

CHAPTER 1167

RURAL WATER DISTRICTS — AGREEMENTS WITH SANITARY DISTRICTS, PROJECT FINANCING, AND DETACHMENT AND ATTACHMENT OF AREAS

S.F. 2268

AN ACT relating to rural water services by authorizing rural water districts to enter into agreements with other governmental entities to provide for the ownership, acquisition, construction, and equipping of sewer systems, and authorizing the issuance of revenue obligations to finance the projects and providing procedures for detaching property from one district and attaching it to another district.

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

Section 1. Section 357A.11, subsection 11, Code 1997, is amended to read as follows:

11. Have authority to execute an agreement with a governmental entity, including a county, city, sanitary sewer district, or another district, for purposes of managing or administering the governmental entity's works, facilities, or waterways which are useful for the collection, disposal, or treatment of wastewater or sewage and which are located within the jurisdiction of the governmental entity or the district. The board may do what is necessary to carry out the agreement, including but not limited to any of the following:

- a. Owning or acquiring by gift, lease, purchase, or grant any interest in real or personal property.
- b. Constructing, operating, maintaining, repairing, improving, or equipping any of the works, facilities, or waterways.
- c. Financing all or part of the cost of acquiring, constructing, maintaining, repairing, improving, or equipping any works, facilities, or waterways, or refinancing all or part of the cost. The financing or refinancing shall be accomplished in accordance with the terms and procedures set forth in the applicable provisions of sections 384.24A, 384.83 through 384.88, 384.92, and 384.93. References in those sections to a city shall be applicable to a district and references in those sections to a governing body or a city council shall be applicable to the district's board.

Sec. 2. NEW SECTION. 357A.24 DETACHMENT AND ATTACHMENT OF AREAS BETWEEN DISTRICTS.

1. The boards of two or more districts, or the boards of any district and a rural water system organized under chapter 504A, may by concurrent action or agreement join in a petition to detach an area which is not being served by the facilities of one district or system for purposes of being attached to the other district or system. The concurrent action or agreement may include conditions placed on the effectiveness of the concurrent action or agreement as deemed appropriate by the boards of the districts.

2. The petition shall be filed with the auditor of the county in which the area to be detached is located. The petition shall include all of the following regarding the area which is the subject of the petition:

a. A description by section, or fraction thereof, and by township and range of the area, in the same manner as provided in section 357A.16.

b. A verification that the area is not being served by the facilities of any district.

c. A statement asserting that the area can be adequately and economically served by the facilities of the district proposing to attach the area.

3. Upon filing the petition, the auditor shall prepare for a hearing on the petition by following the same procedures as provided in section 357A.3. The notice of the hearing shall include all of the following:

a. The location of the area subject to the petition.

b. The time and place of the hearing as established by the board of supervisors for the county in which the area to be detached is located.

c. That all owners or tenants of real property within the boundaries of the area may appear and be heard.

4. After the hearing the board of supervisors shall order that the area subject to the petition be detached from one district and attached to the other district, if the board determines that all of the following have been satisfied:

a. The petition meets the requirements of this section.

b. The information included in the petition is accurate.

c. Notice required in this section has been provided.

d. The detachment and attachment is in the best interest of the residents of the area subject to the petition.

The order shall be published in the same newspaper which published the notice of the hearing.

5. This section does not preclude any procedure for detaching an area from or attaching an area to a district as otherwise provided by law, including this chapter.

Approved May 6, 1998

CHAPTER 1168

RURAL IMPROVEMENT ZONES

S.F. 2284

AN ACT relating to rural improvement zones.

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

Section 1. Section 357H.1, Code Supplement 1997, is amended to read as follows:

357H.1 RURAL IMPROVEMENT ZONES.

The board of supervisors of a county with less than eleven thousand five hundred residents but more than ten thousand five hundred residents, based upon the 1990 certified federal census, and with a private lake development, shall designate an area surrounding the lake, if it is an unincorporated area of the county, a rural improvement zone upon receipt of a petition pursuant to section 357H.2, and upon the board's determination that the area is in need of improvements. For purposes of this chapter, "improvements" means dredging, installation of erosion control measures, land acquisition, and related improvements, including soil conservation practices, within or outside of the boundaries of the zone.

For purposes of this chapter, "board" means the board of supervisors of the county.

Sec. 2. Section 357H.6, Code Supplement 1997, is amended to read as follows:

357H.6 TRUSTEES — TERMS AND QUALIFICATIONS.

The election of trustees of a rural improvement zone shall take place at a special election on ballots which shall not reflect a nominee's political affiliation. Nomination shall be made by petition in accordance with chapter 45. The petition form shall be furnished by the county commissioner of elections, signed by eligible electors of the rural improvement zone equal in number to one percent of the vote cast within the zone for governor in the last previous general election, and shall be filed with the county commissioner of elections. A plurality shall be sufficient to elect the five trustees of the rural improvement zone, and no primary election for that office shall be held. At the original election, two trustees shall be elected for one year, two for two years, and one for three years. The terms of the succeeding trustees are for three years. The terms of the trustees shall begin immediately after their