

MAR 1 2004
Place On Calendar

HOUSE FILE 2404
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 567)

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

A BILL FOR

1 An Act relating to certain alternative forms of county and city
2 government by providing for county redistricting and
3 representation, charter commission administration, application
4 of various statutory requirements, the manner in which a
5 charter may be proposed and adopted, amendment of a charter,
6 the organization of the governing body, and inclusions in a
7 charter, making technical changes relating to the
8 administration and authority of a city-county consolidated
9 government and a community commonwealth, making changes
10 related to multicounty consolidation, and including effective
11 and retroactive applicability date provisions.

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

13

HF 2404

HOUSE FILE 2404

H-8209

1 Amend House File 2404 as follows:
2 1. Page 2, by striking lines 11 through 13 and
3 inserting the following: "established by resolution
4 of the".

By VAN ENGELENHOVEN of Marion	EICHHORN of Hamilton
GREINER of Washington	ROBERTS of Carroll
ARNOLD of Lucas	WHITAKER of Van Buren

H-8209 FILED MARCH 9, 2004

1 Section 1. Section 331.210A, subsection 2, Code 2003, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. f. (1) Notwithstanding the provisions of
4 this section to the contrary, for a county with a population
5 of one hundred eighty thousand or more that has adopted a
6 charter for a city-county consolidated form of government or a
7 community commonwealth form of government and which charter
8 provides for representation by districts, the legislative
9 services agency, and not the temporary county redistricting
10 commission, shall draw a representation plan as provided by
11 paragraph "a" pursuant to a contract executed with the county.
12 The plan drawn by the legislative services agency shall be
13 based upon the precinct plan adopted for use by the county and
14 shall be drawn in accordance with section 42.4, to the extent
15 applicable. After the legislative services agency has drawn
16 the plan, the legislative services agency shall at the
17 earliest feasible time make available to the public all of the
18 information required to be made public by paragraph "b".

19 (2) The legislative services agency shall submit the plan
20 to the governing body, and the governing body shall comply
21 with the duties required by paragraph "c", to the extent
22 applicable.

23 (3) After the requirements of paragraphs "a" through "c"
24 have been met, the governing body shall review the plan
25 submitted by the legislative services agency and shall approve
26 or reject the plan. If the plan is rejected, the governing
27 body shall give written reasons for the rejection and shall
28 direct the legislative services agency to prepare a second
29 plan, as provided in paragraph "d". The second plan may be
30 amended by the governing body in accordance with the
31 provisions of paragraph "d". After receiving the second plan,
32 the governing body shall approve either the first plan or the
33 second plan.

34 (4) The governing body, after approving a plan, shall
35 comply with the requirements of paragraph "e".

1 Sec. 2. Section 331.231, subsections 5 and 6, Code 2003,
2 are amended to read as follows:

3 5. City-county consolidated form as provided in ~~section~~
4 sections 331.247 through 331.252.

5 6. Multicounty consolidated form as provided in ~~section~~
6 sections 331.253 through 331.259.

7 Sec. 3. Section 331.232, subsection 1, Code 2003, is
8 amended to read as follows:

9 1. A charter to change a form of county government may be
10 submitted to the electors of a county only by a commission
11 established pursuant to this section. The commission may be
12 established by the board of supervisors adopting a resolution
13 in favor of establishing a commission or by resolution of the
14 board upon petition of the number of eligible electors of the
15 county equal to at least twenty-five percent of the votes cast
16 in the county for the office of president of the United States
17 or governor at the preceding general election or the
18 signatures of at least ten thousand eligible electors of the
19 county, whichever number is fewer. The board shall within ten
20 days of the filing of a valid petition adopt such a
21 resolution.

22 Sec. 4. Section 331.232, subsection 3, Code 2003, is
23 amended to read as follows:

24 3. An alternative form of county government shall be
25 submitted to the ~~county~~ electorate by the commission in the
26 form of a charter ~~or charter-amendment.~~

27 Sec. 5. Section 331.233A, subsections 1 and 2, Code 2003,
28 are amended to read as follows:

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

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

35 b. ~~One-member~~ Two members of the board of supervisors

1 shall be appointed by the board of each county participating
2 in the charter process. ~~The member~~ One supervisor must be a
3 resident of the unincorporated area of the county for each
4 participating county. However, if no supervisor resides in
5 the unincorporated area, the board shall appoint a resident of
6 the unincorporated area of the county in lieu of appointing a
7 supervisor.

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

17 d. An additional member shall be appointed by each city
18 council and each county board for every twenty-five thousand
19 residents in the participating city or unincorporated area of
20 the county, whichever is applicable. The member shall be a
21 resident of the city or county, as applicable. The member
22 shall be a person who is not holding elected office at the
23 time of the appointment.

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

29 Sec. 6. Section 331.234, subsection 4, Code 2003, is
30 amended to read as follows:

31 4. ~~The~~ Except as otherwise provided in subsection 5, the
32 expenses of the commission may be paid from the general fund
33 of the county or. Expenses of the commission may also be paid
34 from any combination of public or private funds available for
35 that purpose. The commission's annual expenses may exceed the

1 amount in subsection 3 only if the excess is paid from private
2 funds. If a proposed charter is submitted to the electorate,
3 private funds donated to the commission may be used to promote
4 passage of the proposed charter.

5 Sec. 7. Section 331.234, Code 2003, is amended by adding
6 the following new subsection:

7 NEW SUBSECTION. 5. In the case of a city-county
8 consolidation charter commission or a community commonwealth
9 charter commission, the expenses of the commission shall be
10 paid by each city and county participating in the charter
11 process pursuant to section 331.233A. Each participating
12 city's share shall be its pro rata share of the expenses based
13 upon the ratio that the population of the city bears to the
14 total population in the county. The remainder shall be paid
15 from the general fund of the county. The amount paid by each
16 city and county participating in the charter process shall be
17 deposited in a segregated account maintained by the county.

18 Sec. 8. Section 331.235, Code 2003, is amended to read as
19 follows:

20 331.235 COMMISSION PROCEDURES AND REPORTS.

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

27 2. Within nine seven months after the organization of the
28 commission, the commission shall submit a preliminary report
29 to the board, which report may include the text of the
30 proposed charter. If a proposed charter is included in the
31 preliminary report, the report shall also include an analysis
32 of the fiscal impact of the proposed charter. Sufficient
33 copies of the report shall be made available for distribution
34 to residents of the county who request a copy. The commission
35 shall hold at least one public hearing after submission of the

1 preliminary report to obtain public comment. Notice of the
2 date, time, and place of the hearing shall be given as
3 provided in chapter 21.

4 3. Within twenty twelve months after organization, the
5 commission shall submit the final report to the board.
6 However, a commission may adopt a motion granting itself a
7 sixty-day extension of time for submission of its final
8 report. If the commission recommends a charter including a
9 form of government other than the existing form of government,
10 the final report shall include the full text and an
11 explanation of the proposed charter, an analysis of the fiscal
12 impact of the proposed charter, any comments deemed desirable
13 by the commission, and any minority reports. The final report
14 may recommend no change to the existing form of government and
15 that no charter be submitted to the electorate, in which case,
16 the report shall state the reasons for and against a change in
17 the existing form of government. The final report shall be
18 made available to the residents of the county upon request. A
19 summary of the final report shall be published by the
20 commission in the official newspapers of the county and in a
21 newspaper of general circulation in each participating city.

22 4. If a provision of this part is amended by enactment of
23 the general assembly after a charter commission has submitted
24 its final report to the board and before the proposed charter
25 is submitted at an election, the commission may amend the
26 proposed charter, only to the extent the charter amendment
27 addresses the changes in the newly enacted law, and shall
28 submit the amended proposed charter and an amended final
29 report to the board in lieu of the original proposed charter.
30 The amended proposed charter shall be placed on the ballot for
31 the next general election if it is received by the board
32 within the time set out in section 331.237, subsection 1. A
33 summary of any amendments to the proposed charter shall be
34 published by the commission as provided in subsection 3.

35 ~~4.~~ 5. The commission is dissolved on the date of the

1 general election at which the proposed charter is submitted to
2 the electorate. However, if a charter proposing the city-
3 county consolidated form or the community commonwealth form is
4 adopted, the commission is dissolved on the date that the
5 terms of office of the members of the governing body for the
6 alternative form of government commence. If a charter is not
7 recommended, the commission is dissolved upon submission of
8 its final report to the board.

9 Sec. 9. Section 331.237, subsection 1, Code 2003, is
10 amended to read as follows:

11 1. If a proposed charter for county government is received
12 not less than five working days before the filing deadline for
13 candidates for county offices specified in section 44.4 for
14 the next general election, the board shall direct the county
15 commissioner of elections to submit to the registered voters
16 of the county at the next general election the question of
17 whether the proposed charter shall be adopted. A summary of
18 the proposed charter or amendment shall be published in the
19 official county newspapers and in a newspaper of general
20 circulation in each participating city, if applicable, at
21 least ten but not more than twenty days before the date of the
22 election. ~~If~~ Except as otherwise provided in sections 331.247
23 and 331.260, if a majority of the votes cast on the question
24 is in favor of the proposal, the proposal is adopted.

25 Sec. 10. Section 331.237, Code 2003, is amended by adding
26 the following new subsection:

27 NEW SUBSECTION. 4. Subsections 2 and 3 do not apply to
28 the city-county consolidated form of government or the
29 community commonwealth form of government.

30 Sec. 11. Section 331.238, Code 2003, is amended by adding
31 the following new subsection:

32 NEW SUBSECTION. 4. Subsections 1 and 2 do not apply to
33 the city-county consolidated form of government or the
34 community commonwealth form of government.

35 Sec. 12. Section 331.244, Code 2003, is amended by adding

1 the following new subsection:

2 NEW SUBSECTION. 3. This section does not apply to the
3 city-county consolidated form of government or the community
4 commonwealth form of government.

5 Sec. 13. Section 331.245, Code 2003, is amended by adding
6 the following new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. This section does not apply to
8 the city-county consolidated form of government or the
9 community commonwealth form of government.

10 Sec. 14. Section 331.247, Code 2003, is amended to read as
11 follows:

12 331.247 CITY-COUNTY CONSOLIDATION FORM.

13 1. ~~A county and one or more cities within the county may~~
14 ~~unite to form a single unit of local government in accordance~~
15 ~~with this part.~~ A commission appointed pursuant to section
16 331.233A may propose a charter under which a county and one or
17 more cities within the county may unite to form a single unit
18 of local government, or may propose a charter under which a
19 county and one or more cities within the county may create a
20 unified government empowered to govern a city and a county
21 with each retaining the separate status and power of a city or
22 a county for all purposes and constituting separate political
23 subdivisions under combined governance. Either option
24 proposed shall be referred to as a city-county consolidated
25 form of government. If more than fifty percent of the
26 population of a city resides within the affected county, it is
27 a city within the county for the purposes of this section and
28 may continue its status as a city within the county even if
29 the population of such city falls below the more than fifty
30 percent threshold in a future census.

31 2. ~~An alternative form of government, including a charter~~
32 ~~form, for a consolidated unit of government may be submitted~~
33 ~~to the voters only by a commission established under this~~
34 ~~chapter.~~ A majority vote by the charter commission is
35 required for the submission to the electorate of an

1 ~~alternative-form-of-government-for-a-consolidated-unit-of~~
2 ~~local-government~~ a proposed charter for a city-county
3 consolidated form of government. The-charter-commission
4 submitting-a-consolidated-form-shall-issue-a-final-report-and
5 proposal.

6 3. ~~An-alternative-form-of-government-for-a~~ A city-county
7 consolidated unit-of-local form of government does not need to
8 include more than one city. A city shall not be included
9 unless the city participates in the commission process, ~~and-a~~
10 ~~majority-of-the-electors-of-the-affected-city-voting-approves~~
11 ~~the-proposed-charter-for-the-consolidated-government.~~

12 4. ~~If-an-alternative-form-of-government-for-a-consolidated~~
13 ~~unit-of-local-government-is-proposed,~~ approval-of-the
14 consolidation-charter-shall-be-a-separate-ballot-issue-from
15 approval-of-the-alternative-form-of-government-in-these-cities
16 proposed-to-be-included-in-the-consolidation. Adoption of the
17 proposed consolidation charter requires the approval of a
18 majority of the votes cast in the entire county and requires
19 the approval of a majority of the votes cast in one or more
20 cities named on the ballot. The consolidation charter shall
21 be effective in regard to a city government named on the
22 ballot only if a majority of the ~~voters-of-the-city-voting-on~~
23 ~~the-question-voted-for-participation-in-the~~ votes cast in that
24 city approves the consolidation charter.

25 5. An adopted charter takes effect July 1 following the
26 general election at which it is approved unless the charter
27 provides a later effective date. If the adopted charter calls
28 for a change in the form of government, officers to fill
29 elective offices created by the charter shall be elected in
30 the general election in the even-numbered year following the
31 adoption of the charter.

32 5. 6. A city may request to join an existing city-county
33 consolidated government by resolution of the city council or
34 upon petition of eligible electors of the city equal in number
35 to at least twenty-five percent of the persons who voted at

1 the last ~~general-election-for-the-office-of-governor-or~~
2 ~~president-of-the-United-States,-whichever-is-fewer~~ regular
3 city election. Within fifteen days after receiving a valid
4 petition, the city council of the petitioning city shall adopt
5 a resolution in favor of participation and shall immediately,
6 within ten days of adoption, forward the resolution to the
7 legislative governing body of the city-county consolidated
8 government. If a majority of the ~~city-county-consolidated~~
9 legislative governing body of the city-county consolidated
10 government approves the resolution, the question of joining
11 the city-county consolidated government shall be submitted to
12 the electorate of the petitioning city within sixty days after
13 approval of the resolution.

14 7. a. If a charter is adopted, it may be amended at any
15 time by one of the following methods:

16 (1) The governing body of the city-county consolidated
17 government, by resolution, may submit a proposed amendment to
18 the voters, and the proposed amendment becomes effective only
19 upon approval by a majority of those voting on the proposed
20 amendment within the city-county consolidated area.

21 (2) The governing body of the city-county consolidated
22 government, by ordinance, may amend the charter. However,
23 within thirty days following publication of the ordinance, if
24 a petition valid under the provisions of section 331.306 is
25 filed with the governing body of the city-county consolidated
26 government, the governing body must submit the charter
27 amendment to the voters and, in such event, the amendment
28 becomes effective only upon approval of a majority of those
29 voting on the proposed amendment within the city-county
30 consolidated area.

31 (3) If a petition valid under the provisions of section
32 331.306 is filed with the governing body of the city-county
33 consolidated government, proposing an amendment to the
34 charter, the governing body must submit the proposed amendment
35 to the voters and, in such an event, the amendment becomes

1 effective only upon approval of a majority of those voting on
2 the proposed amendment within the city-county consolidated
3 area.

4 b. The proposed amendment shall be submitted at the
5 general election. However, if the amendment is proposed
6 pursuant to paragraph "a", subparagraph (1), the proposed
7 amendment may be submitted at a special election if the
8 resolution submitting the amendment to the voters is adopted
9 by a two-thirds majority of the membership of the governing
10 body.

11 c. If an election is held, the governing body shall submit
12 the question of amending the charter to the electors in
13 substantially the following form:

14 Should the amendment described below be adopted for the
15 city-county consolidated charter of (insert name of county and
16 of each consolidated city)?

17 The ballot must contain a brief description and summary of
18 the proposed amendment.

19 d. An amendment shall not adopt an alternative form of
20 county government.

21 e. Notwithstanding paragraph "b", if an amendment to a
22 charter proposes to increase or decrease the number of members
23 on the governing body, the amendment shall be submitted to the
24 voters at a general election.

25 Sec. 15. Section 331.248, subsection 1, Code 2003, is
26 amended to read as follows:

27 1. The charter commission proposing ~~consolidation~~ a city-
28 county consolidated form of government shall prepare, adopt,
29 and submit ~~cause to be submitted~~ to the voters ~~a-consolidation~~
30 the charter ~~including-an-alternative-form-of-government~~.

31 Sec. 16. Section 331.248, subsection 2, Code 2003, is
32 amended to read as follows:

33 2. The ~~consolidation~~ charter for a city-county
34 consolidated form of government shall:

35 a. Provide for adjustment of existing bonded indebtedness

1 and other obligations in a manner which will provide for a
2 fair and equitable burden of taxation for debt service.

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

9 c. Provide for the transfer or other disposition of
10 property and other rights, claims, assets, and franchises of
11 ~~local-governments~~ the county and each city consolidated under
12 the alternative form.

13 d. Provide the official name of the city-county
14 consolidated ~~unit-of-local~~ government.

15 e. Provide for the transfer, reorganization, abolition,
16 absorption, and adjustment of boundaries of all existing
17 boards, bureaus, commissions, agencies, special districts, and
18 political subdivisions of the city-county consolidated
19 government.

20 f. ~~Include-other-provisions-which-the-county-charter~~
21 ~~commission-and-the-city-charter-commission-elect-to-include~~
22 ~~and-which-are-not-inconsistent-with-state-law.~~ Provide for
23 the exercise of home rule power and authority not inconsistent
24 with state law.

25 g. Provide for a governing body of an odd number of
26 members, not less than five, but which may exceed the number
27 of members specified in sections 331.201, 331.203, and
28 331.204. The titles of the members of the governing body
29 shall be determined by the charter.

30 h. Provide for a representation plan for the governing
31 body which representation plan may differ from the
32 representation plans provided in section 331.206 and in
33 chapter 372. If the plan calls for representation by
34 districts and the charter has been approved in a county whose
35 population is one hundred eighty thousand or more, the plan

1 shall be drawn pursuant to section 331.210A, subsection 2,
2 paragraph "f". The initial representation plan for such a
3 county shall be drawn as provided in section 331.210A,
4 subsection 2, paragraph "f", within one hundred twenty days
5 after the election at which the charter is approved. For the
6 initial representation plan, the charter commission shall
7 assume the role of the governing body for purposes of this
8 paragraph and section 331.210A, subsection 2, paragraphs "d"
9 through "f".

