

SENATE FILE 319
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 1104)

Passed Senate, Date _____ Passed House, 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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SF 319

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 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 ~~UNIT~~ 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 resolutions in force at
3 the 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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Shull
Drake
Kibbie

State Government

SSB 1104
Succeeded By
SF/HF 319

SENATE FILE _____

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

Passed Senate, Date _____ Passed House, 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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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 ~~UNIT~~ 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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