

Reprinted

HOUSE FILE 693
BY COMMITTEE ON WAYS AND MEANS

APR 17 1991

WAYS & MEANS CALENDAR

(SUCCESSOR TO HF 107)
(SUCCESSOR TO HF 663)

Passed House, Date 4/19/91 (P. 1464) Passed Senate, Date 5/11/91 (P. 1801)
Vote: Ayes 78 Nays 15 Vote: Ayes 42 Nays 7
Approved June 10, 1991

A BILL FOR

1 An Act relating to alternative forms of local government and
2 creating a new alternative form of local government for cities
3 known as a consolidated metropolitan corporation, with
4 provisions relating to its charter process, legislative body,
5 tax collection, and service delivery, and to a new alternative
6 form of county government.

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

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HF 693

1 Section 1. NEW SECTION. 28E.40 REGIONAL METROPOLITAN
2 SERVICE AREA.

3 Two or more contiguous counties, cities, or cities and
4 counties may establish a regional metropolitan service area to
5 provide for the joint delivery of services by an agreement
6 under this chapter, subject to the limitations and
7 requirements of sections 331.232, 331.260, 331.261, and
8 331.262, subsection 2.

9 Sec. 2. Section 331.231, Code 1991, is amended by adding
10 the following new subsection:

11 NEW SUBSECTION. 7. Community commonwealth form as
12 provided in sections 331.260 through 331.263.

13 Sec. 3. Section 331.232, Code 1991, is amended by adding
14 the following new subsection:

15 NEW SUBSECTION. 1A. The council of any city wishing to
16 participate in a city-county consolidation charter commission
17 must notify the board by resolution within thirty days of the
18 creation of the commission pursuant to subsection 1. A city's
19 participation in a city-county consolidation charter
20 commission may be proposed by the city council adopting a
21 resolution in favor of participation or by eligible electors
22 of the city equal in number to at least twenty-five percent of
23 the persons who voted at the last regular city election
24 petitioning the council to adopt a resolution in favor of
25 participation. The council shall within ten days of the
26 filing of a valid petition adopt such a resolution.

27 Sec. 4. Section 331.233, subsection 1, Code 1991, is
28 amended to read as follows:

29 1. Within The members of a commission created to study the
30 alternative forms of county government under division II, part
31 1, and sections 331.239, 331.241, 331.246, and 331.253, shall
32 be appointed within forty-five days after the adoption of the
33 resolution creating the commission;~~the members of the~~
34 ~~commission shall be appointed~~ as follows:

35 Sec. 5. Section 331.233, subsection 2, Code 1991, is

1 amended by striking the subsection and inserting in lieu
2 thereof the following:

3 2. Only eligible electors of the county not holding a
4 city, county, or state office shall be members of the
5 commission. In counties having multiple state legislative
6 districts, the districts shall be represented as equally as
7 possible. The membership shall be bipartisan and gender
8 balanced and each appointing authority under subsection 1
9 shall provide for representation of various age groups, racial
10 minorities, economic groups, and representatives of
11 identifiable geographically defined populations, all in
12 reasonable relationship to the proportions in which these
13 groups are present in the population of the commission area.
14 A vacancy on the commission shall be filled by appointment in
15 the same manner as the original appointment. The county
16 auditor shall notify the appropriate appointing authority of a
17 vacancy.

18 The legislative appointing authorities shall be considered
19 one appointing authority for the purpose of complying with
20 this subsection. The senior legislative appointing authority
21 in terms of length of legislative service shall convene the
22 legislative appointing authorities to consult for the purpose
23 of complying with this subsection.

24 Sec. 6. Section 331.233, Code 1991, is amended by adding
25 the following new subsection:

26 NEW SUBSECTION. 3. If at any time during the commission
27 process, the commission adopts a resolution by majority vote
28 to prepare a charter proposing city-county consolidation or
29 the community commonwealth form, additional members shall be
30 appointed to the commission in order to comply with section
31 331.233A. The life of the commission shall be extended up to
32 six months after the appointment of the additional members.

33 Sec. 7. NEW SECTION. 331.233A APPOINTMENT OF COMMISSION
34 MEMBERS -- CITY-COUNTY CONSOLIDATION OR COMMUNITY
35 COMMONWEALTH.

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

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

7 b. One member shall be appointed by the board of each
8 county participating in the charter process. The member must
9 be a resident of the unincorporated area of the county.

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

19 d. An additional member shall be appointed by each city
20 council and each county board for every 25,000 residents in
21 the participating city or unincorporated area of the county,
22 whichever is applicable.

23 2. The commission members shall be appointed in compliance
24 with section 331.233, subsection 2. A vacancy on the
25 commission shall be filled by appointment in the same manner
26 as the original appointment. The county auditor shall notify
27 the appropriate appointing authority of a vacancy.

28 3. If at any time during the commission process, the
29 commission adopts a resolution by majority vote to prepare a
30 charter proposing an alternative form other than city-county
31 consolidation or the community commonwealth form, the
32 resolution shall be submitted to the board of supervisors of
33 the participating county, and the board shall proceed pursuant
34 to section 331.233. The life of the commission shall be
35 extended up to six months after the appointment of the new

1 members.

2 Sec. 8. Section 331.234, subsections 3 and 4, Code 1991,
3 are amended to read as follows:

4 The board shall ~~provide~~ make available to the commission
5 in-kind services such as office space, ~~rooms~~ printing,
6 supplies, and equipment for-the-commission and shall pay the
7 other necessary expenses of the commission including
8 compensation for secretarial, clerical, professional, and
9 consultant services. The total annual expenses, not including
10 the value of in-kind expenses, to be paid from public funds
11 shall not exceed one hundred thousand dollars or an amount
12 equal to thirty cents times the population of the commission
13 area, according to the most recent certified federal census.
14 The commission may employ staff as necessary.

15 4. The expenses of the commission may be paid from the
16 general fund of the county or from any combination of public
17 or private funds available for that purpose. The commission's
18 annual expenses may exceed the amount in subsection 3 only if
19 the excess is paid from private funds. If a proposed charter
20 is submitted to the electorate, private funds donated to the
21 commission may be used to promote passage of the proposed
22 charter.

23 Sec. 9. Section 331.235, Code 1991, is amended to read as
24 follows:

25 331.235 COMMISSION PROCEDURES AND REPORTS.

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

32 2. Within nine months after the organization of the
33 commission, the commission shall submit a preliminary report
34 to the board, which report may include the text of the
35 proposed charter. If a proposed charter is included in the

1 preliminary report, the report shall also include an analysis
2 of the fiscal impact of the proposed charter. Sufficient
3 copies of the report shall be made available for distribution
4 to residents of the county who request a copy. The commission
5 shall hold at least one public hearing after submission of the
6 preliminary report to obtain public comment.

7 3. Within fifteen ~~twenty~~ months after organization, the
8 commission shall submit the final report to the board. If the
9 commission recommends a charter including a form of government
10 other than the existing form of government, the final report
11 shall include the full text and an explanation of the proposed
12 charter, an analysis of the fiscal impact of the proposed
13 charter, any comments deemed desirable by the commission, a
14 ~~written opinion by the attorney general stating that the~~
15 ~~proposed charter is not in conflict with constitutional or~~
16 ~~statutory law;~~ and any minority reports. The final report may
17 recommend no change to the existing form of government and
18 that no charter be submitted to the electorate. The final
19 report shall be made available to the residents of the county
20 upon request. A summary of the final report shall be
21 published in the official newspaper of the county. ~~If a~~
22 ~~charter is not recommended, the commission is dissolved upon~~
23 ~~submission of its final report to the board.~~

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

28 Sec. 10. Section 331.236, Code 1991, is amended by
29 striking the section and inserting in lieu thereof the
30 following:

31 331.236 BALLOT REQUIREMENTS.

32 Unless otherwise provided, the question of adopting the
33 proposed alternative form of government shall be submitted to
34 the electors in substantially the following form:

35 Should the (charter or amendment) described below be

1 adopted for (insert name of local government)?

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

4 Sec. 11. Section 331.237, subsection 1, Code 1991, is
5 amended to read as follows:

6 1. If a proposed charter for county government is received
7 not later than sixty days before the next general election,
8 the board shall direct the county commissioner of elections to
9 submit to the qualified electors of the county at the next
10 general election the question of whether the proposed charter
11 shall be adopted. A summary of the proposed charter or
12 amendment must be published in the official county newspaper
13 and in a newspaper of general circulation in each
14 participating city, if applicable, at least ten but not more
15 than twenty days before the date of the election. If a
16 majority of the votes cast on the question is in favor of the
17 proposal, the proposal is adopted.

18 Sec. 12. Section 331.237, subsection 2, Code 1991, is
19 amended by adding the following new paragraph:

20 NEW PARAGRAPH. f. The former governing bodies shall
21 continue to perform their duties until the new governing body
22 is sworn into office, and shall assist the new governing body
23 in planning the transition to the charter government.

24 Sec. 13. Section 331.237, subsection 3, Code 1991, is
25 amended to read as follows:

26 3. If a charter is submitted to the electorate but is not
27 adopted, another charter shall not be submitted to the
28 electorate for six two years. If a charter is adopted, it may
29 be amended at any time. If a charter is adopted, a proposed
30 charter for another alternative form of county government
31 shall not be submitted to the electorate for six years.

32 Sec. 14. Section 331.238, subsection 2, paragraph f, Code
33 1991, is amended to read as follows:

34 f. The combining of duties of elected county officials or
35 the elimination of elected offices and the assumption of the

1 duties of those offices by appointed officials which may
2 differ from the requirements of section 331.323.

3 Sec. 15. Section 331.238, subsection 2, paragraph k, Code
4 1991, is amended by striking the paragraph and inserting in
5 lieu thereof the following:

6 k. Unless otherwise provided, the partisan election of
7 officers of the charter government.

8 Sec. 16. Section 331.247, Code 1991, is amended by adding
9 the following new subsection:

10 NEW SUBSECTION. 5. A city may join an existing city-
11 county consolidated government by resolution of the city
12 council or upon petition of eligible electors of the city
13 equal in number to at least twenty-five percent of the persons
14 who voted at the last general election for the office of
15 governor or president of the United States, whichever is
16 fewer. Within fifteen days after receiving a valid petition,
17 the city council of the petitioning city shall adopt a
18 resolution in favor of participation and shall immediately
19 forward the resolution to the legislative body of the city-
20 county consolidated government. If a majority of the city-
21 county consolidated legislative body approves the resolution,
22 the question of joining the city-county consolidated
23 government shall be submitted to the electorate of the
24 petitioning city within sixty days after approval of the
25 resolution.

26 Sec. 17. Section 331.247, Code 1991, is amended to read as
27 follows:

28 331.247 CITY-COUNTY CONSOLIDATION FORM.

29 1. A county and one or more cities within the county may
30 unite to form a single unit of local government in accordance
31 with this part. If more than fifty percent of the population
32 of a city resides within the affected county, it is a city
33 within the county for the purposes of this section.

34 2. An alternative form of government, including a charter
35 form, for a consolidated unit of government may be submitted

1 to the voters only by a commission established under this
 2 chapter ~~and one or more commissions established by the~~
 3 ~~affected cities under section 372-9 that have cooperated in~~
 4 ~~the formulation of the charter.~~ A majority vote by each of
 5 the ~~affected county~~ charter commission and ~~city charter~~
 6 commission is required for the submission of an alternative
 7 form of government for a consolidated unit of local
 8 government. The ~~affected county~~ charter commission and ~~city~~
 9 ~~charter commission~~ submitting a consolidated form shall issue
 10 a single-joint final report and proposal.

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

20 Sec. 18. Section 331.248, subsection 1, Code 1991, is
 21 amended to read as follows:

22 1. The ~~affected county~~ charter commission and ~~city charter~~
 23 ~~commission~~ proposing consolidation shall prepare, adopt, and
 24 submit to the voters a consolidation charter including an
 25 alternative form of government.

26 Sec. 19. Section 331.248, subsection 2, Code 1991, is
 27 amended by adding the following new paragraph after paragraph
 28 d and relettering the subsequent paragraphs:

29 NEW PARAGRAPH. e. Provide for either partisan or
 30 nonpartisan election of its officers.

31 Sec. 20. Section 331.249, subsections 1 and 3, Code 1991,
 32 are amended to read as follows:

33 1. A consolidated unit of local government shall have and
 34 may exercise all powers that are conferred on counties and
 35 cities by the Constitution of the State of Iowa and laws of

1 this state. As a political subdivision of the state, the
2 consolidated unit of local government shall have the status of
3 a county and a city for all purposes and, including for the
4 purpose of computing the consolidated government's bonded debt
5 limitation as prescribed by the Constitution of the State of
6 Iowa. The consolidated unit of local government shall replace
7 and be the successor of the county and the affected city.

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

13 Sec. 21. Section 331.250, Code 1991, is amended by
14 striking the section and inserting in lieu thereof the
15 following:

16 331.250 GENERAL POWERS OF CONSOLIDATED LOCAL GOVERNMENTS.
17 The consolidation charter shall provide for the delivery of
18 services to specified areas of the consolidated local
19 government. The governing body of the consolidated government
20 shall administer the provision of services in each of the
21 designated service areas and shall have the authority to
22 determine the boundaries of the service areas.

23 Sec. 22. Section 331.252, Code 1991, is amended by
24 striking the section and inserting in lieu thereof the
25 following:

26 331.252 FORM OF BALLOT -- CITY-COUNTY CONSOLIDATION.
27 The question of city-county consolidation shall be
28 submitted to the electors in substantially the following form:
29 Should the corporate existence and governments of the
30 county of and the cities of and
31 be consolidated into one joint city-county
32 corporation government?

33 If section 331.247, subsection 4, applies, the following
34 question shall be placed on the ballot of each participating
35 city:

1 Should the (name of city or second county) participate in
2 the consolidation charter?

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

3698

5 Sec. 23. Section 331.254, subsection 5, Code 1991, is
6 amended to read as follows:

7 5. The transfer, reorganization, abolition, absorption,
8 and adjustment of boundaries, ~~or-absorption~~ of existing
9 boards, subordinate service districts, local improvement
10 districts, and agencies of the consolidated counties.

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

13 Sec. 24. Section 331.254, Code 1991, is amended by adding
14 the following new subsection:

15 NEW SUBSECTION. 6. The retention of each county's
16 geographic boundaries as the boundaries existed before
17 consolidation.

3699

18 Sec. 25. Section 331.255, Code 1991, is amended by
19 striking the section and inserting in lieu thereof the
20 following:

21 331.255 FORM OF BALLOT -- COUNTY-COUNTY CONSOLIDATION.

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

24 Should the consolidation charter described below be adopted
25 for (name of applicable county)?

26 The ballot must contain a brief description and summary of
27 the proposed charter.

28 Sec. 26. NEW SECTION. 331.256 JOINING EXISTING COUNTY-
29 COUNTY CONSOLIDATED GOVERNMENT.

30 A county may join an existing county-county consolidated
31 government by resolution of the board of supervisors or upon
32 petition of eligible electors of the county equal in number to
33 at least twenty-five percent of the persons who voted at the
34 last general election for the office of governor or president
35 of the United States, whichever is fewer. Within fifteen days

1 after receiving a valid petition, the board of the petitioning
2 county shall adopt a resolution in favor of participation and
3 shall immediately forward the resolution to the legislative
4 body of the county-county consolidated government. If a
5 majority of the county-county consolidated board of
6 supervisors approves the resolution, the question of joining
7 the county-county consolidated government shall be submitted
8 to the electorate of the petitioning county within sixty days
9 after approval of the resolution.

10 Sec. 27. NEW SECTION. 331.260 COMMUNITY COMMONWEALTH.

11 1. A county and one or more cities or townships within the
12 county, a contiguous county, and a city or a township within a
13 contiguous county may unite to establish an alternative form
14 of local government for the purpose of making more efficient
15 use of their resources by providing for the delivery of
16 regional services.

17 2. A charter proposing a community commonwealth as an
18 alternative form of government may be submitted to the voters
19 only by a commission established under section 331.232. A
20 majority vote by the commission is required for the submission
21 of a charter proposing a community commonwealth as an
22 alternative form of local government. The commission
23 submitting a community commonwealth form of government shall
24 issue a final report and proposal. If an alternative form of
25 government for a community commonwealth form of local
26 government is proposed, approval of the commonwealth charter
27 shall be a separate ballot issue from approval of the
28 alternative form of government in those cities proposed to be
29 included in the commonwealth. The commonwealth charter shall
30 be effective in regard to a city government only if a majority
31 of the voters of the city voting on the question voted for
32 participation in the commonwealth charter.

33 The question of forming a community commonwealth shall be
34 submitted to the electorate in substantially the same form as
35 provided in section 331.252.

1 Sec. 28. NEW SECTION. 331.261 CHARTER -- COMMUNITY
2 COMMONWEALTH.

3 The community commonwealth charter shall provide for the
4 following:

5 1. The official name of the community commonwealth
6 government.

7 2. An elective legislative body established in the manner
8 provided for county boards of supervisors under sections
9 331.201 through 331.216 and section 331.238.

10 3. Appointment of a manager pursuant to sections 331.241
11 through 331.243.

12 4. Adjustment of existing bonded indebtedness and other
13 obligations to the extent it relates to the delivery of
14 services.

15 5. The transfer or other disposition of property and other
16 rights, claims, assets, and franchises as they relate to the
17 delivery of services.

18 6. The transfer, reorganization, abolition, adjustment,
19 and absorption of existing boards, existing subordinate
20 service districts, local improvement districts, and agencies
21 of the participating county and cities.

22 7. A system of delivery of services to the entire
23 community commonwealth pursuant to section 331.263.

24 8. A formula for the transfer of taxing authority from
25 member cities to the community commonwealth governing body to
26 fund the delivery of regional services.

27 9. The transfer into the community commonwealth of area-
28 wide services which had been provided by other boards,
29 commissions, and local governments.

30 10. A process by which the governing body of the community
31 commonwealth and the governing bodies of the member cities
32 provide by mutual agreement for the delivery of specified
33 services to the community commonwealth.

34 11. Either the partisan or nonpartisan election of
35 community commonwealth government officials.