10 i. Provide for the initial compensation for members of the
11 governing body and for a method of changing the compensation.

12 Sec. 17. Section 331.248, Code 2003, is amended by adding
13 the following new subsection:

14 NEW SUBSECTION. 4. The consolidation charter may include
15 other provisions which the commission elects to include and
16 which are not irreconcilable with state law. These provisions
17 may include but are not limited to the following:

18 a. Provide for a method of selecting officers of the
19 governing body and fixing their terms of office which may
20 differ from the requirements of sections 331.208 through
21 331.211 and the provisions of chapter 372.

22 b. Provide for meetings of the governing body and rules of
23 procedure which may differ from the requirements of section
24 331.213, except that the meetings shall be scheduled and
25 conducted in compliance with chapter 21.

26 c. Provide for combining the duties of elected officials
27 of the county, for eliminating elected offices and the
28 assumption of the duties of those offices by appointed
29 officials, and for adding to, deleting from, or otherwise
30 changing the duties of officials, elected or otherwise, of the
31 county and each consolidated city. If the charter provides
32 that one or more elective offices are combined, the board of
33 supervisors shall appoint one of the elective officers of the
34 combined offices to serve until new officers have been elected
35 at the general election in the even-numbered year and have

1 qualified for office. If the charter calls for the
2 elimination of an elective office, that elective officer's
3 term of office shall expire on the date specified in the
4 charter.

5 d. Provide for the organization of city and county
6 departments, agencies, or boards. The organization plan may
7 provide for the abolition or consolidation of a department,
8 agency, board, or commission and the assumption of its powers
9 and duties by the governing body or by another department,
10 agency, board, or commission.

11 e. Provide for a method for the governing body or another
12 office to exercise the powers and duties of the township
13 trustees, in lieu of their election or appointment.

14 f. Provide for a chief executive officer, a method of
15 selecting that officer, the compensation for that officer, a
16 method of changing the compensation, and the powers and duties
17 of that officer.

18 g. If the charter provides for a chief executive office,
19 provide for the appointment of a chief executive officer pro
20 tem, the compensation for that officer, a method of changing
21 the compensation, and the manner in which that officer would
22 exercise the powers and duties of the chief executive officer.

23 h. Provide for the appointment of a city manager, a method
24 for determining and changing the compensation for the city
25 manager, and the powers and duties of the city manager.

26 This subsection does not apply to the board of trustees of
27 a county hospital or to the board of trustees of a city
28 hospital.

29 Sec. 18. Section 331.249, Code 2003, is amended to read as
30 follows:

31 331.249 EFFECT OF CONSOLIDATION.

32 1. a. ~~The-consolidation-of-one-or-more-cities-and-one-or~~
33 ~~more-counties-shall-create-a-unified-government-which-includes~~
34 ~~a-municipal-corporation-and-a-county.~~ A city-county
35 consolidated form of government under which a county and one

1 or more cities within the county unite to form a single unit
2 of local government shall create a unified government which
3 includes a municipal corporation and a county. The
4 consolidated unit shall have the separate status of a county
5 and a city for all purposes and shall constitute two political
6 subdivisions, a consolidated city and a county, under combined
7 governance. The consolidated unit shall retain one separate
8 constitutional debt limitation with respect to its status as a
9 city and a separate constitutional debt limitation with
10 respect to its status as a county.

11 b. The governing body of a city-county consolidated form
12 of government under which a county and one or more cities
13 within the county create a unified government empowered to
14 govern a city and a county shall have, with respect to the
15 county, the power and authority of the board of supervisors of
16 a county, and, with respect to each city, the power and
17 authority of the city council of a city. Each consolidated
18 city and the county constitute separate political
19 subdivisions. Each consolidated city and the county shall
20 each retain a separate constitutional debt limitation and
21 shall each have the authority to issue bonds and incur
22 financial obligations in accordance with the provisions of
23 state law applicable to a city or a county, respectively.

24 2. A The city-county consolidated unit-of-local form of
25 government may include an area which is located in another
26 county, but which is within the corporate boundaries of one of
27 the consolidated cities. ~~County-services-shall~~ Services may
28 be provided in the extra-county area and taxes to fund those
29 services ~~shall~~ may be collected in the extra-county area by
30 the consolidated government, to the extent permitted by the
31 Constitution of the State of Iowa. In addition to the right
32 to vote in the county of residence, electors residing in the
33 extra-county area shall have the right to vote on any matter
34 related to the city-county consolidated unit-of-local
35 government, including election of its ~~officials~~ governing body

1 and its chief executive officer, if any.

2 If a city-county consolidation charter is proposed, within
3 ninety days following the final report of the commission, a
4 resident or property owner of the commission area proposed to
5 be consolidated may bring an action in district court for
6 declaratory judgment to determine the legality of the proposed
7 charter and to otherwise declare the effect of the charter.
8 The court shall expedite its review and determination in this
9 matter. The referendum on the proposed charter shall be
10 stayed during pendency of the action and for such additional
11 time during which the proposed charter or its enabling
12 legislation does not conform to the Constitution or laws of
13 the State of Iowa. If in its final judgment the court
14 determines that the proposed charter fails to conform to the
15 Constitution or laws of this state, the commission shall have
16 a period of six months in which to revise and resubmit the
17 proposed charter.

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

23 4. The adoption of a charter for a city-county
24 consolidated government does not alter any right or liability
25 of the county or consolidated city in effect at the time of
26 the election at which the charter was adopted.

27 5. All departments and agencies of the county and of each
28 consolidated city shall continue to operate until their
29 authority to operate is superseded by action of the governing
30 body.

31 6. Upon the effective date of the adopted charter, the
32 county and each participating city shall adopt the city-county
33 consolidated form of government by ordinance, and shall file a
34 copy with the secretary of state and maintain available copies
35 for public inspection. The county shall provide each

1 participating city with a copy of the county's ordinance.
2 Each participating city shall provide a copy of that city's
3 ordinance to the county and to the other participating cities.

4 7. Members of the governing body of the county shall
5 continue in office after the effective date of the charter
6 until the members of the governing body and the chief
7 executive officer, if any, of the city-county consolidated
8 government have been elected and qualified, at which time the
9 offices of the former governing body of the county shall be
10 abolished and the terms of the members of the former governing
11 body shall be terminated. Members of the governing body and
12 the mayor of each consolidated city shall continue in office
13 after the effective date of the charter until the members of
14 the governing body of the city-county consolidated government
15 and the chief executive officer, if any, have been elected and
16 qualified, at which time the office of mayor and of the former
17 governing body of each consolidated city shall be abolished
18 and the term of the members of each governing body and the
19 term of each mayor shall be terminated.

20 During the period between the effective date of the charter
21 and the election and qualification of the members of the
22 governing body of the city-county consolidated government and
23 the election and qualification of the chief executive officer,
24 if any, the former governing bodies of the county and each
25 city and the mayor of each city shall continue to exercise the
26 power of, and to perform the duties for, their respective
27 county and city. The charter shall provide that these
28 incumbent officers assist in planning and carrying out the
29 transition to the city-county consolidated form of government.
30 The board of supervisors shall include in its budget for the
31 fiscal year in which the charter becomes effective funds
32 sufficient to provide for the operating expenses of a
33 transition committee and for expenses incurred in initially
34 establishing districts if the charter provides for
35 representation by districts and for salaries for newly elected

1 officers of the city-county consolidated government, after
2 consultation with the transition committee.

3 8. If a city-county consolidation charter is submitted to
4 the electorate but is not adopted, another charter shall not
5 be submitted to the electorate for at least two years from the
6 date of the election at which the charter was rejected. If a
7 city-county consolidation charter is adopted, a proposed
8 charter for another alternative form of county government
9 shall not be submitted to the electorate for at least six
10 years from the date of the election at which the charter was
11 adopted.

12 Sec. 19. Section 331.250, Code 2003, is amended to read as
13 follows:

14 331.250 GENERAL POWERS OF CONSOLIDATED LOCAL GOVERNMENTS.

15 The consolidation charter shall provide for the delivery of
16 services to specified areas of the ~~consolidated-local~~
17 government county and of each consolidated city. The
18 governing body of the consolidated government shall ~~administer~~
19 supervise the administration of the provision of services in
20 each of the designated service areas and shall have the
21 authority to determine the boundaries of the service areas.
22 For each service provided by the consolidated government, the
23 consolidated government shall assume the same statutory
24 rights, powers, and duties relating to the provision of the
25 service as if the county or the member city were itself
26 providing the service to its citizens.

27 Sec. 20. Section 331.251, Code 2003, is amended to read as
28 follows:

29 331.251 RULES, ORDINANCES, AND RESOLUTIONS OF CONSOLIDATED
30 ~~UNIT~~ GOVERNMENT.

31 ~~Within two years after ratification of the consolidation,~~
32 ~~the governing body of the consolidated unit of local~~
33 ~~government shall revise, repeal, or reaffirm all rules,~~
34 ~~ordinances, and resolutions in force within the participating~~
35 ~~county and cities at the time of consolidation.~~

1 1. Each rule, ordinance, or resolution in force at the
2 time-of-consolidation within a county or within a city on the
3 effective date of the charter shall remain in force within the
4 former-geographic-jurisdiction that county or within that city
5 until superseded by action of the new governing body, unless
6 the rule, ordinance, or resolution is in conflict with a
7 provision of the charter, in which case, the charter provision
8 shall supersede the conflicting rule, ordinance, or
9 resolution. The governing body of a participating city or
10 county in office on the effective date of the charter shall
11 retain its powers to adopt motions, resolutions, or ordinances
12 provided that such motions, resolutions, or ordinances do not
13 conflict with the provisions of the charter. Ordinances and
14 resolutions relating to public improvements to be paid for in
15 whole or in part by special assessments shall remain in effect
16 until paid in full.

17 2. If a charter creating a city-county consolidated form
18 of government provides for a chief executive officer with the
19 power to veto an ordinance, an amendment to an ordinance, or a
20 resolution, the governing body shall adopt legislation in
21 accordance with the provisions of chapter 380. If a charter
22 creating a city-county consolidated form of government does
23 not provide for a chief executive officer, the governing body
24 shall adopt legislation in accordance with the provisions of
25 section 331.302. However, a charter may provide that approval
26 of certain ordinances, amendments, or resolutions shall
27 require the affirmative vote of more than a majority of all
28 members of the governing body.

29 Sec. 21. Section 331.252, Code 2003, is amended to read as
30 follows:

31 331.252 FORM OF BALLOT -- CITY-COUNTY CONSOLIDATION.
32 The question of city-county consolidation shall be
33 submitted to the electors in substantially the following form:
34 Should the ~~corporate-existence-and-governments-of-the~~
35 ~~county-of-.....and-the-cities-of-.....and-.....be~~

1 ~~consolidated-into-one-joint-city-county-corporation-government~~
2 charter described below be adopted for (insert name of county
3 and each city proposing to consolidate)?

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

7 ~~Should-the-(name-of-city-or-second-county)-participate-in~~
8 ~~the-consolidation-charter?~~

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

11 Sec. 22. Section 331.254, unnumbered paragraph 1, Code
12 2003, is amended to read as follows:

13 When multicounty consolidation is recommended, ~~a-petition~~
14 ~~must-contain-a~~ the consolidation charter ~~which-provides~~ shall
15 provide for all of the following:

16 Sec. 23. Section 331.254, subsection 6, Code 2003, is
17 amended by striking the subsection.

18 Sec. 24. NEW SECTION. 331.257 RECOGNITION OF CHANGE IN
19 BOUNDARIES BY GENERAL ASSEMBLY.

20 If a charter for multicounty consolidation is adopted
21 pursuant to section 331.255 or if the question of joining a
22 multicounty consolidated government is approved pursuant to
23 section 331.256, the general assembly next convening following
24 the election required by section 331.255 or 331.256 shall pass
25 legislation recognizing the change in boundaries of the
26 counties where the question of multicounty consolidation was
27 approved. The boundaries recognized in the legislation shall
28 conform to the boundaries contained in the consolidation
29 charter. The legislation shall contain the official name of
30 the consolidated county as that name is given in the
31 consolidation charter.

32 Sec. 25. Section 331.260, subsection 2, Code 2003, is
33 amended to read as follows:

34 2. A charter proposing a community commonwealth as an
35 alternative form of government may be submitted to the voters

1 only by a commission established under section 331.232. A
2 majority vote by the commission is required for the submission
3 of a charter proposing a community commonwealth as an
4 alternative form of local government. The commission
5 submitting a community commonwealth form of government shall
6 issue a final report and proposal. ~~if-an-alternative-form-of~~
7 ~~government-for-a-community-commonwealth-form-of-local~~
8 ~~government-is-proposed, approval-of-the-commonwealth-charter~~
9 ~~shall-be-a-separate-ballot-issue-from-approval-of-the~~
10 ~~alternative-form-of-government-in-those-cities-proposed-to-be~~
11 ~~included-in-the-commonwealth.--The-commonwealth-charter-shall~~
12 ~~be-effective-in-regard-to-a-city-government-only-if-a-majority~~
13 ~~of-the-voters-of-the-city-voting-on-the-question-voted-for~~
14 ~~participation-in-the-commonwealth-charter.~~ Adoption of the
15 proposed community commonwealth charter requires the approval
16 of a majority of the votes cast in the entire county and
17 requires the approval of a majority of the votes cast in one
18 or more cities named on the ballot. A city named on the
19 ballot is included in the community commonwealth only if the
20 proposed community commonwealth charter is approved by a
21 majority of the votes cast in the city.

22 The question of forming a community commonwealth shall be
23 submitted to the electorate in substantially the same form
24 manner as provided in section 331.247, subsection 4, and
25 section 331.252. The effective date of the charter and
26 election of new officers of the community commonwealth shall
27 be as provided in section 331.247, subsection 5.

28 Sec. 26. Section 331.261, subsection 2, Code 2003, is
29 amended to read as follows:

30 2. An elective legislative body established in the manner
31 provided for county boards of supervisors under sections
32 331.201 through 331.216 and section ~~331.238~~ 331.248,
33 subsection 2, the initial compensation for members of that
34 body, and for a method of changing the compensation.

35 Sec. 27. Section 331.261, unnumbered paragraph 2, Code

1 2003, is amended to read as follows:

2 The community commonwealth charter may include other
3 provisions which the commission elects to include and which
4 are not inconsistent irreconcilable with state law, including,
5 but not limited to, those provisions in section 331.248,
6 subsection 4.

7 Sec. 28. Section 331.262, Code 2003, is amended by adding
8 the following new subsections:

9 NEW SUBSECTION. 1A. The adoption of the community
10 commonwealth form of government does not alter any right or
11 liability of the county or member city in effect at the time
12 of the election at which the charter was adopted.

13 NEW SUBSECTION. 1B. All departments and agencies of the
14 county and of each member city shall continue to operate until
15 their authority to operate is superseded by action of the
16 governing body.

17 NEW SUBSECTION. 1C. All ordinances or resolutions in
18 effect remain effective until amended or repealed, unless they
19 are irreconcilable with the adopted charter.

20 NEW SUBSECTION. 1D. Upon the effective date of the
21 adopted charter, the county shall adopt the community
22 commonwealth form of government by ordinance, and shall file a
23 copy with the secretary of state and maintain available copies
24 for public inspection.

25 NEW SUBSECTION. 1E. Members of the governing body of the
26 county and of each member city shall continue in office until
27 the members of the governing body of the community
28 commonwealth have been elected and sworn into office, at which
29 time the offices of the former governing bodies shall be
30 abolished, and the terms of the members of the former
31 governing bodies shall be terminated. During the period
32 between the effective date of the charter and the election and
33 qualification of the elected members of the new governing
34 body, the former governing bodies of each member city and of
35 the county shall continue to perform their duties and shall

1 assist in planning the transition to the community
2 commonwealth form of government.

3 NEW SUBSECTION. 1F. If a community commonwealth charter
4 is submitted to the electorate but is not adopted, another
5 charter shall not be submitted to the electorate for at least
6 two years from the date of the election at which the charter
7 was rejected. If a community commonwealth charter is adopted,
8 a proposed charter for another alternative form of county
9 government shall not be submitted to the electorate for at
10 least six years from the date of the election at which the
11 charter was adopted.

12 NEW SUBSECTION. 1G. If a community commonwealth charter
13 is adopted, the charter may be amended at any time. The
14 charter shall be amended in the manner provided in section
15 331.247, subsection 7.

16 Sec. 29. Section 372.1, Code 2003, is amended by adding
17 the following new subsections:

18 NEW SUBSECTION. 7. City-county consolidated form as
19 provided in sections 331.247 through 331.252.

20 NEW SUBSECTION. 8. Community commonwealth as provided in
21 sections 331.260 through 331.263.

22 Sec. 30. Section 372.2, unnumbered paragraph 1, Code 2003,
23 is amended to read as follows:

24 A Unless otherwise provided by law, a city may adopt a
25 different form of government not more often than once in a
26 six-year period. A different form, other than a home rule
27 charter, or special charter, city-county consolidated
28 government, or community commonwealth must be adopted as
29 follows:

30 Sec. 31. EFFECTIVE AND APPLICABILITY DATES. This Act,
31 being deemed of immediate importance, takes effect upon
32 enactment and applies as follows:

33 1. The sections of this Act amending sections 331.232 and
34 331.233A, and the portion of the section of this Act amending
35 section 331.235, subsections 1 through 3, do not apply to a

1 charter commission that has been established and is operating
2 as of the effective date of this Act.

3 2. The remainder of this Act applies retroactively to
4 charter commissions in existence before and on the effective
5 date of this Act.

6 EXPLANATION

7 This bill makes technical and substantive changes to the
8 law relating to alternative forms of county government and to
9 certain forms of city government, including the process by
10 which such alternative forms of government are proposed and
11 adopted. The bill also allows formation of local government
12 organization review committees to study whether an alternative
13 form of government should be proposed.

