

SF 390 substituted
5/1/03

Withdrawn
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MAR 19 2003
Place On Calendar

HOUSE FILE 646
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 222)

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 applicability date provisions.

HF 646

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 service bureau, and not the temporary county redistricting
10 commission, shall draw a first or second plan as necessary and
11 required by paragraph "a" pursuant to a contract executed with
12 the county. The plan drawn by the legislative service bureau
13 shall be based upon the precinct plan adopted for use by the
14 county and shall be drawn in accordance with section 42.4, to
15 the extent applicable.

16 (2) The plan drawn by the legislative service bureau shall
17 be submitted to the temporary county redistricting commission
18 which shall not amend the plan and which shall perform the
19 duties required by paragraphs "b" and "c" concerning the plan.
20 The temporary county redistricting commission shall accept the
21 plan in total or it may request and contract to have a second
22 plan prepared by the legislative service bureau. In doing so,
23 the temporary county redistricting commission shall state its
24 objections to the first plan in writing.

25 (3) After the requirements of paragraphs "b" and "c" have
26 been met with respect to either a first or second plan, the
27 plan drawn by the legislative service bureau and accepted by
28 the temporary county redistricting commission shall be
29 submitted to the governing body for its approval or rejection.
30 If the plan drawn by the legislative service bureau and
31 accepted by the temporary county redistricting commission is
32 rejected by the governing body, the governing body may
33 consider and accept the other plan submitted by the
34 legislative service bureau to the temporary county
35 redistricting commission, if any, or shall direct the

1 temporary county redistricting commission to prepare another
2 plan as provided by paragraph "d".

3 Sec. 2. Section 331.231, subsection 5, Code 2003, is
4 amended to read as follows:

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

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 331.235, Code 2003, is amended to read as
13 follows:

14 331.235 COMMISSION PROCEDURES AND REPORTS.

15 1. Within sixty days after its organization, the
16 commission shall hold at least one public hearing for the
17 purpose of receiving information and material which will
18 assist in the drafting of a charter. Notice of the date,
19 time, and place of the hearing shall be given as provided in
20 chapter 21. If the commission is created pursuant to section
21 331.264, subsection 4, the hearing shall be held thirty days
22 after submission of the preliminary report to the board,
23 pursuant to section 331.264, subsection 3.

24 2. Within nine 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. This subsection
34 does not apply if the commission is created pursuant to
35 section 331.264, subsection 4.

1 3. Within twenty months after organization, the commission
2 shall submit the final report to the board. If the commission
3 is created pursuant to section 331.264, subsection 4, the
4 commission shall submit the final report to the board within
5 five months after submission of the preliminary report to the
6 board pursuant to section 331.264, subsection 3. A commission
7 created pursuant to section 331.264, subsection 4, may adopt a
8 motion granting itself a sixty-day extension of time for
9 submission of its final report. If the commission recommends
10 a charter including a form of government other than the
11 existing form of government, the final report shall include
12 the full text and an explanation of the proposed charter, a
13 statement of whether the elected officers shall be elected on
14 a partisan or nonpartisan basis, an analysis of the fiscal
15 impact of the proposed charter, any comments deemed desirable
16 by the commission, and any minority reports. The final report
17 may recommend no change to the existing form of government and
18 that no charter be submitted to the electorate, in which case,
19 the report shall state the reasons for and against a change in
20 the existing form of government. The final report shall be
21 made available to the residents of the county upon request. A
22 summary of the final report shall be published in the official
23 newspapers of the county and in a newspaper of general
24 circulation in each participating city.

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

34 Sec. 5. Section 331.237, subsection 1, Code 2003, is
35 amended to read as follows:

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

24 Sec. 6. Section 331.237, subsection 2, paragraph a, Code
25 2003, is amended to read as follows:

26 a. The adopted charter shall take effect July 1 following
27 the ~~general~~ election at which it is approved unless the
28 charter provides a later effective date. If the adopted
29 charter calls for a change in the form of government, officers
30 to fill elective offices shall be elected in the general
31 election in the even-numbered year following the adoption of
32 the charter. Those county officers holding office at the time
33 of the adoption of the charter shall continue in office until
34 the general election in the even-numbered year following the
35 adoption of the charter. If the charter provides that one or

1 more elective offices are combined, the board of supervisors
2 shall appoint one of the elective officers of the combined
3 offices to serve until the general election in the even-
4 numbered year. If the charter calls for the elimination of an
5 elective office, that elective officer's term of office shall
6 expire on the date the adopted charter takes effect.

7 Sec. 7. Section 331.237, Code 2003, is amended by adding
8 the following new subsection:

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

12 Sec. 8. Section 331.238, Code 2003, is amended by adding
13 the following new subsection:

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

17 Sec. 9. Section 331.244, Code 2003, is amended by adding
18 the following new subsection:

19 NEW SUBSECTION. 3. This section does not apply to the
20 city-county consolidated form of government.

21 Sec. 10. Section 331.247, Code 2003, is amended to read as
22 follows:

23 331.247 CITY-COUNTY CONSOLIDATION FORM.

24 ~~1. A county and one or more cities within the county may~~
25 ~~unite to form a single unit of local government in accordance~~
26 ~~with this part.~~ A commission appointed pursuant to section
27 331.233A may propose a charter under which a county and one or
28 more cities within the county may unite to form a single unit
29 of local government, or may propose a charter under which a
30 county and one or more cities within the county may form a
31 combined governance structure for the county and such cities
32 in accordance with this part. The charter shall declare
33 whether the form is a merger of a county and one or more
34 cities to form a single unit of local government or whether
35 the form establishes a combined government structure of a

1 county and one or more cities. Either option proposed shall
2 be referred to as a city-county consolidated form of
3 government. If more than fifty percent of the population of a
4 city resides within the affected county, it is a city within
5 the county for the purposes of this section and may continue
6 its status as a city within the county even if the population
7 of such city falls below the fifty percent threshold in a
8 future census.

9 2. ~~An alternative form of government, including a charter~~
10 ~~form, for a consolidated unit of government may be submitted~~
11 ~~to the voters only by a commission established under this~~
12 ~~chapter. A majority vote by the charter commission is~~
13 ~~required for the submission to the electorate of an~~
14 ~~alternative form of government for a consolidated unit of~~
15 ~~local government proposed charter for a city-county~~
16 ~~consolidated form of government. The charter commission~~
17 ~~submitting a consolidated form shall issue a final report and~~
18 ~~proposal.~~

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

26 4. If an alternative form of government for a consolidated
27 unit of local government is proposed, approval of the
28 consolidation charter shall be a separate ~~ballot issue~~ from
29 approval of the alternative form of government in those cities
30 proposed to be included in the consolidation. Adoption of the
31 consolidation charter requires the approval of a majority of
32 the votes cast in the entire county. A city named on the
33 ballot is included in the consolidation if the proposed
34 charter is approved by a majority of the votes cast in the
35 city. The consolidation charter shall be effective in regard

1 to a city government only if a majority of the voters of the
2 city voting on the question voted for participation in the
3 consolidation charter.

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

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

23 (1) The governing body of the city-county consolidated
24 form of government, by resolution, may submit a proposed
25 amendment to the voters at a general election or at a special
26 election, and the proposed amendment becomes effective upon
27 approval by a majority of those voting.

28 (2) The governing body of the city-county consolidated
29 form of government, by ordinance, may amend the charter.
30 However, within thirty days following publication of the
31 ordinance, if a petition valid under the provisions of section
32 331.306 is filed with the governing body of the city-county
33 consolidated form of government, the governing body must
34 submit the charter amendment to the voters at a special
35 election and, in such an event, the amendment becomes

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

3 (3) If a petition valid under the provisions of section
4 331.306 filed with the governing body of the city-county
5 consolidated form of government, proposing an amendment to the
6 charter, the governing body must submit the proposed amendment
7 to the voters at a general election or at a special election
8 and, in such an event, the amendment becomes effective only
9 upon approval of a majority of those voting within the city-
10 county consolidated area.

11 b. 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 c. An amendment shall not adopt an alternative form of
20 county government but an amendment may allow the governing
21 body of a city-county consolidated form of government that has
22 a combined governance structure to adopt a city-county
23 consolidated form of government under which a county and one
24 or more cities within the county unite to form a single unit
25 of local government.

