

February 22, 1951.
Conservation, Drainage, Flood Control.

House File 510
By OLSON.

Passed House, Date
Vote: Ayes..... Nays.....
Passed Senate, Date
Vote: Ayes..... Nays.....
Approved

A BILL FOR

An Act to provide for the creation of a county conservation board, and prescribing the powers, duties and terms of office of said board.

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

1 Section 1. The purposes of this act are to create a
2 county conservation board and to authorize counties to acquire
3 develop, maintain, and make available to the inhabitants of
4 the county public parks, preserves, parkways playgrounds,
5 recreation centers, county forests, wildlife and other con-
6 servation areas, and to promote and preserve the health and
7 general welfare of the people, to encourage the orderly
8 development and conservation of natural resources, and to
9 cultivate good citizenship by providing adequate programs of
10 public recreation, and

1 Sec. 2. Upon petition of 200 voters in any county to
2 the board of supervisors thereof, said board shall submit
3 to the people of the county at the next regular election the
4 question whether a county conservation board shall be created
5 as provided for in this act. If, at said election, the

6 majority of votes polled be for the creation of a county
7 conservation board, then the board of supervisors shall
8 within 60 days after said election create a county conservation
9 board to consist of five bona fide residents of such county.
10 The members first appointed shall hold office for the term of
11 one, two, three, four and five years respectively, as indicated
12 and fixed by the county board of supervisors. Thereafter,
13 succeeding members shall be appointed for a term of five years,
14 except that vacancies occurring otherwise than by expiration
15 of term shall be filled by appointment for the unexpired term.
16 When any member of the board, during the term of office, shall
17 cease to be a bona fide resident of the county, he or she shall
18 thereby be disqualified as a member of said board and his or
19 her office shall thereupon be declared vacant. Members of the
20 board shall be selected and appointed on the basis of their
21 demonstrated interest in conservation matters and shall serve
22 without compensation, but may be paid their actual and neces-
23 sary expenses incurred in the performance of their official
24 duties.

1 Sec. 3. Within thirty days after their appointment,
2 the board shall organize by selecting from its members a
3 president and secretary and such other officers as are deemed
4 necessary, who shall hold office for the calendar year in which
5 elected and until their successors are selected and qualified.
6 Three members of the board shall constitute a quorum for the
7 transaction of business. The board shall hold regular monthly

8 meetings. Special meetings may be called by the president,
9 and shall be called on the request of a majority of members,
10 as the necessity may require. The county conservation board
11 shall have power to adopt by-laws, to sue and be sued, to
12 adopt and use a common seal, and to enter into contracts. The
13 county board of supervisors shall provide suitable offices for
14 the meetings of the county conservation board and for the
15 safekeeping of its records. Such records shall be subject to
16 public inspection at all reasonable hours and under such regu-
17 lations as the county conservation board may prescribe. Said
18 board shall annually make a full and complete report to the
19 county board of supervisors of its transactions and operations
20 for the preceding year. Such report shall contain a full
21 statement of its receipts, disbursements, and the program of
22 work for the period covered, and may include such recommendations
23 as may be deemed advisable. A copy of this report shall be
24 filed with the state conservation commission.

1 Sec. 4. The county conservation board shall have the
2 custody, control and management of all real and personal
3 property heretofore or hereafter acquired by the county for
4 public parks, preserves, parkways, playgrounds, recreation
5 centers, county forests, county wildlife areas and other county
6 conservation and recreation purposes and is authorized and
7 empowered:

8 (1) To study and ascertain the county's park, preserve,
9 parkway, and recreation and other conservation facilities,

10 the need for such facilities, and the extent to which such
11 needs are being currently met, and to prepare and adopt a co-
12 ordinated plan of areas and facilities to meet such needs.

13 (2) To acquire in the name of the county by gift, pur-
14 chase, lease, agreement, condemnation or otherwise, in fee
15 or with conditions, suitable real estate within or without
16 the territorial limits of the county areas of land and water
17 for public parks, preserves, parkways, playgrounds, recreation
18 centers, forests, wildlife and other conservation purposes.