14 LARGE COUNTY REDISTRICTING. The bill provides that if a
15 county has adopted a charter for a city-county consolidation
16 form or community commonwealth form that provides for
17 representation by districts and the county's population
18 exceeds 180,000, the county's initial plan for districts, and
19 its first plan for districts after each federal decennial
20 census, shall be drawn by the legislative services agency
21 based upon the standards applicable to congressional and
22 legislative redistricting. If the plan drawn by the
23 legislative services agency is rejected by the governing body,
24 the governing body shall direct the legislative services
25 agency to prepare another plan as provided by current law.

26 ESTABLISHMENT OF A COMMISSION. The bill provides that a
27 charter commission created to study an alternative form of
28 county government may be established by resolution of the
29 county board of supervisors. Current law allows establishment
30 only upon petition by eligible electors. The bill also
31 provides that when a petition for establishment of a charter
32 commission is submitted to the board of supervisors, the board
33 must, within ten days, adopt a resolution establishing the
34 charter commission.

35 COMMISSION MEMBERSHIP. The bill amends the membership of a

1 commission to study city-county consolidation or community
2 commonwealth. The bill provides that one city council member
3 shall be appointed to the commission by the city council of
4 each participating city. The bill further provides that two
5 members of the board of supervisors shall be appointed for
6 each participating county. One of the two supervisors must be
7 a resident of the unincorporated area of the county. If this
8 is not possible, then the bill provides that the board of
9 supervisors shall appoint a resident of the unincorporated
10 area in lieu of appointing a supervisor. The bill further
11 provides that additional members appointed to the commission
12 shall be a resident of the appointing city or county and
13 appointees shall not be holding elective office at the time of
14 the appointment. The bill removes the requirement that city-
15 county consolidation commission members or community
16 commonwealth commission members be appointed under the same
17 guidelines as commissions studying the other alternative forms
18 of county government.

19 COMMISSION PROCEDURE AND EXPENSES. The bill shortens the
20 time for appointment of commission members from 45 days after
21 adoption of the establishment resolution to 30 days after
22 adoption of the resolution. The bill also changes from nine
23 months after organization to seven months after organization
24 the deadline for completion of a preliminary charter
25 commission report. The bill changes from 20 months after
26 organization to 12 months after organization the deadline for
27 completion of the final commission report. The bill provides
28 that commission expenses shall be paid by participating cities
29 and from the general fund of the county.

30 COMMISSION'S FINAL REPORT. The bill provides that if a
31 commission recommends no change to the existing form of
32 government, the final report shall state the reasons for and
33 against a change in the existing form of government. The bill
34 requires that a summary of a commission's final report is to
35 be published by the commission in a newspaper of general

1 circulation in each participating city, in addition to the
2 official newspapers of the participating county.

3 STATUTORY CHANGES AND CHARTER AMENDMENTS. The bill
4 provides that if the general assembly enacts a change in the
5 law on alternative forms of county government after a charter
6 commission has submitted its final report to the county board
7 of supervisors but before the charter has been submitted to
8 the electorate, the commission may amend the proposed charter
9 but only to the extent the charter amendment addresses the
10 changes in the newly enacted law.

11 The bill provides that if a charter proposing a city-county
12 consolidated form or a community commonwealth form is adopted,
13 the charter commission is dissolved on the date on which the
14 terms of office of the members of the new governing body
15 commence.

16 SPECIAL PROVISIONS FOR ELECTIONS. The bill provides that
17 the general Code provisions relating to the effect of adoption
18 of the proposed charter by the electorate do not apply to
19 city-county consolidations or to community commonwealths. The
20 bill then amends Code sections 331.249 and 331.262 to add
21 similar provisions relating to the effect of adoption of the
22 charter in that section of the Code that relates specifically
23 to city-county consolidations and to community commonwealths.

24 SPECIAL PROVISIONS FOR ALTERNATIVE FORMS OF COUNTY
25 GOVERNMENT. The bill also provides that the general Code
26 provisions relating to limitations on the alternative forms of
27 county government do not apply to city-county consolidations
28 or to community commonwealths. The bill then amends Code
29 section 331.248 to add similar limitations provisions in that
30 section of the Code that relates specifically to city-county
31 consolidations and to community commonwealths.

32 TWO FORMS OF CITY-COUNTY CONSOLIDATION. The bill provides
33 that a city-county consolidation charter may provide for the
34 merger of a county and participating cities into a single unit
35 of local government which includes a municipal corporation and

1 a county, or may provide for a unified government structure of
2 a county and one or more participating cities where each would
3 remain separate political subdivisions. Either form allows
4 the county and participating cities to retain a separate debt
5 limitation for purposes of the limitation imposed by the state
6 constitution.

7 CITY POPULATION. Current law provides that if more than 50
8 percent of a city's population resides in a county creating a
9 city-county consolidation charter commission, the city will be
10 included on the commission. The bill provides for such a
11 city's inclusion even if the population of the city falls
12 below the more than 50 percent threshold at a later date.

13 CHARTER ADOPTION. The bill provides that adoption of a
14 city-county consolidation charter or a community commonwealth
15 charter requires the approval of a majority of the votes cast
16 in the county and a majority of the votes cast in one or more
17 of the cities named on the ballot.

18 PETITIONS FOR CONSOLIDATION. The bill provides that a
19 petition to join a city-county consolidated government
20 requires signatures in an amount equal to 25 percent of the
21 persons voting at the last regular city election, rather than
22 at the general election. After receiving a petition calling
23 for participation, the city council must adopt a resolution
24 and forward it to the city-county consolidated governing body
25 within 10 days of adoption, rather than immediately.

26 CHARTER AMENDMENTS. The bill provides for amendment of a
27 city-county consolidation charter or community commonwealth
28 charter by resolution of the governing body and approval of
29 the electorate; or by ordinance of the governing body, which
30 ordinance may be petitioned for approval by referendum; or by
31 petition and election.

32 CONSOLIDATED GOVERNING BODIES. The bill provides that a
33 city-county consolidation charter shall provide for a
34 governing body of not less than five members and for the
35 initial compensation for the members and for a method of

1 changing the compensation. The bill also provides that the
2 charter shall provide for a representation plan for the
3 governing body which may differ from the representation plans
4 in current Code for counties and cities.

5 EXPEDITED COURT REVIEW. The bill provides that when a
6 charter for city-county consolidation is challenged in
7 district court, the court is to expedite its review and
8 determination on the challenge.

9 SUBSEQUENT CHARTER SUBMISSIONS. The bill provides that if
10 a city-county consolidation charter or a community
11 commonwealth charter is rejected by the electorate, another
12 charter shall not be submitted to the electorate for at least
13 two years after the election at which the charter was
14 rejected. The bill also provides that if a charter for either
15 form of government is adopted, a proposed charter for another
16 alternative form of government shall not be submitted to the
17 electorate for at least six years from the date of the
18 election at which the charter was adopted.

19 CONTINUITY AFTER CHARTER ADOPTION. The bill strikes
20 language relating to city-county consolidation that required
21 the governing body, within two years of ratification of the
22 charter, to revise, repeal, or reaffirm all rules, ordinances,
23 and resolutions in force at the time of consolidation and
24 instead provides that each rule, ordinance, and resolution
25 shall remain in force unless superseded by action of the
26 governing body or superseded by a charter provision.

27 BALLOT QUESTION. The bill amends the form of the ballot to
28 present only one question on adoption of the city-county
29 consolidation government and its charter. The bill provides
30 that these provisions also apply to community commonwealth
31 proposed charters.

32 MULTICOUNTY CONSOLIDATION. The bill provides that if
33 multicounty consolidation is approved by the electorate in two
34 or more counties, the general assembly shall pass legislation
35 recognizing the change in county boundaries.

1 EFFECTIVE DATE AND RETROACTIVE APPLICABILITY. The bill
2 takes effect upon enactment. The portions of the bill that
3 amend charter commission establishment, membership, and
4 duration do not apply to charter commissions that have been
5 established and are operating as of the effective date of the
6 bill. The remainder of the bill applies retroactively to
7 charter commissions in existence on the effective date of the
8 bill.

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HOUSE FILE 2404
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 567)

(As Amended and Passed by the House March 10, 2004)

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

A BILL FOR

1 An Act relating to certain alternative forms of county and city
2 government by providing for county redistricting and
3 representation, charter commission administration, application
4 of various statutory requirements, the manner in which a
5 charter may be proposed and adopted, amendment of a charter,
6 the organization of the governing body, and inclusions in a
7 charter, making technical changes relating to the
8 administration and authority of a city-county consolidated
9 government and a community commonwealth, making changes
10 related to multicounty consolidation, and including effective
11 and retroactive applicability date provisions.

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

13
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House Amendments _____

HF 2404

1 Section 1. Section 331.210A, subsection 2, Code 2003, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. f. (1) Notwithstanding the provisions of
4 this section to the contrary, for a county with a population
5 of one hundred eighty thousand or more that has adopted a
6 charter for a city-county consolidated form of government or a
7 community commonwealth form of government and which charter
8 provides for representation by districts, the legislative
9 services agency, and not the temporary county redistricting
10 commission, shall draw a representation plan as provided by
11 paragraph "a" pursuant to a contract executed with the county.
12 The plan drawn by the legislative services agency shall be
13 based upon the precinct plan adopted for use by the county and
14 shall be drawn in accordance with section 42.4, to the extent
15 applicable. After the legislative services agency has drawn
16 the plan, the legislative services agency shall at the
17 earliest feasible time make available to the public all of the
18 information required to be made public by paragraph "b".

19 (2) The legislative services agency shall submit the plan
20 to the governing body, and the governing body shall comply
21 with the duties required by paragraph "c", to the extent
22 applicable.

23 (3) After the requirements of paragraphs "a" through "c"
24 have been met, the governing body shall review the plan
25 submitted by the legislative services agency and shall approve
26 or reject the plan. If the plan is rejected, the governing
27 body shall give written reasons for the rejection and shall
28 direct the legislative services agency to prepare a second
29 plan, as provided in paragraph "d". The second plan may be
30 amended by the governing body in accordance with the
31 provisions of paragraph "d". After receiving the second plan,
32 the governing body shall approve either the first plan or the
33 second plan.

34 (4) The governing body, after approving a plan, shall
35 comply with the requirements of paragraph "e".

1 Sec. 2. Section 331.231, subsections 5 and 6, Code 2003,
2 are amended to read as follows:

3 5. City-county consolidated form as provided in ~~section~~
4 sections 331.247 through 331.252.

5 6. Multicounty consolidated form as provided in ~~section~~
6 sections 331.253 through 331.259.

7 Sec. 3. Section 331.232, subsection 1, Code 2003, is
8 amended to read as follows:

9 1. A charter to change a form of county government may be
10 submitted to the electors of a county only by a commission
11 established by resolution of the board upon petition of the
12 number of eligible electors of the county equal to at least
13 twenty-five percent of the votes cast in the county for the
14 office of president of the United States or governor at the
15 preceding general election or the signatures of at least ten
16 thousand eligible electors of the county, whichever number is
17 fewer. The board shall within ten days of the filing of a
18 valid petition adopt such a resolution.

19 Sec. 4. Section 331.232, subsection 3, Code 2003, is
20 amended to read as follows:

21 3. An alternative form of county government shall be
22 submitted to the county electorate by the commission in the
23 form of a charter ~~or-charter-amendment.~~

24 Sec. 5. Section 331.233A, subsections 1 and 2, Code 2003,
25 are amended to read as follows:

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

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

32 b. ~~One-member~~ Two members of the board of supervisors
33 shall be appointed by the board of each county participating
34 in the charter process. ~~The-member~~ One supervisor must be a
35 resident of the unincorporated area of the county for each

1 participating county. However, if no supervisor resides in
2 the unincorporated area, the board shall appoint a resident of
3 the unincorporated area of the county in lieu of appointing a
4 supervisor.

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

14 d. An additional member shall be appointed by each city
15 council and each county board for every twenty-five thousand
16 residents in the participating city or unincorporated area of
17 the county, whichever is applicable. The member shall be a
18 resident of the city or county, as applicable. The member
19 shall be a person who is not holding elected office at the
20 time of the appointment.

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

26 Sec. 6. Section 331.234, subsection 4, Code 2003, is
27 amended to read as follows:

28 4. The Except as otherwise provided in subsection 5, the
29 expenses of the commission may be paid from the general fund
30 of the county or. Expenses of the commission may also be paid
31 from any combination of public or private funds available for
32 that purpose. The commission's annual expenses may exceed the
33 amount in subsection 3 only if the excess is paid from private
34 funds. If a proposed charter is submitted to the electorate,
35 private funds donated to the commission may be used to promote

1 passage of the proposed charter.

2 Sec. 7. Section 331.234, Code 2003, is amended by adding
3 the following new subsection:

4 NEW SUBSECTION. 5. In the case of a city-county
5 consolidation charter commission or a community commonwealth
6 charter commission, the expenses of the commission shall be
7 paid by each city and county participating in the charter
8 process pursuant to section 331.233A. Each participating
9 city's share shall be its pro rata share of the expenses based
10 upon the ratio that the population of the city bears to the
11 total population in the county. The remainder shall be paid
12 from the general fund of the county. The amount paid by each
13 city and county participating in the charter process shall be
14 deposited in a segregated account maintained by the county.

15 Sec. 8. Section 331.235, Code 2003, is amended to read as
16 follows:

17 331.235 COMMISSION PROCEDURES AND REPORTS.

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

24 2. Within ~~nine~~ seven months after the organization of the
25 commission, the commission shall submit a preliminary report
26 to the board, which report may include the text of the
27 proposed charter. If a proposed charter is included in the
28 preliminary report, the report shall also include an analysis
29 of the fiscal impact of the proposed charter. Sufficient
30 copies of the report shall be made available for distribution
31 to residents of the county who request a copy. The commission
32 shall hold at least one public hearing after submission of the
33 preliminary report to obtain public comment. Notice of the
34 date, time, and place of the hearing shall be given as
35 provided in chapter 21.

1 3. Within twenty twelve months after organization, the
2 commission shall submit the final report to the board.
3 However, a commission may adopt a motion granting itself a
4 sixty-day extension of time for submission of its final
5 report. If the commission recommends a charter including a
6 form of government other than the existing form of government,
7 the final report shall include the full text and an
8 explanation of the proposed charter, an analysis of the fiscal
9 impact of the proposed charter, any comments deemed desirable
10 by the commission, and any minority reports. The final report
11 may recommend no change to the existing form of government and
12 that no charter be submitted to the electorate, in which case,
13 the report shall state the reasons for and against a change in
14 the existing form of government. The final report shall be
15 made available to the residents of the county upon request. A
16 summary of the final report shall be published by the
17 commission in the official newspapers of the county and in a
18 newspaper of general circulation in each participating city.

19 4. If a provision of this part is amended by enactment of
20 the general assembly after a charter commission has submitted
21 its final report to the board and before the proposed charter
22 is submitted at an election, the commission may amend the
23 proposed charter, only to the extent the charter amendment
24 addresses the changes in the newly enacted law, and shall
25 submit the amended proposed charter and an amended final
26 report to the board in lieu of the original proposed charter.
27 The amended proposed charter shall be placed on the ballot for
28 the next general election if it is received by the board
29 within the time set out in section 331.237, subsection 1. A
30 summary of any amendments to the proposed charter shall be
31 published by the commission as provided in subsection 3.

32 ~~4.~~ 5. The commission is dissolved on the date of the
33 general election at which the proposed charter is submitted to
34 the electorate. However, if a charter proposing the city-
35 county consolidated form or the community commonwealth form is

1 adopted, the commission is dissolved on the date that the
2 terms of office of the members of the governing body for the
3 alternative form of government commence. If a charter is not
4 recommended, the commission is dissolved upon submission of
5 its final report to the board.

6 Sec. 9. Section 331.237, subsection 1, Code 2003, is
7 amended to read as follows:

8 1. If a proposed charter for county government is received
9 not less than five working days before the filing deadline for
10 candidates for county offices specified in section 44.4 for
11 the next general election, the board shall direct the county
12 commissioner of elections to submit to the registered voters
13 of the county at the next general election the question of
14 whether the proposed charter shall be adopted. A summary of
15 the proposed charter or amendment shall be published in the
16 official county newspapers and in a newspaper of general
17 circulation in each participating city, if applicable, at
18 least ten but not more than twenty days before the date of the
19 election. ~~If~~ Except as otherwise provided in sections 331.247
20 and 331.260, if a majority of the votes cast on the question
21 is in favor of the proposal, the proposal is adopted.

22 Sec. 10. Section 331.237, Code 2003, is amended by adding
23 the following new subsection:

24 NEW SUBSECTION. 4. Subsections 2 and 3 do not apply to
25 the city-county consolidated form of government or the
26 community commonwealth form of government.

27 Sec. 11. Section 331.238, Code 2003, is amended by adding
28 the following new subsection:

29 NEW SUBSECTION. 4. Subsections 1 and 2 do not apply to
30 the city-county consolidated form of government or the
31 community commonwealth form of government.

32 Sec. 12. Section 331.244, Code 2003, is amended by adding
33 the following new subsection:

34 NEW SUBSECTION. 3. This section does not apply to the
35 city-county consolidated form of government or the community

1 commonwealth form of government.

2 Sec. 13. Section 331.245, Code 2003, is amended by adding
3 the following new unnumbered paragraph:

4 NEW UNNUMBERED PARAGRAPH. This section does not apply to
5 the city-county consolidated form of government or the
6 community commonwealth form of government.

7 Sec. 14. Section 331.247, Code 2003, is amended to read as
8 follows:

9 331.247 CITY-COUNTY CONSOLIDATION FORM.

