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STATE GOVERNMENT

SENATE FILE 2304

BY NEUHAUSER, CONNOLLY, and
HANSEN

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

A BILL FOR

1 An Act providing for the joint construction or acquisition,
2 furnishing, operation, and maintenance of public buildings by
3 a county, city, and school district.

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

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S.F. 2304

1 Section 1. NEW SECTION. 28E.41 JOINT COUNTY, CITY,
2 SCHOOL DISTRICT BUILDINGS.

3 1. Two or more counties, cities, or school districts, each
4 of which has areas within their boundaries which overlap areas
5 within the boundaries of the others, may execute an agreement
6 pursuant to this section for the joint construction or
7 acquisition, furnishing, operation, and maintenance of a
8 public building or buildings for their common use within their
9 overlapping areas. An agreement regarding a joint county,
10 city, or school district public building may include, but is
11 not limited to, any of the following:

12 a. Acquisition of a construction site and construction of
13 a public building for common use.

14 b. Purchase of an existing building for joint public use,
15 or conversion of a building previously owned and maintained by
16 a county, city, or school district for joint public use.

17 c. Equipping or furnishing a new or existing building for
18 joint public use.

19 d. Operation, maintenance, or improvement of a joint
20 public building.

21 e. Any other aspect of joint public building acquisition
22 or maintenance mutually agreed upon and authorized by law in
23 the county, city, or school district.

24 2. An agreement pursuant to subsection 1 shall be approved
25 by resolution of the governing bodies of each of the
26 participating counties, cities, or school districts and shall
27 specify the purposes for which the building or improvement
28 shall be used, the estimated cost thereof, the estimated
29 amount of the cost to be allocated to each of the
30 participating counties, cities, or school districts, the
31 proportion and method of allocating the expenses of the
32 operation and maintenance of the building or improvement, and
33 the disposition to be made of any revenues to be derived
34 therefrom, in addition to the provisions of sections 28E.5 and
35 28E.6, and any other applicable provision of this chapter.

1 3. a. A county, city, or school district may appropriate
2 funds or issue general obligation bonds for the payment of its
3 share of the cost of constructing, acquiring, furnishing,
4 operating, or maintaining a joint public building pursuant to
5 subsection 1. Section 28E.16 shall apply regarding a single
6 election to be authorized by the board of supervisors, city
7 council, and board of directors of a school district, in the
8 event that a single bond issue throughout the overlapping
9 areas is contemplated. If separate bond issues are authorized
10 by a board of supervisors, city council, or board of directors
11 of a school district for their respective share of the cost of
12 the joint public building, the applicable bonding provisions
13 of chapters 74, 75, 298, 331, and 384 shall apply. With
14 regard to any issuance of bonds pursuant to this section,
15 however, a proposition to authorize an issuance of bonds by a
16 county, city, or school district shall be deemed carried or
17 adopted if a vote in favor of the authorization equal to at
18 least fifty-one percent of the total vote cast for and against
19 the proposition at the election is received.

20 b. Bonds may not be issued by a county, city, or school
21 district until provision has been made by each of the other
22 participating counties, cities, or school districts to the
23 agreement for the payment of their shares of the cost of the
24 joint public building. In the event that the cost of the
25 construction or acquisition, furnishing, operation, and
26 maintenance of the public building exceeds that which was
27 originally estimated and agreed to, the governing body of a
28 county, city, or school district shall have the authority,
29 jointly or individually, to appropriate additional moneys or
30 issue additional bonds to pay their respective portions of the
31 increased costs.

32 c. A county, city, or school district shall be authorized,
33 with the consent of the governing bodies of the other parties,
34 to an agreement under this section, to improve, add to, or
35 equip the building which is the subject of the agreement for

1 its own purposes to the same extent and in the same manner as
2 if the building were wholly owned by and devoted to the uses
3 of the county, city, or school district.

4 d. The authority granted to a county, city, or school
5 district pursuant to this section shall be in addition to, and
6 not in derogation of, any other powers conferred by law upon a
7 county, city, or school district to make agreements,
8 appropriate and expend moneys, and to issue bonds for the same
9 or similar purposes.

10 EXPLANATION

11 This bill provides for the joint construction or
12 acquisition, furnishing, operation, and maintenance of public
13 buildings by a county, city, and school district. The bill
14 provides that two or more counties, cities, or school
15 districts, each of which has areas within their boundaries
16 which overlap areas within the boundaries of the others, may
17 execute an agreement for the joint construction or
18 acquisition, furnishing, operation, and maintenance of a
19 public building or buildings for their common use within their
20 overlapping areas. The agreement shall be approved by
21 resolution of the governing bodies of each of the
22 participating counties, cities, or school districts and shall
23 specify the purposes for which the building or improvement
24 shall be used, the estimated cost thereof, the estimated
25 amount of the cost to be allocated to each of the
26 participating counties, cities, or school districts, the
27 proportion and method of allocating the expenses of the
28 operation and maintenance of the building or improvement, and
29 the disposition to be made of any revenues to be derived
30 therefrom.

31 The bill provides that a county, city, or school district
32 may appropriate funds or issue general obligation bonds for
33 the payment of its share of the cost of constructing,
34 acquiring, furnishing, operating, or maintaining a joint
35 public building, either on a joint or an individual basis, and

1 that bonds may not be issued by a county, city, or school
2 district until provision has been made by each of the other
3 participating counties, cities, or school districts to the
4 agreement for the payment of their shares of the cost of the
5 joint public building. A vote in favor of authorization of
6 bonds cast by at least fifty-one percent of the electors
7 voting on the question of a bond issue shall be necessary for
8 approval of the bond issue. In the event that the cost of the
9 construction or acquisition, furnishing, operation, and
10 maintenance of the public building exceeds original estimates,
11 the bill provides that a county, city, or school district
12 shall have the authority, jointly or individually, to
13 appropriate additional moneys or issue additional bonds to pay
14 their respective portions of the increased costs.

15 The bill additionally provides that a county, city, or
16 school district shall be authorized, with the consent of the
17 governing bodies of the other counties, cities, or school
18 districts which are parties to the agreement, to improve, add
19 to, or equip any such building for its own purposes to the
20 same extent and in the same manner as if the building were
21 wholly owned by and devoted to the uses of the county, city,
22 or school district.

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