1 The community commonwealth charter may include other
2 provisions not inconsistent with state law.

3 Sec. 29. NEW SECTION. 331.262 ADOPTION OF CHARTER --
4 EFFECT.

5 1. As a political subdivision of the state, the community
6 commonwealth unit of local government shall have the statutory
7 and constitutional status of a county and of a city to the
8 extent the community commonwealth governing body assumes the
9 powers and duties of cities as those powers and duties relate
10 to the delivery of services.

11 On its effective date, the community commonwealth charter
12 operates to replace the existing county government structure.
13 The governments of participating cities shall remain in
14 existence to render those services not transferred to the
15 community commonwealth government.

16 2. A city or county wishing to terminate its membership in
17 the community commonwealth government must do so pursuant to
18 the existing charter procedure under this chapter or chapter
19 372, whichever is applicable.

20 A city or county may join an existing community
21 commonwealth government by resolution of the board or council,
22 whichever is applicable, or upon petition of eligible electors
23 of the city or county, whichever is applicable, equal in
24 number to at least twenty-five percent of the persons who
25 voted at the last general election for the office of governor
26 or president of the United States, whichever is fewer. Within
27 fifteen days after receiving a valid petition, the applicable
28 governing body shall adopt a resolution in favor of
29 participation and shall immediately forward the resolution to
30 the governing body of the community commonwealth. If a
31 majority of the community commonwealth governing body approves
32 the resolution, the question of joining the community
33 commonwealth shall be submitted to the electorate of the
34 petitioning city or county within sixty days after approval of
35 the resolution.

1 Sec. 30. NEW SECTION. 331.263 SERVICE DELIVERY.

2 1. The governing body of the community commonwealth
3 government shall administer the provision of services in each
4 of the designated service areas and shall have the authority
5 to determine the boundaries of the service areas.

6 2. The governing body of the community commonwealth shall
7 have the authority to levy county taxes and shall have the
8 authority to levy city taxes to the extent the city tax levy
9 authority is transferred by the charter to the community
10 commonwealth. A city participating in the community
11 commonwealth shall transfer a portion of the city's tax levy
12 authorized under section 384.1 or 384.12, whichever is
13 applicable, to the governing body of the community
14 commonwealth. The maximum rates of taxes authorized to be
15 levied under sections 384.1 and 384.12 by a city participating
16 in the community commonwealth shall be reduced by an amount
17 equal to the rates of the same or similar taxes levied in the
18 city by the governing body of the community commonwealth.

19 Sec. 31. NEW SECTION. 372A.1 CREATION OF COMMISSION.

20 1. Cities within a county may unite to form a single unit
21 of local government in accordance with this chapter. Any city
22 located in two or more counties shall be allowed to
23 participate in a metropolitan consolidation in the county
24 where at least fifty percent of its population resides. An
25 alternative form of metropolitan government shall be submitted
26 to the electorate by a commission in the form of a charter or
27 charter amendment proposed in accordance with this chapter.

28 2. Participation in a charter commission under this
29 chapter may be proposed by:

30 a. The city council adopting a resolution calling for
31 participation.

32 b. By petition of the number of eligible electors of the
33 city equal to at least twenty-five percent of the votes cast
34 in the city at the last regular city election petitioning the
35 council to adopt a resolution calling for participation. The

1 council shall within thirty days of the filing of a valid
2 petition adopt such a resolution.

3 Sec. 32. NEW SECTION. 372A.2 APPOINTMENT OF COMMISSION
4 MEMBERS.

5 1. Within forty-five days after the establishment of a
6 commission, the members of the commission shall be appointed
7 as follows:

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

10 b. An additional member shall be appointed by each city
11 council for every twenty-five thousand residents in the
12 participating city.

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

22 2. Only eligible electors of the county not holding a
23 city, county, or state office shall be members of the
24 commission. In counties having multiple state legislative
25 districts, the districts shall be represented as equally as
26 possible. The membership shall be bipartisan and gender
27 balanced and each appointing authority under subsection 1
28 shall provide for representation of various age groups, racial
29 minorities, economic groups, and representatives of
30 identifiable geographically defined populations, all in
31 reasonable relationship to the proportions in which these
32 groups are present in the population of the commission area.
33 A vacancy on the commission shall be filled by appointment in
34 the same manner as the original appointment. The county
35 auditor shall notify the appropriate appointing authority of a

1 vacancy.

2 The legislative appointing authorities shall be considered
3 one appointing authority for the purpose of complying with
4 this subsection. The senior legislative appointing authority
5 in terms of length of legislative service shall convene the
6 legislative appointing authorities to consult for the purpose
7 of complying with this subsection.

8 Sec. 33. NEW SECTION. 372A.3 ORGANIZATION AND EXPENSES.

9 1. Within thirty days after the appointment of the members
10 of the commission, the city clerk of the participating city
11 with the largest population shall give written notice of the
12 date, time, and location of the first meeting of the
13 commission. At the 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.

20 3. The participating cities shall make available to the
21 commission in-kind services such as office space, printing,
22 supplies, and equipment and shall pay the other necessary
23 expenses of the commission, including compensation for
24 secretarial, clerical, professional, and consultant services.
25 The total annual expenses, not including the value of in-kind
26 expenses, to be paid from public funds shall not exceed one
27 hundred thousand dollars or an amount equal to thirty cents
28 times the population of the commission area, according to the
29 most recent certified federal census. The commission may
30 employ staff as necessary.

31 4. The expenses of the commission may be paid from the
32 general fund of the participating cities or from any
33 combination of public or private funds available for that
34 purpose. The commission's annual expenses may exceed the
35 amount in subsection 3 only if the excess is paid from private

1 funds. If a proposed charter is submitted to the electorate,
2 private funds donated to the commission may be used to promote
3 passage of the proposed charter.

4 Sec. 34. NEW SECTION. 372A.4 COMMISSION PROCEDURES AND
5 REPORTS.

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

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

23 3. Within twenty months after organization, the commission
24 shall submit the final report to the councils of the
25 participating cities. If the commission recommends a charter
26 of consolidation, the final report shall include the full text
27 and an explanation of the proposed charter, an analysis of the
28 fiscal impact of the proposed charter, any comments deemed
29 desirable by the commission, and any minority reports. The
30 final report may recommend no change to the existing form of
31 government and that no charter be submitted to the electorate,
32 or it may recommend consolidation of the participating cities
33 with the county. If the board of supervisors by resolution
34 agrees to participate in consolidation, then the participating
35 cities and county shall proceed under sections 331.231 through

1 331.252.

2 4. The final report of the commission shall be made
3 available to the residents of the participating cities upon
4 request. A summary of the final report shall be published in
5 the official newspaper of the county. If a charter is not
6 recommended, the commission is dissolved upon submission of
7 its final report to the councils of the participating cities.

8 Sec. 35. NEW SECTION. 372A.5 CONSOLIDATION CHARTER.

9 A proposed charter written by a charter commission shall
10 specify the consolidated metropolitan form of government. The
11 proposed consolidation charter shall do all of the following:

12 1. Provide the official name of the consolidated unit of
13 local government and establish its geographic boundaries.

14 2. Establish an elective legislative body pursuant to
15 section 372A.9, including provisions on terms of office,
16 initial compensation, meetings, and rules of procedure.

17 3. Provide for the at large election of an officer to
18 preside over the metropolitan council and perform other duties
19 as specified, and provide for the election of other necessary
20 officers.

21 4. Provide for the nonpartisan election of officers of the
22 consolidated metropolitan corporation government.

23 5. Specify the powers and duties of the metropolitan
24 council, its administrative officers, and elected officials.

25 6. Provide for delivery of certain services to the member
26 cities, pursuant to section 372A.11, and may provide for the
27 abolition or consolidation of a department, agency, board, or
28 commission and the assumptions of its powers and duties by the
29 metropolitan council or another officer.

30 7. Provide for a system of revenue collection pursuant to
31 section 372A.10.

32 8. Provide for the orderly transition to the charter form
33 of metropolitan consolidation.

34 9. Include other provisions which the consolidation
35 charter commission elects to include and which are not

1 inconsistent with state law.

2 10. Specify a charter amendment process pursuant to
3 section 372.11.

4 11. Provide for the appointment of a manager by the
5 metropolitan council pursuant to section 372.8.

6 Sec. 36. NEW SECTION. 372A.6 REFERENDUM -- EFFECTIVE
7 DATE.

8 1. If a proposed charter for consolidation is received not
9 later than sixty days before the next general election, the
10 council of the participating city with the largest population
11 shall direct the county commissioner of elections to submit to
12 the qualified electors of the participating cities at the next
13 general election the question of whether the proposed charter
14 shall be adopted. A summary of the proposed charter shall be
15 published in a newspaper of general circulation in each city
16 participating in the charter commission process at least ten
17 but not more than twenty days before the date of the election.
18 The proposed charter shall be effective in regard to a city
19 only if a majority of the electors of the city voting approves
20 the proposed charter.

21 2. If a proposed charter for consolidation is adopted:

22 a. The adopted charter shall take effect July 1 following
23 the election at which it is approved unless the charter
24 provides a later effective date. A special election shall be
25 called to elect the new elective officers.

26 b. The adoption of the consolidated metropolitan
27 corporation form of government does not alter any right or
28 liability of any participating city in effect at the time of
29 the election at which the charter 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 adopted charter.

35 e. Upon the effective date of the adopted charter, the

1 participating cities shall adopt the consolidation form by
2 ordinance, and shall file a copy with the secretary of state,
3 and maintain available copies for public inspection.

4 3. If a charter is submitted to the electorate but is not
5 adopted, another charter shall not be submitted to the
6 electorate for two years. If a charter is adopted, it may be
7 amended at any time. If a charter is adopted, a proposed
8 charter for another alternative form of city government shall
9 not be submitted to the electorate for six years.

10 4. Section 372.2 shall not apply to a charter commission
11 established under this chapter.

12 Sec. 37. NEW SECTION. 372A.7 FORM OF BALLOT.

13 The question of metropolitan consolidation shall be
14 submitted to the electors in substantially the following
15 form:

16 Should the cities of and unite to form
17 one joint metropolitan corporation government?

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

20 Sec. 38. NEW SECTION. 372A.8 EFFECT OF CONSOLIDATION.

21 Cities consolidating pursuant to this chapter shall retain
22 all the rights, powers, and duties conferred upon them by the
23 Constitution of the State of Iowa and shall retain all the
24 rights, powers, and duties conferred upon them by the laws of
25 the state of Iowa, except to the extent those statutory
26 rights, powers, and duties are limited by the charter
27 government in fulfilling its duty to provide efficient
28 administration and delivery of services to its citizens.

29 On the effective date, the consolidation charter shall
30 operate to dissolve the city government of the participating
31 city with the largest population. That city shall be known as
32 the home city of the consolidated metropolitan corporation.
33 The consolidation charter shall provide that the home city be
34 governed either directly by the metropolitan council or by
35 those members of the metropolitan council who reside within

1 the corporate boundaries of the home city. The home city
2 shall retain its geographic boundaries for the purposes of
3 taxation and revenue disbursement.

4 Cities participating in consolidation shall be referred to
5 as member cities of the consolidated metropolitan corporation.

6 A city may join an existing consolidated metropolitan
7 corporation government by resolution of the city council or
8 upon petition of eligible electors of the city equal in number
9 to at least twenty-five percent of the persons who voted at
10 the last general election for the office of governor or
11 president of the United States, whichever is fewer. Within
12 fifteen days after receiving a valid petition, the city
13 council of the petitioning city shall adopt a resolution in
14 favor of participation and shall immediately forward the
15 resolution to the metropolitan council. If a majority of the
16 metropolitan council approves the resolution, the question of
17 joining the consolidated metropolitan corporation shall be
18 submitted to the electorate of the petitioning city within
19 sixty days after approval of the resolution.

20 Sec. 39. NEW SECTION. 372A.9 METROPOLITAN COUNCIL.

21 1. A consolidated metropolitan corporation shall be
22 governed by a metropolitan council. The council shall consist
23 of an odd number of members, not less than eleven and not more
24 than seventeen. If a vacancy on the metropolitan council
25 occurs more than sixty days before the next general election,
26 the council shall direct the county commissioner of elections
27 to conduct a special election to fill the vacancy until the
28 next general election.

29 2. Unless otherwise specified in the consolidation
30 charter, the council shall act by a majority vote of the
31 members on the council.

32 Sec. 40. NEW SECTION. 372A.10 TAXING AUTHORITY.

33 The metropolitan council shall have the authority to levy
34 city taxes to the extent the city tax levy authority is
35 transferred by the charter to the metropolitan council. A

1 member city shall transfer a portion of the city's tax levy
2 authorized under section 384.1 or 384.12, whichever is
3 applicable, to the metropolitan council. The maximum rates of
4 taxes authorized to be levied under sections 384.1 and 384.12
5 by a member city shall be reduced by an amount equal to the
6 rates of the same or similar taxes levied in the city by the
7 metropolitan council.

8 Sec. 41. NEW SECTION. 372A.11 SERVICE DELIVERY.

9 1. The charter of consolidation shall provide for the
10 transfer into the metropolitan consolidated corporation of
11 areawide services which had been provided by other boards,
12 commissions, and local governments. The metropolitan council
13 shall have the authority to determine the boundaries of the
14 service areas.

15 For each service provided by the consolidated metropolitan
16 corporation, the consolidated metropolitan corporation shall
17 assume the same statutory rights, powers, and duties, except
18 taxing authority, relating to the provision of such service as
19 if the member city were itself providing the service to its
20 citizens. However, the consolidated metropolitan corporation
21 shall not assume any of the governmental functions of its
22 member cities except as the functions relate to the delivery
23 of services and except as provided in section 372A.8.

24 If a service is being provided by the consolidated
25 metropolitan corporation to any member city that member city
26 shall not invoke any statutory right, power, or duty relating
27 to the delivery of the service to its citizens.

28 2. A member city may apply to the metropolitan council for
29 the purchase of any service which is being provided by the
30 consolidated metropolitan corporation to any other member
31 city, including the home city of the consolidated metropolitan
32 corporation. Such an agreement to provide services shall be
33 executed pursuant to chapter 28E and must contain provisions
34 necessary for the lawful execution of the agreement.

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EXPLANATION

1 This bill amends existing alternative forms of local
2 government legislation and creates a new alternative form of
3 county government called a community commonwealth and a new
4 alternative form of city government called a consolidated
5 metropolitan corporation. The bill requires that alternative
6 county government charter commissions and consolidated
7 metropolitan government charter commissions be bipartisan,
8 gender balanced, and representative of certain segments of the
9 community they represent.

10 The bill provides for a separate petition and separate
11 commission appointment process for city-county consolidation
12 commissions. It also eliminates the requirement of separate
13 city and county commissions to consider city-county
14 consolidation. The bill provides that city-county
15 consolidation commission members shall be appointed by the
16 board of supervisors of the county, the city councils of each
17 participating city, and state legislators whose districts are
18 located within the commission area.

19 The bill also provides that a charter commission may choose
20 to study an alternative form which requires different
21 appointees than those on the commission. The new members must
22 be appointed to comply with the statutory requirements, and
23 the life of the commission is extended six months after the
24 new members are appointed. The bill further provides that a
25 charter commission's annual expenses may not exceed \$100,000
26 or \$.30 times the population of the commission area unless the
27 excess is paid from private funds. Private funds donated may
28 be used to promote passage of a proposed charter. The cities
29 and/or counties participating in the commission process are
30 required to provide in-kind services to the commission, the
31 value of which are not included when computing total annual
32 expenses of the commission. The bill extends the life of a
33 charter commission to 20 months and eliminates the requirement
34 that the attorney general issue a written opinion on the
35 legality of the charter. The bill further allows a

1 consolidated government to combine the duties of all elective
2 officials, rather than only county officials, or to eliminate
3 an elective office and transfer the duties to an appointee.

4 The bill also alters the ballots by which a vote on a
5 charter is taken, and requires that a brief summary and
6 description of the charter or amendment be printed on the
7 ballots. The bill requires that a summary of a proposed
8 charter or amendment be published in the official county
9 newspaper and in a newspaper of general circulation in a
10 participating city, if applicable. If a charter proposes a
11 community commonwealth form, each ballot submitted to the
12 electors of the participating cities shall contain two
13 questions so that the electors residing in the cities may vote
14 as city residents and as county residents. If a majority of
15 the electors of a city votes not to participate in the
16 community commonwealth, the charter is not adopted in that
17 city.

18 The bill also provides that if a charter is not adopted by
19 the electorate, another charter may not be submitted for two
20 years. If a charter is adopted, another charter may not be
21 submitted for six years. An adopted charter may be amended at
22 any time. Partisan elections are required in all alternative
23 forms of county government except city-county consolidation
24 and community commonwealth. In the latter two forms, a
25 commission is given the option of requiring partisan or
26 nonpartisan elections.

27 The bill provides a mechanism by which local governments
28 may join an existing alternative form of county or city
29 government upon resolution of the local government governing
30 body or upon petition of the eligible electors of the local
31 government.

32 The bill creates a new form of alternative local government
33 called a community commonwealth which is based on the delivery
34 of services on a regional basis. Both cities and counties may
35 participate in this alternative form. The commission

1 appointing process is the same as for city-county
2 consolidation. The new government replaces the county
3 government, and each city retains its government to the extent
4 services are still being provided by the city to its
5 residents. This form of alternative local government provides
6 for transfer of taxing authority and property, and adjustment
7 of bonded indebtedness to the extent each relates to the
8 regional delivery of services.

9 The bill also provides that cities and counties, pursuant
10 to chapter 28E, may establish regional metropolitan service
11 areas subject to most of the limitations of the community
12 commonwealth alternative form of local government.

13 The bill creates a new chapter establishing an alternative
14 form of government involving consolidation of cities. The
15 bill outlines a petition and charter commission process and
16 requirements for a consolidation charter. The consolidated
17 metropolitan corporation created under this chapter shall be
18 governed by a metropolitan council. Each member city retains
19 its statutory and constitutional status as a city. This form
20 of alternative city government provides for the transfer of
21 taxing authority from participating cities to the metropolitan
22 council. The consolidated metropolitan corporation has the
23 authority to provide certain services to all or some of its
24 members, either by the metropolitan council's unilateral
25 action or by agreements formed pursuant to chapter 28E.