26 Sec. 11. Section 331.248, subsection 1, Code 2003, is
27 amended to read as follows:

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

32 Sec. 12. Section 331.248, subsection 2, Code 2003, is
33 amended to read as follows:

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

- 1 a. Provide for adjustment of existing bonded indebtedness
2 and other obligations in a manner which will provide for a
3 fair and equitable burden of taxation for debt service.
- 4 b. Provide for establishment of service areas, except that
5 formation of a city-county ~~consolidation-government~~
6 consolidated form of government shall not affect the
7 assignment of electric utility service territories pursuant to
8 chapter 476, and shall not affect the rights of a city to
9 grant a franchise under chapter 364.
- 10 c. Provide for the transfer or other disposition of
11 property and other rights, claims, assets, and franchises of
12 ~~local-governments~~ the county and each city consolidated under
13 the alternative form.
- 14 d. Provide the official name of the city-county
15 consolidated ~~unit-of-local-government~~ form of government.
- 16 e. Provide for the transfer, reorganization, abolition,
17 absorption, and adjustment of boundaries of all existing
18 boards, bureaus, commissions, agencies, special districts, and
19 political subdivisions of the city-county consolidated form of
20 government.
- 21 ~~f. Include other provisions which the county charter~~
22 ~~commission and the city charter commission elect to include~~
23 ~~and which are not inconsistent with state law.~~ Provide for
24 the exercise of home rule power and authority not inconsistent
25 with state law.
- 26 g. Provide for a governing body of an odd number of
27 members, not less than five, but which may exceed the number
28 of members specified in sections 331.201, 331.203, and
29 331.204. The titles of the members of the governing body
30 shall be determined by the charter.
- 31 h. Provide for a representation plan for the governing
32 body which representation plan may differ from the
33 representation plans provided in section 331.206 and in
34 chapter 372. If the plan calls for representation by
35 districts and the charter has been approved in a county whose

1 population is one hundred eighty thousand or more, the plan
2 shall be drawn pursuant to section 331.210A, subsection 2,
3 paragraph "f". The initial representation plan for such a
4 county shall be drawn as provided in section 331.210A,
5 subsection 2, paragraph "f", within ninety days after the
6 election at which the charter is approved. For the initial
7 representation plan, the charter commission shall assume the
8 role of the governing body for purposes of this paragraph and
9 section 331.210A, subsection 2, paragraphs "d" 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 j. Notwithstanding section 331.238, subsection 3, provide
13 whether the election of its officers shall be on a partisan or
14 nonpartisan basis.

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

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

21 a. Provide for a method of selecting officers of the
22 governing body and fixing their terms of office which may
23 differ from the requirements of sections 331.208 through
24 331.211 and the provisions of chapter 372.

25 b. Provide for meetings of the governing body and rules of
26 procedure which may differ from the requirements of section
27 331.213, except that the meetings shall be scheduled and
28 conducted in compliance with chapter 21.

29 c. Provide for combining the duties of elected officials
30 of the county, for eliminating elected offices and the
31 assumption of the duties of those offices by appointed
32 officials, and for adding to, deleting, or otherwise changing
33 the duties of officials, elected or otherwise, of the county
34 and each consolidated city.

35 d. Provide for the organization of city and county

1 departments, agencies, or boards. The organization plan may
2 provide for the abolition or consolidation of a department,
3 agency, board, or commission and the assumption of its powers
4 and duties by the governing body or by another department,
5 agency, board, or commission. This paragraph does not apply
6 to the board of trustees of a county hospital.

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

10 Sec. 14. Section 331.249, Code 2003, is amended to read as
11 follows:

12 331.249 EFFECT OF CONSOLIDATION.

13 1. a. ~~The consolidation of one or more cities and one or~~
14 ~~more counties shall create a unified government which includes~~
15 ~~a municipal corporation and a county.~~ A city-county
16 consolidated form of government under which a county and one
17 or more cities within the county unite to form a single unit
18 of local government shall create a unified government which
19 includes a municipal corporation and a county. The
20 consolidated unit shall have the separate status of a county
21 and a city for all purposes and shall constitute two political
22 subdivisions, a consolidated city and a county, under combined
23 governance. The consolidated unit shall retain one separate
24 constitutional debt limitation with respect to its status as a
25 city and a separate constitutional debt limitation with
26 respect to its status as a county.

27 b. The governing body of a city-county consolidated form
28 of government under which a county and one or more cities
29 within the county form a combined governance structure shall
30 have, with respect to the county, the power and authority of
31 the board of supervisors of a county, and, with respect to
32 each city, the power and authority of the city council of a
33 city. Each consolidated city and the county constitute
34 separate political subdivisions. Each consolidated city and
35 the county shall retain a separate constitutional debt

1 limitation and shall each have the authority to issue bonds
2 and incur financial obligations in accordance with the
3 provisions of state law applicable to a city or a county,
4 respectively.

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

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

34 3. All provisions of law authorizing contributions of any
35 kind, in money or otherwise, from the state or federal

1 government to counties and cities shall remain in full force
2 with respect to each city and the county comprising a city-
3 county consolidated local form of government.

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

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

12 6. Upon the effective date of the adopted charter, the
13 county shall adopt the city-county consolidated form of
14 government by ordinance, and shall file a copy with the
15 secretary of state and maintain available copies for public
16 inspection.

17 7. Members of the governing body of the county and of each
18 consolidated city shall continue in office until the members
19 of the governing body of the city-county consolidated form of
20 government have been elected and sworn into office, at which
21 time the offices of the former governing bodies shall be
22 abolished, and the terms of the members of the former
23 governing bodies shall be terminated. During the period
24 between the effective date of the charter and the election and
25 qualification of the elected members of the new governing
26 body, the former governing bodies of each consolidated city
27 and of the county shall continue to perform their duties and
28 shall assist in planning the transition to the city-county
29 consolidated form of government.

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

1 shall not be submitted to the electorate for at least six
2 years from the date of the election at which the charter was
3 adopted.

4 Sec. 15. Section 331.250, Code 2003, is amended to read as
5 follows:

6 331.250 GENERAL POWERS OF CONSOLIDATED LOCAL GOVERNMENTS.

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

19 Sec. 16. Section 331.251, Code 2003, is amended to read as
20 follows:

21 331.251 RULES, ORDINANCES, AND RESOLUTIONS OF CONSOLIDATED
22 ~~UNIT~~ GOVERNMENT.

23 ~~Within two years after ratification of the consolidation,~~
24 ~~the governing body of the consolidated unit of local~~
25 ~~government shall revise, repeal, or reaffirm all rules,~~
26 ~~ordinances, and resolutions in force within the participating~~
27 ~~county and cities at the time of consolidation.~~ Each rule,
28 ordinance, or resolution in force within a county or within a
29 city at the time of consolidation shall remain in force within
30 ~~the former geographic jurisdiction~~ that county or within that
31 city until superseded by action of the new governing body,
32 unless the rule, ordinance, or resolution is in conflict with
33 a provision of the charter, in which case, the charter
34 provision shall supersede the conflicting rule, ordinance, or
35 resolution. Ordinances and resolutions relating to public

1 improvements to be paid for in whole or in part by special
2 assessments shall remain in effect until paid in full.

3 Sec. 17. Section 331.252, Code 2003, is amended to read as
4 follows:

5 331.252 FORM OF BALLOT -- CITY-COUNTY CONSOLIDATION.

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

8 Should the ~~corporate-existence-and-governments-of-the~~
9 ~~county-of-.....and-the-cities-of-.....and-.....be~~
10 ~~consolidated-into-one-joint-city-county-corporation-government~~
11 charter described below be adopted for (insert name of county
12 and each city proposing to consolidate)?

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

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

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

20 Sec. 18. Section 331.254, subsection 7, Code 2003, is
21 amended to read as follows:

22 7. The merger of the elective offices of each
23 consolidating county with the election of new officers within
24 sixty days after the effective date of the charter which shall
25 specifically provide whether the election of new officers
26 shall be on a partisan or nonpartisan basis, notwithstanding
27 section 331.238, subsection 3. The elections shall be
28 conducted by the county commissioner of elections of each
29 county. No primary election shall be held. Nominations shall
30 be made pursuant to section 43.78 and chapters 44 and 45, as
31 applicable, except that the filing deadline shall be forty
32 days before the election.

