

all the taxable property in the county, said levy to be in addition to all other levies authorized by law for similar purposes.

Approved June 30, 1977

CHAPTER 113
JAIL ATTENDANT ON PREMISES

H. F. 101

AN ACT relating to the required presence of an attendant on the jail premise* when a prisoner is incarcerated.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section three hundred fifty-six point five (356.5), subsection six (6), Code 1977, is amended by striking the subsection and inserting in lieu thereof the following:

6. Keep a matron on the jail premises at all times during the incarceration of one or more female prisoners; keep either a jailer or matron on the premises at all times during the incarceration of one or more male prisoners, and make nighttime inspections while any prisoners are confined, or provide for incarceration in a jail which conforms to the provisions of this subsection.

Approved May 13, 1977

*According to enrolled ACT

CHAPTER 114
CITY DEVELOPMENT BOUNDARY ADJUSTMENT

S. F. 224

AN ACT relating to city development clarifying what the city clerk and city development board must file when a city is involved in a voluntary boundary adjustment or incorporation and adding a requirement for an agreement for maintenance of shared roads.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section three hundred sixty-eight point seven (368.7), Code 1977, is amended by striking unnumbered paragraph two (2) and inserting in lieu thereof the following:

An application for annexation of territory not within the

urbanized area of a city other than the city to which the annexation is directed must be approved by resolution of the council which receives the application. Upon receiving approval of the council, the city clerk shall file a copy of the resolution, map, and legal description of the territory involved with the state department of transportation. The city clerk shall also file a copy of the map and resolution with the county recorder, secretary of state, and the board. The annexation is completed upon acknowledgement by the board that it has received the map and resolution and a certification by the city clerk that copies of the map and resolution have been filed with the county recorder and secretary of state and that copies of the resolution, map, and legal description of the territory involved have been filed with the state department of transportation.

An application for annexation of territory within the urbanized area of a city other than the city to which the annexation is directed must be approved both by resolution of the council which receives the application and by the board. The annexation is completed when the board has filed copies of applicable portions of the proceedings as required by section three hundred sixty-eight point twenty (368.20), subsection two (2) of the Code.

Sec. 2. Section three hundred sixty-eight point eight (368.8), Code 1977, is amended to read as follows:

368.8 VOLUNTARY SEVERING OF TERRITORY. Any territory may be severed upon the unanimous consent of all owners of the territory and approval by resolution of the council of the city in which the territory is located. The council shall provide in the resolution for the equitable distribution of assets and equitable distribution and assumption of liabilities of the territory as between the city and the severed territory. The council city clerk shall file a copy of the resolution, and a map, with and a legal description of the territory involved with the state department of transportation. The city clerk shall also file a copy of the map and resolution with the county recorder, secretary of state, and the board. ~~The severance shall be~~ is ~~completed when the board has filed copies of the resolution and map as provided in section 368.20, subsection 2~~ upon acknowledgement by the board that it has received the map and resolution and a certification by the city clerk that copies of the map and resolution have been filed with the county recorder and secretary of state and

that copies of the resolution, map, and a legal description of the territory involved have been filed with the state department of transportation.

Sec. 3. Section three hundred sixty-eight point eleven (368.11), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. Plans shall include a formal agreement between affected municipal corporations and counties for the maintenance, improvement and traffic control of any shared roads involved in an incorporation or boundary adjustment.

Sec. 4. Section three hundred sixty-eight point twenty (368.20), subsection two (2), Code 1977, is amended to read as follows:

2. File with the secretary of state, the clerk of each city incorporated or involved in a boundary adjustment, and with the recorder of each county which contains a portion of any city or territory involved, copies of the proceedings including the original petition or plan and any amendments, the order of the board approving the petition or plan, proofs of service and publication of required notices, certification of the election result, and any other material deemed by the board to be of primary importance to the proceedings. Upon proper filing and expiration of time for appeal, or upon a subsequent date as provided in the proposal, the incorporation, discontinuance, or boundary adjustment is complete, except that if an appeal to any of the proceedings is pending, completion does not occur until the appeal is decided. ~~The clerk of each city incorporated or involved in a boundary adjustment board~~ shall also file with the state department of transportation ~~and with the city development board~~ a copy of the ~~plat map~~ and legal land description of each completed annexation incorporation or corporate boundary adjustment completed under sections three hundred sixty-eight point eleven (368.11) through three hundred sixty-eight point twenty-two (368.22) of the Code or approved annexation within an urbanized area.

Sec. 5. This Act is effective January 1, 1978.
Approved June 3, 1977

SENATE FILE 7

[Supplement to 67 G.A., 1977 Regular Session]

This bill (S.F. 7) as passed by the General Assembly was vetoed by the Governor and, therefore, was not included in the original printing of the Session Laws. However, an action challenging the constitutionality of the Governor's veto of S.F. 7 has been brought in the District Court of Iowa in and for Polk County, *Redmond, et al., v. Ray, et al.* No. C. E. 7-4045 and is pending at the time of this publication. In an interlocutory order dated October 11, 1977, the court ordered the inclusion of S.F. 7 in the form a Supplement in the Session Laws with an appropriate notice that the constitutionality of the veto is an issue currently pending in court.

An Act relating to contract and bidding procedures for the repair or construction of county buildings.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section three hundred thirty-two point seven (332.7), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

332.7 CONTRACT AND BID REQUIREMENTS--EMERGENCY REPAIRS.

1. If the probable cost of constructing or repairing a county building will exceed five thousand dollars, the county building shall be constructed or repaired only after bid proposals for the construction or repair have been invited by advertisement once each week for three consecutive weeks in all of the official newspapers of the county in which the work is to be done and under an express written contract. The detailed plans and specifications for such improvements shall be on file and open to public inspection in the office of the auditor of the county in which the work is to be done before advertisement for bids.

2. If the probable cost of constructing or repairing a county building will not exceed five thousand dollars, the county building shall be constructed or repaired under an express written contract awarded through the formal bidding procedures specified in subsection one (1) of this section or through informal bidding procedures by notifying in writing at least three qualified bidders at least two weeks before letting the contract, except for repairs specified in subsection three (3) of the section. The informal bids received and a statement of the reasons for use of the informal procedure and bid acceptance shall be entered in the minutes of the meeting of the board of supervisors at which such action is taken.

3. The provisions of subsections one (1) and two (2) of this section shall not apply to the repair costs of a county building which do not exceed five hundred dollars or to costs for emergency repairs not exceeding two thousand dollars which are necessary to prevent further damage to a building and which reasonably cannot be delayed in compliance with the time requirements of the formal or informal bidding and contracting procedures provided for in this section. However, the minutes of the meeting of the board of supervisors at which expenditures for emergency repairs are approved shall contain a statement explaining the need for emergency repairs and the reasons why the formal and informal bidding and contracting procedures specified in this section could not be followed.

Sec. 2. This Act is effective January 1, 1978.

~~Approved~~ *Disapproved* July 10, 1977

Robert D. Ray
ROBERT D. RAY
Governor