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HOUSE FILE 693

H-3698

- 1 Amend House File 693 as follows:
2 1. Page 1, by inserting after line 12, the
3 following:
4 "Sec. ____ . Section 331.231, subsection 6, Code
5 1991, is amended to read as follows:
6 6. County-county Multicounty consolidated form as
7 provided in section 331.253."
8 2. Page 10, by inserting after line 4, the
9 following:
10 "Sec. ____ . Section 331.253, Code 1991, is amended
11 to read as follows:
12 331.253 REQUIREMENTS FOR COUNTY-COUNTY MULTICOUNTY
13 GOVERNMENT CONSOLIDATION.
14 1. Consolidation may be placed on the ballot only
15 by a joint report by contiguous two or more counties.
16 2. A final report must contain a consolidation
17 charter if county-county multicounty consolidation is
18 recommended. The consolidation charter must conform
19 to the provisions and requirements in accordance with
20 this part."
21 3. Page 10, by striking line 5 and inserting the
22 following:
23 "Sec. ____ . Section 331.254, unnumbered paragraph 1
24 and subsection 5, Code 1991, are".
25 4. Page 10, by inserting after line 6, the
26 following:
27 "When county multicounty consolidation is
28 recommended, a petition must contain a consolidation
29 charter which provides for:".
30 5. Page 10, line 14, by striking the word
31 "subsection" and inserting the following:
32 "subsections".
33 6. Page 10, by inserting after line 17, the
34 following:
35 "NEW SUBSECTION. 7. The merger of the elective
36 offices of each consolidating county with the election
37 of new officers within sixty days after the effective
38 date of the charter. The elections shall be conducted
39 by the county commissioner of elections of each county
40 pursuant to section 69.13.
41 NEW SUBSECTION. 8. The merger of the appointive
42 offices of each consolidating county."
43 7. By renumbering as necessary.

By CONNORS of Polk

H-3698 FILED APRIL 17, 1991

Adopted 4/19/91 (p. 1400)

HOUSE FILE 693

H-3701

1 Amend House File 693 as follows:

2 1. Page 14, by inserting after line 18 the fol-
3 lowing:

4 "Sec. _____. Section 372.4, unnumbered paragraph 1,
5 Code 1991, is amended to read as follows:

6 A city governed by the mayor-council form has a
7 mayor and five council members elected at large,
8 ~~unless by ordinance a city so governed chooses to have~~
9 ~~a mayor elected at large and an odd number of council~~
10 ~~members but not less than five, including at least two~~
11 ~~council members elected at large and one council~~
12 ~~member elected by and from each ward~~ the council
13 representation plan is changed pursuant to section
14 372.13, subsection 11. The council may, by ordinance,
15 provide for a city manager and prescribe the manager's
16 powers and duties, and as long as the council contains
17 an odd number of council members, may change the
18 number of wards, abolish wards, or increase the number
19 of council members at large without changing the form.

20 Sec. _____. Section 372.5, unnumbered paragraph 2,
21 Code 1991, is amended to read as follows:

22 A city governed by the commission form has a
23 council composed of a mayor and four council members
24 elected at large, unless the council representation
25 plan is changed pursuant to section 372.13, subsection
26 11. The mayor administers the department of public
27 affairs and each other council member is elected to
28 administer one of the other four departments.

29 Sec. _____. Section 372.10, Code 1991, is amended by
30 adding the following new subsection:

31 NEW SUBSECTION. 5. A council representation plan
32 pursuant to section 372.13, subsection 11.

33 Sec. _____. Section 372.13, Code 1991, is amended by
34 adding the following new subsection:

35 NEW SUBSECTION. 11. Council members shall be
36 elected according to the council representation plans
37 under sections 372.4 and 372.5. However, the council
38 representation plan may be changed, by petition and
39 election, to one of those described in this
40 subsection. Upon receipt of a valid petition, as
41 defined in section 362.4, requesting a change to a
42 council representation plan, the council shall submit
43 the question at a special city election to be held
44 within sixty days. If a majority of the persons
45 voting at the special election approves the changed
46 plan, it becomes effective at the beginning of the
47 term following the next regular city election. If a
48 majority does not approve the changed plan, the
49 council shall not submit another proposal to change a
50 plan to the voters within the next two years.

- 1 Eligible electors of a city may petition for one of
- 2 the following council representation plans:
- 3 a. Election at large without ward residence
- 4 requirements for the members.
- 5 b. Election at large but with equal-population
- 6 ward residence requirements for the members.
- 7 c. Election from single-member, equal-population
- 8 wards, in which the electors of each ward shall elect
- 9 one member who must reside in that ward.
- 10 d. Election of a specified number of members at
- 11 large and a specified number of members from single-
- 12 member, equal-population wards."
- 13 2. By renumbering as necessary.

By PAVICH of Pottawattamie

H-3701 FILED APRIL 17, 1991

Adopted 4/19/91 (p 1403)

HOUSE FILE 693

-3730

- 1 Amend House File 693 as follows:
2 1. Page 7, line 6, by striking the words "Unless
3 otherwise provided, the" and inserting the following:
4 "The".
5 2. Page 8, by striking lines 26 through 30.
6 3. Page 12, by striking line 34, and inserting
7 the following:
8 "11. The partisan election of".
9 4. By renumbering as necessary.

By MURPHY of Dubuque
BISIGNANO of Polk

H-3730 FILED APRIL 18, 1991

Adopted 4/18/91 (1481)

HOUSE FILE 693

H-3741

- 1 Amend House File 693 as follows:
2 1. Page 20, by striking lines 29 through 33, and
3 inserting the following:
4 "The consolidation charter may provide for the
5 replacement of the city government of the member city
6 with the largest population, according to the most
7 recent certified federal census. That city shall be
8 known as the home city of the consolidated
9 metropolitan corporation. If its government is
10 replaced, the consolidation charter shall provide that
11 the home city be".
12 2. Page 21, line 3, by striking the words "and
13 revenue disbursement".

By DVORSKY of Johnson

H-3741 FILED APRIL 19, 1991

ADOPTED *(1403)*

HOUSE FILE 693

H-3723

1 Amend House File 693 as follows:

2 1. By striking page 8, line 31, through page 9,
3 line 7, and inserting the following:

4 "Sec. ____ . Section 331.249, subsections 1 and 2,
5 Code 1991, are amended by striking the subsections and
6 inserting in lieu thereof the following:

7 1. The consolidation of one or more cities and one
8 or more counties shall create a unified government
9 which includes a municipal corporation and a county.
10 The consolidated unit shall have the separate status
11 of a county and a city for all purposes and shall
12 constitute two political subdivisions, a consolidated
13 city and a county, under combined governance. The
14 consolidated unit shall retain one separate
15 constitutional debt limitation with respect to its
16 status as a city and a separate constitutional debt
17 limitation with respect to its status as a county.

18 2. A consolidated unit of local government may
19 include an area which is located in another county,
20 but which is within the corporate boundaries of one of
21 the consolidated cities. County services shall be
22 provided in the extra-county area and taxes to fund
23 those services shall be collected in the extra-county
24 area by the consolidated government, to the extent
25 permitted by the Constitution of the State of Iowa.
26 In addition to the right to vote in the county of
27 residence, electors residing in the extra-county area
28 shall have the right to vote on any matter related to
29 the consolidated unit of local government, including
30 election of its officials.

31 If a city-county consolidation charter is proposed,
32 within ninety days following the final report of the
33 commission, a resident or property owner of the
34 commission area proposed to be consolidated may bring
35 an action in district court for declaratory judgment
36 to determine the legality of the proposed charter and
37 to otherwise declare the effect of the charter. The
38 referendum on the proposed charter shall be stayed
39 during pendency of the action and for such additional
40 time during which the proposed charter or its enabling
41 legislation does not conform to the constitution or
42 laws of the state of Iowa. If in its final judgment
43 the court determines that the proposed charter fails
44 to conform to the constitution or laws of this state,
45 the commission shall have a period of six months in
46 which to revise and resubmit the proposed charter.

47 Sec. ____ . Section 331.249, subsection 3, Code
48 1991, is amended to read as follows:".

49 2. By renumbering as necessary.

By DVORSKY of Johnson

H-3723 FILED APRIL 18, 1991

Subpt. 4/19/91 (p. 140-)

HOUSE FILE 693
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 107)

(SUCCESSOR TO HF 663)

(As Amended and Passed by the House April 19, 1991)

RePassed House, ^{as amended} Date 5/11/91 (p. 241) Passed Senate, Date 5/11/91 (p. 1301)
Vote: Ayes 93 Nays 6 Vote: Ayes 42 Nays 7
Approved June 10, 1991

A BILL FOR

1 An Act relating to alternative forms of local government and
2 creating a new alternative form of local government for cities
3 known as a consolidated metropolitan corporation, with
4 provisions relating to its charter process, legislative body,
5 tax collection, and service delivery, and to a new alternative
6 form of county government.

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

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House Amendments _____
Deleted Language *

1 Section 1. NEW SECTION. 28E.40 REGIONAL METROPOLITAN
2 SERVICE AREA.

3 Two or more contiguous counties, cities, or cities and
4 counties may establish a regional metropolitan service area to
5 provide for the joint delivery of services by an agreement
6 under this chapter, subject to the limitations and
7 requirements of sections 331.232, 331.260, 331.261, and
8 331.262, subsection 2.

9 Sec. 2. Section 331.231, Code 1991, is amended by adding
10 the following new subsection:

11 NEW SUBSECTION. 7. Community commonwealth form as
12 provided in sections 331.260 through 331.263.

13 Sec. 3. Section 331.231, subsection 6, Code 1991, is
14 amended to read as follows:

15 6. ~~County-county~~ Multicounty consolidated form as provided
16 in section 331.253.

17 Sec. 4. Section 331.232, Code 1991, is amended by adding
18 the following new subsection:

19 NEW SUBSECTION. 1A. The council of any city wishing to
20 participate in a city-county consolidation charter commission
21 must notify the board by resolution within thirty days of the
22 creation of the commission pursuant to subsection 1. A city's
23 participation in a city-county consolidation charter
24 commission may be proposed by the city council adopting a
25 resolution in favor of participation or by eligible electors
26 of the city equal in number to at least twenty-five percent of
27 the persons who voted at the last regular city election
28 petitioning the council to adopt a resolution in favor of
29 participation. The council shall within ten days of the
30 filing of a valid petition adopt such a resolution.

31 Sec. 5. Section 331.233, subsection 1, Code 1991, is
32 amended to read as follows:

33 1. Within The members of a commission created to study the
34 alternative forms of county government under division II, part
35 1, and sections 331.239, 331.241, 331.246, and 331.253, shall

1 be appointed within forty-five days after the adoption of the
2 resolution creating the commission, ~~the members of the~~
3 ~~commission shall be appointed~~ as follows:

4 Sec. 6. Section 331.233, subsection 2, Code 1991, is
5 amended by striking the subsection and inserting in lieu
6 thereof the following:

7 2. Only eligible electors of the county not holding a
8 city, county, or state office shall be members of the
9 commission. In counties having multiple state legislative
10 districts, the districts shall be represented as equally as
11 possible. The membership shall be bipartisan and gender
12 balanced and each appointing authority under subsection 1
13 shall provide for representation of various age groups, racial
14 minorities, economic groups, and representatives of
15 identifiable geographically defined populations, all in
16 reasonable relationship to the proportions in which these
17 groups are present in the population of the commission area.
18 A vacancy on the commission shall be filled by appointment in
19 the same manner as the original appointment. The county
20 auditor shall notify the appropriate appointing authority of a
21 vacancy.

22 The legislative appointing authorities shall be considered
23 one appointing authority for the purpose of complying with
24 this subsection. The senior legislative appointing authority
25 in terms of length of legislative service shall convene the
26 legislative appointing authorities to consult for the purpose
27 of complying with this subsection.

28 Sec. 7. Section 331.233, Code 1991, is amended by adding
29 the following new subsection:

30 NEW SUBSECTION. 3. If at any time during the commission
31 process, the commission adopts a resolution by majority vote
32 to prepare a charter proposing city-county consolidation or
33 the community commonwealth form, additional members shall be
34 appointed to the commission in order to comply with section
35 331.233A. The life of the commission shall be extended up to

1 six months after the appointment of the additional members.
2 Sec. 8. NEW SECTION. 331.233A APPOINTMENT OF COMMISSION
3 MEMBERS -- CITY-COUNTY CONSOLIDATION OR COMMUNITY
4 COMMONWEALTH.

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

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

11 b. One member shall be appointed by the board of each
12 county participating in the charter process. The member must
13 be a resident of the unincorporated area of the county.

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

23 d. An additional member shall be appointed by each city
24 council and each county board for every 25,000 residents in
25 the participating city or unincorporated area of the county,
26 whichever is applicable.

27 2. The commission members shall be appointed in compliance
28 with section 331.233, subsection 2. A vacancy on the
29 commission shall be filled by appointment in the same manner
30 as the original appointment. The county auditor shall notify
31 the appropriate appointing authority of a vacancy.

32 3. If at any time during the commission process, the
33 commission adopts a resolution by majority vote to prepare a
34 charter proposing an alternative form other than city-county
35 consolidation or the community commonwealth form, the

1 resolution shall be submitted to the board of supervisors of
2 the participating county, and the board shall proceed pursuant
3 to section 331.233. The life of the commission shall be
4 extended up to six months after the appointment of the new
5 members.

6 Sec. 9. Section 331.234, subsections 3 and 4, Code 1991,
7 are amended to read as follows:

8 3. The board shall ~~provide~~ make available to the
9 commission in-kind services such as office space, rooms
10 printing, supplies, and equipment for the commission and shall
11 pay the other necessary expenses of the commission including
12 compensation for secretarial, clerical, professional, and
13 consultant services. The total annual expenses, not including
14 the value of in-kind expenses, to be paid from public funds
15 shall not exceed one hundred thousand dollars or an amount
16 equal to thirty cents times the population of the commission
17 area, according to the most recent certified federal census.
18 The commission may employ staff as necessary.

19 4. The expenses of the commission may be paid from the
20 general fund of the county or from any combination of public
21 or private funds available for that purpose. The commission's
22 annual expenses may exceed the amount in subsection 3 only if
23 the excess is paid from private funds. If a proposed charter
24 is submitted to the electorate, private funds donated to the
25 commission may be used to promote passage of the proposed
26 charter.

27 Sec. 10. Section 331.235, Code 1991, is amended to read as
28 follows:

29 331.235 COMMISSION PROCEDURES AND REPORTS.

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

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

11 3. Within ~~fifteen~~ twenty months after organization, the
12 commission shall submit the final report to the board. If the
13 commission recommends a charter including a form of government
14 other than the existing form of government, the final report
15 shall include the full text and an explanation of the proposed
16 charter, an analysis of the fiscal impact of the proposed
17 charter, any comments deemed desirable by the commission, a
18 ~~written-opinion-by-the-attorney-general-stating-that-the~~
19 ~~proposed-charter-is-not-in-conflict-with-constitutional-or~~
20 ~~statutory-law,~~ and any minority reports. The final report may
21 recommend no change to the existing form of government and
22 that no charter be submitted to the electorate. The final
23 report shall be made available to the residents of the county
24 upon request. A summary of the final report shall be
25 published in the official newspaper of the county. ~~If-a~~
26 ~~charter-is-not-recommended,-the-commission-is-dissolved-upon~~
27 ~~submission-of-its-final-report-to-the-board-~~

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

32 Sec. 11. Section 331.236, Code 1991, is amended by
33 striking the section and inserting in lieu thereof the
34 following:

35 331.236 BALLOT REQUIREMENTS.

1 Unless otherwise provided, the question of adopting the
2 proposed alternative form of government shall be submitted to
3 the electors in substantially the following form:

4 Should the (charter or amendment) described below be
5 adopted for (insert name of local government)?

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

8 Sec. 12. Section 331.237, subsection 1, Code 1991, is
9 amended to read as follows:

10 1. If a proposed charter for county government is received
11 not later than sixty days before the next general election,
12 the board shall direct the county commissioner of elections to
13 submit to the qualified electors of the county at the next
14 general election the question of whether the proposed charter
15 shall be adopted. A summary of the proposed charter or
16 amendment must be published in the official county newspaper
17 and in a newspaper of general circulation in each
18 participating city, if applicable, at least ten but not more
19 than twenty days before the date of the election. If a
20 majority of the votes cast on the question is in favor of the
21 proposal, the proposal is adopted.

22 Sec. 13. Section 331.237, subsection 2, Code 1991, is
23 amended by adding the following new paragraph:

24 NEW PARAGRAPH. f. The former governing bodies shall
25 continue to perform their duties until the new governing body
26 is sworn into office, and shall assist the new governing body
27 in planning the transition to the charter government.

28 Sec. 14. Section 331.237, subsection 3, Code 1991, is
29 amended to read as follows:

30 3. If a charter is submitted to the electorate but is not
31 adopted, another charter shall not be submitted to the
32 electorate for ~~six~~ two years. If a charter is adopted, it may
33 be amended at any time. If a charter is adopted, a proposed
34 charter for another alternative form of county government
35 shall not be submitted to the electorate for six years.

1 Sec. 15. Section 331.238, subsection 2, paragraph f, Code
2 1991, is amended to read as follows:

3 f. The combining of duties of elected county officials or
4 the elimination of elected offices and the assumption of the
5 duties of those offices by appointed officials which may
6 ~~differ from the requirements of section 331.323.~~

7 Sec. 16. Section 331.238, subsection 2, paragraph k, Code
8 1991, is amended by striking the paragraph and inserting in
9 lieu thereof the following:

10 k. The partisan election of officers of the charter
11 government.