33 Sec. 19. Section 331.260, subsection 2, Code 2003, is
34 amended to read as follows:

35 2. A charter proposing a community commonwealth as an

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

21 The question of forming a community commonwealth shall be
22 submitted to the electorate in substantially the same form
23 manner as provided in section 331.247, subsection 4, and
24 section 331.252.

25 Sec. 20. 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.

31 Sec. 21. Section 331.261, unnumbered paragraph 2, Code
32 2003, is amended to read as follows:

33 The community commonwealth charter may include other
34 provisions which the commission elects to include and which
35 are not inconsistent irreconcilable with state law, including,

1 but not limited to, those provisions in section 331.248,
2 subsection 4.

3 Sec. 22. Section 331.261, subsection 11, Code 2003, is
4 amended to read as follows:

5 11. ~~The-partisan~~ Notwithstanding section 331.238,
6 subsection 3, whether the election of community commonwealth
7 government officials shall be on a partisan or nonpartisan
8 basis.

9 Sec. 23. Section 331.262, Code 2003, is amended by adding
10 the following new subsections:

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

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

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

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

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

1 governing body, the former governing bodies of each member
2 city and of the county shall continue to perform their duties
3 and shall assist in planning the transition to the community
4 commonwealth form of government.

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

14 Sec. 24. NEW SECTION. 331.264 LOCAL GOVERNMENT
15 ORGANIZATION REVIEW COMMITTEE.

16 1. A local government organization review committee may be
17 created in a county. The committee shall be composed of the
18 following members:

19 a. Three city council members chosen by the city council
20 of each participating city with a population of twenty-five
21 thousand or more.

22 b. Three county supervisors chosen by the county board of
23 supervisors.

24 c. One city council member appointed by each participating
25 city with a population of less than twenty-five thousand.

26 d. One member shall be appointed by each state legislator
27 whose legislative district is located in the county if a
28 majority of the constituents of that legislative district
29 reside in the county. However, if a county does not have a
30 state representative's legislative district which has a
31 majority of a state representative's constituency residing in
32 the county, the state representative having the largest
33 plurality of constituents residing in the county shall appoint
34 a member. The member appointed by each state legislator shall
35 be a person who is not holding elected office and who is a

1 resident of the legislative district of the state legislator.

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

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

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

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

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

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

35 4. If the committee report recommends a city-county

1 consolidation or community commonwealth, the committee shall
2 continue its existence and be designated, and operate with the
3 powers and duties of, a commission created pursuant to section
4 331.233A. If the committee report recommends a multicounty
5 consolidation, the committee shall continue its existence and
6 be designated, and operate with the powers and duties of, a
7 commission created pursuant to section 331.233. If the
8 committee recommends an alternative form of government, that
9 recommendation shall state whether elections conducted under
10 that form of government shall be partisan or nonpartisan.

11 5. This section does not apply to a county in which a
12 charter commission has been established and is operating as of
13 July 1, 2003.

14 Sec. 25. Section 372.1, Code 2003, is amended by adding
15 the following new subsections:

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

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

20 Sec. 26. Section 372.2, unnumbered paragraph 1, Code 2003,
21 is amended to read as follows:

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

28 Sec. 27. IMPLEMENTATION OF ACT. Section 25B.2, subsection
29 3, shall not apply to this Act.

30 Sec. 28. EFFECTIVE AND APPLICABILITY DATES. This Act,
31 being deemed of immediate importance, takes effect upon
32 enactment and applies to charter commissions in existence on
33 the effective date of this Act.

34 EXPLANATION

35 This bill makes technical and substantive changes to the

1 law relating to alternative forms of county government and to
2 certain alternative forms of city government and allows
3 formation of local government organization review committees.

4 The bill provides that a consolidation commission formed by
5 any means that recommends a form of government other than the
6 existing form is to include in its final report a statement
7 whether the elected officers shall be elected on a partisan or
8 nonpartisan basis. The bill further provides that if a
9 commission recommends no change to the existing form of
10 government, the final report shall state the reasons for and
11 against a change in the existing form of government. The bill
12 requires that a summary of a commission's final report is to
13 be published in a newspaper of general circulation in each
14 participating city, in addition to the official newspapers of
15 the participating county.

16 The bill also provides that if a charter proposing a city-
17 county consolidated form or a community commonwealth form is
18 adopted, the charter commission is dissolved on the date on
19 which the terms of office of the members of the governing body
20 commence.

21 The bill also allows a proposed charter for county
22 government to be submitted to the voters at a special election
23 called for that purpose in addition to at the general
24 election.

25 The bill provides that the general Code provisions relating
26 to the election on a proposed charter for an alternative form
27 of county government and the effect of adoption of the
28 proposed charter by the electorate do not apply to city-county
29 consolidations or to community commonwealths. The bill enacts
30 similar provisions relating to the effect of adoption of the
31 charter in those sections of the Code that relate specifically
32 to city-county consolidations and to community commonwealths.

33 The bill also provides that the general Code provisions
34 relating to limitations on the alternative forms of county
35 government do not apply to city-county consolidations or to

1 community commonwealths. The bill enacts provisions similar
2 to the limitations provisions in those sections of the Code
3 that relate specifically to city-county consolidations and to
4 community commonwealths.

5 The bill provides that a city-county consolidation charter
6 may provide for the merger of a county and participating
7 cities into a single unit of local government which includes a
8 municipal corporation and a county or may provide for a
9 combined government structure of a county and one or more
10 participating cities, each of which would remain separate
11 political subdivisions. Either form would allow the county
12 and participating cities to retain a separate debt limitation
13 for purposes of the limitation imposed by the state
14 constitution.

15 Current law provides that if more than 50 percent of a
16 city's population resides in a county creating a city-county
17 consolidation charter commission, the city will be included on
18 the commission. The bill provides for such a city's inclusion
19 even if the population of the city falls below the 50 percent
20 threshold at a later date.

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

29 The bill provides for amendment of a city-county
30 consolidation charter by resolution of the governing body and
31 approval of the electorate, or by ordinance of the governing
32 body which ordinance may be petitioned for approval by
33 referendum, or by petition and election. For all other types
34 of alternative forms, current Code provides that an amendment
35 to county government organization may be made by submitting

1 the question at election by resolution of the governing body
2 or by petition.

3 The bill provides that a city-county consolidation charter
4 shall provide for a governing body of not less than five
5 members and for the initial compensation for the members and
6 for a method of changing the compensation. The bill also
7 provides that the charter shall provide for a representation
8 plan for the governing body which may differ from the
9 representation plans in current Code for counties and cities.

10 The bill further provides that if a county has adopted a
11 charter for city-county consolidation form or community
12 commonwealth form that provides for representation by
13 districts and the county's population exceeds 180,000, the
14 county's initial plan for districts, and its first plan for
15 districts after each federal decennial census, shall be drawn
16 by the legislative service bureau. The temporary county
17 redistricting commission is to review the plan and may request
18 that a second plan be prepared by the legislative service
19 bureau. If the plan drawn by the legislative service bureau
20 and submitted by the temporary county redistricting commission
21 is rejected by the governing body, the governing body shall
22 direct the temporary county redistricting commission to
23 prepare another plan as provided by current law.

24 The bill provides that the governing body of a city-county
25 consolidated government shall supervise the administration of
26 services in designated service areas.

27 The bill strikes language relating to city-county
28 consolidation that required the governing body, within two
29 years of ratification of the charter, to revise, repeal, or
30 reaffirm all rules, ordinances, and resolution in force at the
31 time of consolidation and instead provides that each rule,
32 ordinance, and resolution shall remain in force unless
33 superseded by action of the governing body or superseded by a
34 charter provision.

35 The bill also provides that when a charter for city-county

1 consolidation is challenged in district court, the court is to
2 expedite its review and determination on the challenge.

3 The bill amends the form of the ballot to present only one
4 question on adoption of the city-county consolidation
5 government and its charter. The bill provides that these
6 provisions also apply to community commonwealth proposed
7 charters.