19 The state conservation commission, the county board of
20 supervisors, or the governing body of any city, town or village
21 may, upon request of the county conservation board, designate,
22 set apart and transfer to the county conservation board for
23 use as parks, preserves, parkways, playgrounds, recreation
24 centers, play fields, tennis courts, skating rinks, swim-
25 ming pools, gymnasiums, rooms for art and crafts, camps and
26 meeting places, community forests, wildlife areas and other
27 conservation purposes, any land and buildings owned or con-
28 trolled by the State Conservation Commission or such county
29 or municipality and not devoted or dedicated to any other
30 inconsistent public use. In acquiring or accepting land due
31 consideration shall be given to its scenic, historic,
32 archaeological, recreational or other special features, and no
33 land shall be acquired or accepted which in the opinion of
34 the board and the state conservation commission is of low
35 value from the standpoint of its proposed use.

36 (3) The county conservation board shall file with and
37 obtain approval of the state conservation commission on all
38 proposals for acquisition of land, and all general development
39 plans and programs for the improvement and maintenance thereof
40 before any such program is executed.

41 (4) To plan, develop, preserve, administer and maintain
42 all such areas, places and facilities, and construct, recon-
43 struct, alter and renew buildings and other structures, and
44 equip and maintain the same.

45 (5) To accept in the name of the county gifts, bequests,
46 contributions and appropriations of money and other personal
47 property for conservation purposes.

48 (6) To provide, conduct, and supervise programs of ac-
49 tivities for children and adults which contribute to the physical
50 mental or moral well-being of the individual or group par-
51 ticipating therein, and including any activities in the fields
52 of music, drama, art, handicraft, science, literature
53 nature study, aquatic sports and athletics, or any of them,
54 and informal play incorporating any such activities.

55 (7) To employ and fix the compensation of an executive
56 officer who shall be responsible to the county conservation
57 board for the carrying out of its policies. The said executive
58 officer shall have the power, subject to the approval of said
59 boards, to employ and fix the compensation of such assistants
60 and employees as may be deemed necessary for carrying out the
61 purposes and provisions of this act, but not in excess of those

62 paid state conservation officers and employees for like serv-
63 ices.

64 (8) To charge and collect reasonable fees for the use
65 of such facilities, privileges and conveniences as may be
66 provided and for admission to amateur athletic contests,
67 demonstrations and exhibits and other non-commercial events.

68 (9) To let out and rent privileges in or upon any
69 property under its control upon such terms and conditions as
70 are deemed by it to be in the public interest.

1 Sec. 5. The county conservation board may make, alter,
2 amend and repeal rules and regulations for the protection,
3 regulations and control of all parks, preserves, parkways,
4 playgrounds, recreation centers, and other property under its
5 control. No rules and regulations adopted shall be contrary
6 to, or inconsistent with the laws of the state of Iowa. Such
7 rules and regulations shall not take effect until ten (10)
8 days after their adoption by the said board and after their
9 publication once a week for two weeks in at least one paper
10 circulating in the county and after a copy thereof has been
11 posted near each gate or principal entrance to the public
12 ground to which they apply. Any person violating any such
13 rule or regulation made and promulgated as herein provided
14 shall be deemed guilty of a misdemeanor and upon conviction
15 shall be punished by a fine of not more than \$100 or by
16 imprisonment in the county jail for not more than thirty (30)
17 days, and be adjudged to pay all costs of the proceedings.

18 The board may designate the executive officer and such employees
19 as he may designate as police officers who shall have all the
20 powers conferred by law on police officers, peace officers or
21 sheriffs in the enforcement of the laws of the state of Iowa
22 and the apprehension of violators thereof.

1 Sec. 6. Upon the adoption of any county of the provisions
2 of this act, the county board of supervisors of such county
3 may by resolution appropriate an amount of money for the gen-
4 eral fund of the county for the payment of expenses incurred
5 by the county conservation board in carrying out its powers
6 and duties, and it may levy or cause to be levied an annual
7 tax in addition to all other taxes of not less than one-fourth
8 ($\frac{1}{4}$) mill or more than one (1) mill on the dollar of the
9 assessed valuation of all real and personal property subject
10 to taxation within such county, which tax shall be collected
11 by the county treasurer as other taxes are collected and
12 shall be paid into a separate and distinct fund to be known
13 as the county conservation fund, to be paid out upon the
14 warrants drawn by the county auditor upon requisition of the
15 county conservation board for the payment of expenses incurred
16 in carrying out the powers and duties of said conservation
17 board. The county conservation board shall have no power or
18 authority to contract any debt or obligation in any year in
19 excess of the moneys in the hands of the county treasurer
20 immediately available for such purposes. Gifts, contributions
21 and bequests of money and all rent, licenses, fees and charges

22 and other revenue or money received or collected by the board,
23 shall be deposited in the county conservation fund to be used
24 for the purchase of land, property and equipment and the pay-
25 ment of expenses incurred in carrying out the activities of
26 the board, except that moneys given, bequeathed, or contributed
27 upon specified trusts shall be held and applied in accordance
28 with the trust specified.