12 Sec. 17. Section 331.247, Code 1991, is amended by adding
13 the following new subsection:

14 NEW SUBSECTION. 5. A city may join an existing city-
15 county consolidated government by resolution of the city
16 council or upon petition of eligible electors of the city
17 equal in number to at least twenty-five percent of the persons
18 who voted at the last general election for the office of
19 governor or president of the United States, whichever is
20 fewer. Within fifteen days after receiving a valid petition,
21 the city council of the petitioning city shall adopt a
22 resolution in favor of participation and shall immediately
23 forward the resolution to the legislative body of the city-
24 county consolidated government. If a majority of the city-
25 county consolidated legislative body approves the resolution,
26 the question of joining the city-county consolidated
27 government shall be submitted to the electorate of the
28 petitioning city within sixty days after approval of the
29 resolution.

30 Sec. 18. Section 331.247, Code 1991, is amended to read as
31 follows:

32 331.247 CITY-COUNTY CONSOLIDATION FORM.

33 1. A county and one or more cities within the county may
34 unite to form a single unit of local government in accordance
35 with this part. If more than fifty percent of the population

1 of a city resides within the affected county, it is a city
 2 within the county for the purposes of this section.

3 2. An alternative form of government, including a charter
 4 form, for a consolidated unit of government may be submitted
 5 to the voters only by a commission established under this
 6 ~~chapter and one or more commissions established by the~~
 7 ~~affected cities under section 372-9 that have cooperated in~~
 8 ~~the formulation of the charter.~~ A majority vote by each of
 9 the ~~affected county~~ charter commission ~~and city charter~~
 10 ~~commission~~ is required for the submission of an alternative
 11 form of government for a consolidated unit of local
 12 government. The ~~affected county~~ charter commission ~~and city~~
 13 ~~charter commission~~ submitting a consolidated form shall issue
 14 a single-joint final report and proposal.

15 3. An alternative form of government for a consolidated
 16 unit of local government does not need to include more than
 17 one city. A city shall not be included unless the ~~charter~~
 18 ~~commission of~~ the affected city participates in the
 19 ~~cooperative study, its commission by a majority vote approves~~
 20 ~~the proposed charter for consolidated government~~ commission
 21 process, and a majority of the electors of the affected city
 22 voting approves the proposed charter for the consolidated
 23 government.

24 Sec. 19. Section 331.248, subsection 1, Code 1991, is
 25 amended to read as follows:

26 1. The ~~affected county~~ charter commission ~~and city charter~~
 27 ~~commission~~ proposing consolidation shall prepare, adopt, and
 28 submit to the voters a consolidation charter including an
 29 alternative form of government.

* 30 Sec. 20. Section 331.249, subsections 1 and 2, Code 1991,
 31 are amended by striking the subsections and inserting in lieu
 32 thereof the following:

33 1. The consolidation of one or more cities and one or more
 34 councils shall create a unified government which includes a
 35 municipal corporation and a county. The consolidated unit

1 shall have the separate status of a county and a city for all
2 purposes and shall constitute two political subdivisions, a
3 consolidated city and a county, under combined governance.
4 The consolidated unit shall retain one separate constitutional
5 debt limitation with respect to its status as a city and a
6 separate constitutional debt limitation with respect to its
7 status as a county.

8 2. A consolidated unit of local government may include an
9 area which is located in another county, but which is within
10 the corporate boundaries of one of the consolidated cities.
11 County services shall be provided in the extra-county area and
12 taxes to fund those services shall be collected in the extra-
13 county area by the consolidated government, to the extent
14 permitted by the Constitution of the State of Iowa. In
15 addition to the right to vote in the county of residence,
16 electors residing in the extra-county area shall have the
17 right to vote on any matter related to the consolidated unit
18 of local government, including election of its officials.

19 If a city-county consolidation charter is proposed, within
20 ninety days following the final report of the commission, a
21 resident or property owner of the commission area proposed to
22 be consolidated may bring an action in district court for
23 declaratory judgment to determine the legality of the proposed
24 charter and to otherwise declare the effect of the charter.
25 The referendum on the proposed charter shall be stayed during
26 pendency of the action and for such additional time during
27 which the proposed charter or its enabling legislation does
28 not conform to the constitution or laws of the state of Iowa.
29 If in its final judgment the court determines that the
30 proposed charter fails to conform to the constitution or laws
31 of this state, the commission shall have a period of six
32 months in which to revise and resubmit the proposed charter.

33 Sec. 21. Section 331.249, subsection 3, Code 1991, is
34 amended to read as follows:

35 3. All provisions of law authorizing contributions of any

1 kind, in money or otherwise, from the state or federal
2 government to counties and cities shall remain in full force
3 with respect to each city and the county comprising a
4 consolidated local government.

5 Sec. 22. Section 331.250, Code 1991, is amended by
6 striking the section and inserting in lieu thereof the
7 following:

8 331.250 GENERAL POWERS OF CONSOLIDATED LOCAL GOVERNMENTS.

9 The consolidation charter shall provide for the delivery of
10 services to specified areas of the consolidated local
11 government. The governing body of the consolidated government
12 shall administer the provision of services in each of the
13 designated service areas and shall have the authority to
14 determine the boundaries of the service areas.

15 Sec. 23. Section 331.252, Code 1991, is amended by
16 striking the section and inserting in lieu thereof the
17 following:

18 331.252 FORM OF BALLOT -- CITY-COUNTY CONSOLIDATION.

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

21 Should the corporate existence and governments of the
22 county of and the cities of and
23 be consolidated into one joint city-county
24 corporation government?

25 If section 331.247, subsection 4, applies, the following
26 question shall be placed on the ballot of each participating
27 city:

28 Should the (name of city or second county) participate in
29 the consolidation charter?

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

32 Sec. 24. Section 331.253, Code 1991, is amended to read as
33 follows:

34 331.253 REQUIREMENTS FOR COUNTY-COUNTY MULTICOUNTY
35 GOVERNMENT CONSOLIDATION.

1 1. Consolidation may be placed on the ballot only by a
2 joint report by contiguous two or more counties.

3 2. A final report must contain a consolidation charter if
4 county-county multicounty consolidation is recommended. The
5 consolidation charter must conform to the provisions and
6 requirements in accordance with this part.

7 Sec. 25. Section 331.254, unnumbered paragraph 1 and
8 subsection 5, Code 1991, are amended to read as follows:

9 When county multicounty consolidation is recommended, a
10 petition must contain a consolidation charter which provides
11 for:

12 5. The transfer, reorganization, abolition, absorption,
13 and adjustment of boundaries, ~~or absorption~~ of existing
14 boards, subordinate service districts, local improvement
15 districts, and agencies of the consolidated counties.

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

18 Sec. 26. Section 331.254, Code 1991, is amended by adding
19 the following new subsections:

20 NEW SUBSECTION. 6. The retention of each county's
21 geographic boundaries as the boundaries existed before
22 consolidation.

23 NEW SUBSECTION. 7. The merger of the elective offices of
24 each consolidating county with the election of new officers
25 within sixty days after the effective date of the charter.
26 The elections shall be conducted by the county commissioner of
27 elections of each county pursuant to section 69.13.

28 NEW SUBSECTION. 8. The merger of the appointive offices
29 of each consolidating county.

30 Sec. 27. Section 331.255, Code 1991, is amended by
31 striking the section and inserting in lieu thereof the
32 following:

33 331.255 FORM OF BALLOT -- COUNTY-COUNTY CONSOLIDATION.

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

1 Should the consolidation charter described below be adopted
2 for (name of applicable county)?

3 The ballot must contain a brief description and summary of
4 the proposed charter.

5 Sec. 28. NEW SECTION. 331.256 JOINING EXISTING COUNTY-
6 COUNTY CONSOLIDATED GOVERNMENT.

7 A county may join an existing county-county consolidated
8 government by resolution of the board of supervisors or upon
9 petition of eligible electors of the county equal in number to
10 at least twenty-five percent of the persons who voted at the
11 last general election for the office of governor or president
12 of the United States, whichever is fewer. Within fifteen days
13 after receiving a valid petition, the board of the petitioning
14 county shall adopt a resolution in favor of participation and
15 shall immediately forward the resolution to the legislative
16 body of the county-county consolidated government. If a
17 majority of the county-county consolidated board of
18 supervisors approves the resolution, the question of joining
19 the county-county consolidated government shall be submitted
20 to the electorate of the petitioning county within sixty days
21 after approval of the resolution.

22 Sec. 29. NEW SECTION. 331.260 COMMUNITY COMMONWEALTH.

23 1. A county and one or more cities or townships within the
24 county, a contiguous county, and a city or a township within a
25 contiguous county may unite to establish an alternative form
26 of local government for the purpose of making more efficient
27 use of their resources by providing for the delivery of
28 regional services.

29 2. A charter proposing a community commonwealth as an
30 alternative form of government may be submitted to the voters
31 only by a commission established under section 331.232. A
32 majority vote by the commission is required for the submission
33 of a charter proposing a community commonwealth as an
34 alternative form of local government. The commission
35 submitting a community commonwealth form of government shall

1 issue a final report and proposal. If an alternative form of
2 government for a community commonwealth form of local
3 government is proposed, approval of the commonwealth charter
4 shall be a separate ballot issue from approval of the
5 alternative form of government in those cities proposed to be
6 included in the commonwealth. The commonwealth charter shall
7 be effective in regard to a city government only if a majority
8 of the voters of the city voting on the question voted for
9 participation in the commonwealth charter.

10 The question of forming a community commonwealth shall be
11 submitted to the electorate in substantially the same form as
12 provided in section 331.252.

13 Sec. 30. NEW SECTION. 331.261 CHARTER -- COMMUNITY
14 COMMONWEALTH.

15 The community commonwealth charter shall provide for the
16 following:

- 17 1. The official name of the community commonwealth
18 government.
- 19 2. An elective legislative body established in the manner
20 provided for county boards of supervisors under sections
21 331.201 through 331.216 and section 331.238.
- 22 3. Appointment of a manager pursuant to sections 331.241
23 through 331.243.
- 24 4. Adjustment of existing bonded indebtedness and other
25 obligations to the extent it relates to the delivery of
26 services.
- 27 5. The transfer or other disposition of property and other
28 rights, claims, assets, and franchises as they relate to the
29 delivery of services.
- 30 6. The transfer, reorganization, abolition, adjustment,
31 and absorption of existing boards, existing subordinate
32 service districts, local improvement districts, and agencies
33 of the participating county and cities.
- 34 7. A system of delivery of services to the entire
35 community commonwealth pursuant to section 331.263.

1 8. A formula for the transfer of taxing authority from
2 member cities to the community commonwealth governing body to
3 fund the delivery of regional services.

4 9. The transfer into the community commonwealth of area-
5 wide services which had been provided by other boards,
6 commissions, and local governments.

7 10. A process by which the governing body of the community
8 commonwealth and the governing bodies of the member cities
9 provide by mutual agreement for the delivery of specified
10 services to the community commonwealth.

11 11. The partisan election of community commonwealth
12 government officials.

13 The community commonwealth charter may include other
14 provisions not inconsistent with state law.

15 Sec. 31. NEW SECTION. 331.262 ADOPTION OF CHARTER --
16 EFFECT.

17 1. As a political subdivision of the state, the community
18 commonwealth unit of local government shall have the statutory
19 and constitutional status of a county and of a city to the
20 extent the community commonwealth governing body assumes the
21 powers and duties of cities as those powers and duties relate
22 to the delivery of services.

23 On its effective date, the community commonwealth charter
24 operates to replace the existing county government structure.
25 The governments of participating cities shall remain in
26 existence to render those services not transferred to the
27 community commonwealth government.

28 2. A city or county wishing to terminate its membership in
29 the community commonwealth government must do so pursuant to
30 the existing charter procedure under this chapter or chapter
31 372, whichever is applicable.

32 A city or county may join an existing community
33 commonwealth government by resolution of the board or council,
34 whichever is applicable, or upon petition of eligible electors
35 of the city or county, whichever is applicable, equal in

1 number to at least twenty-five percent of the persons who
2 voted at the last general election for the office of governor
3 or president of the United States, whichever is fewer. Within
4 fifteen days after receiving a valid petition, the applicable
5 governing body shall adopt a resolution in favor of
6 participation and shall immediately forward the resolution to
7 the governing body of the community commonwealth. If a
8 majority of the community commonwealth governing body approves
9 the resolution, the question of joining the community
10 commonwealth shall be submitted to the electorate of the
11 petitioning city or county within sixty days after approval of
12 the resolution.

13 Sec. 32. NEW SECTION. 331.263 SERVICE DELIVERY.

14 1. The governing body of the community commonwealth
15 government shall administer the provision of services in each
16 of the designated service areas and shall have the authority
17 to determine the boundaries of the service areas.

18 2. The governing body of the community commonwealth shall
19 have the authority to levy county taxes and shall have the
20 authority to levy city taxes to the extent the city tax levy
21 authority is transferred by the charter to the community
22 commonwealth. A city participating in the community
23 commonwealth shall transfer a portion of the city's tax levy
24 authorized under section 384.1 or 384.12, whichever is
25 applicable, to the governing body of the community
26 commonwealth. The maximum rates of taxes authorized to be
27 levied under sections 384.1 and 384.12 by a city participating
28 in the community commonwealth shall be reduced by an amount
29 equal to the rates of the same or similar taxes levied in the
30 city by the governing body of the community commonwealth.

31 Sec. 33. Section 372.4, unnumbered paragraph 1, Code 1991,
32 is amended to read as follows:

33 A city governed by the mayor-council form has a mayor and
34 five council members elected at large, unless by-ordinance-a
35 city-so-governed-chooses-to-have-a-mayor-elected-at-large-and

1 an-odd-number-of-council-members-but-not-less-than-five,
2 including-at-least-two-council-members-elected-at-large-and
3 one-council-member-elected-by-and-from-each-ward the council
4 representation plan is changed pursuant to section 372.13,
5 subsection 11. The council may, by ordinance, provide for a
6 city manager and prescribe the manager's powers and duties,
7 and as long as the council contains an odd number of council
8 members, may change the number of wards, abolish wards, or
9 increase the number of council members at large without
10 changing the form.

11 Sec. 34. Section 372.5, unnumbered paragraph 2, Code 1991,
12 is amended to read as follows:

13 A city governed by the commission form has a council
14 composed of a mayor and four council members elected at large,
15 unless the council representation plan is changed pursuant to
16 section 372.13, subsection 11. The mayor administers the
17 department of public affairs and each other council member is
18 elected to administer one of the other four departments.

19 Sec. 35. Section 372.10, Code 1991, is amended by adding
20 the following new subsection:

21 NEW SUBSECTION. 5. A council representation plan pursuant
22 to section 372.13, subsection 11.

23 Sec. 36. Section 372.13, Code 1991, is amended by adding
24 the following new subsection:

25 NEW SUBSECTION. 11. Council members shall be elected
26 according to the council representation plans under sections
27 372.4 and 372.5. However, the council representation plan may
28 be changed, by petition and election, to one of those
29 described in this subsection. Upon receipt of a valid
30 petition, as defined in section 362.4, requesting a change to
31 a council representation plan, the council shall submit the
32 question at a special city election to be held within sixty
33 days. If a majority of the persons voting at the special
34 election approves the changed plan, it becomes effective at
35 the beginning of the term following the next regular city

1 election. If a majority does not approve the changed plan,
2 the council shall not submit another proposal to change a plan
3 to the voters within the next two years.

4 Eligible electors of a city may petition for one of the
5 following council representation plans:

6 a. Election at large without ward residence requirements
7 for the members.

8 b. Election at large but with equal-population ward
9 residence requirements for the members.

10 c. Election from single-member, equal-population wards, in
11 which the electors of each ward shall elect one member who
12 must reside in that ward.

13 d. Election of a specified number of members at large and
14 a specified number of members from single-member, equal-
15 population wards.

16 Sec. 37. NEW SECTION. 372A.1 CREATION OF COMMISSION.

17 1. Cities within a county may unite to form a single unit
18 of local government in accordance with this chapter. Any city
19 located in two or more counties shall be allowed to
20 participate in a metropolitan consolidation in the county
21 where at least fifty percent of its population resides. An
22 alternative form of metropolitan government shall be submitted
23 to the electorate by a commission in the form of a charter or
24 charter amendment proposed in accordance with this chapter.

25 2. Participation in a charter commission under this
26 chapter may be proposed by:

27 a. The city council adopting a resolution calling for
28 participation.

29 b. By petition of the number of eligible electors of the
30 city equal to at least twenty-five percent of the votes cast
31 in the city at the last regular city election petitioning the
32 council to adopt a resolution calling for participation. The
33 council shall within thirty days of the filing of a valid
34 petition adopt such a resolution.

35 Sec. 38. NEW SECTION. 372A.2 APPOINTMENT OF COMMISSION

1 MEMBERS.

2 1. Within forty-five days after the establishment of a
3 commission, the members of the commission shall be appointed
4 as follows:

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

7 b. An additional member shall be appointed by each city
8 council for every twenty-five thousand residents in the
9 participating city.

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

19 2. Only eligible electors of the county not holding a
20 city, county, or state office shall be members of the
21 commission. In counties having multiple state legislative
22 districts, the districts shall be represented as equally as
23 possible. The membership shall be bipartisan and gender
24 balanced and each appointing authority under subsection 1
25 shall provide for representation of various age groups, racial
26 minorities, economic groups, and representatives of
27 identifiable geographically defined populations, all in
28 reasonable relationship to the proportions in which these
29 groups are present in the population of the commission area.
30 A vacancy on the commission shall be filled by appointment in
31 the same manner as the original appointment. The county
32 auditor shall notify the appropriate appointing authority of a
33 vacancy.

34 The legislative appointing authorities shall be considered
35 one appointing authority for the purpose of complying with

1 this subsection. The senior legislative appointing authority
2 in terms of length of legislative service shall convene the
3 legislative appointing authorities to consult for the purpose
4 of complying with this subsection.

5 Sec. 39. NEW SECTION. 372A.3 ORGANIZATION AND EXPENSES.

6 1. Within thirty days after the appointment of the members
7 of the commission, the city clerk of the participating city
8 with the largest population shall give written notice of the
9 date, time, and location of the first meeting of the
10 commission. At the 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.

17 3. The participating cities shall make available to the
18 commission in-kind services such as office space, printing,
19 supplies, and equipment and shall pay the other necessary
20 expenses of the commission, including compensation for
21 secretarial, clerical, professional, and consultant services.
22 The total annual expenses, not including the value of in-kind
23 expenses, to be paid from public funds shall not exceed one
24 hundred thousand dollars or an amount equal to thirty cents
25 times the population of the commission area, according to the
26 most recent certified federal census. The commission may
27 employ staff as necessary.