10 1. ~~A county and one or more cities within the county may~~
11 ~~unite to form a single unit of local government in accordance~~
12 ~~with this part.~~ A commission appointed pursuant to section
13 331.233A may propose a charter under which a county and one or
14 more cities within the county may unite to form a single unit
15 of local government, or may propose a charter under which a
16 county and one or more cities within the county may create a
17 unified government empowered to govern a city and a county
18 with each retaining the separate status and power of a city or
19 a county for all purposes and constituting separate political
20 subdivisions under combined governance. Either option
21 proposed shall be referred to as a city-county consolidated
22 form of government. If more than fifty percent of the
23 population of a city resides within the affected county, it is
24 a city within the county for the purposes of this section and
25 may continue its status as a city within the county even if
26 the population of such city falls below the more than fifty
27 percent threshold in a future census.

28 2. ~~An alternative form of government, including a charter~~
29 ~~form, for a consolidated unit of government may be submitted~~
30 ~~to the voters only by a commission established under this~~
31 ~~chapter.~~ A majority vote by the charter commission is
32 required for the submission to the electorate of an
33 ~~alternative form of government for a consolidated unit of~~
34 ~~local government~~ a proposed charter for a city-county
35 consolidated form of government. ~~The charter commission~~

1 ~~submitting a consolidated form shall issue a final report and~~
2 ~~proposal.~~

3 3. ~~An alternative form of government for a~~ A city-county
4 ~~consolidated unit of local form of~~ form of government does not need to
5 include more than one city. A city shall not be included
6 unless the city participates in the commission process, ~~and a~~
7 ~~majority of the electors of the affected city voting approves~~
8 ~~the proposed charter for the consolidated government.~~

9 4. ~~If an alternative form of government for a consolidated~~
10 ~~unit of local government is proposed, approval of the~~
11 ~~consolidation charter shall be a separate ballot issue from~~
12 ~~approval of the alternative form of government in those cities~~
13 ~~proposed to be included in the consolidation.~~ Adoption of the
14 proposed consolidation charter requires the approval of a
15 majority of the votes cast in the entire county and requires
16 the approval of a majority of the votes cast in one or more
17 cities named on the ballot. The consolidation charter shall
18 be effective in regard to a city government named on the
19 ballot only if a majority of the ~~voters of the city voting on~~
20 ~~the question voted for participation in the~~ votes cast in that
21 city approves the consolidation charter.

22 5. An adopted charter takes effect July 1 following the
23 general election at which it is approved unless the charter
24 provides a later effective date. If the adopted charter calls
25 for a change in the form of government, officers to fill
26 elective offices created by the charter shall be elected in
27 the general election in the even-numbered year following the
28 adoption of the charter.

29 5- 6. A city may request to join an existing city-county
30 consolidated government by resolution of the city council or
31 upon petition of eligible electors of the city equal in number
32 to at least twenty-five percent of the persons who voted at
33 the last ~~general election for the office of governor or~~
34 ~~president of the United States, whichever is fewer~~ regular
35 city election. Within fifteen days after receiving a valid

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

11 7. a. If a charter is adopted, it may be amended at any
12 time by one of the following methods:

13 (1) The governing body of the city-county consolidated
14 government, by resolution, may submit a proposed amendment to
15 the voters, and the proposed amendment becomes effective only
16 upon approval by a majority of those voting on the proposed
17 amendment within the city-county consolidated area.

18 (2) The governing body of the city-county consolidated
19 government, by ordinance, may amend the charter. However,
20 within thirty days following publication of the ordinance, if
21 a petition valid under the provisions of section 331.306 is
22 filed with the governing body of the city-county consolidated
23 government, the governing body must submit the charter
24 amendment to the voters and, in such event, the amendment
25 becomes effective only upon approval of a majority of those
26 voting on the proposed amendment within the city-county
27 consolidated area.

28 (3) If a petition valid under the provisions of section
29 331.306 is filed with the governing body of the city-county
30 consolidated government, proposing an amendment to the
31 charter, the governing body must submit the proposed amendment
32 to the voters and, in such an event, the amendment becomes
33 effective only upon approval of a majority of those voting on
34 the proposed amendment within the city-county consolidated
35 area.

1 b. The proposed amendment shall be submitted at the
2 general election. However, if the amendment is proposed
3 pursuant to paragraph "a", subparagraph (1), the proposed
4 amendment may be submitted at a special election if the
5 resolution submitting the amendment to the voters is adopted
6 by a two-thirds majority of the membership of the governing
7 body.

8 c. If an election is held, the governing body shall submit
9 the question of amending the charter to the electors in
10 substantially the following form:

11 Should the amendment described below be adopted for the
12 city-county consolidated charter of (insert name of county and
13 of each consolidated city)?

14 The ballot must contain a brief description and summary of
15 the proposed amendment.

16 d. An amendment shall not adopt an alternative form of
17 county government.

18 e. Notwithstanding paragraph "b", if an amendment to a
19 charter proposes to increase or decrease the number of members
20 on the governing body, the amendment shall be submitted to the
21 voters at a general election.

22 Sec. 15. Section 331.248, subsection 1, Code 2003, is
23 amended to read as follows:

24 1. The charter commission proposing consolidation a city-
25 county consolidated form of government shall prepare, adopt,
26 and submit cause to be submitted to the voters a-consolidation
27 the charter including-an-alternative-form-of-government.

28 Sec. 16. Section 331.248, subsection 2, Code 2003, is
29 amended to read as follows:

30 2. The consolidation charter for a city-county
31 consolidated form of government shall:

32 a. Provide for adjustment of existing bonded indebtedness
33 and other obligations in a manner which will provide for a
34 fair and equitable burden of taxation for debt service.

35 b. Provide for establishment of service areas, except that

1 formation of a city-county consolidation-government
2 consolidated form of government shall not affect the
3 assignment of electric utility service territories pursuant to
4 chapter 476, and shall not affect the rights of a city to
5 grant a franchise under chapter 364.

6 c. Provide for the transfer or other disposition of
7 property and other rights, claims, assets, and franchises of
8 ~~local-governments~~ the county and each city consolidated under
9 the alternative form.

10 d. Provide the official name of the city-county
11 consolidated unit-of-local government.

12 e. Provide for the transfer, reorganization, abolition,
13 absorption, and adjustment of boundaries of all existing
14 boards, bureaus, commissions, agencies, special districts, and
15 political subdivisions of the city-county consolidated
16 government.

17 ~~f. Include other provisions which the county charter~~
18 ~~commission and the city charter commission elect to include~~
19 ~~and which are not inconsistent with state law. Provide for~~
20 the exercise of home rule power and authority not inconsistent
21 with state law.

22 g. Provide for a governing body of an odd number of
23 members, not less than five, but which may exceed the number
24 of members specified in sections 331.201, 331.203, and
25 331.204. The titles of the members of the governing body
26 shall be determined by the charter.

27 h. Provide for a representation plan for the governing
28 body which representation plan may differ from the
29 representation plans provided in section 331.206 and in
30 chapter 372. If the plan calls for representation by
31 districts and the charter has been approved in a county whose
32 population is one hundred eighty thousand or more, the plan
33 shall be drawn pursuant to section 331.210A, subsection 2,
34 paragraph "f". The initial representation plan for such a
35 county shall be drawn as provided in section 331.210A,

1 subsection 2, paragraph "f", within one hundred twenty days
2 after the election at which the charter is approved. For the
3 initial representation plan, the charter commission shall
4 assume the role of the governing body for purposes of this
5 paragraph and section 331.210A, subsection 2, paragraphs "d"
6 through "f".

7 i. Provide for the initial compensation for members of the
8 governing body and for a method of changing the compensation.

9 Sec. 17. Section 331.248, Code 2003, is amended by adding
10 the following new subsection:

11 NEW SUBSECTION. 4. The consolidation charter may include
12 other provisions which the commission elects to include and
13 which are not irreconcilable with state law. These provisions
14 may include but are not limited to the following:

15 a. Provide for a method of selecting officers of the
16 governing body and fixing their terms of office which may
17 differ from the requirements of sections 331.208 through
18 331.211 and the provisions of chapter 372.

19 b. Provide for meetings of the governing body and rules of
20 procedure which may differ from the requirements of section
21 331.213, except that the meetings shall be scheduled and
22 conducted in compliance with chapter 21.

23 c. Provide for combining the duties of elected officials
24 of the county, for eliminating elected offices and the
25 assumption of the duties of those offices by appointed
26 officials, and for adding to, deleting from, or otherwise
27 changing the duties of officials, elected or otherwise, of the
28 county and each consolidated city. If the charter provides
29 that one or more elective offices are combined, the board of
30 supervisors shall appoint one of the elective officers of the
31 combined offices to serve until new officers have been elected
32 at the general election in the even-numbered year and have
33 qualified for office. If the charter calls for the
34 elimination of an elective office, that elective officer's
35 term of office shall expire on the date specified in the

1 charter.

2 d. Provide for the organization of city and county
3 departments, agencies, or boards. The organization plan may
4 provide for the abolition or consolidation of a department,
5 agency, board, or commission and the assumption of its powers
6 and duties by the governing body or by another department,
7 agency, board, or commission.

8 e. Provide for a method for the governing body or another
9 office to exercise the powers and duties of the township
10 trustees, in lieu of their election or appointment.

11 f. Provide for a chief executive officer, a method of
12 selecting that officer, the compensation for that officer, a
13 method of changing the compensation, and the powers and duties
14 of that officer.

15 g. If the charter provides for a chief executive office,
16 provide for the appointment of a chief executive officer pro
17 tem, the compensation for that officer, a method of changing
18 the compensation, and the manner in which that officer would
19 exercise the powers and duties of the chief executive officer.

20 h. Provide for the appointment of a city manager, a method
21 for determining and changing the compensation for the city
22 manager, and the powers and duties of the city manager.

23 This subsection does not apply to the board of trustees of
24 a county hospital or to the board of trustees of a city
25 hospital.

26 Sec. 18. Section 331.249, Code 2003, is amended to read as
27 follows:

28 331.249 EFFECT OF CONSOLIDATION.

29 1. a. ~~The consolidation of one or more cities and one or~~
30 ~~more counties shall create a unified government which includes~~
31 ~~a municipal corporation and a county.~~ A city-county
32 consolidated form of government under which a county and one
33 or more cities within the county unite to form a single unit
34 of local government shall create a unified government which
35 includes a municipal corporation and a county. The

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

8 b. The governing body of a city-county consolidated form
9 of government under which a county and one or more cities
10 within the county create a unified government empowered to
11 govern a city and a county shall have, with respect to the
12 county, the power and authority of the board of supervisors of
13 a county, and, with respect to each city, the power and
14 authority of the city council of a city. Each consolidated
15 city and the county constitute separate political
16 subdivisions. Each consolidated city and the county shall
17 each retain a separate constitutional debt limitation and
18 shall each have the authority to issue bonds and incur
19 financial obligations in accordance with the provisions of
20 state law applicable to a city or a county, respectively.

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

34 If a city-county consolidation charter is proposed, within
35 ninety days following the final report of the commission, a

1 resident or property owner of the commission area proposed to
2 be consolidated may bring an action in district court for
3 declaratory judgment to determine the legality of the proposed
4 charter and to otherwise declare the effect of the charter.
5 The court shall expedite its review and determination in this
6 matter. The referendum on the proposed charter shall be
7 stayed during pendency of the action and for such additional
8 time during which the proposed charter or its enabling
9 legislation does not conform to the Constitution or laws of
10 the State of Iowa. If in its final judgment the court
11 determines that the proposed charter fails to conform to the
12 Constitution or laws of this state, the commission shall have
13 a period of six months in which to revise and resubmit the
14 proposed charter.

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

20 4. The adoption of a charter for a city-county
21 consolidated government does not alter any right or liability
22 of the county or consolidated city in effect at the time of
23 the election at which the charter was adopted.

24 5. All departments and agencies of the county and of each
25 consolidated city shall continue to operate until their
26 authority to operate is superseded by action of the governing
27 body.

28 6. Upon the effective date of the adopted charter, the
29 county and each participating city shall adopt the city-county
30 consolidated form of government by ordinance, and shall file a
31 copy with the secretary of state and maintain available copies
32 for public inspection. The county shall provide each
33 participating city with a copy of the county's ordinance.
34 Each participating city shall provide a copy of that city's
35 ordinance to the county and to the other participating cities.

1 7. Members of the governing body of the county shall
2 continue in office after the effective date of the charter
3 until the members of the governing body and the chief
4 executive officer, if any, of the city-county consolidated
5 government have been elected and qualified, at which time the
6 offices of the former governing body of the county shall be
7 abolished and the terms of the members of the former governing
8 body shall be terminated. Members of the governing body and
9 the mayor of each consolidated city shall continue in office
10 after the effective date of the charter until the members of
11 the governing body of the city-county consolidated government
12 and the chief executive officer, if any, have been elected and
13 qualified, at which time the office of mayor and of the former
14 governing body of each consolidated city shall be abolished
15 and the term of the members of each governing body and the
16 term of each mayor shall be terminated.

17 During the period between the effective date of the charter
18 and the election and qualification of the members of the
19 governing body of the city-county consolidated government and
20 the election and qualification of the chief executive officer,
21 if any, the former governing bodies of the county and each
22 city and the mayor of each city shall continue to exercise the
23 power of, and to perform the duties for, their respective
24 county and city. The charter shall provide that these
25 incumbent officers assist in planning and carrying out the
26 transition to the city-county consolidated form of government.
27 The board of supervisors shall include in its budget for the
28 fiscal year in which the charter becomes effective funds
29 sufficient to provide for the operating expenses of a
30 transition committee and for expenses incurred in initially
31 establishing districts if the charter provides for
32 representation by districts and for salaries for newly elected
33 officers of the city-county consolidated government, after
34 consultation with the transition committee.

35 8. If a city-county consolidation charter is submitted to

1 the electorate but is not adopted, another charter shall not
2 be submitted to the electorate for at least two years from the
3 date of the election at which the charter was rejected. If a
4 city-county consolidation charter is adopted, a proposed
5 charter for another alternative form of county government
6 shall not be submitted to the electorate for at least six
7 years from the date of the election at which the charter was
8 adopted.

9 Sec. 19. Section 331.250, Code 2003, is amended to read as
10 follows:

11 331.250 GENERAL POWERS OF CONSOLIDATED LOCAL GOVERNMENTS.

12 The consolidation charter shall provide for the delivery of
13 services to specified areas of the ~~consolidated-local~~
14 government county and of each consolidated city. The
15 governing body of the consolidated government shall **administer**
16 supervise the administration of the provision of services in
17 each of the designated service areas and shall have the
18 authority to determine the boundaries of the service areas.
19 For each service provided by the consolidated government, the
20 consolidated government shall assume the same statutory
21 rights, powers, and duties relating to the provision of the
22 service as if the county or the member city were itself
23 providing the service to its citizens.

24 Sec. 20. Section 331.251, Code 2003, is amended to read as
25 follows:

26 331.251 RULES, ORDINANCES, AND RESOLUTIONS OF CONSOLIDATED
27 UNIT GOVERNMENT.

28 ~~Within two years after ratification of the consolidation,~~
29 ~~the governing body of the consolidated unit of local~~
30 ~~government shall revise, repeal, or reaffirm all rules,~~
31 ~~ordinances, and resolutions in force within the participating~~
32 ~~county and cities at the time of consolidation.~~

33 1. Each rule, ordinance, or resolution in force ~~at the~~
34 ~~time of consolidation~~ within a county or within a city on the
35 effective date of the charter shall remain in force within the

1 ~~former-geographic-jurisdiction~~ that county or within that city
2 until superseded by action of the new governing body, unless
3 the rule, ordinance, or resolution is in conflict with a
4 provision of the charter, in which case, the charter provision
5 shall supersede the conflicting rule, ordinance, or
6 resolution. The governing body of a participating city or
7 county in office on the effective date of the charter shall
8 retain its powers to adopt motions, resolutions, or ordinances
9 provided that such motions, resolutions, or ordinances do not
10 conflict with the provisions of the charter. Ordinances and
11 resolutions relating to public improvements to be paid for in
12 whole or in part by special assessments shall remain in effect
13 until paid in full.

14 2. If a charter creating a city-county consolidated form
15 of government provides for a chief executive officer with the
16 power to veto an ordinance, an amendment to an ordinance, or a
17 resolution, the governing body shall adopt legislation in
18 accordance with the provisions of chapter 380. If a charter
19 creating a city-county consolidated form of government does
20 not provide for a chief executive officer, the governing body
21 shall adopt legislation in accordance with the provisions of
22 section 331.302. However, a charter may provide that approval
23 of certain ordinances, amendments, or resolutions shall
24 require the affirmative vote of more than a majority of all
25 members of the governing body.

26 Sec. 21. Section 331.252, Code 2003, is amended to read as
27 follows:

28 331.252 FORM OF BALLOT -- CITY-COUNTY CONSOLIDATION.
29 The question of city-county consolidation shall be
30 submitted to the electors in substantially the following form:
31 Should the ~~corporate-existence-and-governments-of-the~~
32 ~~county-of-.....-and-the-cities-of-.....-and-.....-be~~
33 ~~consolidated-into-one-joint-city-county-corporation-government~~
34 charter described below be adopted for (insert name of county
35 and each city proposing to consolidate)?

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

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

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

8 Sec. 22. Section 331.254, unnumbered paragraph 1, Code
9 2003, is amended to read as follows:

10 When multicounty consolidation is recommended, ~~a petition~~
11 ~~must contain a~~ the consolidation charter which provides shall
12 provide for all of the following:

13 Sec. 23. Section 331.254, subsection 6, Code 2003, is
14 amended by striking the subsection.

15 Sec. 24. NEW SECTION. 331.257 RECOGNITION OF CHANGE IN
16 BOUNDARIES BY GENERAL ASSEMBLY.

17 If a charter for multicounty consolidation is adopted
18 pursuant to section 331.255 or if the question of joining a
19 multicounty consolidated government is approved pursuant to
20 section 331.256, the general assembly next convening following
21 the election required by section 331.255 or 331.256 shall pass
22 legislation recognizing the change in boundaries of the
23 counties where the question of multicounty consolidation was
24 approved. The boundaries recognized in the legislation shall
25 conform to the boundaries contained in the consolidation
26 charter. The legislation shall contain the official name of
27 the consolidated county as that name is given in the
28 consolidation charter.

