, Buchanan, Butler, Chickasaw, and Grundy
- 18 counties.
- 19 h. East central intergovernmental association serving
- 20 Cedar, Clinton, Delaware, Dubuque, and Jackson counties.
- 21 i. Bi-state metropolitan planning commission serving Scott
- 22 and Muscatine counties.
- 23 j. East central Iowa council of governments serving
- 24 Benton, Iowa, Johnson, Jones, Linn, and Washington counties.
- 25 k. Region twelve council of governments serving Audubon,
- 26 Carroll, Crawford, Greene, Guthrie, and Sac counties.
- 27 l. Southwest Iowa planning council serving Cass, Fremont,
- 28 Harrison, Montgomery, Page, and Shelby counties.
- 29 m. Southern Iowa council of governments serving Adair,
- 30 Adams, Clarke, Decatur, Madison, Ringgold, Taylor, and Union
- 31 counties.
- 32 n. Area fifteen regional planning commission serving
- 33 Davis, Jefferson, Mahaska, Monroe, Van Buren, and Wapello
- 34 counties.
- 35 o. Southeast Iowa regional planning commission serving

1 Appanoose, Des Moines, Henry, Keokuk, Lee, Lousia, Lucas, and
2 Wayne counties.

3 p. Metropolitan area planning agency serving Mills and
4 Pottawattamie counties.

5 2. A county or two or more contiguous counties that are
6 not served by a council of governments shall petition the
7 department of economic development to form a council of
8 governments. The department shall assign an unserved county
9 to an existing council of governments or designate the
10 unserved county as a single county council of governments.
11 This subsection does not prevent a county that is not a member
12 of a council of governments from joining an existing council
13 of governments.

14 Sec. 3. NEW SECTION. 473B.2 WORK PROGRAM --
15 COORDINATION.

16 1. Each council of governments shall adopt each year a
17 work program to establish guidelines for delivery of services
18 and activities to communities in the area. The work program
19 shall include but is not limited to the following:

20 a. Cooperation in delivery of community development
21 programs and services to units of local government.

22 b. Cooperation with the regional coordinating council in
23 the development of plans and programs for community
24 development.

25 2. The councils of governments for the entire state shall
26 appoint a representative of a council of governments to the
27 economic development board under section 15.103.

28 3. The councils of governments shall receive information
29 and recommendations on issues of regional economic importance
30 from the regional coordinating council for possible use in the
31 regional community development plan.

32 Sec. 4. NEW SECTION. 473B.3 DUTIES.

33 A council of governments shall perform, but is not limited
34 to, the following duties:

35 1. Provide planning services or technical assistance to the

1 region defined in section 473B.1.

2 2. Coordinate regional community development planning to
3 assist community development and planning.

4 3. Coordinate delivery of community development programs
5 and services with local, state, and federal programs and
6 activities.

7 4. Prepare a regional community development plan which
8 shall be updated annually. The plan shall include but is not
9 limited to the following:

10 a. Inventory and needs assessment of regional
11 infrastructure.

12 b. Labor supply.

13 c. Cultural and fine arts resources.

14 d. Housing.

15 e. Primary health care services.

16 f. Natural resources, conservation, and recreational
17 facilities.

18 g. Region-wide development opportunities.

19 Sec. 5. NEW SECTION. 473B.4 MEMBERSHIP -- LIABILITY OF
20 MEMBERS.

21 1. Membership of a council of governments shall consist of
22 at least one member from each county included in the area.
23 The appointment and term of office of the members shall be
24 governed by bylaws adopted by each council of governments.

25 2. A director, officer, employee, member, trustee, or
26 volunteer of a council of governments is not liable for the
27 debts or obligations of the council of governments. A
28 director, officer, employee, member, trustee, or volunteer is
29 not personally liable for a claim based upon an act or
30 omission of the person performed in the discharge of the
31 person's duties, except for acts or omissions which involve
32 intentional misconduct or knowing violation of the law, or for
33 a transaction for which the person derives an improper
34 personal benefit.