8 The bill provides that a city-county consolidation charter,
9 a multicounty consolidation charter, or a community
10 commonwealth charter may provide for the election of its
11 officers on a partisan or nonpartisan basis.

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

21 The bill adds city-county consolidation and community
22 commonwealth as a form of city government listed in the city
23 part of the Code. Because the procedure for adopting these
24 types of city-county governments are already in the county
25 chapter of the Code, the bill removes them from the
26 requirements of changing the form of government in the city
27 part of the Code.

28 The bill allows establishment of a local government
29 organization review committee in a county to study whether a
30 charter of consolidation should be presented to the voters.
31 Members shall be appointed within 30 days of a resolution
32 being adopted by the county board of supervisors or city
33 councils or within 30 days of a petition signed by eligible
34 electors being filed with the county.

35 Within seven months of organizing, the committee is to

1 submit a preliminary report to the county board of supervisors
2 on what alternative form of government it recommends. The
3 report is to be published in the official newspapers of the
4 county and in a newspaper of general circulation in each city.
5 If the committee recommends city-county consolidation,
6 multicounty consolidation, or a community commonwealth, the
7 committee shall become the commission that will draft the
8 proposal in lieu of the commission member requirements
9 currently in statute. The requirement to establish a
10 consolidation committee does not apply to a county in which a
11 charter commission has been established and is operating as of
12 July 1, 2003.

13 The bill provides that a commission created from a local
14 government organization review committee shall hold a public
15 hearing 30 days after submission of its preliminary report to
16 the county board of supervisors. A commission created from a
17 local government organization review committee is not subject
18 to the requirement that a preliminary report be submitted to
19 the county board of supervisors within nine months after
20 organization of the commission. The bill provides that a
21 commission created from a local government organization review
22 committee shall submit a final report to the county board of
23 supervisors within five months after submission of the
24 government organization review committee's preliminary report
25 to the board. Such a commission may, on its own motion,
26 extend that deadline by 60 days.

27 The bill may include a state mandate as defined in Code
28 section 25B.3. However, the bill makes inapplicable Code
29 section 25B.2, subsection 3, which would relieve a political
30 subdivision from complying with a state mandate if funding for
31 the cost of the state mandate is not provided or specified.
32 Therefore, political subdivisions are required to comply with
33 any state mandate included in the bill.

34 The bill takes effect upon enactment and applies to charter
35 commissions in existence on the effective date of the bill.

H-1176

1 Amend House File 646 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 331.210A, subsection 2, Code
5 2003, is amended by adding the following new
6 paragraph:

7 NEW PARAGRAPH. f. (1) Notwithstanding the
8 provisions of this section to the contrary, for a
9 county with a population of one hundred eighty
10 thousand or more that has adopted a charter for a
11 city-county consolidated form of government or a
12 community commonwealth form of government and which
13 charter provides for representation by districts, the
14 legislative service bureau, and not the temporary
15 county redistricting commission, shall draw a first or
16 second plan as necessary and required by paragraph "a"
17 pursuant to a contract executed with the county. The
18 plan drawn by the legislative service bureau shall be
19 based upon the precinct plan adopted for use by the
20 county and shall be drawn in accordance with section
21 42.4, to the extent applicable.

22 (2) The plan drawn by the legislative service
23 bureau shall be submitted to the temporary county
24 redistricting commission which shall not amend the
25 plan and which shall perform the duties required by
26 paragraphs "b" and "c" concerning the plan. The
27 temporary county redistricting commission shall accept
28 the plan in total or it may request and contract to
29 have a second plan prepared by the legislative service
30 bureau. In doing so, the temporary county
31 redistricting commission shall state its objections to
32 the first plan in writing.

33 (3) After the requirements of paragraphs "b" and
34 "c" have been met with respect to either a first or
35 second plan, the plan drawn by the legislative service
36 bureau and accepted by the temporary county
37 redistricting commission shall be submitted to the
38 governing body for its approval or rejection. If the
39 plan drawn by the legislative service bureau and
40 accepted by the temporary county redistricting
41 commission is rejected by the governing body, the
42 governing body may consider and accept the other plan
43 submitted by the legislative service bureau to the
44 temporary county redistricting commission, if any, or
45 shall direct the temporary county redistricting
46 commission to prepare another plan as provided by
47 paragraph "d".

48 Sec. 2. Section 331.231, subsection 5, Code 2003,
49 is amended to read as follows:

50 5. City-county consolidated form as provided in

H-1176

1 ~~section~~ sections 331.247 through 331.252.

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

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

8 Sec. 4. Section 331.234, subsections 3 and 4, Code
9 2003, are amended to read as follows:

10 3. The board shall make available to the
11 commission in-kind services such as office space,
12 printing, supplies, and equipment ~~and~~. The county
13 shall pay from the segregated account established in
14 subsection 4, the other necessary expenses of the
15 commission including compensation for secretarial,
16 clerical, professional, and consultant services. The
17 total annual expenses, not including the value of in-
18 kind expenses, to be paid from public funds shall not
19 exceed one hundred thousand dollars or an amount equal
20 to thirty cents times the population of the commission
21 area, according to the most recent certified federal
22 census. The commission may employ staff as necessary.

23 4. The expenses of the commission ~~may be paid from~~
24 ~~the general fund of the county~~ shall be paid by each
25 city and county participating in the charter process
26 or from any combination of public or private funds
27 available for that purpose. Each city's share shall
28 be its pro rata share of the expenses based upon the
29 ratio that the population of the city bears to the
30 total population in the county. The county's share
31 shall be its pro rata share of expenses based upon the
32 ratio that the population of the unincorporated area
33 of the county bears to the total population of the
34 county. The amount paid by each city and county
35 participating in the charter process shall be
36 deposited in a segregated account maintained by the
37 county. The commission's annual expenses may exceed
38 the amount in subsection 3 only if the excess is paid
39 from private funds. If a proposed charter is
40 submitted to the electorate, private funds donated to
41 the commission may be used to promote passage of the
42 proposed charter.

43 Sec. 5. Section 331.235, Code 2003, is amended to
44 read as follows:

45 331.235 COMMISSION PROCEDURES AND REPORTS:

46 1. Within sixty days after its organization, the
47 commission shall hold at least one public hearing for
48 the purpose of receiving information and material
49 which will assist in the drafting of a charter.

50 Notice of the date, time, and place of the hearing

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

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

10 1. ~~If a~~ The board shall direct the county
11 commissioner of elections to submit to the registered
12 voters of the county the question of whether the
13 proposed charter for county government shall be
14 adopted. The proposed charter for county government
15 is may be submitted at the general election or at a
16 special election held on the day of the regular city
17 election. To be submitted at the general election,
18 the proposed charter must be received not less than
19 five working days before the filing deadline for
20 candidates for county offices specified in section
21 44.4 for the next general election, the board shall
22 direct the county commissioner of elections to submit
23 to the registered voters of the county at the next
24 general election the question of whether the proposed
25 charter shall be adopted. A summary of the proposed
26 charter or amendment shall be published in the
27 official county newspapers and in a newspaper of
28 general circulation in each participating city, if
29 applicable, at least ten but not more than twenty days
30 before the date of the election. If a majority of the
31 votes cast on the question is in favor of the
32 proposal, the proposal is adopted.

33 Sec. 7. Section 331.237, subsection 2, paragraph
34 a, Code 2003, is amended to read as follows:

35 a. The adopted charter shall take effect July 1
36 following the ~~general~~ election at which it is approved
37 unless the charter provides a later effective date.
38 If the adopted charter calls for a change in the form
39 of government, officers to fill elective offices shall
40 be elected in the general election in the even-
41 numbered year following the adoption of the charter.
42 Those county officers holding office at the time of
43 the adoption of the charter shall continue in office
44 until the general election in the even-numbered year
45 following the adoption of the charter. If the charter
46 provides that one or more elective offices are
47 combined, the board of supervisors shall appoint one
48 of the elective officers of the combined offices to
49 serve until the general election in the even-numbered
50 year. If the charter calls for the elimination of an

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

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

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

10 Sec. 9. Section 331.238, Code 2003, is amended by
11 adding the following new subsection:

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

16 Sec. 10. Section 331.244, Code 2003, is amended by
17 adding the following new subsection:

18 NEW SUBSECTION. 3. This section does not apply to
19 the city-county consolidated form of government.

20 Sec. 11. Section 331.247, Code 2003, is amended to
21 read as follows:

22 331.247 CITY-COUNTY CONSOLIDATION FORM.