29 Sec. 25. Section 331.260, subsection 2, Code 2003, is
30 amended to read as follows:

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

1 alternative form of local government. The commission
2 submitting a community commonwealth form of government shall
3 issue a final report and proposal. ~~If an alternative form of~~
4 ~~government for a community commonwealth form of local~~
5 ~~government is proposed, approval of the commonwealth charter~~
6 ~~shall be a separate ballot issue from approval of the~~
7 ~~alternative form of government in those cities proposed to be~~
8 ~~included in the commonwealth. --The commonwealth charter shall~~
9 ~~be effective in regard to a city government only if a majority~~
10 ~~of the voters of the city voting on the question voted for~~
11 ~~participation in the commonwealth charter.~~ Adoption of the
12 proposed community commonwealth charter requires the approval
13 of a majority of the votes cast in the entire county and
14 requires the approval of a majority of the votes cast in one
15 or more cities named on the ballot. A city named on the
16 ballot is included in the community commonwealth only if the
17 proposed community commonwealth charter is approved by a
18 majority of the votes cast in the city.

19 The question of forming a community commonwealth shall be
20 submitted to the electorate in substantially the same ~~form~~
21 manner as provided in section 331.247, subsection 4, and
22 section 331.252. The effective date of the charter and
23 election of new officers of the community commonwealth shall
24 be as provided in section 331.247, subsection 5.

25 Sec. 26. Section 331.261, subsection 2, Code 2003, is
26 amended to read as follows:

27 2. An elective legislative body established in the manner
28 provided for county boards of supervisors under sections
29 331.201 through 331.216 and section ~~331.238~~ 331.248,
30 subsection 2, the initial compensation for members of that
31 body, and for a method of changing the compensation.

32 Sec. 27. Section 331.261, unnumbered paragraph 2, Code
33 2003, is amended to read as follows:

34 The community commonwealth charter may include other
35 provisions which the commission elects to include and which

1 are not inconsistent irreconcilable with state law, including,
2 but not limited to, those provisions in section 331.248,
3 subsection 4.

4 Sec. 28. Section 331.262, Code 2003, is amended by adding
5 the following new subsections:

6 NEW SUBSECTION. 1A. The adoption of the community
7 commonwealth form of government does not alter any right or
8 liability of the county or member city in effect at the time
9 of the election at which the charter was adopted.

10 NEW SUBSECTION. 1B. All departments and agencies of the
11 county and of each member city shall continue to operate until
12 their authority to operate is superseded by action of the
13 governing body.

14 NEW SUBSECTION. 1C. All ordinances or resolutions in
15 effect remain effective until amended or repealed, unless they
16 are irreconcilable with the adopted charter.

17 NEW SUBSECTION. 1D. Upon the effective date of the
18 adopted charter, the county shall adopt the community
19 commonwealth form of government by ordinance, and shall file a
20 copy with the secretary of state and maintain available copies
21 for public inspection.

22 NEW SUBSECTION. 1E. Members of the governing body of the
23 county and of each member city shall continue in office until
24 the members of the governing body of the community
25 commonwealth have been elected and sworn into office, at which
26 time the offices of the former governing bodies shall be
27 abolished, and the terms of the members of the former
28 governing bodies shall be terminated. During the period
29 between the effective date of the charter and the election and
30 qualification of the elected members of the new governing
31 body, the former governing bodies of each member city and of
32 the county shall continue to perform their duties and shall
33 assist in planning the transition to the community
34 commonwealth form of government.

35 NEW SUBSECTION. 1F. If a community commonwealth charter

1 is submitted to the electorate but is not adopted, another
2 charter shall not be submitted to the electorate for at least
3 two years from the date of the election at which the charter
4 was rejected. If a community commonwealth charter is adopted,
5 a proposed charter for another alternative form of county
6 government shall not be submitted to the electorate for at
7 least six years from the date of the election at which the
8 charter was adopted.

9 NEW SUBSECTION. 1G. If a community commonwealth charter
10 is adopted, the charter may be amended at any time. The
11 charter shall be amended in the manner provided in section
12 331.247, subsection 7.

13 Sec. 29. Section 372.1, Code 2003, is amended by adding
14 the following new subsections:

15 NEW SUBSECTION. 7. City-county consolidated form as
16 provided in sections 331.247 through 331.252.

17 NEW SUBSECTION. 8. Community commonwealth as provided in
18 sections 331.260 through 331.263.

19 Sec. 30. Section 372.2, unnumbered paragraph 1, Code 2003,
20 is amended to read as follows:

21 A Unless otherwise provided by law, a city may adopt a
22 different form of government not more often than once in a
23 six-year period. A different form, other than a home rule
24 charter, or special charter, city-county consolidated
25 government, or community commonwealth must be adopted as
26 follows:

27 Sec. 31. EFFECTIVE AND APPLICABILITY DATES. This Act,
28 being deemed of immediate importance, takes effect upon
29 enactment and applies as follows:

30 1. The sections of this Act amending sections 331.232 and
31 331.233A, and the portion of the section of this Act amending
32 section 331.235, subsections 1 through 3, do not apply to a
33 charter commission that has been established and is operating
34 as of the effective date of this Act.

35 2. The remainder of this Act applies retroactively to

1 charter commissions in existence before and on the effective
2 date of this Act.

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Chair: Elgin
Fallon
Hutter
Jochum
Oldson
Roberts
Watts

Sponsored by
S. 02404

HSB 507
STATE GOVERNMENT

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON ELGIN)

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

A BILL FOR

1 An Act relating to certain alternative forms of county and city
2 government by providing for county redistricting and
3 representation, charter commission administration, application
4 of various statutory requirements, the manner in which a
5 charter may be proposed and adopted, amendment of a charter,
6 the organization of the governing body, and inclusions in a
7 charter, making technical changes relating to the
8 administration and authority of a city-county consolidated
9 government and a community commonwealth, allowing formation of
10 local government organization review committees, and including
11 effective and retroactive applicability date provisions.

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

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1 Section 1. Section 331.210A, subsection 2, Code 2003, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. f. (1) Notwithstanding the provisions of
4 this section to the contrary, for a county with a population
5 of one hundred eighty thousand or more that has adopted a
6 charter for a city-county consolidated form of government or a
7 community commonwealth form of government and which charter
8 provides for representation by districts, the legislative
9 services agency, and not the temporary county redistricting
10 commission, shall draw a representation plan as provided by
11 paragraph "a" pursuant to a contract executed with the county.
12 The plan drawn by the legislative services agency shall be
13 based upon the precinct plan adopted for use by the county and
14 shall be drawn in accordance with section 42.4, to the extent
15 applicable. After the legislative services agency has drawn
16 the plan, the legislative services agency shall at the
17 earliest feasible time make available to the public all of the
18 information required to be made public by paragraph "b".

19 (2) The legislative services agency shall submit the plan
20 to the governing body, and the governing body shall comply
21 with the duties required by paragraph "c", to the extent
22 applicable.

23 (3) After the requirements of paragraphs "a" through "c"
24 have been met, the governing body shall review the plan
25 submitted by the legislative services agency and shall approve
26 or reject the plan. If the plan is rejected, the governing
27 body shall give written reasons for the rejection and shall
28 direct the legislative services agency to prepare a second
29 plan, as provided in paragraph "d". The second plan may be
30 amended by the governing body in accordance with the
31 provisions of paragraph "d". After receiving the second plan,
32 the governing body shall approve either the first plan or the
33 second plan.

34 (4) The governing body, after approving a plan, shall
35 comply with the requirements of paragraph "e".

1 Sec. 2. Section 331.231, subsections 5 and 6, Code 2003,
2 are amended to read as follows:

3 5. City-county consolidated form as provided in section
4 sections 331.247 through 331.252.

5 6. Multicounty consolidated form as provided in section
6 sections 331.253 through 331.259.

7 Sec. 3. Section 331.232, subsection 3, Code 2003, is
8 amended to read as follows:

9 3. An alternative form of county government shall be
10 submitted to the county electorate by the commission in the
11 form of a charter ~~or charter-amendment.~~

12 Sec. 4. Section 331.234, subsection 4, Code 2003, is
13 amended to read as follows:

14 4. The Except as otherwise provided in subsection 5, the
15 expenses of the commission may be paid from the general fund
16 of the county ~~or.~~ Expenses of the commission may also be paid
17 from any combination of public or private funds available for
18 that purpose. The commission's annual expenses may exceed the
19 amount in subsection 3 only if the excess is paid from private
20 funds. If a proposed charter is submitted to the electorate,
21 private funds donated to the commission may be used to promote
22 passage of the proposed charter.

23 Sec. 5. Section 331.234, Code 2003, is amended by adding
24 the following new subsection:

25 NEW SUBSECTION. 5. In the case of a city-county
26 consolidation charter commission or a community commonwealth
27 charter commission, the expenses of the commission shall be
28 paid by each city and county participating in the charter
29 process pursuant to section 331.233A. Each participating
30 city's share shall be its pro rata share of the expenses based
31 upon the ratio that the population of the city bears to the
32 total population in the county. The remainder shall be paid
33 from the general fund of the county. The amount paid by each
34 city and county participating in the charter process shall be
35 deposited in a segregated account maintained by the county.

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1 Sec. 6. Section 331.235, Code 2003, is amended to read as
2 follows:

3 331.235 COMMISSION PROCEDURES AND REPORTS.

4 1. Within sixty days after its organization, the
5 commission shall hold at least one public hearing for the
6 purpose of receiving information and material which will
7 assist in the drafting of a charter. Notice of the date,
8 time, and place of the hearing shall be given as provided in
9 chapter 21. If the commission is created pursuant to section
10 331.264, subsection 4, the hearing shall be held thirty days
11 after submission of the preliminary report to the board,
12 pursuant to section 331.264, subsection 3.

13 2. Within nine months after the organization of the
14 commission, the commission shall submit a preliminary report
15 to the board, which report may include the text of the
16 proposed charter. If a proposed charter is included in the
17 preliminary report, the report shall also include an analysis
18 of the fiscal impact of the proposed charter. Sufficient
19 copies of the report shall be made available for distribution
20 to residents of the county who request a copy. The commission
21 shall hold at least one public hearing after submission of the
22 preliminary report to obtain public comment. This subsection
23 does not apply if the commission is created pursuant to
24 section 331.264, subsection 4.

25 3. Within twenty months after organization, the commission
26 shall submit the final report to the board. If the commission
27 is created pursuant to section 331.264, subsection 4, the
28 commission shall submit the final report to the board within
29 five months after submission of the preliminary report to the
30 board pursuant to section 331.264, subsection 3. A commission
31 created pursuant to section 331.264, subsection 4, may adopt a
32 motion granting itself a sixty-day extension of time for
33 submission of its final report. If the commission recommends
34 a charter including a form of government other than the
35 existing form of government, the final report shall include

1 the full text and an explanation of the proposed charter, an
 2 analysis of the fiscal impact of the proposed charter, any
 3 comments deemed desirable by the commission, and any minority
 4 reports. The final report may recommend no change to the
 5 existing form of government and that no charter be submitted
 6 to the electorate, in which case, the report shall state the
 7 reasons for and against a change in the existing form of
 8 government. The final report shall be made available to the
 9 residents of the county upon request. A summary of the final
 10 report shall be published by the commission in the official
 11 newspapers of the county and in a newspaper of general
 12 circulation in each participating city.

13 4. If a provision of this part is amended by enactment of
 14 the general assembly after a charter commission has submitted
 15 its final report to the board and before the proposed charter
 16 is submitted at an election, the commission may amend the
 17 proposed charter, only to the extent the charter amendment
 18 addresses the changes in the newly enacted law, and shall
 19 submit the amended proposed charter and an amended final
 20 report to the board in lieu of the original proposed charter.
 21 The amended proposed charter shall be placed on the ballot for
 22 the next general election if it is received by the board
 23 within the time set out in section 331.237, subsection 1. A
 24 summary of any amendments to the proposed charter shall be
 25 published by the commission as provided in subsection 3.

26 ~~4.~~ 5. The commission is dissolved on the date of the
 27 general election at which the proposed charter is submitted to
 28 the electorate. However, if a charter proposing the city-
 29 county consolidated form or the community commonwealth form is
 30 adopted, the commission is dissolved on the date that the
 31 terms of office of the members of the governing body for the
 32 alternative form of government commence. If a charter is not
 33 recommended, the commission is dissolved upon submission of
 34 its final report to the board.

35 Sec. 7. Section 331.237, subsection 1, Code 2003, is

1 amended to read as follows:

2 1. If a proposed charter for county government is received
3 not less than five working days before the filing deadline for
4 candidates for county offices specified in section 44.4 for
5 the next general election, the board shall direct the county
6 commissioner of elections to submit to the registered voters
7 of the county at the next general election the question of
8 whether the proposed charter shall be adopted. A summary of
9 the proposed charter or amendment shall be published in the
10 official county newspapers and in a newspaper of general
11 circulation in each participating city, if applicable, at
12 least ten but not more than twenty days before the date of the
13 election. ~~¶~~ Except as otherwise provided in sections 331.247
14 and 331.260, if a majority of the votes cast on the question
15 is in favor of the proposal, the proposal is adopted.

16 Sec. 8. Section 331.237, Code 2003, is amended by adding
17 the following new subsection:

18 NEW SUBSECTION. 4. Subsections 2 and 3 do not apply to
19 the city-county consolidated form of government or the
20 community commonwealth form of government.

21 Sec. 9. Section 331.238, subsection 3, Code 2003, is
22 amended to read as follows:

23 3. An alternative form of county government shall provide
24 for the partisan election of its officers. However, for the
25 city-county consolidated form of government and the community
26 commonwealth form of government, the question of whether
27 officers will be elected on a partisan or nonpartisan basis
28 shall be a separate ballot issue contained on the same ballot
29 as the question of adopting the proposed charter.

30 Sec. 10. Section 331.238, Code 2003, is amended by adding
31 the following new subsection:

32 NEW SUBSECTION. 4. Subsections 1 and 2 do not apply to
33 the city-county consolidated form of government or the
34 community commonwealth form of government.

35 Sec. 11. Section 331.244, Code 2003, is amended by adding

1 the following new subsection:

2 NEW SUBSECTION. 3. This section does not apply to the
3 city-county consolidated form of government or the community
4 commonwealth form of government.

5 Sec. 12. Section 331.245, Code 2003, is amended by adding
6 the following new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. This section does not apply to
8 the city-county consolidated form of government or the
9 community commonwealth form of government.

10 Sec. 13. Section 331.247, Code 2003, is amended to read as
11 follows:

12 331.247 CITY-COUNTY CONSOLIDATION FORM.

13 1. ~~A county and one or more cities within the county may~~
14 ~~unite to form a single unit of local government in accordance~~
15 ~~with this part.~~ A commission appointed pursuant to section
16 331.233A may propose a charter under which a county and one or
17 more cities within the county may unite to form a single unit
18 of local government, or may propose a charter under which a
19 county and one or more cities within the county may create a
20 unified government empowered to govern a city and a county
21 with each retaining the separate status and power of a city or
22 a county for all purposes and constituting separate political
23 subdivisions under combined governance. Either option
24 proposed shall be referred to as a city-county consolidated
25 form of government. If more than fifty percent of the
26 population of a city resides within the affected county, it is
27 a city within the county for the purposes of this section and
28 may continue its status as a city within the county even if
29 the population of such city falls below the more than fifty
30 percent threshold in a future census.

31 2. ~~An alternative form of government, including a charter~~
32 ~~form, for a consolidated unit of government may be submitted~~
33 ~~to the voters only by a commission established under this~~
34 ~~chapter.~~ A majority vote by the charter commission is
35 required for the submission to the electorate of an

1 ~~alternative form of government for a consolidated unit of~~
 2 ~~local government~~ a proposed charter for a city-county
 3 consolidated form of government. ~~The charter commission~~
 4 ~~submitting a consolidated form shall issue a final report and~~
 5 ~~proposal.~~

6 3. ~~An alternative form of government for a~~ A city-county
 7 ~~consolidated unit of local~~ form of government does not need to
 8 include more than one city. A city shall not be included
 9 unless the city participates in the commission process, ~~and a~~
 10 ~~majority of the electors of the affected city voting approves~~
 11 ~~the proposed charter for the consolidated government.~~

12 4. ~~If an alternative form of government for a consolidated~~
 13 ~~unit of local government is proposed, approval of the~~
 14 ~~consolidation charter shall be a separate ballot issue from~~
 15 ~~approval of the alternative form of government in those cities~~
 16 ~~proposed to be included in the consolidation.~~ Adoption of the
 17 proposed consolidation charter requires the approval of a
 18 majority of the votes cast in the entire county and the votes
 19 cast in any extra-county area of a city named on the ballot,
 20 and requires the approval of a majority of the votes cast in
 21 one or more cities named on the ballot. The consolidation
 22 charter shall be effective in regard to a city government
 23 named on the ballot only if a majority of the voters of the
 24 city voting on the question voted for participation in the
 25 votes cast in that city approves the consolidation charter.

26 5. An adopted charter takes effect July 1 following the
 27 general election at which it is approved unless the charter
 28 provides a later effective date. If the adopted charter calls
 29 for a change in the form of government, officers to fill
 30 elective offices created by the charter shall be elected in
 31 the general election in the even-numbered year following the
 32 adoption of the charter.

33 5- 6. A city may request to join an existing city-county
 34 consolidated government by resolution of the city council or
 35 upon petition of eligible electors of the city equal in number

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

15 7. a. If a charter is adopted, it may be amended at any
16 time by one of the following methods:

17 (1) The governing body of the city-county consolidated
18 government, by resolution, may submit a proposed amendment to
19 the voters at a general election or at a special election, and
20 the proposed amendment becomes effective only upon approval by
21 a majority of those voting on the proposed amendment within
22 the city-county consolidated area.