28 4. The expenses of the commission may be paid from the
29 general fund of the participating cities or from any
30 combination of public or private funds available for that
31 purpose. The commission's annual expenses may exceed the
32 amount in subsection 3 only if the excess is paid from private
33 funds. If a proposed charter is submitted to the electorate,
34 private funds donated to the commission may be used to promote
35 passage of the proposed charter.

1 Sec. 40. NEW SECTION. 372A.4 COMMISSION PROCEDURES AND
2 REPORTS.

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

9 2. Within nine months after the organization of the
10 commission, the commission shall submit a preliminary report
11 to the councils of the participating cities, which report may
12 include the text of the proposed charter. If a proposed
13 charter is included in the preliminary report, the report
14 shall also include an analysis of the fiscal impact of the
15 proposed charter. Sufficient copies of the report shall be
16 made available for distribution to residents of the
17 participating cities who request a copy. The commission shall
18 hold at least one public hearing after submission of the
19 preliminary report to obtain public comment.

20 3. Within twenty months after organization, the commission
21 shall submit the final report to the councils of the
22 participating cities. If the commission recommends a charter
23 of consolidation, the final report shall include the full text
24 and an explanation of the proposed charter, an analysis of the
25 fiscal impact of the proposed charter, any comments deemed
26 desirable by the commission, and any minority reports. The
27 final report may recommend no change to the existing form of
28 government and that no charter be submitted to the electorate,
29 or it may recommend consolidation of the participating cities
30 with the county. If the board of supervisors by resolution
31 agrees to participate in consolidation, then the participating
32 cities and county shall proceed under sections 331.231 through
33 331.252.

34 4. The final report of the commission shall be made
35 available to the residents of the participating cities upon

1 request. A summary of the final report shall be published in
2 the official newspaper of the county. If a charter is not
3 recommended, the commission is dissolved upon submission of
4 its final report to the councils of the participating cities.

5 Sec. 41. NEW SECTION. 372A.5 CONSOLIDATION CHARTER.

6 A proposed charter written by a charter commission shall
7 specify the consolidated metropolitan form of government. The
8 proposed consolidation charter shall do all of the following:

- 9 1. Provide the official name of the consolidated unit of
10 local government and establish its geographic boundaries.
- 11 2. Establish an elective legislative body pursuant to
12 section 372A.9, including provisions on terms of office,
13 initial compensation, meetings, and rules of procedure.
- 14 3. Provide for the at large election of an officer to
15 preside over the metropolitan council and perform other duties
16 as specified, and provide for the election of other necessary
17 officers.
- 18 4. Provide for the nonpartisan election of officers of the
19 consolidated metropolitan corporation government.
- 20 5. Specify the powers and duties of the metropolitan
21 council, its administrative officers, and elected officials.
- 22 6. Provide for delivery of certain services to the member
23 cities, pursuant to section 372A.11, and may provide for the
24 abolition or consolidation of a department, agency, board, or
25 commission and the assumptions of its powers and duties by the
26 metropolitan council or another officer.
- 27 7. Provide for a system of revenue collection pursuant to
28 section 372A.10.
- 29 8. Provide for the orderly transition to the charter form
30 of metropolitan consolidation.
- 31 9. Include other provisions which the consolidation
32 charter commission elects to include and which are not
33 inconsistent with state law.
- 34 10. Specify a charter amendment process pursuant to
35 section 372.11.

1 11. Provide for the appointment of a manager by the
2 metropolitan council pursuant to section 372.8.

3 Sec. 42. NEW SECTION. 372A.6 REFERENDUM -- EFFECTIVE
4 DATE.

5 1. If a proposed charter for consolidation is received not
6 later than sixty days before the next general election, the
7 council of the participating city with the largest population
8 shall direct the county commissioner of elections to submit to
9 the qualified electors of the participating cities at the next
10 general election the question of whether the proposed charter
11 shall be adopted. A summary of the proposed charter shall be
12 published in a newspaper of general circulation in each city
13 participating in the charter commission process at least ten
14 but not more than twenty days before the date of the election.
15 The proposed charter shall be effective in regard to a city
16 only if a majority of the electors of the city voting approves
17 the proposed charter.

18 2. If a proposed charter for consolidation is adopted:

19 a. The adopted charter shall take effect July 1 following
20 the election at which it is approved unless the charter
21 provides a later effective date. A special election shall be
22 called to elect the new elective officers.

23 b. The adoption of the consolidated metropolitan
24 corporation form of government does not alter any right or
25 liability of any participating city in effect at the time of
26 the election at which the charter 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 adopted charter.

32 e. Upon the effective date of the adopted charter, the
33 participating cities shall adopt the consolidation form by
34 ordinance, and shall file a copy with the secretary of state,
35 and maintain available copies for public inspection.

1 3. If a charter is submitted to the electorate but is not
2 adopted, another charter shall not be submitted to the
3 electorate for two years. If a charter is adopted, it may be
4 amended at any time. If a charter is adopted, a proposed
5 charter for another alternative form of city government shall
6 not be submitted to the electorate for six years.

7 4. Section 372.2 shall not apply to a charter commission
8 established under this chapter.

9 Sec. 43. NEW SECTION. 372A.7 FORM OF BALLOT.

10 The question of metropolitan consolidation shall be
11 submitted to the electors in substantially the following
12 form:

13 Should the cities of and unite to form
14 one joint metropolitan corporation government?

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

17 Sec. 44. NEW SECTION. 372A.8 EFFECT OF CONSOLIDATION.

18 Cities consolidating pursuant to this chapter shall retain
19 all the rights, powers, and duties conferred upon them by the
20 Constitution of the State of Iowa and shall retain all the
21 rights, powers, and duties conferred upon them by the laws of
22 the state of Iowa, except to the extent those statutory
23 rights, powers, and duties are limited by the charter
24 government in fulfilling its duty to provide efficient
25 administration and delivery of services to its citizens.

26 The consolidation charter may provide for the replacement
27 of the city government of the member city with the largest
28 population, according to the most recent certified federal
29 census. That city shall be known as the home city of the
30 consolidated metropolitan corporation. If its government is
31 replaced, the consolidation charter shall provide that the
32 home city be governed either directly by the metropolitan
33 council or by those members of the metropolitan council who
34 reside within the corporate boundaries of the home city. The
35 home city shall retain its geographic boundaries for the

*1 purposes of taxation.

2 Cities participating in consolidation shall be referred to
3 as member cities of the consolidated metropolitan corporation.

4 A city may join an existing consolidated metropolitan
5 corporation government by resolution of the city council or
6 upon petition of eligible electors of the city equal in number
7 to at least twenty-five percent of the persons who voted at
8 the last general election for the office of governor or
9 president of the United States, whichever is fewer. Within
10 fifteen days after receiving a valid petition, the city
11 council of the petitioning city shall adopt a resolution in
12 favor of participation and shall immediately forward the
13 resolution to the metropolitan council. If a majority of the
14 metropolitan council approves the resolution, the question of
15 joining the consolidated metropolitan corporation shall be
16 submitted to the electorate of the petitioning city within
17 sixty days after approval of the resolution.

18 Sec. 45. NEW SECTION. 372A.9 METROPOLITAN COUNCIL.

19 1. A consolidated metropolitan corporation shall be
20 governed by a metropolitan council. The council shall consist
21 of an odd number of members, not less than eleven and not more
22 than seventeen. If a vacancy on the metropolitan council
23 occurs more than sixty days before the next general election,
24 the council shall direct the county commissioner of elections
25 to conduct a special election to fill the vacancy until the
26 next general election.

27 2. Unless otherwise specified in the consolidation
28 charter, the council shall act by a majority vote of the
29 members on the council.

30 Sec. 46. NEW SECTION. 372A.10 TAXING AUTHORITY.

31 The metropolitan council shall have the authority to levy
32 city taxes to the extent the city tax levy authority is
33 transferred by the charter to the metropolitan council. A
34 member city shall transfer a portion of the city's tax levy
35 authorized under section 384.1 or 384.12, whichever is

1 applicable, to the metropolitan council. The maximum rates of
2 taxes authorized to be levied under sections 384.1 and 384.12
3 by a member city shall be reduced by an amount equal to the
4 rates of the same or similar taxes levied in the city by the
5 metropolitan council.

6 Sec. 47. NEW SECTION. 372A.11 SERVICE DELIVERY.

7 1. The charter of consolidation shall provide for the
8 transfer into the metropolitan consolidated corporation of
9 areawide services which had been provided by other boards,
10 commissions, and local governments. The metropolitan council
11 shall have the authority to determine the boundaries of the
12 service areas.

13 For each service provided by the consolidated metropolitan
14 corporation, the consolidated metropolitan corporation shall
15 assume the same statutory rights, powers, and duties, except
16 taxing authority, relating to the provision of such service as
17 if the member city were itself providing the service to its
18 citizens. However, the consolidated metropolitan corporation
19 shall not assume any of the governmental functions of its
20 member cities except as the functions relate to the delivery
21 of services and except as provided in section 372A.8.

22 If a service is being provided by the consolidated
23 metropolitan corporation to any member city that member city
24 shall not invoke any statutory right, power, or duty relating
25 to the delivery of the service to its citizens.

26 2. A member city may apply to the metropolitan council for
27 the purchase of any service which is being provided by the
28 consolidated metropolitan corporation to any other member
29 city, including the home city of the consolidated metropolitan
30 corporation. Such an agreement to provide services shall be
31 executed pursuant to chapter 28E and must contain provisions
32 necessary for the lawful execution of the agreement.

33
34
35

HOUSE FILE 693

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1 Amend House File 693 as amended, passed, and
2 reprinted by the House as follows:

3 1. Page 15, by inserting after line 30, the
4 following:

5 "Sec. 100. Section 331.301, subsection 10, Code
6 1991, is amended by striking the subsection and
7 inserting in lieu thereof the following:

8 10. A county, community commonwealth, multicounty
9 government, or city-county consolidated government may
10 enter into leases or lease-purchase contracts for real
11 property in accordance with the following terms and
12 procedures:

13 a. A county, community commonwealth, multicounty
14 government, or city-county consolidated government
15 shall lease or lease-purchase real property only for a
16 term which does not exceed the economic life of the
17 property, as determined by the board.

18 b. A lease or lease-purchase contract entered into
19 by a county, community commonwealth, multicounty
20 government, or city-county consolidated government may
21 contain provisions similar to those sometimes found in
22 leases between private parties, including, but not
23 limited to, the obligation of the lessee to pay any of
24 the costs of operation or ownership of the leased
25 property and the right to purchase the leased
26 property.

27 c. A provision of a lease-purchase contract which
28 stipulates that a portion of the rent payments be
29 applied as interest is subject to chapter 74A. Other
30 laws relating to interest rates do not apply. Chapter
31 75 is not applicable. A county enterprise is a
32 separate entity under this subsection, whether it is
33 governed by the board or another governing body.

34 d. The board or other applicable governing body
35 must follow substantially the same authorization
36 procedure required for the issuance of general
37 obligation bonds issued for the same purpose to
38 authorize a lease or a lease-purchase contract made
39 payable from the debt service fund.

40 e. The board or other applicable governing body
41 may authorize a lease-purchase contract which is
42 payable from the general fund and which would not
43 cause the total of annual lease-purchase payments of
44 the county, community commonwealth, multicounty
45 government, or city-county consolidated government due
46 from the general fund of the county, community
47 commonwealth, multicounty government, or city-county
48 consolidated government in any future year for lease-
49 purchase contracts in force on the date of the
50 authorization, excluding payments to exercise purchase

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1 options or to pay the expenses of operation or
2 ownership of the property, to exceed ten percent of
3 the last certified general fund budget amount in
4 accordance with the following procedures:

5 (1) The board or other applicable governing body
6 must follow substantially the authorization procedures
7 of section 331.443 to authorize a lease-purchase
8 contract for real property which is payable from the
9 general fund if the principal amount of the lease-
10 purchase contract does not exceed the following
11 limits:

12 (a) Four hundred thousand dollars in a county,
13 community commonwealth, multicounty government, or
14 city-county consolidated government having a
15 population of twenty-five thousand or less.

16 (b) Five hundred thousand dollars in a county,
17 community commonwealth, multicounty government, or
18 city-county consolidated government having a
19 population of more than twenty-five thousand but not
20 more than fifty thousand.

21 (c) Six hundred thousand dollars in a county,
22 community commonwealth, multicounty government, or
23 city-county consolidated government having a
24 population of more than fifty thousand but not more
25 than one hundred thousand.

26 (d) Eight hundred thousand dollars in a county,
27 community commonwealth, multicounty government, or
28 city-county consolidated government having a
29 population of more than one hundred thousand but not
30 more than two hundred thousand.

31 (e) One million dollars in a county, community
32 commonwealth, multicounty government, or city-county
33 consolidated government having a population of more
34 than two hundred thousand.

35 (2) The board or other applicable governing body
36 must follow the following procedures to authorize a
37 lease-purchase contract for real property which is
38 payable from the general fund if the principal amount
39 of the lease-purchase contract exceeds the limits set
40 forth in subparagraph (1):

41 (a) The board or other applicable governing body
42 must institute proceedings for entering into a lease-
43 purchase contract payable from the general fund by
44 causing a notice of the proposal to enter into the
45 lease-purchase contract, including a statement of the
46 principal amount and purpose of the lease-purchase and
47 the right to petition for an election, to be published
48 as provided in section 331.305 at least ten days prior
49 to the meeting at which it is proposed to take action
50 to enter into the lease-purchase contract.

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1 (b) If at any time before the date fixed for
2 taking action to enter into the lease-purchase
3 contract, a petition is filed with the auditor in the
4 manner provided by section 331.306, asking that the
5 question of entering into the lease-purchase contract
6 be submitted to the qualified electors of the county,
7 community commonwealth, multicounty government, or
8 city-county consolidated government, the board or
9 other applicable governing body shall either by
10 resolution declare the proposal to enter into the
11 lease-purchase contract to have been abandoned or
12 shall direct the county commissioner of elections to
13 call a special election upon the question of entering
14 into the lease-purchase contract. However, for
15 purposes of this subparagraph, the petition shall not
16 require signatures in excess of one thousand persons.
17 Notice of the election and its conduct shall be in the
18 manner provided in section 331.442, subsections 2
19 through 4.

20 (c) If a petition is not filed or if a petition is
21 filed and the proposition of entering into a lease-
22 purchase contract is approved at the election, the
23 board or other applicable governing body may proceed
24 and enter into the lease-purchase contract.

25 f. The governing body may authorize a lease-
26 purchase contract payable from the net revenues of a
27 county enterprise or combined county enterprise by
28 following the authorization procedures of section
29 331.464.

30 g. A lease-purchase contract to which a county,
31 community commonwealth, multicounty government, or
32 city-county consolidated government is a party or in
33 which a county, community commonwealth, multicounty
34 government, or city-county consolidated government has
35 a participatory interest is an obligation of a
36 political subdivision of this state for the purposes
37 of chapters 502 and 682, and is a lawful investment
38 for banks, trust companies, building and loan
39 associations, savings and loan associations,
40 investment companies, insurance companies, insurance
41 associations, executors, guardians, trustees, and any
42 other fiduciaries responsible for the investment of
43 funds.

44 h. Property that is lease-purchased by a county,
45 community commonwealth, multicounty government, or
46 city-county consolidated government is exempt under
47 section 427.1, subsection 2.

48 i. A contract for construction by a private party
49 of property to be leased or lease-purchased by a
50 county, community commonwealth, multicounty

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1 government, or city-county consolidated government is
2 not a contract for a public improvement under section
3 331.341, subsection 1. However, if a lease-purchase
4 contract is funded in advance by means of the lessor
5 depositing moneys to be administered by a county,
6 community commonwealth, multicounty government, or
7 city-county consolidated government, with the
8 obligation of the county, community commonwealth,
9 multicounty government, or city-county consolidated
10 government to make rent payments commencing with its
11 receipt of moneys, a contract for construction of the
12 property in question awarded by the county, community
13 commonwealth, multicounty government, or city-county
14 consolidated government is a public improvement and is
15 subject to section 331.341, subsection 1.

16 Sec. 101. Section 331.402, subsection 3, Code
17 1991, is amended by striking the subsection and
18 inserting in lieu thereof the following:

19 3. A county, community commonwealth, multicounty
20 government, or city-county consolidated government may
21 enter into loan agreements to borrow money for any
22 public purpose in accordance with the following terms
23 and procedures:

24 a. A loan agreement entered into by a county,
25 community commonwealth, multicounty government, or
26 city-county consolidated government may contain
27 provisions similar to those sometimes found in loan
28 agreements between private parties, including, but not
29 limited to, the issuance of notes to evidence its
30 obligations.

31 b. A provision of a loan agreement which
32 stipulates that a portion of the payments be applied
33 as interest is subject to chapter 74A. Other laws
34 relating to interest rates do not apply. Chapter 75
35 is not applicable. A county enterprise is a separate
36 entity under this subsection, whether it is governed
37 by the board or another governing body.

38 c. The board or other applicable governing body
39 shall follow substantially the same authorization
40 procedure required for the issuance of general
41 obligation bonds issued for the same purpose to
42 authorize a loan agreement made payable from the debt
43 service fund.

44 d. The board or other applicable governing body
45 may authorize a loan agreement which is payable from
46 the general fund and which would not cause the total
47 of scheduled annual payments of principal or interest
48 or both principal and interest of the county,
49 community commonwealth, multicounty government, or
50 city-county consolidated government due from the

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1 general fund of the county, community commonwealth,
2 multicounty government, or city-county consolidated
3 government in any future year with respect to all loan
4 agreements in force on the date of the authorization
5 to exceed ten percent of the last certified general
6 fund budget amount in accordance with the following
7 procedures:

8 (1) The board or other applicable governing body
9 must follow substantially the authorization procedures
10 of section 331.443 to authorize a loan agreement for
11 real property which is payable from the general fund
12 if the principal amount of the loan agreement does not
13 exceed the following limits:

14 (a) Four hundred thousand dollars in a county,
15 community commonwealth, multicounty government, or
16 city-county consolidated government having a
17 population of twenty-five thousand or less.