1 Sec. 7. If in the opinion of the conservation board
2 and the conservation commission the funds available be in-
3 adequate to provide ample and suitable lands, buildings and
4 equipment for all needed parks, preserves, parkways, play-
5 grounds, recreation centers, and other conservation areas,
6 it may petition the county board of supervisors to call an
7 election for the issuance of bonds, in the manner prescribed
8 by law, in such amount not to exceed fifty thousand (\$50,000)
9 dollars as the county conservation board may deem sufficient
10 to provide the necessities of the county in these respects,
11 whereupon the county board of supervisors shall cause to be
12 called an election at the time and for the purpose requested
13 in said petition.

1 Sec. 8. Any county conservation board may cooperate with
2 the Federal Government or the State Government or any depart-
3 ment or agency thereof to carry out the purposes and provisions
4 of this act. Any county conservation board may join with any
5 other county board of county boards to carry out the provisions
6 of this act and to that end may enter into agreement with each

7 other and may do any and all things necessary or convenient
8 to aid and to cooperate to carry out the provisions of this act.
9 Any city, town, village or school district may aid and
10 cooperate with any county conservation board or any combination
11 thereof in equipping, operating and maintaining any parks,
12 preserves, parkways, playgrounds, recreation centers, and
13 conservation areas, and for providing, conducting and super-
14 vising programs of activities, and may appropriate money for
15 such purposes. The state conservation commission, county
16 engineer, county agricultural agent and other county officials
17 shall render such assistance as shall not interfere with
18 their regular employment. The board of supervisors is author-
19 ized to make available to the use of the county conservation
20 board, county-owned equipment and operators and any county-
21 owned materials it deems advisable.

1 Sec. 9. The governing body of any school district may
2 grant the use of any buildings, grounds, or equipment of the
3 district to any county conservation board for the purpose of
4 carrying out the provisions of this act, whenever such use of
5 the school buildings, grounds or equipment for such purposes
6 will not interfere with the use of the buildings,
7 grounds and equipment for any purpose of the public school
8 system.

1 Sec. 10. The state conservation commission and the state
2 department of education shall advise with and may assist any
3 county or counties in carrying out the purposes of this act.

1 Sec. 11. The provisions of this chapter shall be
2 severable, and if any of its provisions shall be held to be
3 unconstitutional, the decisions of the court shall not affect
4 the validity of the remaining provisions of the chapter. It is
5 hereby declared a legislative intent that this chapter would
6 have been adopted by the general assembly had such unconsti-
7 tutional provisions not been included therein.

EXPLANATION OF H. F. 510

In the Iowa Twenty-five Year Conservation Plan Report of 1933 the following statements appear:

“The State cannot undertake to provide all the outdoor recreation facilities. In fact, it should only supplement the local park system, taking over projects which have a state-wide or regional significance and which the local authorities cannot be expected to handle. Eventually, the great bulk of the parks for day-by-day use will be provided by other than state action—by counties and cities and park districts.
* * * * *

“For the acquisition and development of local parks one item of legislation is very much needed. Municipalities now have the necessary authority, *but counties have not*. Nor has an area of any size larger than the municipality authority at present to carry out park development projects.”

It will be noted that this bill provided for more than simply county parks. In fact, it takes in about all areas of recreational interest, and of other conservation values.

The Twenty-five Year Plan survey revealed several hundred areas that were classified in said survey as being suitable for county or city jurisdiction. Since the survey many areas have come to the attention of the Commission, such as small forest tracts that should be preserved in public ownership, small wildlife areas, scenic areas, historical areas, and areas having scientific interest, all in addition to recreational areas principally of local interest, and all of which could and logically should be under county administration.

The proposed bill provided the machinery for as little or as great a development as any county may wish to provide and as finances and outside cooperation may permit. The bill is broad in its scope, but may be limited in its application as the local county conservation board may deem advisable and the public sanction.