23 (2) The governing body of the city-county consolidated
24 government, by ordinance, may amend the charter. However,
25 within thirty days following publication of the ordinance, if
26 a petition valid under the provisions of section 331.306 is
27 filed with the governing body of the city-county consolidated
28 government, the governing body must submit the charter
29 amendment to the voters at a general election or at a special
30 election and, in such an event, the amendment becomes
31 effective only upon approval of a majority of those voting on
32 the proposed amendment within the city-county consolidated
33 area.

34 (3) If a petition valid under the provisions of section
35 331.306 is filed with the governing body of the city-county

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1 consolidated government, proposing an amendment to the
2 charter, the governing body must submit the proposed amendment
3 to the voters at a general election or at a special election
4 and, in such an event, the amendment becomes effective only
5 upon approval of a majority of those voting on the proposed
6 amendment within the city-county consolidated area.

7 b. If an election is held, the governing body shall submit
8 the question of amending the charter to the electors in
9 substantially the following form:

10 Should the amendment described below be adopted for the
11 city-county consolidated charter of (insert name of county and
12 of each consolidated city)?

13 The ballot must contain a brief description and summary of
14 the proposed amendment.

15 c. An amendment shall not adopt an alternative form of
16 county government but an amendment may allow the governing
17 body of a city-county consolidated government that has a
18 combined governance structure to adopt a city-county
19 consolidated form of government under which a county and one
20 or more cities within the county unite to form a single unit
21 of local government.

22 Sec. 14. Section 331.248, subsection 1, Code 2003, is
23 amended to read as follows:

24 1. The charter commission proposing consolidation a city-
25 county consolidated form of government shall prepare, adopt,
26 and submit cause to be submitted to the voters a-consolidation
27 the charter including-an-alternative-form-of-government.

28 Sec. 15. Section 331.248, subsection 2, Code 2003, is
29 amended to read as follows:

30 2. The consolidation charter for a city-county
31 consolidated form of government shall:

32 a. Provide for adjustment of existing bonded indebtedness
33 and other obligations in a manner which will provide for a
34 fair and equitable burden of taxation for debt service.

35 b. Provide for establishment of service areas, except that

1 formation of a city-county ~~consolidation-government~~
2 consolidated form of government shall not affect the
3 assignment of electric utility service territories pursuant to
4 chapter 476, and shall not affect the rights of a city to
5 grant a franchise under chapter 364.

6 c. Provide for the transfer or other disposition of
7 property and other rights, claims, assets, and franchises of
8 ~~local-governments~~ the county and each city consolidated under
9 the alternative form.

10 d. Provide the official name of the city-county
11 ~~consolidated unit-of-local~~ government.

12 e. Provide for the transfer, reorganization, abolition,
13 absorption, and adjustment of boundaries of all existing
14 boards, bureaus, commissions, agencies, special districts, and
15 political subdivisions of the city-county consolidated
16 government.

17 ~~f. Include-other-provisions-which-the-county-charter~~
18 ~~commission-and-the-city-charter-commission-elect-to-include~~
19 ~~and-which-are-not-inconsistent-with-state-law.~~ Provide for
20 the exercise of home rule power and authority not inconsistent
21 with state law.

22 g. Provide for a governing body of an odd number of
23 members, not less than five, but which may exceed the number
24 of members specified in sections 331.201, 331.203, and
25 331.204. The titles of the members of the governing body
26 shall be determined by the charter.

27 h. Provide for a representation plan for the governing
28 body which representation plan may differ from the
29 representation plans provided in section 331.206 and in
30 chapter 372. If the plan calls for representation by
31 districts and the charter has been approved in a county whose
32 population is one hundred eighty thousand or more, the plan
33 shall be drawn pursuant to section 331.210A, subsection 2,
34 paragraph "f". The initial representation plan for such a
35 county shall be drawn as provided in section 331.210A,

1 subsection 2, paragraph "f", within one hundred twenty days
2 after the election at which the charter is approved. For the
3 initial representation plan, the charter commission shall
4 assume the role of the governing body for purposes of this
5 paragraph and section 331.210A, subsection 2, paragraphs "d"
6 through "f".

7 i. Provide for the initial compensation for members of the
8 governing body and for a method of changing the compensation.

9 Sec. 16. Section 331.248, Code 2003, is amended by adding
10 the following new subsection:

11 NEW SUBSECTION. 4. The consolidation charter may include
12 other provisions which the commission elects to include and
13 which are not irreconcilable with state law. These provisions
14 may include but are not limited to the following:

15 a. Provide for a method of selecting officers of the
16 governing body and fixing their terms of office which may
17 differ from the requirements of sections 331.208 through
18 331.211 and the provisions of chapter 372.

19 b. Provide for meetings of the governing body and rules of
20 procedure which may differ from the requirements of section
21 331.213, except that the meetings shall be scheduled and
22 conducted in compliance with chapter 21.

23 c. Provide for combining the duties of elected officials
24 of the county, for eliminating elected offices and the
25 assumption of the duties of those offices by appointed
26 officials, and for adding to, deleting from, or otherwise
27 changing the duties of officials, elected or otherwise, of the
28 county and each consolidated city. If the charter provides
29 that one or more elective offices are combined, the board of
30 supervisors shall appoint one of the elective officers of the
31 combined offices to serve until new officers have been elected
32 at the general election in the even-numbered year and have
33 qualified for office. If the charter calls for the
34 elimination of an elective office, that elective officer's
35 term of office shall expire on the date specified in the

1 charter.

2 d. Provide for the organization of city and county
3 departments, agencies, or boards. The organization plan may
4 provide for the abolition or consolidation of a department,
5 agency, board, or commission and the assumption of its powers
6 and duties by the governing body or by another department,
7 agency, board, or commission.

8 e. Provide for a method for the governing body or another
9 office to exercise the powers and duties of the township
10 trustees, in lieu of their election or appointment.

11 f. Provide for a chief executive officer, a method of
12 selecting that officer, the compensation for that officer, a
13 method of changing the compensation, and the powers and duties
14 of that officer.

15 g. If the charter provides for a chief executive office,
16 provide for the appointment of a chief executive officer pro
17 tem, the compensation for that officer, a method of changing
18 the compensation, and the manner in which that officer would
19 exercise the powers and duties of the chief executive officer.

20 h. Provide for the appointment of a city manager, a method
21 for determining and changing the compensation for the city
22 manager, and the powers and duties of the city manager.

23 This subsection does not apply to the board of trustees of
24 a county hospital or to the board of trustees of a city
25 hospital.

26 Sec. 17. Section 331.249, Code 2003, is amended to read as
27 follows:

28 331.249 EFFECT OF CONSOLIDATION.

29 1. a. ~~The consolidation of one or more cities and one or~~
30 ~~more counties shall create a unified government which includes~~
31 ~~a municipal corporation and a county. A city-county~~
32 consolidated form of government under which a county and one
33 or more cities within the county unite to form a single unit
34 of local government shall create a unified government which
35 includes a municipal corporation and a county. The

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

8 b. The governing body of a city-county consolidated form
9 of government under which a county and one or more cities
10 within the county create a unified government empowered to
11 govern a city and a county shall have, with respect to the
12 county, the power and authority of the board of supervisors of
13 a county, and, with respect to each city, the power and
14 authority of the city council of a city. Each consolidated
15 city and the county constitute separate political
16 subdivisions. Each consolidated city and the county shall
17 each retain a separate constitutional debt limitation and
18 shall each have the authority to issue bonds and incur
19 financial obligations in accordance with the provisions of
20 state law applicable to a city or a county, respectively.

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

34 If a city-county consolidation charter is proposed, within
35 ninety days following the final report of the commission, a

1 resident or property owner of the commission area proposed to
 2 be consolidated may bring an action in district court for
 3 declaratory judgment to determine the legality of the proposed
 4 charter and to otherwise declare the effect of the charter.
 5 The court shall expedite its review and determination in this
 6 matter. The referendum on the proposed charter shall be
 7 stayed during pendency of the action and for such additional
 8 time during which the proposed charter or its enabling
 9 legislation does not conform to the Constitution or laws of
 10 the State of Iowa. If in its final judgment the court
 11 determines that the proposed charter fails to conform to the
 12 Constitution or laws of this state, the commission shall have
 13 a period of six months in which to revise and resubmit the
 14 proposed charter.

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

20 4. The adoption of a charter for a city-county
 21 consolidated government does not alter any right or liability
 22 of the county or consolidated city in effect at the time of
 23 the election at which the charter was adopted.

24 5. All departments and agencies of the county and of each
 25 consolidated city shall continue to operate until their
 26 authority to operate is superseded by action of the governing
 27 body.

28 6. Upon the effective date of the adopted charter, the
 29 county and each participating city shall adopt the city-county
 30 consolidated form of government by ordinance, and shall file a
 31 copy with the secretary of state and maintain available copies
 32 for public inspection. The county shall provide each
 33 participating city with a copy of the county's ordinance.
 34 Each participating city shall provide a copy of that city's
 35 ordinance to the county and to the other participating cities.

1 7. Members of the governing body of the county shall
2 continue in office after the effective date of the charter
3 until the members of the governing body and the chief
4 executive officer, if any, of the city-county consolidated
5 government have been elected and qualified, at which time the
6 offices of the former governing body of the county shall be
7 abolished and the terms of the members of the former governing
8 body shall be terminated. Members of the governing body and
9 the mayor of each consolidated city shall continue in office
10 after the effective date of the charter until the members of
11 the governing body of the city-county consolidated government
12 and the chief executive officer, if any, have been elected and
13 qualified, at which time the office of mayor and of the former
14 governing body of each consolidated city shall be abolished
15 and the term of the members of each governing body and the
16 term of each mayor shall be terminated.

17 During the period between the effective date of the charter
18 and the election and qualification of the members of the
19 governing body of the city-county consolidated government and
20 the election and qualification of the chief executive officer,
21 if any, the former governing bodies of the county and each
22 city and the mayor of each city shall continue to exercise the
23 power of, and to perform the duties for, their respective
24 county and city. The charter shall provide that these
25 incumbent officers assist in planning and carrying out the
26 transition to the city-county consolidated form of government.
27 The board of supervisors shall include in its budget for the
28 fiscal year in which the charter becomes effective funds
29 sufficient to provide for the operating expenses of a
30 transition committee and for expenses incurred in initially
31 establishing districts if the charter provides for
32 representation by districts and for salaries for newly elected
33 officers of the city-county consolidated government, after
34 consultation with the transition committee.

35 8. If a city-county consolidation charter is submitted to

1 the electorate but is not adopted, another charter shall not
 2 be submitted to the electorate for at least two years from the
 3 date of the election at which the charter was rejected. If a
 4 city-county consolidation charter is adopted, a proposed
 5 charter for another alternative form of county government
 6 shall not be submitted to the electorate for at least six
 7 years from the date of the election at which the charter was
 8 adopted.

9 Sec. 18. Section 331.250, Code 2003, is amended to read as
 10 follows:

11 331.250 GENERAL POWERS OF CONSOLIDATED LOCAL GOVERNMENTS.

12 The consolidation charter shall provide for the delivery of
 13 services to specified areas of the ~~consolidated-local~~
 14 ~~government county~~ and of each consolidated city. The
 15 governing body of the consolidated government shall ~~administer~~
 16 supervise the administration of the provision of services in
 17 each of the designated service areas and shall have the
 18 authority to determine the boundaries of the service areas.
 19 For each service provided by the consolidated government, the
 20 consolidated government shall assume the same statutory
 21 rights, powers, and duties relating to the provision of the
 22 service as if the county or the member city were itself
 23 providing the service to its citizens.

24 Sec. 19. Section 331.251, Code 2003, is amended to read as
 25 follows:

26 331.251 RULES, ORDINANCES, AND RESOLUTIONS OF CONSOLIDATED
 27 ~~UNIT~~ GOVERNMENT.

28 ~~Within-two-years-after-ratification-of-the-consolidation,~~
 29 ~~the-governing-body-of-the-consolidated-unit-of-local~~
 30 ~~government-shall-revise,-repeal,-or-reaffirm-all-rules,~~
 31 ~~ordinances,-and-resolutions-in-force-within-the-participating~~
 32 ~~county-and-cities-at-the-time-of-consolidation.~~

33 1. Each rule, ordinance, or resolution in force at-the
 34 time-of-consolidation within a county or within a city on the
 35 effective date of the charter shall remain in force within the

1 ~~former-geographic-jurisdiction~~ that county or within that city
 2 until superseded by action of the new governing body, unless
 3 the rule, ordinance, or resolution is in conflict with a
 4 provision of the charter, in which case, the charter provision
 5 shall supersede the conflicting rule, ordinance, or
 6 resolution. The governing body of a participating city or
 7 county in office on the effective date of the charter shall
 8 retain its powers to adopt motions, resolutions, or ordinances
 9 provided that such motions, resolutions, or ordinances do not
 10 conflict with the provisions of the charter. Ordinances and
 11 resolutions relating to public improvements to be paid for in
 12 whole or in part by special assessments shall remain in effect
 13 until paid in full.

14 2. If a charter creating a city-county consolidated form
 15 of government provides for a chief executive officer with the
 16 power to veto an ordinance, an amendment to an ordinance, or a
 17 resolution, the governing body shall adopt legislation in
 18 accordance with the provisions of chapter 380. If a charter
 19 creating a city-county consolidated form of government does
 20 not provide for a chief executive officer, the governing body
 21 shall adopt legislation in accordance with the provisions of
 22 section 331.302. However, a charter may provide that approval
 23 of certain ordinances, amendments, or resolutions shall
 24 require the affirmative vote of more than a majority of all
 25 members of the governing body.

26 Sec. 20. Section 331.252, Code 2003, is amended to read as
 27 follows:

28 331.252 FORM OF BALLOT -- CITY-COUNTY CONSOLIDATION.

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

31 Should the ~~corporate-existence-and-governments-of-the~~
 32 ~~county-of-.....and-the-cities-of-.....and-.....be~~
 33 ~~consolidated-into-one-joint-city-county-corporation-government~~
 34 charter described below be adopted for (insert name of county
 35 and each city proposing to consolidate)?

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

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

6 If the charter described on this ballot is adopted, should
7 officers of the new government be elected with regard to
8 political affiliation?

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

11 Sec. 21. Section 331.260, subsection 2, Code 2003, is
12 amended to read as follows:

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

28 ~~participation in the commonwealth charter.~~ Adoption of the
29 proposed community commonwealth charter requires the approval
30 of a majority of the votes cast in the entire county including
31 the votes cast in any extra-county area of a city named on the
32 ballot, and requires the approval of a majority of the votes
33 cast in one or more cities named on the ballot. A city named
34 on the ballot is included in the community commonwealth only
35 if the proposed community commonwealth charter is approved by

1 a majority of the votes cast in the city.

2 The question of forming a community commonwealth shall be
3 submitted to the electorate in substantially the same form
4 manner as provided in section 331.247, subsection 4, and
5 section 331.252. The effective date of the charter and
6 election of new officers of the community commonwealth shall
7 be as provided in section 331.247, subsection 5.

8 Sec. 22. Section 331.261, subsection 2, Code 2003, is
9 amended to read as follows:

10 2. An elective legislative body established in the manner
11 provided for county boards of supervisors under sections
12 331.201 through 331.216 and section ~~331.238~~ 331.248,
13 subsection 2, the initial compensation for members of that
14 body, and for a method of changing the compensation.

15 Sec. 23. Section 331.261, subsection 11, Code 2003, is
16 amended by striking the subsection.

17 Sec. 24. Section 331.261, unnumbered paragraph 2, Code
18 2003, is amended to read as follows:

19 The community commonwealth charter may include other
20 provisions which the commission elects to include and which
21 are not inconsistent irreconcilable with state law, including,
22 but not limited to, those provisions in section 331.248,
23 subsection 4.

24 Sec. 25. Section 331.262, Code 2003, is amended by adding
25 the following new subsections:

26 NEW SUBSECTION. 1A. The adoption of the community
27 commonwealth form of government does not alter any right or
28 liability of the county or member city in effect at the time
29 of the election at which the charter was adopted.

30 NEW SUBSECTION. 1B. All departments and agencies of the
31 county and of each member city shall continue to operate until
32 their authority to operate is superseded by action of the
33 governing body.

34 NEW SUBSECTION. 1C. All ordinances or resolutions in
35 effect remain effective until amended or repealed, unless they

1 are irreconcilable with the adopted charter.

2 NEW SUBSECTION. 1D. Upon the effective date of the
3 adopted charter, the county shall adopt the community
4 commonwealth form of government by ordinance, and shall file a
5 copy with the secretary of state and maintain available copies
6 for public inspection.

7 NEW SUBSECTION. 1E. Members of the governing body of the
8 county and of each member city shall continue in office until
9 the members of the governing body of the community
10 commonwealth have been elected and sworn into office, at which
11 time the offices of the former governing bodies shall be
12 abolished, and the terms of the members of the former
13 governing bodies shall be terminated. During the period
14 between the effective date of the charter and the election and
15 qualification of the elected members of the new governing
16 body, the former governing bodies of each member city and of
17 the county shall continue to perform their duties and shall
18 assist in planning the transition to the community
19 commonwealth form of government.

20 NEW SUBSECTION. 1F. If a community commonwealth charter
21 is submitted to the electorate but is not adopted, another
22 charter shall not be submitted to the electorate for at least
23 two years from the date of the election at which the charter
24 was rejected. If a community commonwealth charter is adopted,
25 a proposed charter for another alternative form of county
26 government shall not be submitted to the electorate for at
27 least six years from the date of the election at which the
28 charter was adopted.

29 Sec. 26. NEW SECTION. 331.264 LOCAL GOVERNMENT
30 ORGANIZATION REVIEW COMMITTEE.

31 1. A local government organization review committee may be
32 created in a county. The committee shall be composed of the
33 following members:

34 a. Three city council members shall be appointed by the
35 city council of each participating city with a population of

1 twenty-five thousand or more.

2 b. Three county supervisors shall be appointed by the
3 county board of supervisors.