18 (b) Five hundred thousand dollars in a county,
19 community commonwealth, multicounty government, or
20 city-county consolidated government having a
21 population of more than twenty-five thousand but not
22 more than fifty thousand.

23 (c) Six hundred thousand dollars in a county,
24 community commonwealth, multicounty government, or
25 city-county consolidated government having a
26 population of more than fifty thousand but not more
27 than one hundred thousand.

28 (d) Eight hundred thousand dollars in a county,
29 community commonwealth, multicounty government, or
30 city-county consolidated government having a
31 population of more than one hundred thousand but not
32 more than two hundred thousand.

33 (e) One million dollars in a county, community
34 commonwealth, multicounty government, or city-county
35 consolidated government having a population of more
36 than two hundred thousand.

37 (2) The board or other applicable governing body
38 must follow the following procedures to authorize a
39 loan agreement for real property which is payable from
40 the general fund if the principal amount of the loan
41 agreement exceeds the limits set forth in subparagraph
42 (1):

43 (a) The board or other applicable governing body
44 must institute proceedings for entering into a loan
45 agreement payable from the general fund by causing a
46 notice of the proposal to enter into the loan
47 agreement, including a statement of the principal
48 amount and purpose of the loan agreement and the right
49 to petition for an election, to be published as
50 provided in section 331.305 at least ten days prior to

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1 the meeting at which it is proposed to take action to
2 enter into the loan agreement.

3 (b) If at any time before the date fixed for
4 taking action to enter into the loan agreement, a
5 petition is filed with the auditor in the manner
6 provided by section 331.306 asking that the question
7 of entering into the loan agreement be submitted to
8 the qualified electors of the county, community
9 commonwealth, multicounty government, or city-county
10 consolidated government, the board or other applicable
11 governing body shall either by resolution declare the
12 proposal to enter into the loan agreement to have been
13 abandoned or shall direct the county commissioner of
14 elections to call a special election upon the question
15 of entering into the loan agreement. However, for
16 purposes of this subparagraph, the petition shall not
17 require signatures in excess of one thousand persons.
18 Notice of the election and its conduct shall be in the
19 manner provided in section 331.442, subsections 2
20 through 4.

21 (c) If a petition is not filed or if a petition is
22 filed and the proposition of entering into the loan
23 agreement is approved at an election, the board or
24 other applicable governing body may proceed and enter
25 into the loan agreement.

26 e. The governing body may authorize a loan
27 agreement payable from the net revenues of a county
28 enterprise or combined county enterprise by following
29 the authorization procedures of section 331.464.

30 f. A loan agreement to which a county, community
31 commonwealth, multicounty government, or city-county
32 consolidated government is a party or in which a
33 county, community commonwealth, multicounty
34 government, or city-county consolidated government has
35 a participatory interest is an obligation of a
36 political subdivision of this state for the purpose of
37 chapters 502 and 682, and is a lawful investment for
38 banks, trust companies, building and loan
39 associations, savings and loan associations,
40 investment companies, insurance companies, insurance
41 associations, executors, guardians, trustees, and any
42 other fiduciaries responsible for the investment of
43 funds.

44 Sec. 102. Section 331.441, subsection 2, paragraph
45 b, subparagraph (5), Code 1991, is amended to read as
46 follows:

47 (5) Public buildings, including the site or
48 grounds of, and the erection, equipment, remodeling,
49 or reconstruction of, and additions or extensions to
50 the buildings, and including the provision and

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1 maintenance of juvenile detention or shelter care
2 facilities, when the cost does not exceed the
3 following limits:

4 (a) ~~Two~~ Four hundred thousand dollars in a county,
5 community commonwealth, multicounty government, or
6 city-county consolidated government having a
7 population of twenty-five thousand or less.

8 (b) ~~Two~~ Five hundred ~~fifty~~ thousand dollars in a
9 county, community commonwealth, multicounty
10 government, or city-county consolidated government
11 having a population of more than twenty-five thousand
12 but not more than fifty thousand.

13 (c) ~~Three~~ Six hundred thousand dollars in a
14 county, community commonwealth, multicounty
15 government, or city-county consolidated government
16 having a population of more than fifty thousand but
17 not more than one hundred thousand.

18 (d) ~~Four~~ Eight hundred thousand dollars in a
19 county, community commonwealth, multicounty
20 government, or city-county consolidated government
21 having a population of more than one hundred thousand
22 but not more than two hundred thousand.

23 (e) ~~Five-hundred-thousand~~ One million dollars in a
24 county, community commonwealth, multicounty
25 government, or city-county consolidated government
26 having a population of more than two hundred thousand.

27 Sec. 103. Section 364.4, subsection 4, Code 1991,
28 is amended by striking the subsection and inserting in
29 lieu thereof the following:

30 4. Enter into leases or lease-purchase contracts
31 for real property in accordance with the following
32 terms and procedures:

33 a. A city or consolidated metropolitan corporation
34 shall lease or lease-purchase real property only for a
35 term which does not exceed the economic life of the
36 property, as determined by the governing body.

37 b. A lease or lease-purchase contract entered into
38 by a city or consolidated metropolitan corporation may
39 contain provisions similar to those sometimes found in
40 leases between private parties, including, but not
41 limited to, the obligation of the lessee to pay any of
42 the costs of operation or ownership of the leased
43 property and the right to purchase the leased
44 property.

45 c. A provision of a lease-purchase contract which
46 stipulates that a portion of the rent payments be
47 applied as interest is subject to chapter 74A. Other
48 laws relating to interest rates do not apply. Chapter
49 75 is not applicable. A city utility or city
50 enterprise is a separate entity under this subsection

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1 whether it is governed by the governing body of the
2 city or consolidated metropolitan corporation or
3 another governing body.

4 d. The governing body must follow substantially
5 the same authorization procedure required for the
6 issuance of general obligation bonds issued for the
7 same purpose to authorize a lease or a lease-purchase
8 contract made payable from the debt service fund.

9 e. The governing body may authorize a lease-
10 purchase contract which is payable from the general
11 fund and which would not cause the total of annual
12 lease-purchase payments of the city or consolidated
13 metropolitan corporation due from the general fund of
14 the city or consolidated metropolitan corporation in
15 any future year for lease-purchase contracts in force
16 on the date of the authorization, excluding payments
17 to exercise purchase options or to pay the expenses of
18 operation or ownership of the property, to exceed ten
19 percent of the last certified general fund budget
20 amount in accordance with the following procedures:

21 (1) The governing body must follow substantially
22 the authorization procedures of section 384.25 to
23 authorize a lease-purchase contract for real property
24 which is payable from the general fund if the
25 principal amount of the lease-purchase contract does
26 not exceed the following limits:

27 (a) Four hundred thousand dollars in a city or
28 consolidated metropolitan corporation having a
29 population of five thousand or less.

30 (b) Seven hundred thousand dollars in a city or
31 consolidated metropolitan corporation having a
32 population of more than five thousand but not more
33 than seventy-five thousand.

34 (c) One million dollars in a city or consolidated
35 metropolitan corporation having a population of more
36 than seventy-five thousand.

37 (2) The governing body must follow the following
38 procedures to authorize a lease-purchase contract for
39 real property which is payable from the general fund
40 if the principal amount of the lease-purchase contract
41 exceeds the limits set forth in subparagraph (1):

42 (a) The governing body must institute proceedings
43 to enter into a lease-purchase contract payable from
44 the general fund by causing a notice of the proposal
45 to enter into the lease-purchase contract, including a
46 statement of the principal amount and purpose of the
47 lease-purchase contract and the right to petition for
48 an election, to be published at least once in a
49 newspaper of general circulation within the city or
50 consolidated metropolitan corporation at least ten

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1 days prior to the meeting at which it is proposed to
2 take action to enter into the lease-purchase contract.

3 (b) If at any time before the date fixed for
4 taking action to enter into the lease-purchase
5 contract, a petition is filed with the clerk of the
6 city or consolidated metropolitan corporation in the
7 manner provided by section 362.4, asking that the
8 question of entering into the lease-purchase contract
9 be submitted to the qualified electors of the city or
10 consolidated metropolitan corporation, the governing
11 body shall either by resolution declare the proposal
12 to enter into the lease-purchase contract to have been
13 abandoned or shall direct the county commissioner of
14 elections to call a special election upon the question
15 of entering into the lease-purchase contract.

16 However, for purposes of this subparagraph, the
17 petition shall not require signatures in excess of one
18 thousand persons. Notice of the election and its
19 conduct shall be in the manner provided in section
20 384.26, subsections 2 through 4.

21 (c) If a petition is not filed or if a petition is
22 filed and the proposition of entering into the lease-
23 purchase contract is approved at an election, the
24 governing body may proceed and enter into the lease-
25 purchase contract.

26 f. The governing body may authorize a lease-
27 purchase contract payable from the net revenues of a
28 city utility, combined utility system, city
29 enterprise, or combined city enterprise by following
30 the authorization procedures of section 384.83.

31 g. A lease-purchase contract to which a city or
32 consolidated metropolitan corporation is a party or in
33 which a city or consolidated metropolitan corporation
34 has a participatory interest is an obligation of a
35 political subdivision of this state for the purposes
36 of chapters 502 and 682, and is a lawful investment
37 for banks, trust companies, building and loan
38 associations, savings and loan associations,
39 investment companies, insurance companies, insurance
40 associations, executors, guardians, trustees, and any
41 other fiduciaries responsible for the investment of
42 funds.

43 n. Property that is lease-purchased by a city or
44 consolidated metropolitan corporation is exempt under
45 section 427.1, subsection 2.

46 i. A contract for construction by a private party
47 of property to be leased or lease-purchased by a city
48 or consolidated metropolitan corporation is not a
49 contract for a public improvement under section
50 384.95, subsection 1, except for purposes of section

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1 384.102. However, if a lease-purchase contract is
2 funded in advance by means of the lessor depositing
3 moneys to be administered by a city or consolidated
4 metropolitan corporation, with the obligations of the
5 city or the consolidated metropolitan corporation to
6 make rent payments commencing with its receipt of
7 moneys, a contract for construction of the property in
8 question awarded by the city or consolidated
9 metropolitan corporation is subject to division VI of
10 chapter 384."

11 2. Page 25, by inserting after line 32 the
12 following:

13 "Sec. 104. Section 384.24A, Code 1991, is amended
14 by striking the section and inserting in lieu thereof
15 the following:

16 384.24A LOAN AGREEMENTS.

17 A city or consolidated metropolitan corporation may
18 enter into loan agreements to borrow money for any
19 public purpose in accordance with the following terms
20 and procedures:

21 1. A loan agreement entered into by a city or
22 consolidated metropolitan corporation may contain
23 provisions similar to those sometimes found in loan
24 agreements between private parties, including, but not
25 limited to, the issuance of notes to evidence its
26 obligations.

27 2. A provision of a loan agreement which
28 stipulates that a portion of the payments be applied
29 as interest is subject to chapter 74A. Other laws
30 relating to interest rates do not apply. Chapter 75
31 is not applicable. A city utility or city enterprise
32 is a separate entity under this section whether it is
33 governed by the governing body of the city or
34 consolidated metropolitan corporation or another
35 governing body.

36 3. The governing body shall follow substantially
37 the same authorization procedure required for the
38 issuance of general obligation bonds issued for the
39 same purpose to authorize a loan agreement made
40 payable from the debt service fund.

41 4. The governing body may authorize a loan
42 agreement which is payable from the general fund and
43 which would not cause the total of scheduled annual
44 payments of principal or interest or both principal
45 and interest of the city or consolidated metropolitan
46 corporation due from the general fund of the city or
47 consolidated metropolitan corporation in any future
48 year with respect to all loan agreements in force on
49 the date of the authorization to exceed ten percent of
50 the last certified general fund budget amount in

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1 accordance with the following procedures:

2 a. The governing body must follow substantially
3 the authorization procedures of section 384.25 to
4 authorize a loan agreement for real property which is
5 payable from the general fund if the principal amount
6 of the loan agreement does not exceed the following
7 limits:

8 (1) Four hundred thousand dollars in a city or
9 consolidated metropolitan corporation having a
10 population of five thousand or less.

11 (2) Seven hundred thousand dollars in a city or
12 consolidated metropolitan corporation having a
13 population of more than five thousand but not more
14 than seventy-five thousand.

15 (3) One million dollars in a city or consolidated
16 metropolitan corporation having a population of more
17 than seventy-five thousand.

18 b. The governing body must follow the following
19 procedures to authorize a loan agreement for real
20 property which is payable from the general fund if the
21 principal amount of the loan agreement exceeds the
22 limits set forth in paragraph "a":

23 (1) The governing body must institute proceedings
24 to enter into a loan agreement payable from the
25 general fund by causing a notice of the proposal to
26 enter into the loan agreement, including a statement
27 of the principal amount and purpose of the loan
28 agreement and the right to petition for an election,
29 to be published at least once in a newspaper of
30 general circulation within the city or consolidated
31 metropolitan corporation at least ten days prior to
32 the meeting at which it is proposed to take action to
33 enter into the loan agreement.

34 (2) If at any time before the date fixed for
35 taking action to enter into the loan agreement, a
36 petition is filed with the clerk of the city or
37 consolidated metropolitan corporation in the manner
38 provided by section 362.4, asking that the question of
39 entering into the loan agreement be submitted to the
40 qualified electors of the city or consolidated
41 metropolitan corporation, the governing body shall
42 either by resolution declare the proposal to enter
43 into the loan agreement to have been abandoned or
44 shall direct the county commissioner of elections to
45 call a special election upon the question of entering
46 into the loan agreement. However, for purposes of
47 this paragraph, the petition shall not require
48 signatures in excess of one thousand persons. Notice
49 of the election and its conduct shall be in the manner
50 provided in section 384.26, subsections 2 through 4.

S-3673

Page 12

1 (3) If a petition is not filed or if a petition is
2 filed and the proposition of entering into the loan
3 agreement is approved at an election, the governing
4 body may proceed and enter into the loan agreement.

5 5. The governing body may authorize a loan
6 agreement payable from the net revenues of a city
7 utility, combined utility system, city enterprise, or
8 combined city enterprise by following the
9 authorization procedures of section 384.83.

10 6. A loan agreement to which a city or
11 consolidated metropolitan corporation is a party or in
12 which the city or consolidated metropolitan
13 corporation has a participatory interest is an
14 obligation of a political subdivision of this state
15 for the purposes of chapters 502 and 682, and is a
16 lawful investment for banks, trust companies, building
17 and loan associations, savings and loan associations,
18 investment companies, insurance companies, insurance
19 associations, executors, guardians, trustees, and any
20 other fiduciaries responsible for the investment of
21 funds.

22 Sec. 105. Section 384.26, subsection 5, paragraph
23 a, subparagraphs (1), (2), and (3), Code 1991, are
24 amended to read as follows:

25 (1) In cities or consolidated metropolitan
26 corporations having a population of five thousand or
27 less, in an amount of not more than twenty-five four
28 hundred thousand dollars.

29 (2) In cities or consolidated metropolitan
30 corporations having a population of more than five
31 thousand and not more than seventy-five thousand, in
32 an amount of not more than seventy-five seven hundred
33 thousand dollars.

34 (3) In cities or consolidated metropolitan
35 corporations having a population in excess of seventy-
36 five thousand, in an amount of not more than one
37 hundred-fifty-thousand million dollars.

38 Sec. ____ . Sections 100, 101, 102, 103, 104, and
39 105 of this Act are applicable to a lease, lease-
40 purchase, or loan agreement entered into or general or
41 essential purpose bonds issued on or after July 1,
42 1991."

43 3. Title page, line 5, by inserting after the
44 word "delivery," the following: "to lease and lease-
45 purchase agreements entered into by local
46 governments,".

By DERRYL McLAREN
JOHN W. JENSEN
JAMES R. RIORDAN
BERL E. PRIEBE
JOHN P. KIBBIE
ALLEN BORLAUG
RICHARD VANDE HOEF
LINN FUHRMAN
JACK W. HESTER
RAY TAYLOR

H. KAY HEDGE
WILMER RENSINK
PAUL D. PATE
HARRY G. SLIFE

S-3673 FILED MAY 1, 1991

*Out of order, as amended
5/11/91 (p. 100)*

HOUSE FILE 693

S-3660

1 Amend House File 693, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 14, line 11, by striking the words "The
4 partisan" and inserting the following: "Either the
5 partisan or nonpartisan".

By MARY E. KRAMER

S-3660 FILED APRIL 30, 1991

Done 5/11/91 (p. 1800)

HOUSE FILE 693

S-3664

1 Amend House File 693, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 8, by striking line 8 and inserting the
4 following: "~~the-formulation-of-the-charter.~~ A
5 majority vote by each of two-thirds of the membership
6 of".
7 2. Page 15, line 17, by inserting after the word
8 "areas." the following: "A vote of two-thirds of the
9 membership of the governing body shall be required to
10 approve the delivery of a service to the entire
11 community commonwealth."

By MARY E. KRAMER

S-3664 FILED MAY 1, 1991

Done 5/11/91 (p. 1799)

HOUSE FILE 693

S-3670

1 Amend House File 693, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 7, line 6, by inserting after the figure
4 "331-323." the following: "This paragraph does not
5 apply to the board of trustees of a county hospital."

By LARRY MURPHY

S-3670 FILED MAY 1, 1991

w/2 5/11

HOUSE FILE 693

S-3649

- 1 Amend House File 693, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 5, line 25, by striking the word
 4 "newspaper" and inserting the following: "newspaper
 5 newspapers".
 6 2. Page 6, line 16, by striking the word
 7 "newspaper" and inserting the following:
 8 "newspapers".
 9 3. Page 20, by striking lines 7 and 8 and
 10 inserting the following: "time, and place of the
 11 hearing shall be published in a newspaper of general
 12 circulation in each city participating in the charter
 13 commission process at least ten but not more than
 14 twenty days before the date of the hearing."
 15 4. Page 21, line 2, by striking the word
 16 "newspaper" and inserting the following:
 17 "newspapers".

