

**Senate File 2317 - Introduced**

SENATE FILE 2317

BY COMMITTEE ON REBUILD IOWA

(SUCCESSOR TO SSB 3189)

**A BILL FOR**

1 An Act authorizing the creation of watershed management  
2 authorities.

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

1     Section 1. NEW SECTION.   **28P.1 Definitions.**

2     As used in this chapter, unless the context otherwise  
3 requires:

4     1. "*Authority*" means a watershed management authority  
5 created pursuant to a chapter 28E agreement as provided in this  
6 chapter.

7     2. "*Board*" means a board of directors of a watershed  
8 management authority.

9     3. "*Political subdivision*" means cities, counties, and soil  
10 and water conservation districts.

11    Sec. 2. NEW SECTION.   **28P.2 Watershed management authorities**  
12 **created.**

13    1. Two or more political subdivisions may create, by chapter  
14 28E agreement, a watershed management authority pursuant to  
15 this chapter. The participating political subdivisions must be  
16 located in the same United States geological survey hydrologic  
17 unit code 8 watershed.

18    2. The chapter 28E agreement shall include a map showing the  
19 area and boundaries of the authority.

20    3. A county or a soil and water conservation district may  
21 participate in more than one authority created pursuant to this  
22 chapter.

23    4. A political subdivision is not required to participate in  
24 a watershed management authority or be a party to a chapter 28E  
25 agreement under this chapter.

26    Sec. 3. NEW SECTION.   **28P.3 Duties.**

27    A watershed management authority shall perform all of the  
28 following duties:

29    1. Assess the flood risks in the watershed.

30    2. Assess the water quality in the watershed.

31    3. Assess options for reducing flood risk and improving  
32 water quality in the watershed.

33    4. Monitor federal flood risk planning and activities.

34    5. Educate residents of the watershed area regarding water  
35 quality and flood risks.

1     6. Allocate moneys made available to the authority for  
2 purposes of water quality and flood mitigation.

3     7. Make and enter into contracts and agreements and execute  
4 all instruments necessary or incidental to the performance of  
5 the duties of the authority.

6     8. Set rates for dues for participating cities and counties.  
7 Dues shall be assessed on a proportional basis based on  
8 population, land area, or both of the participating cities and  
9 counties as determined by the authority.

10     Sec. 4. NEW SECTION.   **28P.4 Board of directors.**

11     1. An authority shall be governed by a board of directors.  
12 Members of a board of directors of an authority shall be  
13 divided among the political subdivisions comprising the  
14 authority and shall be appointed by the respective political  
15 subdivision's elected legislative body.

16     2. Representation on a board and the number of directors  
17 comprising a board shall be determined by agreement between the  
18 political subdivisions comprising the authority.

19     2A. The composition of the board regarding participating  
20 cities and counties shall be based on the proportion of the  
21 population of each participating city or county to the total  
22 population of the participating cities and counties. Each  
23 participating soil and water conservation district shall have  
24 one director on the board. This subsection shall not apply  
25 if a chapter 28E agreement under this chapter provides an  
26 alternative board composition method.

27     3. The directors shall serve staggered terms of four years.  
28 The initial board shall determine, by lot, the initial terms  
29 to be shortened and lengthened, as necessary, to achieve  
30 staggered terms. A person appointed to fill a vacancy shall be  
31 appointed in the same manner as the original appointment for  
32 the duration of the unexpired term. A director is eligible for  
33 reappointment. This subsection shall not apply if a chapter  
34 28E agreement under this chapter provides an alternative  
35 for the length of term, appointment, and reappointment of

1 directors.

2 4. A board may provide procedures for the removal of a  
3 director who fails to attend three consecutive regular meetings  
4 of the board. If a director is so removed, a successor shall be  
5 appointed for the duration of the unexpired term of the removed  
6 director in the same manner as the original appointment. The  
7 appointing body may at any time remove a director appointed by  
8 it for misfeasance, nonfeasance, or malfeasance in office.

9 5. A board shall adopt bylaws and shall elect one director  
10 as chairperson and one director as vice chairperson, each for a  
11 term of two years, and shall appoint a secretary who need not  
12 be a director.

13 6. A majority of the membership to a board of directors  
14 shall constitute a quorum for the purpose of holding a meeting  
15 of the board. The affirmative vote of a majority of a quorum  
16 shall be necessary for any action taken by an authority unless  
17 the authority's bylaws specify those particular actions of the  
18 authority requiring a greater number of affirmative votes. A  
19 vacancy in the membership of the board shall not impair the  
20 rights of a quorum to exercise all the rights and perform all  
21 the duties of the authority.

22 Sec. 5. NEW SECTION. **28P.5 Activities coordination.**

23 In all activities of a watershed management authority, the  
24 authority shall coordinate and cooperate with the department  
25 of natural resources, the department of agriculture and land  
26 stewardship, councils of governments, public drinking water  
27 utilities, and soil and water conservation districts.

28 EXPLANATION

29 This bill authorizes the creation of watershed management  
30 authorities.

31 The bill allows two or more cities, counties, and soil and  
32 water conservation districts to create a watershed management  
33 authority. The participating cities, counties, and soil  
34 and water conservation districts must be located in the  
35 same United States geological survey hydrologic unit code 8

1 watershed. A county or a soil and water conservation district  
2 may participate in more than one authority. A political  
3 subdivision is not required to participate in an authority.

4 The bill requires a watershed management authority to  
5 assess the flood risks in the watershed, assess the water  
6 quality in the watershed, assess options for reducing flood  
7 risk and improving water quality in the watershed, monitor  
8 federal flood risk planning and activities, educate the  
9 residents of the watershed area regarding water quality and  
10 flood risks, allocate moneys made available to the authority  
11 for purposes of water quality and flood mitigation, make and  
12 enter into contracts and agreements, and set rates for dues for  
13 participating cities and counties.

14 The bill provides that a watershed management authority  
15 shall be governed by a board of directors.

16 The bill provides that in all activities of a watershed  
17 management authority, the authority shall coordinate and  
18 cooperate with the department of natural resources, the  
19 department of agriculture and land stewardship, councils of  
20 governments, public drinking water utilities, and soil and  
21 water conservation districts.