

CHAPTER 371

CONSOLIDATION OF COUNTIES

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371.01 COUNTIES MAY CONSOLIDATE.

Two or more counties may be consolidated into a single county in the manner provided in this chapter.

History: (637-1) 1933 c 273 s 1; 1985 c 109 s 2

371.02 PETITION.

A petition for each affected county, signed by at least one-fourth of those voting in the county at the last preceding general election, giving the residence of each signer, shall be filed with the secretary of state at least 90 days before any general election, requesting the consolidation of the counties named, specifying the name of the proposed new county and the name and location of the proposed county seat.

History: (637-2) 1933 c 273 s 2; 1985 c 109 s 2

371.03 PROCLAMATION.

If each petition is signed by the requisite number of persons who are voters in each of the affected counties and, if the petition conforms to the requirements of section 371.02, the secretary of state shall notify the governor of the filing. The affidavits of persons obtaining the signatures shall be *prima facie* evidence that each petition is signed by persons who are voters in each of the affected counties. The governor shall issue a proclamation at least 60 days before the election, stating that the petitions have been filed, the substance of the petitions, and directing that the question of consolidation shall be submitted to the voters of the affected counties at the election.

History: (637-3) 1933 c 273 s 3; 1985 c 109 s 2

371.04 NOTICE OF PROCLAMATION.

After the proclamation is issued, the secretary of state shall record the petitions, affidavits, and proclamation, and transmit a certified copy of the proclamation, by mail, to the auditor of each county.

History: (637-4) 1933 c 273 s 4; 1984 c 543 s 34; 1985 c 109 s 2

371.05 NOTICE OF ELECTION.

The notice of the general election must specify that the question of consolidating the counties will be voted upon at the election, and shall state substantially the facts in the petition. The ballots for the proposition shall include the words:

"Shall the following named counties (inserting the names) be consolidated into a single county?

Yes

No"

History: (637-5) 1933 c 273 s 5; 1985 c 109 s 2

371.06 JUDGES; CANVASS OF VOTES.

The election judges, in addition to the returns required in other cases, shall canvass, count, certify, and return, as in other cases, to the county auditor the votes cast upon the proposition. The county canvassing board shall canvass and make return of the votes as in the case of votes for state officers. The return must show the result of the vote for and against the proposition submitted.

History: (637-6) 1933 c 273 s 6; 1985 c 109 s 2

371.07 STATE CANVASSING BOARD TO CANVASS RETURNS.

The State Canvassing Board shall canvass the returns at the time of canvassing the votes cast for state officers, and in the same manner. When the canvass is completed the board shall file a certificate declaring the result of the vote with the secretary of state, showing the number of votes cast in each county for and against consolidation. If 60 percent of the votes cast in each affected county is for the consolidation, the secretary of state shall record the certificate and shall deliver a certified copy to the governor, who shall issue a proclamation declaring the result. After the proclamation is issued by the governor, the consolidation is effective January 1 following the general election.

History: (637-7) 1933 c 273 s 7; 1973 c 35 s 66; 1985 c 109 s 2

371.08 GOVERNOR TO APPOINT FIRST COUNTY BOARD.

The governor shall appoint five qualified electors residing within the consolidated county to constitute the first board of county commissioners for the new county, within 60 days after issuing the proclamation, who shall qualify as provided by law. The officers of each affected county shall continue in office until the consolidation proceedings become effective, with all the powers and duties of their respective offices, except as provided in this chapter.

History: (637-8) 1933 c 273 s 8; 1985 c 109 s 2

371.09 MEETING OF COUNTY BOARD.

The board of county commissioners for the new county shall meet at the county seat at a time designated in the order of the governor appointing them and elect one of its number as chair. The auditor of the county in which the county seat is located shall act as the recording officer of the board until the consolidation proceedings become effective. At the meeting, or at any adjournment, the board shall divide the new county into commissioner districts by an order defining the boundaries of each district. The order shall be filed with the auditor of each county affected.

History: (637-9) 1933 c 273 s 9; 1985 c 109 s 2; 1986 c 444

371.10 DUTIES OF COUNTY BOARD.

The board of county commissioners shall meet in July and shall levy a tax for the new county in the manner provided by law for levying taxes for county purposes. The chair shall certify to the auditor of each

county affected the amount levied. The county boards of the respective counties to be consolidated shall not levy any tax for county purposes in this year.

History: (637-10) 1933 c 273 s 10; 1985 c 109 s 2; 1986 c 444

371.11 COUNTY AUDITORS; LOCAL TAX RATE.

When the tax is levied, the county board shall set a time for a meeting of the auditors of the counties affected and shall certify the date to the county auditors when certifying the levy. The county auditors shall meet at the county seat and, set the local tax rate for the new county, based upon the aggregate net tax capacity of the consolidated counties, at that meeting or any adjournment. Each auditor shall extend the taxes within the county and deliver the appropriate books to the treasurer of the new county for collection on the first Monday in the following January, as provided by law. The officers of the new county shall have all the powers and duties for the collection of delinquent taxes levied by the consolidated counties previously possessed and performed by the officers of the respective counties before the consolidation became effective.

History: (637-11) 1933 c 273 s 11; 1985 c 109 s 2; 1988 c 719 art 5 s 84; 1989 c 329 art 13 s 20; 1Sp1989 c 1 art 2 s 11

371.12 COUNTY BOARD TO APPOINT NEW OFFICERS.

The county board of the new county shall appoint electors residing within the new county to the county offices before the consolidation becomes effective. The new officers shall qualify on the date that the consolidation becomes effective, as provided by law. All the books, records, and files of the offices of the consolidated counties shall be delivered to the appropriate officers of the new county.

History: (637-12) 1933 c 273 s 12; 1985 c 109 s 2

371.13 COUNTY BOARD TO PROVIDE COURTHOUSE.

The county board of the new county shall make arrangements for suitable offices for the county officers before the consolidation becomes effective. If the county is not going to succeed to any building or buildings appropriate for this purpose, the board may lease suitable space or buildings.

History: (637-13) 1933 c 273 s 13; 1985 c 109 s 2

371.14 NEW COUNTY; INDEBTEDNESS; CONTRACTS.

(a) When the consolidation becomes effective, the new county shall become vested with the title to all real and personal property, other than money in cash or on deposit, of the consolidated counties.

(b) The territory within the consolidated counties shall remain liable for all indebtedness of the respective counties when the consolidation becomes effective.

(c) Any money on hand, in cash or on deposit, and the proceeds of any tax levied by the respective counties, shall be applied on the indebtedness.

(d) The appropriate officers of the new county shall from time to time levy a tax to pay the indebtedness as it becomes due.

(e) The tax shall be spread against the liable taxable property.

(f) The new county shall have authority to enforce any contract and to collect any claims of the consolidated counties by suit or otherwise.

History: (637-14) 1933 c 273 s 14; 1985 c 109 s 2

371.15 MAY ISSUE CERTIFICATES OF INDEBTEDNESS.

Any time after the county board has made the original tax levy for the new county and certified the tax levy to the respective auditors, it may issue certificates of indebtedness of the new county in anticipation of the collection of the levy. Each certificate shall be in writing, signed by the chair, and attested by the recording officer of the board, mature before December 1 following the effective date of the consolidation, and bear interest at a rate as authorized under section 475.55.

History: (637-15) 1933 c 273 s 15; 1985 c 109 s 2; 1986 c 444