23 ~~1. A county and one or more cities within the~~
24 ~~county may unite to form a single unit of local~~
25 ~~government in accordance with this part. A commission~~
26 ~~appointed pursuant to section 331.233A may propose a~~
27 ~~charter under which a county and one or more cities~~
28 ~~within the county may unite to form a single unit of~~
29 ~~local government, or may propose a charter under which~~
30 ~~a county and one or more cities within the county may~~
31 ~~form a combined governance structure for the county~~
32 ~~and such cities in accordance with this part. The~~
33 ~~charter shall declare whether the form is a merger of~~
34 ~~a county and one or more cities to form a single unit~~
35 ~~of local government or whether the form establishes a~~
36 ~~combined government structure of a county and one or~~
37 ~~more cities. Either option proposed shall be referred~~
38 ~~to as a city-county consolidated form of government.~~
39 ~~If more than fifty percent of the population of a city~~
40 ~~resides within the affected county, it is a city~~
41 ~~within the county for the purposes of this section and~~
42 ~~may continue its status as a city within the county~~
43 ~~even if the population of such city falls below the~~
44 ~~fifty percent threshold in a future census.~~

45 ~~2. An alternative form of government, including a~~
46 ~~charter form, for a consolidated unit of government~~
47 ~~may be submitted to the voters only by a commission~~
48 ~~established under this chapter. A majority vote by~~
49 ~~the charter commission is required for the submission~~
50 ~~to the electorate of an alternative form of government~~

1 submit a proposed amendment to the voters at a general
2 election or at a special election, and the proposed
3 amendment becomes effective upon approval by a
4 majority of those voting.

5 (2) The governing body of the city-county
6 consolidated form of government, by ordinance, may
7 amend the charter. However, within thirty days
8 following publication of the ordinance, if a petition
9 valid under the provisions of section 331.306 is filed
10 with the governing body of the city-county
11 consolidated form of government, the governing body
12 must submit the charter amendment to the voters at a
13 special election and, in such an event, the amendment
14 becomes effective only upon approval of a majority of
15 those voting within the city-county consolidated area.

16 (3) If a petition valid under the provisions of
17 section 331.306 filed with the governing body of the
18 city-county consolidated form of government, proposing
19 an amendment to the charter, the governing body must
20 submit the proposed amendment to the voters at a
21 general election or at a special election and, in such
22 an event, the amendment becomes effective only upon
23 approval of a majority of those voting within the
24 city-county consolidated area.

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

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

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

33 c. An amendment shall not adopt an alternative
34 form of county government but an amendment may allow
35 the governing body of a city-county consolidated form
36 of government that has a combined governance structure
37 to adopt a city-county consolidated form of government
38 under which a county and one or more cities within the
39 county unite to form a single unit of local
40 government.

41 Sec. 12. Section 331.248, subsection 1, Code 2003,
42 is amended to read as follows:

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

48 Sec. 13. Section 331.248, subsection 2, Code 2003,
49 is amended to read as follows:

50 2. The ~~consolidation~~ charter for a city-county

1 consolidated form of government shall:

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

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

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

17 d. Provide the official name of the city-county
18 consolidated unit of local government form of
19 government.

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

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

30 g. Provide for a governing body of an odd number
31 of members, not less than five, but which may exceed
32 the number of members specified in sections 331.201,
33 331.203, and 331.204. The titles of the members of
34 the governing body shall be determined by the charter.

35 h. Provide for a representation plan for the
36 governing body which representation plan may differ
37 from the representation plans provided in section
38 331.206 and in chapter 372. If the plan calls for
39 representation by districts and the charter has been
40 approved in a county whose population is one hundred
41 eighty thousand or more, the plan shall be drawn
42 pursuant to section 331.210A, subsection 2, paragraph
43 "f". The initial representation plan for such a
44 county shall be drawn as provided in section 331.210A,
45 subsection 2, paragraph "f", within ninety days after
46 the election at which the charter is approved. For
47 the initial representation plan, the charter
48 commission shall assume the role of the governing body
49 for purposes of this paragraph and section 331.210A,
50 subsection 2, paragraphs "d" through "f".

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

4 j. Notwithstanding section 331.238, subsection 3,
5 provide whether the election of its officers shall be
6 on a partisan or nonpartisan basis.

7 Sec. 14. Section 331.248, Code 2003, is amended by
8 adding the following new subsection:

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

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

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

24 c. Provide for combining the duties of elected
25 officials of the county, for eliminating elected
26 offices and the assumption of the duties of those
27 offices by appointed officials, and for adding to,
28 deleting, or otherwise changing the duties of
29 officials, elected or otherwise, of the county and
30 each consolidated city.

31 d. Provide for the organization of city and county
32 departments, agencies, or boards. The organization
33 plan may provide for the abolition or consolidation of
34 a department, agency, board, or commission and the
35 assumption of its powers and duties by the governing
36 body or by another department, agency, board, or
37 commission. This paragraph does not apply to the
38 board of trustees of a county hospital.

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

43 Sec. 15. Section 331.249, Code 2003, is amended to
44 read as follows:

45 331.249 EFFECT OF CONSOLIDATION.

46 1. ~~a. The consolidation of one or more cities and~~
47 ~~one or more counties shall create a unified government~~
48 ~~which includes a municipal corporation and a county.~~
49 A city-county consolidated form of government under
50 which a county and one or more cities within the

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

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

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

41 If a city-county consolidation charter is proposed,
42 within ninety days following the final report of the
43 commission, a resident or property owner of the
44 commission area proposed to be consolidated may bring
45 an action in district court for declaratory judgment
46 to determine the legality of the proposed charter and
47 to otherwise declare the effect of the charter. The
48 court shall expedite its review and determination in
49 this matter. The referendum on the proposed charter
50 shall be stayed during pendency of the action and for

1 such additional time during which the proposed charter
2 or its enabling legislation does not conform to the
3 Constitution or laws of the State of Iowa. If in its
4 final judgment the court determines that the proposed
5 charter fails to conform to the Constitution or laws
6 of this state, the commission shall have a period of
7 six months in which to revise and resubmit the
8 proposed charter.

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

15 4. The adoption of the city-county consolidated
16 form of government does not alter any right or
17 liability of the county or consolidated city in effect
18 at the time of the election at which the charter was
19 adopted.

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

24 6. Upon the effective date of the adopted charter,
25 the county shall adopt the city-county consolidated
26 form of government by ordinance, and shall file a copy
27 with the secretary of state and maintain available
28 copies for public inspection.

29 7. Members of the governing body of the county and
30 of each consolidated city shall continue in office
31 until the members of the governing body of the city-
32 county consolidated form of government have been
33 elected and sworn into office, at which time the
34 offices of the former governing bodies shall be
35 abolished, and the terms of the members of the former
36 governing bodies shall be terminated. During the
37 period between the effective date of the charter and
38 the election and qualification of the elected members
39 of the new governing body, the former governing bodies
40 of each consolidated city and of the county shall
41 continue to perform their duties and shall assist in
42 planning the transition to the city-county
43 consolidated form of government.

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

1 county government shall not be submitted to the
2 electorate for at least six years from the date of the
3 election at which the charter was adopted.

4 Sec. 16. Section 331.250, Code 2003, is amended to
5 read as follows:

6 331.250 GENERAL POWERS OF CONSOLIDATED LOCAL
7 GOVERNMENTS.

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

22 Sec. 17. Section 331.251, Code 2003, is amended to
23 read as follows:

24 331.251 RULES, ORDINANCES, AND RESOLUTIONS OF
25 CONSOLIDATED ~~UNIT~~ GOVERNMENT.

