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Referred To

Spelly
State
Gov

JAN 31 2002
LOCAL GOVERNMENT

HOUSE FILE 2174
BY ELGIN

(COMPANION TO LSB 5930SS
BY LUNDBY)

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

A BILL FOR

1 An Act requiring formation of local government consolidation
2 committees and amending certain procedures for local
3 government consolidation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2174

1 Section 1. NEW SECTION. 331.264 LOCAL GOVERNMENT
2 CONSOLIDATION COMMITTEE.

3 1. A local government consolidation committee is created
4 in each county. Members shall be appointed to the committee
5 on or before August 1, 2006. The committee shall be composed
6 of the following members:

7 a. Three city council members chosen by the city council
8 of each participating city with a population of twenty-five
9 thousand or more.

10 b. Three county supervisors chosen by the county board of
11 supervisors.

12 c. Up to three members representing the cities within the
13 county that have a population of less than twenty-five
14 thousand. The members appointed under this paragraph shall be
15 appointed by consensus of all the mayors of the participating
16 cities and shall be elected city, county, or state officials
17 whose constituency is primarily within the county. One member
18 shall be appointed if all the cities represented under this
19 paragraph have a combined population of twenty thousand or
20 less. Two members shall be appointed if such cities have a
21 combined population of more than twenty thousand but less than
22 thirty thousand. Three members shall be appointed if such
23 cities have a combined population of thirty thousand or more.

24 d. Two members shall be appointed by each state legislator
25 whose legislative district is located in the county if a
26 majority of the constituents of that legislative district
27 reside in the county. However, if a county does not have a
28 state representative's legislative district which has a
29 majority of a state representative's constituency residing in
30 the county, the state representative having the largest
31 plurality of constituents residing in the county shall appoint
32 two members. At least one of the members appointed by each
33 state legislator shall be a person who is not holding elected
34 office and who is a resident of the legislative district of
35 the state legislator. For purposes of this paragraph,

1 appointments made before January 13, 2003, shall be based on
2 the legislative districts established after the 1990 federal
3 decennial census. Appointments made on or after January 13,
4 2003, shall be based on the legislative districts established
5 after the 2000 federal decennial census. In determining the
6 number of constituents in each legislative district, the
7 decennial census used to establish the legislative district
8 shall be used.

9 Organization and expenses of the committee are subject to
10 section 331.234 as if the committee were a city-county
11 consolidation or community commonwealth commission.

12 2. In lieu of the appointment deadline in subsection 1,
13 members shall be appointed to the consolidation committee
14 within thirty days after any of the following occurs:

15 a. The county board of supervisors and each city council
16 in the county adopt a joint resolution calling for appointment
17 of members to the committee and files the resolution with the
18 county board of supervisors.

19 b. The city council of a city whose population comprises
20 more than fifty percent or more of the population of the
21 entire county adopts a resolution calling for appointment of
22 members to the committee and files the resolution with the
23 county board of supervisors.

24 c. The county board of supervisors in a county whose
25 population in the unincorporated area of the county comprises
26 fifty-one percent or more of the population of the entire
27 county adopts a resolution calling for appointment of members
28 to the committee.

29 d. A petition signed by eligible electors of the county
30 equal in number to ten percent of the registered voters in the
31 county is filed with the county board of supervisors.

32 3. Within twelve months after the organization of the
33 consolidation committee, the committee shall submit a report
34 to the county board of supervisors. The report shall contain
35 the committee's recommendation as to what the committee

1 believes to be the best proposal for a consolidated form of
2 government for the county. The auditor's office shall make
3 the report available to the public upon request. A summary of
4 the report shall be published in a newspaper of general
5 circulation in the county.

6 4. If the committee report recommends that the county
7 consider city-county consolidation or a community
8 commonwealth, the committee issuing the report shall operate
9 as a commission created pursuant to section 331.233A, and
10 shall prepare such a proposal for submission to the electorate
11 in lieu of the commission membership requirements in section
12 331.233A. If the committee report recommends that the county
13 consider multicounty consolidation, a commission to prepare
14 such a proposal for submission to the electorate shall be
15 formed within forty-five days of publication of the report and
16 shall be organized pursuant to section 331.233. If the
17 committee report recommends that the cities within the county
18 consider a consolidated metropolitan corporation, a commission
19 to prepare such a proposal for submission to the electorate
20 shall be formed within forty-five days of publication of the
21 report and shall be organized pursuant to chapter 373.

22 Commissions formed pursuant to this subsection shall
23 operate under the schedule in section 331.235.

24 5. This section does not apply to a county in which a
25 charter commission has been established and is operating as of
26 July 1, 2002.