By LARRY MURPHY

S-3649 FILED APRIL 30, 1991

*Adopted 5/1/91 (S, 789)**Sub. 2 of 5/1 (1700)* HOUSE FILE 693

S-3650

- 1 Amend House File 693, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 8, by inserting after line 29, the
 4 following:
 5 "Sec. ____ . Section 331.248, subsection 2,
 6 paragraph b, Code 1991, is amended to read as follows:
 7 b. Provide for establishment of service areas,
 8 except that municipal electric utilities transferred
 9 to the consolidated government shall provide services
 10 to only that area designated as an assigned service
 11 area pursuant to section 476.25, prior to the
 12 effective date of consolidation."
 13 2. Page 14, line 6, by inserting after the word
 14 "governments" the following: "except that municipal
 15 electric utilities transferred to the community
 16 commonwealth shall provide services to only that area
 17 designated as an assigned service area, pursuant to
 18 section 476.25, prior to the effective date of the
 19 charter".
 20 3. Page 25, line 12, by inserting after the word
 21 "areas" the following: ", except that municipal
 22 electric utilities transferred to the metropolitan
 23 consolidated corporation shall provide services to
 24 only that area designated as an assigned service area,
 25 pursuant to section 476.25, prior to the effective
 26 date of the consolidation charter".
 27 4. By renumbering as necessary.

By ELAINE SZYMONIAK

S-3650 FILED APRIL 30, 1991

w/d 5/1/91

HOUSE FILE 693

S-3776

- 1 Amend House File 693, as amended, passed, and
 2 reprinted by the House, as follows:
-
- A 3 1. Page 7, by striking lines 8 through 11 and
 4 inserting the following: "1991, is amended by
 5 striking the paragraph."
 6 2. Page 7, by inserting before line 12 the
 7 following:
 8 "Sec. ____ . Section 331.238, Code 1991, is amended
 9 by adding the following new subsection:
 10 NEW SUBSECTION. 3. An alternative form of county
 11 government shall provide for the partisan election of
 12 its officers."
-
- B 13 3. Page 11, line 33, by striking the word
 14 "COUNTY-COUNTY" and inserting the following:
 15 "MULTICOUNTY".
 16 4. Page 11, line 34, by striking the word
 17 "county-county" and inserting the following:
 18 "multicounty".
 19 5. Page 12, line 5, by striking the word "COUNTY-
 20 " and inserting the following: "MULTI-".
 21 6. Page 12, line 7, by striking the word "county-
 22 county" and inserting the following: "multicounty".
 23 7. Page 12, line 16, by striking the word
 24 "county-county" and inserting the following:
 25 "multicounty".
 26 8. Page 12, line 17, by striking the word
 27 "county-county" and inserting the following:
 28 "multicounty".
 29 9. Page 12, line 19, by striking the word
 30 "county-county" and inserting the following:
 31 "multicounty".
-
- 32 10. By renumbering as necessary.
 By LARRY MURPHY

S-3776 FILED MAY 11, 1991

DIVISION A-ADOPTED, DIVISION B-ADOPTED (p. 1779)

HOUSE FILE 693

S-3778

- 1 Amend House File 693, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 20, by striking lines 7 and 8 and
 4 inserting the following: "time, and place of the
 5 hearing shall be published in the official county
 6 newspapers of each county in which the participating
 7 cities are located."

By WILLIAM DIELEMAN

S-3778 FILED MAY 11, 1991

ADOPTED (p. 1780)

S-3683

1 Amend House File 693, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 8, by inserting after line 29 the follow-
4 ing:

5 "Sec. ____ . Section 331.248, subsection 2,
6 paragraph b, Code 1991, is amended to read as follows:

7 b. Provide for establishment of service areas,
8 except that formation of a city-county consolidation
9 government form shall not affect the assignment of
10 electric utility service territories pursuant to
11 chapter 476, and shall not affect the rights of a city
12 to grant a franchise under chapter 364."

13 2. Page 10, line 14, by inserting after the word
14 "areas." the following: "For each service provided by
15 the consolidated government, the consolidated
16 government shall assume the same statutory rights,
17 powers, and duties relating to the provision of the
18 service as if the member city were itself providing
19 the service to its citizens."

20 3. Page 14, line 6, by inserting after the word
21 "governments" the following: ", except that formation
22 of a community commonwealth shall not affect the
23 assignment of electric utility service territories
24 pursuant to chapter 476, and shall not affect the
25 rights of a city to grant a franchise under chapter
26 364."

27 4. Page 14, line 22, inserting after the word
28 "services." the following: "For each service provided
29 by the community commonwealth, the community
30 commonwealth shall assume the same statutory rights,
31 powers, and duties relating to the provision of the
32 service as if the member city were itself providing
33 the service to its citizens."

34 5. Page 25, line 12, by inserting after the word
35 "areas" the following: ", except that formation of a
36 consolidated metropolitan corporation shall not affect
37 the assignment of electric utility service territories
38 pursuant to chapter 476, and shall not affect the
39 rights of a city to grant a franchise under chapter
40 364."

41 6. By renumbering as necessary.

By ELAINE SZYMONIAK
DERRYL McLAREN
LARRY MURPHY

S-3683 FILED MAY 2, 1991

Adopted 5/11/91 (p. 1749)

HOUSE FILE 693

S-3677

1 Amend House File 693, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 7, by inserting before line 12, the
4 following:
5 "Sec. ____ . Section 331.238, subsection 2, Code
6 1991, is amended by adding the following new
7 unnumbered paragraph after lettered paragraph k:
8 NEW UNNUMBERED PARAGRAPH. This subsection does not
9 apply to the board of trustees of a county hospital."
10 2. By renumbering as necessary.

By LARRY MURPHY

S-3677 FILED MAY 2, 1991

Adopted 5/11 (p 1799)

HOUSE FILE 693

S-3712

1 Amend the amendment, S-3673, to House File 693, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 3, line 19, by inserting after the figure
5 "4" the following: ", except that only a majority of
6 the electors voting on the proposition is required to
7 approve the proposition".
8 2. Page 6, line 20, by inserting after the figure
9 "4" the following: ", except that only a majority of
10 the electors voting on the proposition is required to
11 approved the proposition".
12 3. Page 9, line 20, by inserting after the figure
13 "4" the following: ", except that only a majority of
14 the electors voting on the proposition is required to
15 approve the proposition".
16 4. Page 11, line 50, by inserting after the
17 figure "4" the following: ", except that only a
18 majority of the electors voting on the proposition is
19 required to approve the proposition".

By ALVIN V. MILLER
FLORENCE BUHR

S-3712 FILED MAY 3, 1991

Adopted 5/11/91 (p 1800)

SENATE AMENDMENT TO HOUSE FILE 693

H-4135

- 1 Amend House File 693, as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. Page 5, line 25, by striking the word
4 "newspaper" and inserting the following: "newspaper
5 newspapers".
- 6 2. Page 6, line 16, by striking the word
7 "newspaper" and inserting the following:
8 "newspapers".
- 9 3. Page 7, by striking lines 8 through 11 and
10 inserting the following: "1991, is amended by
11 striking the paragraph."
- 12 4. Page 7, by inserting before line 12, the
13 following:
14 "Sec. ____ . Section 331.238, subsection 2, Code
15 1991, is amended by adding the following new
16 unnumbered paragraph after lettered paragraph k:
17 NEW UNNUMBERED PARAGRAPH. This subsection does not
18 apply to the board of trustees of a county hospital."
- 19 5. Page 7, by inserting before line 12 the
20 following:
21 "Sec. ____ . Section 331.238, Code 1991, is amended
22 by adding the following new subsection:
23 NEW SUBSECTION. 3. An alternative form of county
24 government shall provide for the partisan election of
25 its officers."
- 26 6. Page 8, by inserting after line 29 the follow-
27 ing:
28 "Sec. ____ . Section 331.248, subsection 2,
29 paragraph b, Code 1991, is amended to read as follows:
30 b. Provide for establishment of service areas,
31 except that formation of a city-county consolidation
32 government form shall not affect the assignment of
33 electric utility service territories pursuant to
34 chapter 476, and shall not affect the rights of a city
35 to grant a franchise under chapter 364."
- 36 7. Page 10, line 14, by inserting after the word
37 "areas." the following: "For each service provided by
38 the consolidated government, the consolidated
39 government shall assume the same statutory rights,
40 powers, and duties relating to the provision of the
41 service as if the member city were itself providing
42 the service to its citizens."
- 43 8. Page 11, line 33, by striking the word
44 "COUNTY-COUNEY" and inserting the following:
45 "MULTICOUNTY".
- 46 9. Page 11, line 34, by striking the word
47 "county-county" and inserting the following:
48 "multicounty".
- 49 10. Page 12, line 5, by striking the word
50 "COUNTY-" and inserting the following: "MULTI-".

H-4135

Page 2

- 1 11. Page 12, line 7, by striking the word
2 "county-county" and inserting the following:
3 "multicounty".
- 4 12. Page 12, line 15, by striking the word
5 "county-county" and inserting the following:
6 "multicounty".
- 7 13. Page 12, line 17, by striking the word
8 "county-county" and inserting the following:
9 "multicounty".
- 10 14. Page 12, line 19, by striking the word
11 "county-county" and inserting the following:
12 "multicounty".
- 13 15. Page 14, line 6, by inserting after the word
14 "governments" the following: ", except that formation
15 of a community commonwealth shall not affect the
16 assignment of electric utility service territories
17 pursuant to chapter 476, and shall not affect the
18 rights of a city to grant a franchise under chapter
19 364."
- 20 16. Page 14, line 22, inserting after the word
21 "services." the following: "For each service provided
22 by the community commonwealth, the community
23 commonwealth shall assume the same statutory rights,
24 powers, and duties relating to the provision of the
25 service as if the member city were itself providing
26 the service to its citizens."
- 27 17. Page 20, by striking lines 7 and 8 and
28 inserting the following: "time, and place of the
29 hearing shall be published in the official county
30 newspapers of each county in which the participating
31 cities are located."
- 32 18. Page 21, line 2, by striking the word
33 "newspaper" and inserting the following:
34 "newspapers".
- 35 19. Page 25, line 12, by inserting after the word
36 "areas" the following: ", except that formation of a
37 consolidated metropolitan corporation shall not affect
38 the assignment of electric utility service territories
39 pursuant to chapter 476, and shall not affect the
40 rights of a city to grant a franchise under chapter
41 364."
- 42 20. By renumbering, relettering, or redesignating
43 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-4135 FILED MAY 11, 1991

CONCURRED (4/24/91)

HOUSE FILE 693

AN ACT

RELATING TO ALTERNATIVE FORMS OF LOCAL GOVERNMENT AND CREATING A NEW ALTERNATIVE FORM OF LOCAL GOVERNMENT FOR CITIES KNOWN AS A CONSOLIDATED METROPOLITAN CORPORATION, WITH PROVISIONS RELATING TO ITS CHARTER PROCESS, LEGISLATIVE BODY, TAX COLLECTION, AND SERVICE DELIVERY, AND TO A NEW ALTERNATIVE FORM OF COUNTY GOVERNMENT.

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

Section 1. NEW SECTION. 28E.40 REGIONAL METROPOLITAN SERVICE AREA.

Two or more contiguous counties, cities, or cities and counties may establish a regional metropolitan service area to provide for the joint delivery of services by an agreement under this chapter, subject to the limitations and requirements of sections 331.232, 331.260, 331.261, and 331.262, subsection 2.

Sec. 2. Section 331.231, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 7. Community commonwealth form as provided in sections 331.260 through 331.263.

Sec. 3. Section 331.231, subsection 6, Code 1991, is amended to read as follows:

6. County-county Multicounty consolidated form as provided in section 331.253.

Sec. 4. Section 331.232, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. The council of any city wishing to participate in a city-county consolidation charter commission must notify the board by resolution within thirty days of the creation of the commission pursuant to subsection 1. A city's participation in a city-county consolidation charter.

commission may be proposed by the city council adopting a resolution in favor of participation or by eligible electors of the city equal in number to at least twenty-five percent of the persons who voted at the last regular city election petitioning the council to adopt a resolution in favor of participation. The council shall within ten days of the filing of a valid petition adopt such a resolution.

Sec. 5. Section 331.233, subsection 1, Code 1991, is amended to read as follows:

1. Within ~~The members of a commission created to study the alternative forms of county government under division II, part 1, and sections 331.239, 331.241, 331.246, and 331.253, shall be appointed within forty-five days after the adoption of the resolution creating the commission; the members of the commission shall be appointed~~ as follows:

Sec. 6. Section 331.233, subsection 2, Code 1991, is amended by striking the subsection and inserting in lieu thereof the following:

2. Only eligible electors of the county not holding a city, county, or state office shall be members of the commission. In counties having multiple state legislative districts, the districts shall be represented as equally as possible. The membership shall be bipartisan and gender balanced and each appointing authority under subsection 1 shall provide for representation of various age groups, racial minorities, economic groups, and representatives of identifiable geographically defined populations, all in reasonable relationship to the proportions in which these groups are present in the population of the commission area. 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.

The legislative appointing authorities shall be considered one appointing authority for the purpose of complying with

this subsection. The senior legislative appointing authority in terms of length of legislative service shall convene the legislative appointing authorities to consult for the purpose of complying with this subsection.

Sec. 7. Section 331.233, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 3. If at any time during the commission process, the commission adopts a resolution by majority vote to prepare a charter proposing city-county consolidation or the community commonwealth form, additional members shall be appointed to the commission in order to comply with section 331.233A. The life of the commission shall be extended up to six months after the appointment of the additional members.

Sec. 8. NEW SECTION. 331.233A APPOINTMENT OF COMMISSION MEMBERS -- CITY-COUNTY CONSOLIDATION OR COMMUNITY COMMONWEALTH.

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

- a. One member shall be appointed by the city council of each city participating in the charter process.
- b. One member shall be appointed by the board of each county participating in the charter process. The member must be a resident of the unincorporated area of the county.
- c. One member shall be appointed by each state legislator whose legislative district is located in the commission area if a majority of the constituents of that legislative district resides in the commission area. However, if a commission area does not have a state legislative district which has a majority of its constituents residing in the commission area, the legislative district having the largest plurality of constituents residing in the commission area shall appoint one member.

a. An additional member shall be appointed by each city council and each county board for every 25,000 residents in the participating city or unincorporated area of the county, whichever is applicable.

2. The commission members shall be appointed in compliance with section 331.233, subsection 2. A vacancy on the commission shall be filled by appointment in the same manner as the original appointment. The county auditor shall notify the appropriate appointing authority of a vacancy.

3. If at any time during the commission process, the commission adopts a resolution by majority vote to prepare a charter proposing an alternative form other than city-county consolidation or the community commonwealth form, the resolution shall be submitted to the board of supervisors of the participating county, and the board shall proceed pursuant to section 331.233. The life of the commission shall be extended up to six months after the appointment of the new members.

Sec. 9. Section 331.234, subsections 3 and 4, Code 1991, are amended to read as follows:

3. The board shall provide make available to the commission in-kind services such as office space, rooms printing, supplies, and equipment for the commission and shall pay the other necessary expenses of the commission including compensation for secretarial, clerical, professional, and consultant services. The total annual expenses, not including the value of in-kind expenses, to be paid from public funds shall not exceed one hundred thousand dollars or an amount equal to thirty cents times the population of the commission area, according to the most recent certified federal census. 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. The commission's annual expenses may exceed the amount in subsection 3 only if

the excess is paid from private funds. If a proposed charter is submitted to the electorate, private funds donated to the commission may be used to promote passage of the proposed charter.

Sec. 10. Section 331.235, Code 1991, is amended to read as follows:

331.235 COMMISSION PROCEDURES AND REPORTS.

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

2. Within nine 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~~ twenty 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 newspapers 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. 11. Section 331.236, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

331.236 BALLOT REQUIREMENTS.

Unless otherwise provided, the question of adopting the proposed alternative form of government shall be submitted to the electors in substantially the following form:

Should the (charter or amendment) described below be adopted for (insert name of local government)?

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

Sec. 12. Section 331.237, subsection 1, Code 1991, is amended to read as follows:

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. A summary of the proposed charter or amendment must be published in the official county newspapers and in a newspaper of general circulation in each participating city, if applicable, at least ten but not more than twenty days before the date of the election. If a majority of the votes cast on the question is in favor of the proposal, the proposal is adopted.

Sec. 13. Section 331.237, subsection 2, Code 1991, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. The former governing bodies shall continue to perform their duties until the new governing body is sworn into office, and shall assist the new governing body in planning the transition to the charter government.

Sec. 14. Section 331.237, subsection 3, Code 1991, is amended to read as follows:

3. If a charter is submitted to the electorate but is not adopted, another charter shall not be submitted to the electorate for six two years. If a charter is adopted, it may be amended at any time. If a charter is adopted, a proposed charter for another alternative form of county government shall not be submitted to the electorate for six years.

Sec. 15. Section 331.238, subsection 2, paragraph f, Code 1991, is amended to read as follows:

f. The combining of duties of elected county officials or the elimination of elected offices and the assumption of the duties of those offices by appointed officials which may differ from the requirements of section 331-323.

Sec. 16. Section 331.238, subsection 2, paragraph k, Code 1991, is amended by striking the paragraph.

Sec. 17. Section 331.238, subsection 2, Code 1991, is amended by adding the following new unnumbered paragraph after lettered paragraph k:

NEW UNNUMBERED PARAGRAPH. This subsection does not apply to the board of trustees of a county hospital.

Sec. 18. Section 331.238, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. J. An alternative form of county government shall provide for the partisan election of its officers.

Sec. 19. Section 331.247, Code 1991, is amended by adding the following new subsection:

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

Sec. 20. Section 331.247, Code 1991, is amended to read as follows:

331.247 CITY-COUNTY CONSOLIDATION FORM.

1. A county and one or more cities within the county may unite to form a single unit of local government in accordance with this part. If more than fifty percent of the population of a city resides within the affected county, it is a city within the county for the purposes of this section.

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 332-9 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 final 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 commission process, and a majority of the electors of the affected city voting approves the proposed charter for the consolidated government.

Sec. 21. Section 331.248, subsection 1, Code 1991, is amended to read as follows:

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.