26 ~~Within two years after ratification of the~~
27 ~~consolidation, the governing body of the consolidated~~
28 ~~unit of local government shall revise, repeal, or~~
29 ~~reaffirm all rules, ordinances, and resolutions in~~
30 ~~force within the participating county and cities at~~
31 ~~the time of consolidation. Each rule, ordinance, or~~
32 resolution in force within a county or within a city
33 at the time of consolidation shall remain in force
34 within the former geographic jurisdiction that county
35 or within that city until superseded by action of the
36 new governing body, unless the rule, ordinance, or
37 resolution is in conflict with a provision of the
38 charter, in which case, the charter provision shall
39 supersede the conflicting rule, ordinance, or
40 resolution. Ordinances and resolutions relating to
41 public improvements to be paid for in whole or in part
42 by special assessments shall remain in effect until
43 paid in full.

44 Sec. 18. Section 331.252, Code 2003, is amended to
45 read as follows:

46 331.252 FORM OF BALLOT -- CITY-COUNTY
47 CONSOLIDATION.

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

1 Should the ~~corporate existence and governments of~~
2 ~~the county of and the cities of and~~
3 ~~..... be consolidated into one joint city-county~~
4 ~~corporation government charter described below be~~
5 ~~adopted for (insert name of county and each city~~
6 ~~proposing to consolidate)?~~

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

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

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

14 Sec. 19. Section 331.254, subsection 7, Code 2003,
15 is amended to read as follows:

16 7. The merger of the elective offices of each
17 consolidating county with the election of new officers
18 within sixty days after the effective date of the
19 charter which shall specifically provide whether the
20 election of new officers shall be on a partisan or
21 nonpartisan basis, notwithstanding section 331.238,
22 subsection 3. The elections shall be conducted by the
23 county commissioner of elections of each county. No
24 primary election shall be held. Nominations shall be
25 made pursuant to section 43.78 and chapters 44 and 45,
26 as applicable, except that the filing deadline shall
27 be forty days before the election.

28 Sec. 20. Section 331.260, subsection 2, Code 2003,
29 is amended to read as follows:

30 2. A charter proposing a community commonwealth as
31 an alternative form of government may be submitted to
32 the voters only by a commission established under
33 section 331.232. A majority vote by the commission is
34 required for the submission of a charter proposing a
35 community commonwealth as an alternative form of local
36 government. The commission submitting a community
37 commonwealth form of government shall issue a final
38 report and proposal. ~~If an alternative form of~~
39 ~~government for a community commonwealth form of local~~
40 ~~government is proposed, approval of the commonwealth~~
41 ~~charter shall be a separate ballot issue from approval~~
42 ~~of the alternative form of government in those cities~~
43 ~~proposed to be included in the commonwealth. The~~
44 ~~commonwealth charter shall be effective in regard to a~~
45 ~~city government only if a majority of the voters of~~
46 ~~the city voting on the question voted for~~
47 participation in the commonwealth charter. Adoption
48 of the proposed community commonwealth charter
49 requires the approval of a majority of the votes cast
50 in the entire county. A city named on the ballot is

1 included in the community commonwealth if the proposed
2 community commonwealth charter is approved by a
3 majority of the votes cast in the city.

4 The question of forming a community commonwealth
5 shall be submitted to the electorate in substantially
6 the same ~~form~~ manner as provided in section 331.247,
7 subsection 4, and section 331.252.

8 Sec. 21. Section 331.261, subsection 2, Code 2003,
9 is amended to read as follows:

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

14 Sec. 22. Section 331.261, subsection 11, Code
15 2003, is amended to read as follows:

16 11. ~~The partisan~~ Notwithstanding section 331.238,
17 subsection 3, whether the election of community
18 commonwealth government officials shall be on a
19 partisan or nonpartisan basis.

20 Sec. 23. Section 331.261, unnumbered paragraph 2,
21 Code 2003, is amended to read as follows:

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

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

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

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

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

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

48 NEW SUBSECTION. 1E. Members of the governing body
49 of the county and of each member city shall continue
50 in office until the members of the governing body of

1 the community commonwealth form of government have
2 been elected and sworn into office, at which time the
3 offices of the former governing bodies shall be
4 abolished, and the terms of the members of the former
5 governing bodies shall be terminated. During the
6 period between the effective date of the charter and
7 the election and qualification of the elected members
8 of the new governing body, the former governing bodies
9 of each member city and of the county shall continue
10 to perform their duties and shall assist in planning
11 the transition to the community commonwealth form of
12 government.

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

23 Sec. 25. NEW SECTION. 331.264 LOCAL GOVERNMENT
24 ORGANIZATION REVIEW COMMITTEE.

25 1. A local government organization review
26 committee may be created in a county. The committee
27 shall be composed of the following members:

28 a. Three city council members appointed by the
29 city council of each participating city with a
30 population of twenty-five thousand or more.

31 b. Three county supervisors appointed by the
32 county board of supervisors.

33 c. One city council member appointed by each
34 participating city with a population of less than
35 twenty-five thousand.

36 d. One member shall be appointed by each state
37 legislator whose legislative district is located in
38 the county if a majority of the constituents of that
39 legislative district reside in the county. However,
40 if a county does not have a state representative's
41 legislative district which has a majority of a state
42 representative's constituency residing in the county,
43 the state representative having the largest plurality
44 of constituents residing in the county shall appoint a
45 member. The member appointed by each state legislator
46 shall be a person who is not holding elected office
47 and who is a resident of the legislative district of
48 the state legislator. If any portion of a legislative
49 district is in the unincorporated area of the county,
50 the member appointed by that legislator shall be a

1 resident of the unincorporated area of the county.
2 e. Three members appointed by the township
3 trustees of all the townships in the county and an
4 additional member appointed by the township trustees
5 for each five percent of the total population of the
6 county residing in the unincorporated area of the
7 county. The members shall be residents of the
8 unincorporated area of the county and shall be persons
9 who are not holding elected office other than that of
10 township trustee. The county auditor shall determine
11 the date and location for a meeting of the township
12 trustees of all the townships in the county at which
13 meeting the appointments shall be made and shall
14 provide written notice of the meeting to the trustees.
15 The meeting shall be held in accordance with chapter
16 21.

17 Organization and expenses of the committee are
18 subject to section 331.234 as if the committee were a
19 city-county consolidation or community commonwealth
20 commission. Sections 69.16 and 69.16A shall not apply
21 to the committee. However, a city allowed more than
22 one appointment shall balance its appointments in
23 accordance with sections 69.16 and 69.16A, when
24 possible.

25 2. Members shall be appointed to the organization
26 review committee within thirty days after any of the
27 following occurs:

28 a. The county board of supervisors and each city
29 council in the county adopt a joint resolution calling
30 for appointment of members to the committee and files
31 the resolution with the county board of supervisors.

32 b. The county board of supervisors in a county
33 adopts a resolution calling for appointment of members
34 to the committee.

35 c. A petition signed by eligible electors of the
36 county equal in number to at least twenty-five percent
37 of the votes cast in the county for the office of
38 president of the United States or governor at the
39 preceding general election or the signatures of at
40 least ten thousand eligible electors of the county,
41 whichever number is fewer, is filed with the county
42 board of supervisors.

43 3. Within seven months after the organization of
44 the organization review committee, the committee shall
45 submit a preliminary report to the county board of
46 supervisors with a recommendation as to what the
47 committee believes to be the best proposal for an
48 alternative form of government for the county. The
49 auditor's office shall make the report available to
50 the public upon request. A summary of the report

1 shall be published in the official newspapers of the
2 county and in a newspaper of general circulation in
3 each participating city.

4 4. If the committee report recommends a city-
5 county consolidation or community commonwealth, the
6 committee shall continue its existence and be
7 designated, and operate with the powers and duties of,
8 a commission created pursuant to section 331.233A. If
9 the committee report recommends a multicounty
10 consolidation, the committee shall continue its
11 existence and be designated, and operate with the
12 powers and duties of, a commission created pursuant to
13 section 331.233. If the committee recommends an
14 alternative form of government, that recommendation
15 shall state whether elections conducted under that
16 form of government shall be partisan or nonpartisan.

17 5. This section does not apply to a county in
18 which a charter commission has been established and is
19 operating as of July 1, 2003.

20 Sec. 26. Section 372.1, Code 2003, is amended by
21 adding the following new subsections:

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

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

26 Sec. 27. Section 372.2, unnumbered paragraph 1,
27 Code 2003, is amended to read as follows:

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

34 Sec. 28. IMPLEMENTATION OF ACT. Section 25B.2,
35 subsection 3, shall not apply to this Act.

36 Sec. 29. EFFECTIVE AND APPLICABILITY DATES. This
37 Act, being deemed of immediate importance, takes
38 effect upon enactment and applies to charter
39 commissions in existence on the effective date of this
40 Act."

