

January 25, 1963.  
State Planning and Development.

*Pass as amendment 3/10  
Governmental Affairs 4/21 Pass 4/2*

## House File 77

By FALVEY, DEN HERDER,  
SWISHER, VAN ALSTINE,  
REPPERT, EVELAND and  
DENMAN.

Passed House, Date 2-21-63

Passed Senate, Date 4-11-63

Vote: Ayes 10 Nays 0

Vote: Ayes 40 Nays 0

Approved 4-18-63

# A BILL FOR

An Act to authorize the governing bodies of the cities and counties of Iowa and adjoining states to create regional or metropolitan planning commissions, and for school districts and other such bodies to participate in such commissions.

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

1 Section 1. The governing bodies of two or more adjoining  
2 cities, independently or together with the governing body  
3 or bodies of the county or counties within which such cities  
4 are located, or the governing bodies of two or more adjoining  
5 counties, or a county and its major city or cities, or the  
6 governing bodies of one or more counties together with the  
7 governing bodies of one or more cities adjoining such county  
8 or counties, or any of the above together with a school  
9 district, benefited water district, benefited fire district,  
10 sanitary district or any other similar district which may  
11 be formed under an act of the legislature, may cooperate  
12 in the creation of a joint planning commission which may be  
13 designated to be a regional or metropolitan planning commission,  
14 as agreed among the governing bodies. The governing bodies  
15 of cities, counties, school districts or other governmental  
16 units may cooperate with the governing bodies of the cities  
17 and counties or other authorized governing bodies of any

18 adjoining state or states in the creation of such a joint  
19 planning commission where such cooperation has been authorized  
20 by law by the adjoining state or states.

1     **Sec. 2.** The commission shall have not less than five  
2 nor more than twelve members, appointed by the governing  
3 bodies of the area served by the commission. A majority of  
4 the members of the commission shall be citizens who hold no  
5 other public office or position except appointive membership  
6 on a city plan commission or other planning commission,  
7 board or agency. Citizen members shall be appointed for  
8 overlapping terms of not less than three nor more than five  
9 years or thereafter until their successors are appointed.  
10 The appointing governing bodies shall determine the amount  
11 of compensation, if any, to be paid to the members of a  
12 commission. Any vacancy in the membership of a commission  
13 shall be filled for the unexpired term in the same manner  
14 as the initial appointment. The governing bodies shall have  
15 authority to remove any member for cause stated in writing  
16 and after a public hearing.

1     **Sec. 3.** The joint planning commission shall elect one of  
2 its appointive members as chairman who shall serve for one year  
3 or until he is re-elected or his successor is elected. The  
4 commission shall appoint a secretary who may be an officer  
5 or an employee of a governing body or of the commission.  
6 The members of the commission shall meet not less than four  
7 times a year at the call of the chairman and at such other  
8 times as the chairman or the members of the commission shall  
9 determine, shall adopt rules for the transaction of business,  
10 and shall keep a record of their resolutions, transactions,

11 findings and determinations, which record shall be a public  
12 record. The commission may employ such employees and staff  
13 as it may deem necessary for its work, including a director  
14 of planning and consultants. In the performance of its duties,  
15 the commission may cooperate with, contract with, and accept  
16 and expend funds from federal, state, or local agencies,  
17 public or semipublic agencies, or private individuals or  
18 corporations, and may carry out such cooperative undertakings  
19 and contract. It may enter into other contracts and make  
20 expenditures for the purchase of required equipment and supplies,  
21 and exercise all other powers necessary to carry out the purposes  
22 of this Act. The expenditures of the commission, exclusive  
23 of gifts or grants to the commission or its contract receipts,  
24 shall be within the amounts appropriated or provided to the  
25 commission by the governing bodies of the area served by the  
26 commission, who are empowered to determine, agree upon, and  
27 appropriate funds for the payment of the expenses of the commission  
28 of their respective shares thereof. The governing bodies of the  
29 area served by the commission shall cooperate with the commission  
30 and may aid the commission by furnishing staff, services and  
31 property.