Sec. 22. Section 331.248, subsection 2, paragraph b, Code 1991, is amended to read as follows:

b. Provide for establishment of service areas, except that formation of a city-county consolidation government form shall not affect the assignment of electric utility service territories pursuant to chapter 476, and shall not affect the rights of a city to grant a franchise under chapter 364.

Sec. 23. Section 331.249, subsections 1 and 2, Code 1991, are amended by striking the subsections and inserting in lieu thereof the following:

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

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

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

Sec. 24. Section 331.249, subsection 3, Code 1991, is amended to read as follows:

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

Sec. 25. Section 331.250, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

331.250 GENERAL POWERS OF CONSOLIDATED LOCAL GOVERNMENTS.

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

Sec. 26. Section 331.252, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

331.252 FORM OF BALLOT -- CITY-COUNTY CONSOLIDATION.

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

Should the corporate existence and governments of the county of and the cities of and be consolidated into one joint city-county corporation government?

If section 331.247, subsection 4, applies, the following question shall be placed on the ballot of each participating city:

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

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

Sec. 27. Section 331.253, Code 1991, is amended to read as follows:

331.253 REQUIREMENTS FOR COUNTY-COUNTY MULTICOUNTY GOVERNMENT CONSOLIDATION.

1. Consolidation may be placed on the ballot only by a joint report by contiguous two or more counties.

2. A final report must contain a consolidation charter if county-county multicounty consolidation is recommended. The consolidation charter must conform to the provisions and requirements in accordance with this part.

Sec. 28. Section 331.254, unnumbered paragraph 1 and subsection 5, Code 1991, are amended to read as follows:

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

5. The transfer, reorganization, abolition, absorption, and 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. 29. Section 331.254, Code 1991, is amended by adding the following new subsections:

NEW SUBSECTION. 6. The retention of each county's geographic boundaries as the boundaries existed before consolidation.

NEW SUBSECTION. 7. The merger of the elective offices of each consolidating county with the election of new officers within sixty days after the effective date of the charter. The elections shall be conducted by the county commissioner of elections of each county pursuant to section 69.13.

NEW SUBSECTION. 8. The merger of the appointive offices of each consolidating county.

Sec. 30. Section 331.255, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

331.255 FORM OF BALLOT -- MULTICOUNTY CONSOLIDATION.

The question of multicounty consolidation shall be submitted to the electors in substantially the following form:

Should the consolidation charter described below be adopted for (name of applicable county)?

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

Sec. 31. NEW SECTION. 331.256 JOINING EXISTING MULTI-COUNTY CONSOLIDATED GOVERNMENT.

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

Sec. 32. NEW SECTION. 331.260 COMMUNITY COMMONWEALTH.

1. A county and one or more cities or townships within the county, a contiguous county, and a city or a township within a contiguous county may unite to establish an alternative form of local government for the purpose of making more efficient use of their resources by providing for the delivery of regional services.

2. A charter proposing a community commonwealth as an alternative form of government may be submitted to the voters only by a commission established under section 331.232. A majority vote by the commission is required for the submission of a charter proposing a community commonwealth as an alternative form of local government. The commission submitting a community commonwealth form of government shall issue a final report and proposal. If an alternative form of government for a community commonwealth form of local

government is proposed, approval of the commonwealth charter shall be a separate ballot issue from approval of the alternative form of government in those cities proposed to be included in the commonwealth. The commonwealth charter shall be effective in regard to a city government only if a majority of the voters of the city voting on the question voted for participation in the commonwealth charter.

The question of forming a community commonwealth shall be submitted to the electorate in substantially the same form as provided in section 331.252.

Sec. 33. NEW SECTION. 331.261 CHARTER -- COMMUNITY COMMONWEALTH.

The community commonwealth charter shall provide for the following:

1. The official name of the community commonwealth government.
2. An elective legislative body established in the manner provided for county boards of supervisors under sections 331.201 through 331.216 and section 331.238.
3. Appointment of a manager pursuant to sections 331.241 through 331.243.
4. Adjustment of existing bonded indebtedness and other obligations to the extent it relates to the delivery of services.
5. The transfer or other disposition of property and other rights, claims, assets, and franchises as they relate to the delivery of services.
6. The transfer, reorganization, abolition, adjustment, and absorption of existing boards, existing subordinate service districts, local improvement districts, and agencies of the participating county and cities.
7. A system of delivery of services to the entire community commonwealth pursuant to section 331.263.
8. A formula for the transfer of taxing authority from member cities to the community commonwealth governing body to fund the delivery of regional services.

9. The transfer into the community commonwealth of area-wide services which had been provided by other boards, commissions, and local governments, except that formation of a community commonwealth shall not affect the assignment of electric utility service territories pursuant to chapter 476, and shall not affect the rights of a city to grant a franchise under chapter 364.

10. A process by which the governing body of the community commonwealth and the governing bodies of the member cities provide by mutual agreement for the delivery of specified services to the community commonwealth.

11. The partisan election of community commonwealth government officials.

The community commonwealth charter may include other provisions not inconsistent with state law.

Sec. 34. NEW SECTION. 331.262 ADOPTION OF CHARTER -- EFFECT.

1. As a political subdivision of the state, the community commonwealth unit of local government shall have the statutory and constitutional status of a county and of a city to the extent the community commonwealth governing body assumes the powers and duties of cities as those powers and duties relate to the delivery of services. For each service provided by the community commonwealth, the community commonwealth shall assume the same statutory rights, powers, and duties relating to the provision of the service as if the member city were itself providing the service to its citizens.

On its effective date, the community commonwealth charter operates to replace the existing county government structure. The governments of participating cities shall remain in existence to render those services not transferred to the community commonwealth government.

2. A city or county wishing to terminate its membership in the community commonwealth government must do so pursuant to the existing charter procedure under this chapter or chapter 372, whichever is applicable.

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

Sec. 35. NEW SECTION. 331.263 SERVICE DELIVERY.

1. The governing body of the community commonwealth government shall administer the provision of services in each of the designated service areas and shall have the authority to determine the boundaries of the service areas.

2. The governing body of the community commonwealth shall have the authority to levy county taxes and shall have the authority to levy city taxes to the extent the city tax levy authority is transferred by the charter to the community commonwealth. A city participating in the community commonwealth shall transfer a portion of the city's tax levy authorized under section 384.1 or 384.12, whichever is applicable, to the governing body of the community commonwealth. The maximum rates of taxes authorized to be levied under sections 384.1 and 384.12 by a city participating in the community commonwealth shall be reduced by an amount equal to the rates of the same or similar taxes levied in the city by the governing body of the community commonwealth.

Sec. 36. Section 372.4, unnumbered paragraph 1, Code 1991, is amended to read as follows:

A city governed by the mayor-council form has a mayor and five council members elected at large, unless by ordinance a city so governed chooses to have a mayor elected at large and an odd number of council members but not less than five, including at least two council members elected at large and one council member elected by and from each ward the council representation plan is changed pursuant to section 372.13, subsection 11. The council may, by ordinance, provide for a city manager and prescribe the manager's powers and duties, and as long as the council contains an odd number of council members, may change the number of wards, abolish wards, or increase the number of council members at large without changing the form.

Sec. 37. Section 372.5, unnumbered paragraph 2, Code 1991, is amended to read as follows:

A city governed by the commission form has a council composed of a mayor and four council members elected at large, unless the council representation plan is changed pursuant to section 372.13, subsection 11. The mayor administers the department of public affairs and each other council member is elected to administer one of the other four departments.

Sec. 38. Section 372.10, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 5. A council representation plan pursuant to section 372.13, subsection 11.

Sec. 39. Section 372.13, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 11. Council members shall be elected according to the council representation plans under sections 372.4 and 372.5. However, the council representation plan may be changed, by petition and election, to one of those described in this subsection. Upon receipt of a valid petition, as defined in section 362.4, requesting a change to

a council representation plan, the council shall submit the question at a special city election to be held within sixty days. If a majority of the persons voting at the special election approves the changed plan, it becomes effective at the beginning of the term following the next regular city election. If a majority does not approve the changed plan, the council shall not submit another proposal to change a plan to the voters within the next two years.

Eligible electors of a city may petition for one of the following council representation plans:

- a. Election at large without ward residence requirements for the members.
- b. Election at large but with equal-population ward residence requirements for the members.
- c. Election from single-member, equal-population wards, in which the electors of each ward shall elect one member who must reside in that ward.
- d. Election of a specified number of members at large and a specified number of members from single-member, equal-population wards.

Sec. 40. NEW SECTION. 372A.1 CREATION OF COMMISSION.

1. Cities within a county may unite to form a single unit of local government in accordance with this chapter. Any city located in two or more counties shall be allowed to participate in a metropolitan consolidation in the county where at least fifty percent of its population resides. An alternative form of metropolitan government shall be submitted to the electorate by a commission in the form of a charter or charter amendment proposed in accordance with this chapter.

2. Participation in a charter commission under this chapter may be proposed by:

- a. The city council adopting a resolution calling for participation.
- b. By petition of the number of eligible electors of the city equal to at least twenty-five percent of the votes cast

in the city at the last regular city election petitioning the council to adopt a resolution calling for participation. The council shall within thirty days of the filing of a valid petition adopt such a resolution.

Sec. 41. NEW SECTION. 372A.2 APPOINTMENT OF COMMISSION MEMBERS.

1. Within forty-five days after the establishment of a commission, the members of the commission shall be appointed as follows:
 - a. One member shall be appointed by the city council of each city participating in the charter process.
 - b. An additional member shall be appointed by each city council for every twenty-five thousand residents in the participating city.
 - c. One member shall be appointed by each state legislator whose legislative district is located in the commission area if a majority of the constituents of that legislative district resides in the commission area. However, if a commission area does not have a state legislative district which has a majority of its constituents residing in the commission area, the legislative district having the largest plurality of constituents residing in the commission area shall appoint one member.
2. Only eligible electors of the county not holding a city, county, or state office shall be members of the commission. In counties having multiple state legislative districts, the districts shall be represented as equally as possible. The membership shall be bipartisan and gender balanced and each appointing authority under subsection 1 shall provide for representation of various age groups, racial minorities, economic groups, and representatives of identifiable geographically defined populations, all in reasonable relationship to the proportions in which these groups are present in the population of the commission area. 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.

The legislative appointing authorities shall be considered one appointing authority for the purpose of complying with this subsection. The senior legislative appointing authority in terms of length of legislative service shall convene the legislative appointing authorities to consult for the purpose of complying with this subsection.

Sec. 42. NEW SECTION. 372A.3 ORGANIZATION AND EXPENSES.

1. Within thirty days after the appointment of the members of the commission, the city clerk of the participating city with the largest population 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 participating cities shall make available to the commission in-kind services such as office space, printing, supplies, and equipment and shall pay the other necessary expenses of the commission, including compensation for secretarial, clerical, professional, and consultant services. The total annual expenses, not including the value of in-kind expenses, to be paid from public funds shall not exceed one hundred thousand dollars or an amount equal to thirty cents times the population of the commission area, according to the most recent certified federal census. The commission may employ staff as necessary.
4. The expenses of the commission may be paid from the general fund of the participating cities or from any combination of public or private funds available for that

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

Sec. 43. NEW SECTION. 372A.4 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 published in the official county newspapers of each county in which the participating cities are located.

2. Within nine months after the organization of the commission, the commission shall submit a preliminary report to the councils of the participating cities, 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 participating cities 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 twenty months after organization, the commission shall submit the final report to the councils of the participating cities. If the commission recommends a charter of consolidation, the final report shall include the full text and an explanation of the proposed charter, an analysis of the fiscal impact of the proposed charter, any comments deemed desirable by the commission, and any minority reports. The final report may recommend no change to the existing form of government and that no charter be submitted to the electorate, or it may recommend consolidation of the participating cities

with the county. If the board of supervisors by resolution agrees to participate in consolidation, then the participating cities and county shall proceed under sections 331.231 through 331.252.

4. The final report of the commission shall be made available to the residents of the participating cities upon request. A summary of the final report shall be published in the official newspapers of the county. If a charter is not recommended, the commission is dissolved upon submission of its final report to the councils of the participating cities.

Sec. 44. NEW SECTION. 372A.5 CONSOLIDATION CHARTER.

A proposed charter written by a charter commission shall specify the consolidated metropolitan form of government. The proposed consolidation charter shall do all of the following:

1. Provide the official name of the consolidated unit of local government and establish its geographic boundaries.
2. Establish an elective legislative body pursuant to section 372A.9, including provisions on terms of office, initial compensation, meetings, and rules of procedure.
3. Provide for the at large election of an officer to preside over the metropolitan council and perform other duties as specified, and provide for the election of other necessary officers.
4. Provide for the nonpartisan election of officers of the consolidated metropolitan corporation government.
5. Specify the powers and duties of the metropolitan council, its administrative officers, and elected officials.
6. Provide for delivery of certain services to the member cities, pursuant to section 372A.11, and may provide for the abolition or consolidation of a department, agency, board, or commission and the assumptions of its powers and duties by the metropolitan council or another officer.
7. Provide for a system of revenue collection pursuant to section 372A.10.

8. Provide for the orderly transition to the charter form of metropolitan consolidation.

9. Include other provisions which the consolidation charter commission elects to include and which are not inconsistent with state law.

10. Specify a charter amendment process pursuant to section 372.11.

11. Provide for the appointment of a manager by the metropolitan council pursuant to section 372.8.

Sec. 45. NEW SECTION. 372A.6 REFERENDUM -- EFFECTIVE DATE.

1. If a proposed charter for consolidation is received not later than sixty days before the next general election, the council of the participating city with the largest population shall direct the county commissioner of elections to submit to the qualified electors of the participating cities at the next general election the question of whether the proposed charter shall be adopted. A summary of the proposed charter shall be published in a newspaper of general circulation in each city participating in the charter commission process at least ten but not more than twenty days before the date of the election. The proposed charter shall be effective in regard to a city only if a majority of the electors of the city voting approves the proposed charter.

2. If a proposed charter for consolidation is adopted:

a. The adopted charter shall take effect July 1 following the election at which it is approved unless the charter provides a later effective date. A special election shall be called to elect the new elective officers.

b. The adoption of the consolidated metropolitan corporation form of government does not alter any right or liability of any participating city 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 participating cities shall adopt the consolidation 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 but is not adopted, another charter shall not be submitted to the electorate for two years. If a charter is adopted, it may be amended at any time. If a charter is adopted, a proposed charter for another alternative form of city government shall not be submitted to the electorate for six years.

4. Section 372.2 shall not apply to a charter commission established under this chapter.

Sec. 46. NEW SECTION. 372A.7 FORM OF BALLOT.

The question of metropolitan consolidation shall be submitted to the electors in substantially the following form:

Should the cities of and unite to form one joint metropolitan corporation government?

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

Sec. 47. NEW SECTION. 372A.8 EFFECT OF CONSOLIDATION.

Cities consolidating pursuant to this chapter shall retain all the rights, powers, and duties conferred upon them by the Constitution of the State of Iowa and shall retain all the rights, powers, and duties conferred upon them by the laws of the state of Iowa, except to the extent those statutory rights, powers, and duties are limited by the charter government in fulfilling its duty to provide efficient administration and delivery of services to its citizens.

The consolidation charter may provide for the replacement of the city government of the member city with the largest population, according to the most recent certified federal census. That city shall be known as the home city of the

consolidated metropolitan corporation. If its government is replaced, the consolidation charter shall provide that the home city be governed either directly by the metropolitan council or by those members of the metropolitan council who reside within the corporate boundaries of the home city. The home city shall retain its geographic boundaries for the purposes of taxation.

Cities participating in consolidation shall be referred to as member cities of the consolidated metropolitan corporation.

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

Sec. 48. NEW SECTION. 372A.9 METROPOLITAN COUNCIL.

1. A consolidated metropolitan corporation shall be governed by a metropolitan council. The council shall consist of an odd number of members, not less than eleven and not more than seventeen. If a vacancy on the metropolitan council occurs more than sixty days before the next general election, the council shall direct the county commissioner of elections to conduct a special election to fill the vacancy until the next general election.

2. Unless otherwise specified in the consolidation charter, the council shall act by a majority vote of the members on the council.

Sec. 49. NEW SECTION. 372A.10 TAXING AUTHORITY.

The metropolitan council shall have the authority to levy city taxes to the extent the city tax levy authority is transferred by the charter to the metropolitan council. A member city shall transfer a portion of the city's tax levy authorized under section 384.1 or 384.12, whichever is applicable, to the metropolitan council. The maximum rates of taxes authorized to be levied under sections 384.1 and 384.12 by a member city shall be reduced by an amount equal to the rates of the same or similar taxes levied in the city by the metropolitan council.

Sec. 50. NEW SECTION. 372A.11 SERVICE DELIVERY.

1. The charter of consolidation shall provide for the transfer into the metropolitan consolidated corporation of areawide services which had been provided by other boards, commissions, and local governments. The metropolitan council shall have the authority to determine the boundaries of the service areas, except that formation of a consolidated metropolitan corporation shall not affect the assignment of electric utility service territories pursuant to chapter 476, and shall not affect the rights of a city to grant a franchise under chapter 364.

For each service provided by the consolidated metropolitan corporation, the consolidated metropolitan corporation shall assume the same statutory rights, powers, and duties, except taxing authority, relating to the provision of such service as if the member city were itself providing the service to its citizens. However, the consolidated metropolitan corporation shall not assume any of the governmental functions of its member cities except as the functions relate to the delivery of services and except as provided in section 372A.8.

If a service is being provided by the consolidated metropolitan corporation to any member city that member city shall not invoke any statutory right, power, or duty relating to the delivery of the service to its citizens.

2. A member city may apply to the metropolitan council for the purchase of any service which is being provided by the consolidated metropolitan corporation to any other member city, including the home city of the consolidated metropolitan corporation. Such an agreement to provide services shall be executed pursuant to chapter 28E and must contain provisions necessary for the lawful execution of the agreement.

ROBERT C. ARNOULD
Speaker of the House

JOE J. WELSH
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 693, Seventy-fourth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved June 10, 1991

TERRY E. BRANSTAD
Governor

HF 693