By ELGIN of Linn

H-1176 FILED MARCH 26, 2003

Adopted 5/1/03

Chair: Elgin
Fallon Oldson
Hutter Roberts
Jochum Watts

Succeeded By
SF 0646

HSB 222

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, and including
10 effective and applicability date provisions.

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

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23

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 service bureau, and not the temporary county redistricting
10 commission, shall draw a first or second plan as necessary and
11 required by paragraph "a" pursuant to a contract executed with
12 the county. The plan drawn by the legislative service bureau
13 shall be based upon the precinct plan adopted for use by the
14 county and shall be drawn in accordance with section 42.4, to
15 the extent applicable.

16 (2) The plan drawn by the legislative service bureau shall
17 be submitted to the temporary county redistricting commission
18 which shall not amend the plan and which shall perform the
19 duties required by paragraphs "b" and "c" concerning the plan.
20 The temporary county redistricting commission shall accept the
21 plan in total or it may request and contract to have a second
22 plan prepared by the legislative service bureau. In doing so,
23 the temporary county redistricting commission shall state its
24 objections to the first plan in writing.

25 (3) After the requirements of paragraphs "b" and "c" have
26 been met with respect to either a first or second plan, the
27 plan drawn by the legislative service bureau and accepted by
28 the temporary county redistricting commission shall be
29 submitted to the governing body for its approval or rejection.
30 If the plan drawn by the legislative service bureau and
31 accepted by the temporary county redistricting commission is
32 rejected by the governing body, the governing body may
33 consider and accept the other plan submitted by the
34 legislative service bureau to the temporary county
35 redistricting commission, if any, or shall direct the

1 temporary county redistricting commission to prepare another
2 plan as provided by paragraph "d".

3 Sec. 2. Section 331.231, subsection 5, Code 2003, is
4 amended to read as follows:

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

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 331.235, subsection 4, Code 2003, is
13 amended to read as follows:

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

23 Sec. 5. Section 331.237, Code 2003, is amended by adding
24 the following new subsection:

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

28 Sec. 6. Section 331.238, Code 2003, is amended by adding
29 the following new subsection:

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

33 Sec. 7. Section 331.244, subsection 1, Code 2003, is
34 amended by adding the following new subsection:

35 NEW SUBSECTION. 3. This section does not apply to the

1 city-county consolidated form of government.

2 Sec. 8. Section 331.247, Code 2003, is amended to read as
3 follows:

4 331.247 CITY-COUNTY CONSOLIDATION FORM.

5 1. ~~A county and one or more cities within the county may~~
6 ~~unite to form a single unit of local government in accordance~~
7 ~~with this part.~~ A commission appointed pursuant to section
8 331.233A may propose a charter under which a county and one or
9 more cities within the county may unite to form a single unit
10 of local government, or may propose a charter under which a
11 county and one or more cities within the county may form a
12 combined governance structure for the county and such cities
13 in accordance with this part. The charter shall declare
14 whether the form is a merger of a county and one or more
15 cities to form a single unit of local government or whether
16 the form establishes a combined government structure of a
17 county and one or more cities. Either option proposed shall
18 be referred to as a city-county consolidated form of
19 government. If more than fifty percent of the population of a
20 city resides within the affected county, it is a city within
21 the county for the purposes of this section and may continue
22 its status as a city within the county even if the population
23 of such city falls below the fifty percent threshold in a
24 future census.

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

35 3. ~~An alternative form of government for a~~ A city-county

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

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

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

1 approval of the resolution.

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

4 (1) The governing body of the city-county consolidated
5 form of government, by resolution, may submit a proposed
6 amendment to the voters at a general election or at a special
7 election, and the proposed amendment becomes effective upon
8 approval by a majority of those voting.

9 (2) The governing body of the city-county consolidated
10 form of government, by ordinance, may amend the charter.
11 However, within thirty days following publication of the
12 ordinance, if a petition valid under the provisions of section
13 331.306 is filed with the governing body of the city-county
14 consolidated form of government, the governing body must
15 submit the charter amendment to the voters at a special
16 election and, in such an event, the amendment becomes
17 effective only upon approval of a majority of those voting
18 within the city-county consolidated area.

19 (3) If a petition valid under the provisions of section
20 331.306 filed with the governing body of the city-county
21 consolidated form of government, proposing an amendment to the
22 charter, the governing body must submit the proposed amendment
23 to the voters at a general election or at a special election
24 and, in such an event, the amendment becomes effective only
25 upon approval of a majority of those voting within the city-
26 county consolidated area.

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

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

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

35 c. An amendment shall not adopt an alternative form of

1 county government but an amendment may allow the governing
2 body of a city-county consolidated form of government that has
3 a combined governance structure to adopt a city-county
4 consolidated form of government under which a county and one
5 or more cities within the county unite to form a single unit
6 of local government.

7 Sec. 9. Section 331.248, subsection 1, Code 2003, is
8 amended to read as follows:

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

13 Sec. 10. Section 331.248, subsection 2, Code 2003, is
14 amended to read as follows:

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

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

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

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

30 d. Provide the official name of the city-county
31 consolidated unit-of-local-government form of government.

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

1 government.

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

7 g. Provide for a governing body of an odd number of
8 members, not less than five, but which may exceed the number
9 of members specified in sections 331.201, 331.203, and
10 331.204. The titles of the members of the governing body
11 shall be determined by the charter.

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

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

28 Sec. 11. Section 331.248, Code 2003, is amended by adding
29 the following new subsection:

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

34 a. Provide for a method of selecting officers of the
35 governing body and fixing their terms of office which may

1 differ from the requirements of sections 331.208 through
2 331.211 and the provisions of chapter 372.

3 b. Provide for meetings of the governing body and rules of
4 procedure which may differ from the requirements of section
5 331.213, except that the meetings shall be scheduled and
6 conducted in compliance with chapter 21.

7 c. Provide for combining the duties of elected officials
8 of the county, for eliminating elected offices and the
9 assumption of the duties of those offices by appointed
10 officials, and for adding to, deleting, or otherwise changing
11 the duties of officials, elected or otherwise, of the county
12 and each consolidated city.

13 d. Provide for the organization of city and county
14 departments, agencies, or boards. The organization plan may
15 provide for the abolition or consolidation of a department,
16 agency, board, or commission and the assumption of its powers
17 and duties by the governing body or by another department,
18 agency, board, or commission. This paragraph does not apply
19 to the board of trustees of a county hospital.

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

23 Sec. 12. Section 331.249, Code 2003, is amended to read as
24 follows:

25 331.249 EFFECT OF CONSOLIDATION.

26 1. ~~a. The consolidation of one or more cities and one or~~
27 ~~more counties shall create a unified government which includes~~
28 ~~a municipal corporation and a county. A city-county~~
29 consolidated form of government under which a county and one
30 or more cities within the county unite to form a single unit
31 of local government shall create a unified government which
32 includes a municipal corporation and a county. The
33 consolidated unit shall have the separate status of a county
34 and a city for all purposes and shall constitute two political
35 subdivisions, a consolidated city and a county, under combined

1 governance. The consolidated unit shall retain one separate
2 constitutional debt limitation with respect to its status as a
3 city and a separate constitutional debt limitation with
4 respect to its status as a county.

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

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

31 If a city-county consolidation charter is proposed, within
32 ninety days following the final report of the commission, a
33 resident or property owner of the commission area proposed to
34 be consolidated may bring an action in district court for
35 declaratory judgment to determine the legality of the proposed

1 charter and to otherwise declare the effect of the charter.
2 The referendum on the proposed charter shall be stayed during
3 pendency of the action and for such additional time during
4 which the proposed charter or its enabling legislation does
5 not conform to the Constitution or laws of the State of Iowa.
6 If in its final judgment the court determines that the
7 proposed charter fails to conform to the Constitution or laws
8 of this state, the commission shall have a period of six
9 months in which to revise and resubmit the proposed charter.