35 Sec. 6. NEW SECTION. 473B.5 AGREEMENTS WITH OTHER

1 AGENCIES.

2 A council of governments shall be considered a public
3 agency for the purpose of chapter 28E. A council of
4 governments may enter into an agreement under chapter 28E with
5 another council of governments, merged area school, or other
6 public agency for the purpose of community development and
7 planning.

8 Sec. 7.

9 The counties of Boone, Dallas, Jasper, Marion, Polk, Story,
10 and Warren, within six months of the effective date of this
11 Act, may petition the department of economic development to
12 form a council of governments. The petition may be filed by a
13 county or a group of contiguous counties not currently in a
14 council of governments. If a county named in this section has
15 not formed or joined a new council of governments within six
16 months of the effective date of this Act the department shall
17 assign any unserved county to a council of governments or
18 designate the unserved county as a single county council of
19 governments.

20 EXPLANATION

21 This bill statutorily establishes councils of governments
22 and requires the councils of governments to coordinate
23 regional planning and development duties through a work
24 program. Each council of governments will coordinate planning
25 services and technical assistance in their own area and will
26 prepare a regional community development plan. The bill
27 provides for one representative of a council of governments to
28 be a nonvoting member of the economic development board.

29 The bill allows a council of governments to enter into a
30 chapter 28E agreement.

31 Counties currently not served by a council of governments
32 will be required to form or join a new council of governments
33 or be placed in an existing council of governments within six
34 months of the effective date of the bill.

35 This bill may include a state mandate as defined in section

1 25B.3.

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SENATE FILE 2366

AN ACT

ESTABLISHING COUNCILS OF GOVERNMENTS AND PROVIDING CERTAIN DUTIES.

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

Section 1. NEW SECTION. 473B.1 COUNCILS OF GOVERNMENTS ESTABLISHED.

1. For purposes of this chapter, a council of governments includes the following areas established by executive order number 11,1969 or a chapter 28E agreement:

a. Upper explorerland regional planning commission serving Allamakee, Clayton, Fayette, Howard, and Winneshiek counties.

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2. A county or two or more contiguous counties that are not served by a council of governments may petition the department of economic development to form a council of governments. Upon petition the department shall assign an unserved county to an existing council of governments or designate the unserved county as a single county council of governments. This subsection does not prevent a county that is not a member of a council of governments from joining an existing council of governments.

Sec. 2. NEW SECTION. 473B.2 WORK PROGRAM -- COORDINATION.

1. Each council of governments shall adopt each year a work program to establish guidelines for delivery of services and activities to communities in the area. The work program shall include but is not limited to the following:

- a. Cooperation in delivery of community development programs and services to units of local government.
- b. Cooperation with the regional coordinating council in the development of plans and programs for community development.

2. The councils of governments shall elect annually a representative to serve on the advisory council established by the department of economic development to provide input on the review and update of the state's economic development strategic plan.

3. The councils of governments shall receive information and recommendations on issues of regional economic importance from the regional coordinating council for possible use in the regional community development plan.

Sec. 3. NEW SECTION. 473B.3 DUTIES.

A council of governments shall perform, but is not limited to, the following duties:

1. Provide planning services or technical assistance to the region defined in section 473B.1.
2. Coordinate regional community development planning to assist community development and planning.
3. Coordinate delivery of community development programs and services with local, state, and federal programs and activities.
4. Prepare a regional community development plan which shall be updated annually. The plan shall include but is not limited to the following:
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- d. Housing.
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Sec. 6.

The counties of Boone, Dallas, Jasper, Marion, Polk, Story, and Warren, within six months of the effective date of this Act, may petition the department of economic development to form a council of governments. The petition may be filed by a county or a group of contiguous counties not currently in a council of governments. If a county named in this section has not formed or joined a new council of governments within six

months of the effective date of this Act the department shall assign any unserved county to a council of governments or designate the unserved county as a single county council of governments.

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2366, Seventy-third General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved April 6, 1990

TERRY E. BRANSTAD
Governor

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