27 Sec. 2. Section 331.235, subsection 4, Code 2001, is
28 amended to read as follows:

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

33 Sec. 3. Section 331.237, subsection 1, Code 2001, is
34 amended to read as follows:

35 1. ~~If a~~ The board shall direct the county commissioner of

1 elections to submit to the registered voters of the county the
2 question of whether the proposed charter for county government
3 shall be adopted. The proposed charter for county government
4 is may be submitted at the general election or at a special
5 election called for that purpose. To be submitted at the
6 general election, the proposed charter must be received not
7 less than five working days before the filing deadline for
8 candidates for county offices specified in section 44.4 for
9 the next general election, ~~the board shall direct the county~~
10 ~~commissioner of elections to submit to the registered voters~~
11 ~~of the county at the next general election the question of~~
12 ~~whether the proposed charter shall be adopted.~~ A summary of
13 the proposed charter or amendment shall be published in the
14 official county newspapers and in a newspaper of general
15 circulation in each participating city, if applicable, at
16 least ten but not more than twenty days before the date of the
17 election. If a majority of the votes cast on the question is
18 in favor of the proposal, the proposal is adopted.

19 Sec. 4. Section 331.237, subsection 2, paragraph a, Code
20 2001, is amended to read as follows:

21 a. The adopted charter shall take effect the July 1 next
22 occurring two years following the ~~general~~ election at which it
23 is approved unless the charter provides a later effective
24 date. If the adopted charter calls for a change in the form
25 of government, officers to fill elective offices shall be
26 elected in the general election in the even-numbered year
27 following the adoption of the charter. Those county officers
28 holding office at the time of the adoption of the charter
29 shall continue in office until the general election in the
30 even-numbered year following the adoption of the charter. If
31 the charter provides that one or more elective offices are
32 combined, the board of supervisors shall appoint one of the
33 elective officers of the combined offices to serve until the
34 general election in the even-numbered year. If the charter
35 calls for the elimination of an elective office, that elective

1 officer's term of office shall expire on the date the adopted
2 charter takes effect.

3 Sec. 5. Section 331.249, subsection 2, unnumbered
4 paragraph 2, Code 2001, is amended to read as follows:

5 If a city-county consolidation charter is proposed, within
6 ninety days following the final report of the commission, a
7 resident or property owner of the commission area proposed to
8 be consolidated may bring an action in district court for
9 declaratory judgment to determine the legality of the proposed
10 charter and to otherwise declare the effect of the charter.

11 The court shall expedite its review and determination in this
12 matter. The referendum on the proposed charter shall be
13 stayed during pendency of the action and for such additional
14 time during which the proposed charter or its enabling
15 legislation does not conform to the Constitution or laws of
16 the State of Iowa. If in its final judgment the court
17 determines that the proposed charter fails to conform to the
18 Constitution or laws of this state, the commission shall have
19 a period of six months in which to revise and resubmit the
20 proposed charter.

21 Sec. 6. IMPLEMENTATION OF ACT. Section 25B.2, subsection
22 3, shall not apply to this Act.

23 EXPLANATION

24 This bill establishes a local government consolidation
25 committee in each county to study whether a charter of
26 consolidation should be presented to the voters. Members of
27 the committee must be appointed on or before August 6, 2006.
28 Members may be appointed before that date upon resolution or
29 petition by the county board of supervisors, city councils, or
30 eligible electors.

31 Within 12 months of organizing, the committee is to report
32 to the county board of supervisors on what form of
33 consolidation it recommends. The report is to be published in
34 a newspaper of general circulation in the county. If the
35 committee recommends multicounty consolidation or city-county

1 consolidation, the bill directs that a commission be formed to
2 draft that proposal. If the committee recommends city-county
3 consolidation or a community commonwealth, the committee shall
4 become the commission that will draft the proposal in lieu of
5 the commission member requirements currently in statute. The
6 requirement to establish a consolidation committee does not
7 apply to a county in which a charter commission has been
8 established and is operating as of July 1, 2002.

9 The bill also allows a proposed charter for county
10 government to be submitted to the voters at a special election
11 called for that purpose in addition to the general election.
12 The bill provides that a charter shall take effect the July 1
13 next occurring two years after the election at which the
14 charter is approved. The bill also provides that when a
15 charter for city-county consolidation is challenged in
16 district court, the court is to expedite its review and
17 determination on the challenge.

18 The bill may include a state mandate as defined in Code
19 section 25B.3. The bill makes inapplicable Code section
20 25B.2, subsection 3, which would relieve a political
21 subdivision from complying with a state mandate if funding for
22 the cost of the state mandate is not provided or specified.
23 Therefore, political subdivisions are required to comply with
24 any state mandate included in the bill.

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