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

15 4. The adoption of the city-county consolidated form of
16 government does not alter any right or liability of the county
17 or consolidated city in effect at the time of the election at
18 which the charter was adopted.

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

23 6. Upon the effective date of the adopted charter, the
24 county shall adopt the city-county consolidated form of
25 government by ordinance, and shall file a copy with the
26 secretary of state and maintain available copies for public
27 inspection.

28 7. Members of the governing body of the county and of each
29 consolidated city shall continue in office until the members
30 of the governing body of the city-county consolidated form of
31 government have been elected and sworn into office, at which
32 time the offices of the former governing bodies shall be
33 abolished, and the terms of the members of the former
34 governing bodies shall be terminated. During the period
35 between the effective date of the charter and the election and

1 qualification of the elected members of the new governing
2 body, the former governing bodies of each consolidated city
3 and of the county shall continue to perform their duties and
4 shall assist in planning the transition to the city-county
5 consolidated form of government.

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

15 Sec. 13. Section 331.250, Code 2003, is amended to read as
16 follows:

17 331.250 GENERAL POWERS OF CONSOLIDATED LOCAL GOVERNMENTS.

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

30 Sec. 14. Section 331.251, Code 2003, is amended to read as
31 follows:

32 331.251 RULES, ORDINANCES, AND RESOLUTIONS OF CONSOLIDATED
33 ~~UNIF~~ GOVERNMENT.

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

1 ~~government shall revise, repeal, or reaffirm all rules,~~
2 ~~ordinances, and resolutions in force within the participating~~
3 ~~county and cities at the time of consolidation.~~ Each rule,
4 ordinance, or resolution in force within a county or within a
5 city at the time of consolidation shall remain in force within
6 the former geographic jurisdiction that county or within that
7 city until superseded by action of the new governing body,
8 unless the rule, ordinance, or resolution is in conflict with
9 a provision of the charter, in which case, the charter
10 provision shall supersede the conflicting rule, ordinance, or
11 resolution. Ordinances and resolutions relating to public
12 improvements to be paid for in whole or in part by special
13 assessments shall remain in effect until paid in full.

14 Sec. 15. Section 331.252, Code 2003, is amended to read as
15 follows:

16 331.252 FORM OF BALLOT -- CITY-COUNTY CONSOLIDATION.

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

19 Should the ~~corporate existence and governments of the~~
20 ~~county of ----- and the cities of ----- and ----- be~~
21 ~~consolidated into one joint city-county corporation government~~
22 charter described below be adopted for (insert name of county
23 and each city proposing to consolidate)?

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

27 ~~Should the {name of city or second county} participate in~~
28 ~~the consolidation charter?~~

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

31 Sec. 16. Section 331.260, subsection 2, Code 2003, is
32 amended to read as follows:

33 2. A charter proposing a community commonwealth as an
34 alternative form of government may be submitted to the voters
35 only by a commission established under section 331.232. A

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

23 Sec. 17. Section 331.261, subsection 2, Code 2003, is
24 amended to read as follows:

25 2. An elective legislative body established in the manner
26 provided for county boards of supervisors under sections
27 331.201 through 331.216 and section ~~331.238~~ 331.248,
28 subsection 2.

29 Sec. 18. Section 331.261, unnumbered paragraph 2, Code
30 2003, is amended to read as follows:

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

1 Sec. 19. Section 331.262, Code 2003, is amended by adding
2 the following new subsections:

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

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

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

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

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

32 NEW SUBSECTION. 1F. If a community commonwealth charter
33 is submitted to the electorate but is not adopted, another
34 charter shall not be submitted to the electorate for at least
35 two years from the date of the election at which the charter

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

6 Sec. 20. Section 372.1, Code 2003, is amended by adding
7 the following new subsections:

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

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

12 Sec. 21. Section 372.2, unnumbered paragraph 1, Code 2003,
13 is amended to read as follows:

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

20 Sec. 22. EFFECTIVE AND APPLICABILITY DATES. This Act,
21 being deemed of immediate importance, takes effect upon
22 enactment and applies to charter commissions in existence on
23 the effective date of this Act.

24 EXPLANATION

25 This bill makes technical and substantive changes to the
26 law relating to alternative forms of county government and to
27 certain alternative forms of city government.

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

32 The bill provides that the general Code provisions relating
33 to the election on a proposed charter for an alternative form
34 of county government and the effect of adoption of the
35 proposed charter by the electorate do not apply to city-county

1 consolidations or to community commonwealths. The bill enacts
2 similar provisions relating to the effect of adoption of the
3 charter in those sections of the Code that relate specifically
4 to city-county consolidations and to community commonwealths.

5 The bill also provides that the general Code provisions
6 relating to limitations on the alternative forms of county
7 government do not apply to city-county consolidations or to
8 community commonwealths. The bill enacts provisions similar
9 to the limitations provisions in those sections of the Code
10 that relate specifically to city-county consolidations and to
11 community commonwealths.

12 The bill provides that a city-county consolidation charter
13 may provide for the merger of a county and participating
14 cities into a single unit of local government which includes a
15 municipal corporation and a county or may provide for a
16 combined government structure of a county and one or more
17 participating cities, each of which would remain separate
18 political subdivisions. Either form would allow the county
19 and participating cities to retain a separate debt limitation
20 for purposes of the limitation imposed by the state
21 constitution.

22 Current law provides that if more than 50 percent of a
23 city's population resides in a county creating a city-county
24 consolidation charter commission, the city will be included on
25 the commission. The bill provides for such a city's inclusion
26 even if the population of the city falls below the 50 percent
27 threshold at a later date.

28 The bill provides that a petition to join a city-county
29 consolidated government requires signatures in an amount equal
30 to 25 percent of the persons voting at the last regular city
31 election, rather than at the general election. After
32 receiving a petition calling for participation, the city
33 council must adopt a resolution and forward it to the city-
34 county consolidated governing body within ten days of
35 adoption, rather than immediately.

1 The bill provides for amendment of a city-county
2 consolidation charter by resolution of the governing body and
3 approval of the electorate, or by ordinance of the governing
4 body which ordinance may be petitioned for approval by
5 referendum, or by petition and election. For all other types
6 of alternative forms, current Code provides that an amendment
7 to county government organization may be made by submitting
8 the question at election by resolution of the governing body
9 or by petition.

10 The bill provides that a city-county consolidation charter
11 shall provide for a governing body of not less than five
12 members and for the initial compensation for the members and
13 for a method of changing the compensation. The bill also
14 provides that the charter shall provide for a representation
15 plan for the governing body which may differ from the
16 representation plans in current Code for counties and cities.

17 The bill further provides that if a county has adopted a
18 charter for city-county consolidation form or community
19 commonwealth form that provides for representation by
20 districts and the county's population exceeds 180,000, the
21 county's initial plan for districts, and its first plan for
22 districts after each federal decennial census, shall be drawn
23 by the legislative service bureau. The temporary county
24 redistricting commission is to review the plan and may request
25 that a second plan be prepared by the legislative service
26 bureau. If the plan drawn by the legislative service bureau
27 and submitted by the temporary county redistricting commission
28 is rejected by the governing body, the governing body shall
29 direct the temporary county redistricting commission to
30 prepare another plan as provided by current law.

31 The bill provides that the governing body of a city-county
32 consolidated government shall supervise the administration of
33 services in designated service areas.

34 The bill strikes language relating to city-county
35 consolidation that required the governing body, within two

1 years of ratification of the charter, to revise, repeal, or
2 reaffirm all rules, ordinances, and resolution in force at the
3 time of consolidation and instead provides that each rule,
4 ordinance, and resolution shall remain in force unless
5 superseded by action of the governing body or superseded by a
6 charter provision.

7 The bill amends the form of the ballot to present only one
8 question on adoption of the city-county consolidation
9 government and its charter. The bill provides that these
10 provisions also apply to community commonwealth proposed
11 charters.

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

21 The bill adds city-county consolidation and community
22 commonwealth as a form of city government listed in the city
23 part of the Code. Because the procedure for adopting these
24 types of city-county governments are already in the county
25 chapter of the Code, the bill removes them from the
26 requirements of changing the form of government in the city
27 part of the Code.

28 The bill takes effect upon enactment and applies to charter
29 commissions in existence on the effective date of the bill.

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