4 c. One city council member shall be appointed by each
5 participating city with a population of less than twenty-five
6 thousand.

7 d. One member shall be appointed by each state legislator
8 whose legislative district is located in the county if a
9 majority of the constituents of that legislative district
10 reside in the county. However, if a county does not have a
11 state representative's legislative district which has a
12 majority of a state representative's constituency residing in
13 the county, the state representative having the largest
14 plurality of constituents residing in the county shall appoint
15 a member. The member appointed by each state legislator shall
16 be a person who is not holding elected office and who is a
17 resident of the legislative district of the state legislator.
18 If more than one-half of the population of a legislative
19 district is in the unincorporated area of the county, the
20 member appointed by that legislator shall be a resident of the
21 unincorporated area of the county.

22 e. Three members shall be appointed by the township
23 trustees of all the townships in the county and an additional
24 member appointed by the township trustees for each five
25 percent of the total population of the county residing in the
26 unincorporated area of the county. The members shall be
27 residents of the unincorporated area of the county and shall
28 be persons who are not holding elected office other than that
29 of township trustee. The county auditor shall determine the
30 date and location for a meeting of the township trustees of
31 all the townships in the county at which meeting the
32 appointments shall be made and shall provide written notice of
33 the meeting to the trustees. The meeting shall be held in
34 accordance with chapter 21.

35 Organization and expenses of the committee are subject to

1 section 331.234 as if the committee were a city-county
2 consolidation or community commonwealth commission. Sections
3 69.16 and 69.16A shall not apply to the committee. However, a
4 city allowed more than one appointment shall balance its
5 appointments in accordance with sections 69.16 and 69.16A,
6 when possible.

7 2. Members shall be appointed to the organization review
8 committee within thirty days after any of the following
9 occurs:

10 a. The county board of supervisors and each city council
11 in the county adopt a joint resolution calling for appointment
12 of members to the committee and file the resolution with the
13 county board of supervisors.

14 b. The county board of supervisors in a county adopts a
15 resolution calling for appointment of members to the
16 committee.

17 c. A petition signed by eligible electors of the county
18 equal in number to at least twenty-five percent of the votes
19 cast in the county for the office of president of the United
20 States or governor at the preceding general election or the
21 signatures of at least ten thousand eligible electors of the
22 county, whichever number is fewer, is filed with the county
23 board of supervisors.

24 3. Within seven months after the organization of the
25 organization review committee, the committee shall submit a
26 preliminary report to the county board of supervisors with a
27 recommendation as to what the committee believes to be the
28 best proposal for an alternative form of government for the
29 county. The auditor's office shall make the report available
30 to the public upon request. A summary of the report shall be
31 published in the official newspapers of the county and in a
32 newspaper of general circulation in each participating city.

33 4. If the committee report recommends a city-county
34 consolidation or community commonwealth, the committee shall
35 continue its existence and be designated, and operate with the

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1 powers and duties of, a commission created pursuant to section
2 331.233A. If the committee report recommends a multicounty
3 consolidation, the committee shall continue its existence and
4 be designated, and operate with the powers and duties of, a
5 commission created pursuant to section 331.233.

6 5. This section does not apply to a county in which a
7 charter commission has been established and is operating as of
8 July 1, 2004, until that commission is dissolved.

9 Sec. 27. Section 372.1, Code 2003, is amended by adding
10 the following new subsections:

11 NEW SUBSECTION. 7. City-county consolidated form as
12 provided in sections 331.247 through 331.252.

13 NEW SUBSECTION. 8. Community commonwealth as provided in
14 sections 331.260 through 331.263.

15 Sec. 28. Section 372.2, unnumbered paragraph 1, Code 2003,
16 is amended to read as follows:

17 A Unless otherwise provided by law, a city may adopt a
18 different form of government not more often than once in a
19 six-year period. A different form, other than a home rule
20 charter, or special charter, city-county consolidated
21 government, or community commonwealth must be adopted as
22 follows:

23 Sec. 29. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES.
24 This Act, being deemed of immediate importance, takes effect
25 upon enactment and applies retroactively to charter
26 commissions in existence on the effective date of this Act.

27 EXPLANATION

28 This bill makes technical and substantive changes to the
29 law relating to alternative forms of county government and to
30 certain forms of city government, including the process by
31 which such alternative forms of government are proposed and
32 adopted. The bill also allows formation of local government
33 organization review committees to study whether an alternative
34 form of government should be proposed.

35 LARGE COUNTY REDISTRICTING. The bill provides that if a

1 county has adopted a charter for a city-county consolidation
2 form or community commonwealth form that provides for
3 representation by districts and the county's population
4 exceeds 180,000, the county's initial plan for districts, and
5 its first plan for districts after each federal decennial
6 census, shall be drawn by the legislative services agency
7 based upon the standards applicable to congressional and
8 legislative redistricting. If the plan drawn by the
9 legislative services agency is rejected by the governing body,
10 the governing body shall direct the legislative services
11 agency to prepare another plan as provided by current law.

12 COMMISSION EXPENSES. The bill provides that commission
13 expenses shall be paid by participating cities and from the
14 general fund of the county.

15 COMMISSION'S FINAL REPORT. The bill provides that if a
16 commission recommends no change to the existing form of
17 government, the final report shall state the reasons for and
18 against a change in the existing form of government. The bill
19 requires that a summary of a commission's final report is to
20 be published by the commission in a newspaper of general
21 circulation in each participating city, in addition to the
22 official newspapers of the participating county.

23 STATUTORY CHANGES AND CHARTER AMENDMENTS. The bill
24 provides that if the general assembly enacts a change in the
25 law on alternative forms of county government after a charter
26 commission has submitted its final report to the county board
27 of supervisors but before the charter has been submitted to
28 the electorate, the commission may amend the proposed charter
29 but only to the extent the charter amendment addresses the
30 changes in the newly enacted law.

31 The bill provides that if a charter proposing a city-county
32 consolidated form or a community commonwealth form is adopted,
33 the charter commission is dissolved on the date on which the
34 terms of office of the members of the new governing body
35 commence.

1 SPECIAL PROVISIONS FOR ELECTIONS. The bill provides that
2 the general Code provisions relating to the effect of adoption
3 of the proposed charter by the electorate do not apply to
4 city-county consolidations or to community commonwealths. The
5 bill then amends Code sections 331.249 and 331.262 to add
6 similar provisions relating to the effect of adoption of the
7 charter in that section of the Code that relates specifically
8 to city-county consolidations and to community commonwealths.

9 SPECIAL PROVISIONS FOR ALTERNATIVE FORMS OF COUNTY
10 GOVERNMENT. The bill also provides that the general Code
11 provisions relating to limitations on the alternative forms of
12 county government do not apply to city-county consolidations
13 or to community commonwealths. The bill then amends Code
14 section 331.248 to add similar limitations provisions in that
15 section of the Code that relates specifically to city-county
16 consolidations and to community commonwealths. The bill also
17 provides that the question of whether the officers of a city-
18 county consolidated government or a community commonwealth
19 should be elected on a partisan or nonpartisan basis shall be
20 a separate ballot issue on the same ballot as the question of
21 adopting the proposed charter.

22 TWO FORMS OF CITY-COUNTY CONSOLIDATION. The bill provides
23 that a city-county consolidation charter may provide for the
24 merger of a county and participating cities into a single unit
25 of local government which includes a municipal corporation and
26 a county, or may provide for a unified government structure of
27 a county and one or more participating cities where each would
28 remain separate political subdivisions. Either form allows
29 the county and participating cities to retain a separate debt
30 limitation for purposes of the limitation imposed by the state
31 constitution.

32 CITY POPULATION. Current law provides that if more than 50
33 percent of a city's population resides in a county creating a
34 city-county consolidation charter commission, the city will be
35 included on the commission. The bill provides for such a

1 city's inclusion even if the population of the city falls
2 below the more than 50 percent threshold at a later date.

3 CHARTER ADOPTION. The bill provides that adoption of a
4 city-county consolidation charter or a community commonwealth
5 charter requires the approval of a majority of the votes cast
6 in the county, including the extra-county area of a city named
7 on the ballot and a majority of the votes cast in one or more
8 of the cities named on the ballot.

9 PETITIONS FOR CONSOLIDATION. The bill provides that a
10 petition to join a city-county consolidated government
11 requires signatures in an amount equal to 25 percent of the
12 persons voting at the last regular city election, rather than
13 at the general election. After receiving a petition calling
14 for participation, the city council must adopt a resolution
15 and forward it to the city-county consolidated governing body
16 within 10 days of adoption, rather than immediately.

17 CHARTER AMENDMENTS. The bill provides for amendment of a
18 city-county consolidation charter by resolution of the
19 governing body and approval of the electorate; or by ordinance
20 of the governing body, which ordinance may be petitioned for
21 approval by referendum; or by petition and election.

22 CONSOLIDATED GOVERNING BODIES. The bill provides that a
23 city-county consolidation charter shall provide for a
24 governing body of not less than five members and for the
25 initial compensation for the members and for a method of
26 changing the compensation. The bill also provides that the
27 charter shall provide for a representation plan for the
28 governing body which may differ from the representation plans
29 in current Code for counties and cities.

30 EXPEDITED COURT REVIEW. The bill provides that when a
31 charter for city-county consolidation is challenged in
32 district court, the court is to expedite its review and
33 determination on the challenge.

34 SUBSEQUENT CHARTER SUBMISSIONS. The bill provides that if
35 a city-county consolidation charter or a community

1 commonwealth charter is rejected by the electorate, another
2 charter shall not be submitted to the electorate for at least
3 two years after the election at which the charter was
4 rejected. The bill also provides that if a charter for either
5 form of government is adopted, a proposed charter for another
6 alternative form of government shall not be submitted to the
7 electorate for at least six years from the date of the
8 election at which the charter was adopted.

9 CONTINUITY AFTER CHARTER ADOPTION. The bill strikes
10 language relating to city-county consolidation that required
11 the governing body, within two years of ratification of the
12 charter, to revise, repeal, or reaffirm all rules, ordinances,
13 and resolutions in force at the time of consolidation and
14 instead provides that each rule, ordinance, and resolution
15 shall remain in force unless superseded by action of the
16 governing body or superseded by a charter provision.

17 BALLOT QUESTION. The bill amends the form of the ballot to
18 present only one question on adoption of the city-county
19 consolidation government and its charter. The bill provides
20 that these provisions also apply to community commonwealth
21 proposed charters.

22 LOCAL GOVERNMENT ORGANIZATION REVIEW COMMITTEES. The bill
23 allows establishment of a local government organization review
24 committee in a county to study whether a charter of
25 consolidation should be presented to the voters. Membership
26 on the committee includes city council members, county
27 supervisors, members appointed by state legislators, and
28 members appointed by township trustees.

29 PRELIMINARY REPORT AND FORMAL REORGANIZATION PROPOSAL.
30 Within seven months of organizing, the committee is to submit
31 a preliminary report to the county board of supervisors on
32 what alternative form of government it recommends. The report
33 is to be published in the official newspapers of the county
34 and in a newspaper of general circulation in each city. If
35 the committee recommends city-county consolidation,

1 multicounty consolidation, or a community commonwealth, the
2 committee becomes the commission that would draft the proposal
3 in lieu of the commission member requirements currently in
4 statute. The requirement to establish a consolidation
5 committee does not apply to a county in which a charter
6 commission has been established and is operating as of July 1,
7 2004, until the commission is dissolved.

8 EFFECTIVE DATE AND RETROACTIVE APPLICABILITY. The bill
9 takes effect upon enactment and applies retroactively to
10 charter commissions in existence on that date.

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HOUSE FILE 2404

AN ACT

RELATING TO CERTAIN ALTERNATIVE FORMS OF COUNTY AND CITY GOVERNMENT BY PROVIDING FOR COUNTY REDISTRICTING AND REPRESENTATION, CHARTER COMMISSION ADMINISTRATION, APPLICATION OF VARIOUS STATUTORY REQUIREMENTS, THE MANNER IN WHICH A CHARTER MAY BE PROPOSED AND ADOPTED, AMENDMENT OF A CHARTER, THE ORGANIZATION OF THE GOVERNING BODY, AND INCLUSIONS IN A CHARTER, MAKING TECHNICAL CHANGES RELATING TO THE ADMINISTRATION AND AUTHORITY OF A CITY-COUNTY CONSOLIDATED GOVERNMENT AND A COMMUNITY COMMONWEALTH, MAKING CHANGES RELATED TO MULTICOUNTY CONSOLIDATION, AND INCLUDING EFFECTIVE AND RETROACTIVE APPLICABILITY DATE PROVISIONS.

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

Section 1. Section 331.210A, subsection 2, Code 2003, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. (1) Notwithstanding the provisions of this section to the contrary, for a county with a population of one hundred eighty thousand or more that has adopted a charter for a city-county consolidated form of government or a community commonwealth form of government and which charter provides for representation by districts, the legislative services agency, and not the temporary county redistricting commission, shall draw a representation plan as provided by paragraph "a" pursuant to a contract executed with the county. The plan drawn by the legislative services agency shall be based upon the precinct plan adopted for use by the county and

shall be drawn in accordance with section 42.4, to the extent applicable. After the legislative services agency has drawn the plan, the legislative services agency shall at the earliest feasible time make available to the public all of the information required to be made public by paragraph "b".

(2) The legislative services agency shall submit the plan to the governing body, and the governing body shall comply with the duties required by paragraph "c", to the extent applicable.

(3) After the requirements of paragraphs "a" through "c" have been met, the governing body shall review the plan submitted by the legislative services agency and shall approve or reject the plan. If the plan is rejected, the governing body shall give written reasons for the rejection and shall direct the legislative services agency to prepare a second plan, as provided in paragraph "d". The second plan may be amended by the governing body in accordance with the provisions of paragraph "d". After receiving the second plan, the governing body shall approve either the first plan or the second plan.

(4) The governing body, after approving a plan, shall comply with the requirements of paragraph "e".

Sec. 2. Section 331.231, subsections 5 and 6, Code 2003, are amended to read as follows:

5. City-county consolidated form as provided in section sections 331.247 through 331.252.

6. Multicounty consolidated form as provided in section sections 331.253 through 331.259.

Sec. 3. Section 331.232, subsection 1, Code 2003, is amended to read as follows:

1. A charter to change a form of county government may be submitted to the electors of a county only by a commission established by resolution of the board upon petition of the number of eligible electors of the county equal to at least twenty-five percent of the votes cast in the county for the office of president of the United States or governor at the

preceding general election or the signatures of at least ten thousand eligible electors of the county, whichever number is fewer. The board shall within ten days of the filing of a valid petition adopt such a resolution.

Sec. 4. Section 331.232, subsection 3, Code 2003, is amended to read as follows:

3. An alternative form of county government shall be submitted to the county electorate by the commission in the form of a charter ~~or charter amendment.~~

Sec. 5. Section 331.233A, subsections 1 and 2, Code 2003, are amended to read as follows:

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

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

b. ~~One member~~ Two members of the board of supervisors shall be appointed by the board of each county participating in the charter process. ~~The member~~ One supervisor must be a resident of the unincorporated area of the county for each participating county. However, if no supervisor resides in the unincorporated area, the board shall appoint a resident of the unincorporated area of the county in lieu of appointing a supervisor.

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.

d. An additional member shall be appointed by each city council and each county board for every twenty-five thousand

residents in the participating city or unincorporated area of the county, whichever is applicable. The member shall be a resident of the city or county, as applicable. The member shall be a person who is not holding elected office at the time of the appointment.

~~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.

Sec. 6. Section 331.234, subsection 4, Code 2003, is amended to read as follows:

4. The ~~Except as otherwise provided in subsection 5, the~~ expenses of the commission may be paid from the general fund of the county ~~or. Expenses of the commission may also be paid~~ 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. 7. Section 331.234, Code 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 5. In the case of a city-county consolidation charter commission or a community commonwealth charter commission, the expenses of the commission shall be paid by each city and county participating in the charter process pursuant to section 331.233A. Each participating city's share shall be its pro rata share of the expenses based upon the ratio that the population of the city bears to the total population in the county. The remainder shall be paid from the general fund of the county. The amount paid by each city and county participating in the charter process shall be deposited in a segregated account maintained by the county.

Sec. 8. Section 331.235, Code 2003, 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 seven 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. Notice of the date, time, and place of the hearing shall be given as provided in chapter 21.

3. Within twenty twelve months after organization, the commission shall submit the final report to the board. However, a commission may adopt a motion granting itself a sixty-day extension of time for submission of its final report. 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, 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, in which case, the report shall state the reasons for and against a change in the existing form of government. The final report shall be made available to the residents of the county upon request. A summary of the final report shall be published by the commission in the official newspapers of the county and in a newspaper of general circulation in each participating city.

4. If a provision of this part is amended by enactment of the general assembly after a charter commission has submitted its final report to the board and before the proposed charter is submitted at an election, the commission may amend the proposed charter, only to the extent the charter amendment addresses the changes in the newly enacted law, and shall submit the amended proposed charter and an amended final report to the board in lieu of the original proposed charter. The amended proposed charter shall be placed on the ballot for the next general election if it is received by the board within the time set out in section 331.237, subsection 1. A summary of any amendments to the proposed charter shall be published by the commission as provided in subsection 3.

4- 5. The commission is dissolved on the date of the general election at which the proposed charter is submitted to the electorate. However, if a charter proposing the city-county consolidated form or the community commonwealth form is adopted, the commission is dissolved on the date that the terms of office of the members of the governing body for the alternative form of government commence. If a charter is not recommended, the commission is dissolved upon submission of its final report to the board.

Sec. 9. Section 331.237, subsection 1, Code 2003, is amended to read as follows:

1. If a proposed charter for county government is received not less than five working days before the filing deadline for candidates for county offices specified in section 44.4 for the next general election, the board shall direct the county commissioner of elections to submit to the registered voters 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 shall 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 Except as otherwise provided in sections 331.247

and 331.260, if a majority of the votes cast on the question is in favor of the proposal, the proposal is adopted.

Sec. 10. Section 331.237, Code 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Subsections 2 and 3 do not apply to the city-county consolidated form of government or the community commonwealth form of government.

Sec. 11. Section 331.238, Code 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Subsections 1 and 2 do not apply to the city-county consolidated form of government or the community commonwealth form of government.

Sec. 12. Section 331.244, Code 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 3. This section does not apply to the city-county consolidated form of government or the community commonwealth form of government.

Sec. 13. Section 331.245, Code 2003, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. This section does not apply to the city-county consolidated form of government or the community commonwealth form of government.

Sec. 14. Section 331.247, Code 2003, 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. A commission appointed pursuant to section 331.233A may propose a charter under which a county and one or more cities within the county may unite to form a single unit of local government, or may propose a charter under which a county and one or more cities within the county may create a unified government empowered to govern a city and a county with each retaining the separate status and power of a city or a county for all purposes and constituting separate political subdivisions under combined governance. Either option

proposed shall be referred to as a city-county consolidated form of government. 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 and may continue its status as a city within the county even if the population of such city falls below the more than fifty percent threshold in a future census.

~~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. A majority vote by the charter commission is required for the submission to the electorate of an alternative form of government for a consolidated unit of local government. A proposed charter for a city-county consolidated form of government. The charter commission submitting a consolidated form shall issue a final report and proposal.~~

~~3. An alternative form of government for a A city-county consolidated unit of local form of government does not need to include more than one city. A city shall not be included unless the city participates in the commission process, and a majority of the electors of the affected city voting approves the proposed charter for the consolidated government.~~

~~4. If an alternative form of government for a consolidated unit of local government is proposed, approval of the consolidation charter shall be a separate ballot issue from approval of the alternative form of government in those cities proposed to be included in the consolidation. Adoption of the proposed consolidation charter requires the approval of a majority of the votes cast in the entire county and requires the approval of a majority of the votes cast in one or more cities named on the ballot. The consolidation charter shall be effective in regard to a city government named on the ballot only if a majority of the voters of the city voting on the question voted for participation in the votes cast in that city approves the consolidation charter.~~

5. An adopted charter takes effect July 1 following the general election at which it is approved unless the charter provides a later effective date. If the adopted charter calls for a change in the form of government, officers to fill elective offices created by the charter shall be elected in the general election in the even-numbered year following the adoption of the charter.

5- 6. A city may request to 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 regular city election. 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, within ten days of adoption, forward the resolution to the legislative governing body of the city-county consolidated government. If a majority of the city-county consolidated legislative governing body of the city-county consolidated government 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.

7. a. If a charter is adopted, it may be amended at any time by one of the following methods:

(1) The governing body of the city-county consolidated government, by resolution, may submit a proposed amendment to the voters, and the proposed amendment becomes effective only upon approval by a majority of those voting on the proposed amendment within the city-county consolidated area.

(2) The governing body of the city-county consolidated government, by ordinance, may amend the charter. However, within thirty days following publication of the ordinance, if a petition valid under the provisions of section 331.306 is filed with the governing body of the city-county consolidated

government, the governing body must submit the charter amendment to the voters and, in such event, the amendment becomes effective only upon approval of a majority of those voting on the proposed amendment within the city-county consolidated area.

(3) If a petition valid under the provisions of section 331.306 is filed with the governing body of the city-county consolidated government, proposing an amendment to the charter, the governing body must submit the proposed amendment to the voters and, in such an event, the amendment becomes effective only upon approval of a majority of those voting on the proposed amendment within the city-county consolidated area.

b. The proposed amendment shall be submitted at the general election. However, if the amendment is proposed pursuant to paragraph "a", subparagraph (1), the proposed amendment may be submitted at a special election if the resolution submitting the amendment to the voters is adopted by a two-thirds majority of the membership of the governing body.

c. If an election is held, the governing body shall submit the question of amending the charter to the electors in substantially the following form:

Should the amendment described below be adopted for the city-county consolidated charter of (insert name of county and of each consolidated city)?

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

d. An amendment shall not adopt an alternative form of county government.

e. Notwithstanding paragraph "b", if an amendment to a charter proposes to increase or decrease the number of members on the governing body, the amendment shall be submitted to the voters at a general election.

Sec. 15. Section 331.248, subsection 1, Code 2003, is amended to read as follows:

1. The charter commission proposing consolidation a city-county consolidated form of government shall prepare, adopt, and submit cause to be submitted to the voters a-consolidation the charter including-an-alternative-form-of-government.

Sec. 16. Section 331.248, subsection 2, Code 2003, is amended to read as follows:

2. The consolidation charter for a city-county consolidated form of government shall:

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

b. Provide for establishment of service areas, except that formation of a city-county ~~consolidation-government~~ consolidated form of government 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.

c. Provide for the transfer or other disposition of property and other rights, claims, assets, and franchises of ~~local-governments~~ the county and each city consolidated under the alternative form.

d. Provide the official name of the city-county ~~consolidated unit-of-local~~ government.

e. Provide for the transfer, reorganization, abolition, absorption, and adjustment of boundaries of all existing boards, bureaus, commissions, agencies, special districts, and political subdivisions of the city-county consolidated government.

f. ~~Include-other-provisions-which-the-county-charter commission-and-the-city-charter-commission-elect-to-include and-which-are-not-inconsistent-with-state-law.~~ Provide for the exercise of home rule power and authority not inconsistent with state law.

g. Provide for a governing body of an odd number of members, not less than five, but which may exceed the number of members specified in sections 331.201, 331.203, and

331.204. The titles of the members of the governing body shall be determined by the charter.

h. Provide for a representation plan for the governing body which representation plan may differ from the representation plans provided in section 331.206 and in chapter 372. If the plan calls for representation by districts and the charter has been approved in a county whose population is one hundred eighty thousand or more, the plan shall be drawn pursuant to section 331.210A, subsection 2, paragraph "f". The initial representation plan for such a county shall be drawn as provided in section 331.210A, subsection 2, paragraph "f", within one hundred twenty days after the election at which the charter is approved. For the initial representation plan, the charter commission shall assume the role of the governing body for purposes of this paragraph and section 331.210A, subsection 2, paragraphs "d" through "f".

i. Provide for the initial compensation for members of the governing body and for a method of changing the compensation.

Sec. 17. Section 331.248, Code 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The consolidation charter may include other provisions which the commission elects to include and which are not irreconcilable with state law. These provisions may include but are not limited to the following:

a. Provide for a method of selecting officers of the governing body and fixing their terms of office which may differ from the requirements of sections 331.208 through 331.211 and the provisions of chapter 372.

b. Provide for meetings of the governing body and rules of procedure which may differ from the requirements of section 331.213, except that the meetings shall be scheduled and conducted in compliance with chapter 21.

c. Provide for combining the duties of elected officials of the county, for eliminating elected offices and the assumption of the duties of those offices by appointed

officials, and for adding to, deleting from, or otherwise changing the duties of officials, elected or otherwise, of the county and each consolidated city. If the charter provides that one or more elective offices are combined, the board of supervisors shall appoint one of the elective officers of the combined offices to serve until new officers have been elected at the general election in the even-numbered year and have qualified for office. If the charter calls for the elimination of an elective office, that elective officer's term of office shall expire on the date specified in the charter.

d. Provide for the organization of city and county departments, agencies, or boards. The organization plan may provide for the abolition or consolidation of a department, agency, board, or commission and the assumption of its powers and duties by the governing body or by another department, agency, board, or commission.

e. Provide for a method for the governing body or another office to exercise the powers and duties of the township trustees, in lieu of their election or appointment.

f. Provide for a chief executive officer, a method of selecting that officer, the compensation for that officer, a method of changing the compensation, and the powers and duties of that officer.

g. If the charter provides for a chief executive office, provide for the appointment of a chief executive officer pro tem, the compensation for that officer, a method of changing the compensation, and the manner in which that officer would exercise the powers and duties of the chief executive officer.

h. Provide for the appointment of a city manager, a method for determining and changing the compensation for the city manager, and the powers and duties of the city manager.

This subsection does not apply to the board of trustees of a county hospital or to the board of trustees of a city hospital.

Sec. 18. Section 331.249, Code 2003, is amended to read as follows:

331.249 EFFECT OF CONSOLIDATION.

1. ~~a. 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. A city-county consolidated form of government under which a county and one or more cities within the county unite to form a single unit of local government 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.

~~b. The governing body of a city-county consolidated form of government under which a county and one or more cities within the county create a unified government empowered to govern a city and a county shall have, with respect to the county, the power and authority of the board of supervisors of a county, and, with respect to each city, the power and authority of the city council of a city. Each consolidated city and the county constitute separate political subdivisions. Each consolidated city and the county shall each retain a separate constitutional debt limitation and shall each have the authority to issue bonds and incur financial obligations in accordance with the provisions of state law applicable to a city or a county, respectively.~~

2. ~~A The city-county consolidated unit-of-local form of 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~~ Services may be provided in the extra-county area and taxes to fund those services ~~shall~~ may 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 city-county consolidated unit-of-local government, including election of its officials governing body and its chief executive officer, if any.

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 court shall expedite its review and determination in this matter. 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.

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 city-county consolidated local government.

4. The adoption of a charter for a city-county consolidated government does not alter any right or liability of the county or consolidated city in effect at the time of the election at which the charter was adopted.

5. All departments and agencies of the county and of each consolidated city shall continue to operate until their authority to operate is superseded by action of the governing body.

6. Upon the effective date of the adopted charter, the county and each participating city shall adopt the city-county consolidated form of government by ordinance, and shall file a copy with the secretary of state and maintain available copies for public inspection. The county shall provide each participating city with a copy of the county's ordinance. Each participating city shall provide a copy of that city's ordinance to the county and to the other participating cities.

7. Members of the governing body of the county shall continue in office after the effective date of the charter until the members of the governing body and the chief executive officer, if any, of the city-county consolidated government have been elected and qualified, at which time the offices of the former governing body of the county shall be abolished and the terms of the members of the former governing body shall be terminated. Members of the governing body and the mayor of each consolidated city shall continue in office after the effective date of the charter until the members of the governing body of the city-county consolidated government and the chief executive officer, if any, have been elected and qualified, at which time the office of mayor and of the former governing body of each consolidated city shall be abolished and the term of the members of each governing body and the term of each mayor shall be terminated.

During the period between the effective date of the charter and the election and qualification of the members of the governing body of the city-county consolidated government and the election and qualification of the chief executive officer, if any, the former governing bodies of the county and each city and the mayor of each city shall continue to exercise the power of, and to perform the duties for, their respective county and city. The charter shall provide that these incumbent officers assist in planning and carrying out the transition to the city-county consolidated form of government. The board of supervisors shall include in its budget for the fiscal year in which the charter becomes effective funds

sufficient to provide for the operating expenses of a transition committee and for expenses incurred in initially establishing districts if the charter provides for representation by districts and for salaries for newly elected officers of the city-county consolidated government, after consultation with the transition committee.

8. If a city-county consolidation charter is submitted to the electorate but is not adopted, another charter shall not be submitted to the electorate for at least two years from the date of the election at which the charter was rejected. If a city-county consolidation charter is adopted, a proposed charter for another alternative form of county government shall not be submitted to the electorate for at least six years from the date of the election at which the charter was adopted.

Sec. 19. Section 331.250, Code 2003, is amended to read as follows:

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 county and of each consolidated city. The governing body of the consolidated government shall ~~administer~~ supervise the administration of 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 county or the member city were itself providing the service to its citizens.

Sec. 20. Section 331.251, Code 2003, is amended to read as follows:

331.251 RULES, ORDINANCES, AND RESOLUTIONS OF CONSOLIDATED ~~UNIT~~ GOVERNMENT.

~~Within two years after ratification of the consolidation, the governing body of the consolidated unit of local~~

~~government shall revise, repeal, or reaffirm all rules, ordinances, and resolutions in force within the participating county and cities at the time of consolidation.~~

1. Each rule, ordinance, or resolution in force at the time of consolidation within a county or within a city on the effective date of the charter shall remain in force within the former geographic jurisdiction that county or within that city until superseded by action of the new governing body, unless the rule, ordinance, or resolution is in conflict with a provision of the charter, in which case, the charter provision shall supersede the conflicting rule, ordinance, or resolution. The governing body of a participating city or county in office on the effective date of the charter shall retain its powers to adopt motions, resolutions, or ordinances provided that such motions, resolutions, or ordinances do not conflict with the provisions of the charter. Ordinances and resolutions relating to public improvements to be paid for in whole or in part by special assessments shall remain in effect until paid in full.

2. If a charter creating a city-county consolidated form of government provides for a chief executive officer with the power to veto an ordinance, an amendment to an ordinance, or a resolution, the governing body shall adopt legislation in accordance with the provisions of chapter 380. If a charter creating a city-county consolidated form of government does not provide for a chief executive officer, the governing body shall adopt legislation in accordance with the provisions of section 331.302. However, a charter may provide that approval of certain ordinances, amendments, or resolutions shall require the affirmative vote of more than a majority of all members of the governing body.

Sec. 21. Section 331.252, Code 2003, is amended to read as follows:

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 charter described below be adopted for (insert name of county and each city proposing to consolidate)?~~

~~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. 22. Section 331.254, unnumbered paragraph 1, Code 2003, is amended to read as follows:

When multicounty consolidation is recommended, a petition must contain a the consolidation charter which provides shall provide for all of the following:

Sec. 23. Section 331.254, subsection 6, Code 2003, is amended by striking the subsection.

Sec. 24. NEW SECTION. 331.257 RECOGNITION OF CHANGE IN BOUNDARIES BY GENERAL ASSEMBLY.

If a charter for multicounty consolidation is adopted pursuant to section 331.255 or if the question of joining a multicounty consolidated government is approved pursuant to section 331.256, the general assembly next convening following the election required by section 331.255 or 331.256 shall pass legislation recognizing the change in boundaries of the counties where the question of multicounty consolidation was approved. The boundaries recognized in the legislation shall conform to the boundaries contained in the consolidation charter. The legislation shall contain the official name of the consolidated county as that name is given in the consolidation charter.

Sec. 25. Section 331.260, subsection 2, Code 2003, is amended to read as follows:

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.~~ Adoption of the proposed community commonwealth charter requires the approval of a majority of the votes cast in the entire county and requires the approval of a majority of the votes cast in one or more cities named on the ballot. A city named on the ballot is included in the community commonwealth only if the proposed community commonwealth charter is approved by a majority of the votes cast in the city.

The question of forming a community commonwealth shall be submitted to the electorate in substantially the same form manner as provided in section 331.247, subsection 4, and section 331.252. The effective date of the charter and election of new officers of the community commonwealth shall be as provided in section 331.247, subsection 5.

Sec. 26. Section 331.261, subsection 2, Code 2003, is amended to read as follows:

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~~ 331.248, subsection 2, the initial compensation for members of that body, and for a method of changing the compensation.

Sec. 27. Section 331.261, unnumbered paragraph 2, Code 2003, is amended to read as follows:

The community commonwealth charter may include other provisions which the commission elects to include and which are not inconsistent irreconcilable with state law, including, but not limited to, those provisions in section 331.248, subsection 4.

Sec. 28. Section 331.262, Code 2003, is amended by adding the following new subsections:

NEW SUBSECTION. 1A. The adoption of the community commonwealth form of government does not alter any right or liability of the county or member city in effect at the time of the election at which the charter was adopted.

NEW SUBSECTION. 1B. All departments and agencies of the county and of each member city shall continue to operate until their authority to operate is superseded by action of the governing body.

NEW SUBSECTION. 1C. All ordinances or resolutions in effect remain effective until amended or repealed, unless they are irreconcilable with the adopted charter.

NEW SUBSECTION. 1D. Upon the effective date of the adopted charter, the county shall adopt the community commonwealth form of government by ordinance, and shall file a copy with the secretary of state and maintain available copies for public inspection.

NEW SUBSECTION. 1E. Members of the governing body of the county and of each member city shall continue in office until the members of the governing body of the community commonwealth have been elected and sworn into office, at which time the offices of the former governing bodies shall be abolished, and the terms of the members of the former governing bodies shall be terminated. During the period between the effective date of the charter and the election and qualification of the elected members of the new governing body, the former governing bodies of each member city and of the county shall continue to perform their duties and shall

assist in planning the transition to the community commonwealth form of government.

NEW SUBSECTION. 1F. If a community commonwealth charter is submitted to the electorate but is not adopted, another charter shall not be submitted to the electorate for at least two years from the date of the election at which the charter was rejected. If a community commonwealth charter is adopted, a proposed charter for another alternative form of county government shall not be submitted to the electorate for at least six years from the date of the election at which the charter was adopted.

NEW SUBSECTION. 1G. If a community commonwealth charter is adopted, the charter may be amended at any time. The charter shall be amended in the manner provided in section 331.247, subsection 7.

Sec. 29. Section 372.1, Code 2003, is amended by adding the following new subsections:

NEW SUBSECTION. 7. City-county consolidated form as provided in sections 331.247 through 331.252.

NEW SUBSECTION. 8. Community commonwealth as provided in sections 331.260 through 331.263.

Sec. 30. Section 372.2, unnumbered paragraph 1, Code 2003, is amended to read as follows:

A Unless otherwise provided by law, a city may adopt a different form of government not more often than once in a six-year period. A different form, other than a home rule charter, or special charter, city-county consolidated government, or community commonwealth must be adopted as follows:

Sec. 31. EFFECTIVE AND APPLICABILITY DATES. This Act, being deemed of immediate importance, takes effect upon enactment and applies as follows:

1. The sections of this Act amending sections 331.232 and 331.233A, and the portion of the section of this Act amending section 331.235, subsections 1 through 3, do not apply to a charter commission that has been established and is operating as of the effective date of this Act.

2. The remainder of this Act applies retroactively to charter commissions in existence before and on the effective date of this Act.

CHRISTOPHER C. RANTS
Speaker of the House

JEFFREY M. LAMBERTI
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2404, Eightieth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2004

THOMAS J. VILSACK
Governor