1 Sec. 4. The commission shall have the power and duty to  
2 make comprehensive studies and plans for the development of  
3 the area it serves which will guide the unified development  
4 of the area and which will eliminate planning duplication and  
5 promote economy and efficiency in the coordinated development  
6 of the area and the general welfare, convenience, safety, and  
7 prosperity of its people. The plan or plans collectively  
8 shall be known as the regional or metropolitan development

9 plan. The plans for the development of the area may include,  
10 but shall not be limited to, recommendations with respect to  
11 existing and proposed highways, bridges, airports, streets,  
12 parks and recreational areas, schools and public institutions  
13 and public utilities, public open spaces, and sites for public  
14 buildings and structures; districts for residence, business,  
15 industry, recreation, agriculture, and forestry; water supply,  
16 sanitation, drainage, protection against floods and other  
17 disasters; areas for housing developments, slum clearance  
18 and urban renewal and redevelopment; location of private and  
19 public utilities, including but not limited to sewerage and  
20 water supply systems; and such other recommendations concerning  
21 current and impending problems as may affect the area served  
22 by the commission. Time and priority schedules and cost estimates  
23 for the accomplishment of the recommendations may also be  
24 included in the plans. The plans shall be based upon and  
25 include appropriate studies of the location and extent of  
26 present and anticipated populations; social, physical, and  
27 economic resources, problems and trends; and governmental  
28 conditions and trends. The commission is also authorized to  
29 make surveys, land-use studies, and urban renewal plans, provide  
30 technical services and other planning work for the area it  
31 serves and for cities, counties, and other political subdivisions  
32 in the area. A plan or plans of the commission may be adopted,  
33 added to, and changed from time to time by a majority vote of  
34 the planning commission. The plan or plans may in whole or in  
35 part be adopted by the governing bodies of the cooperating  
36 cities and counties as the general plans of such cities and  
37 counties. The commission may also assist the governing bodies

38 and other public authorities or agencies within the area it  
39 serves in carrying out any regional plan or plans, and assist  
40 any planning commission, board or agency of the cities and  
41 counties and political subdivisions in the preparation or  
42 effectuation of local plans and planning consistent with the  
43 program of the commission. The commission may cooperate and  
44 confer, as far as possible, with planning agencies of other  
45 states or of regional groups of states adjoining its area.

1     Sec. 5. Copies of the plan or plans and amendments or  
2 revisions of a plan or plans prepared by a commission may be  
3 transmitted by the commission to the chief administrative  
4 officers, the legislative bodies, the planning commissions,  
5 boards or agencies of the counties and cities within its area,  
6 and to regional or metropolitan planning commissions established  
7 for adjoining areas. A commission may make copies of its plan  
8 or plans or parts of plans available for general distribution  
9 or sale, and may advise and supply information, as far as  
10 available, to persons and organizations who may request such  
11 advice and information and who are concerned with the area's  
12 development problems. It may also provide information to  
13 state and local agencies and to the public at large, in order  
14 to foster public awareness and understanding of the objectives  
15 of regional or metropolitan planning, and in order to stimulate  
16 public interest and participation in the orderly, integrated  
17 development of the area served by the commission.

1     Sec. 6. To facilitate effective and harmonious planning  
2 of the region or metropolitan area, all governing bodies in  
3 the area served by a commission, and all county and city planning  
4 commissions, boards or agencies in the area may file with the

5 commission, for its information, all county or city plans,  
6 zoning ordinances, official maps, building codes, subdivision  
7 regulations, or amendments or revisions of them, as well as  
8 copies of their regular and special reports dealing in whole  
9 or in part with planning matters. County or city governing  
10 bodies, or county or city local planning commissions, boards  
11 or agencies may also submit proposals to a commission for  
12 such plans, ordinances, maps, codes, regulations, amendments  
13 or revisions prior to their adoption, in order to afford an  
14 opportunity to the commission to study such proposals and to  
15 render advice thereon.

1 Sec. 7. Nothing in this chapter shall be construed to  
2 remove or limit the powers of the cooperating cities, counties,  
3 school districts, benefited water districts, benefited fire  
4 districts, sanitary districts, or similar districts as provided  
5 by state law. All legislative power with respect to zoning  
6 and other planning legislation shall remain with the governing  
7 body of the cooperative cities and counties. Each participating  
8 city or county may continue to have its own planning commission  
9 or board but may under the joint agreement and in the interest  
10 of economy and efficiency and in the interest of uniform  
11 standards and procedures, request the metropolitan or regional  
12 planning commission to assume duties and functions of local  
13 planning agencies in whole or in part. The metropolitan or  
14 regional planning commission shall have the duty and function  
15 of promoting public interest and understanding of the  
16 economic and social necessity for long-term coordinated  
17 planning for the metropolitan or regional area, but its official  
18 recommendations shall be made to the governing bodies of the

19 cooperating cities, counties, school districts, benefited  
20 water districts, benefited fire districts, sanitary districts,  
21 or similar districts.

1 Sec. 8. If any provision of this Act or the application  
2 thereof to any person or circumstance is held invalid, such  
3 invalidity shall not affect other provisions or application  
4 of the Act which can be given effect without the invalid  
5 provisions or application, and to this end the provisions of  
6 this Act are declared to be severable.

EXPLANATION OF HOUSE FILE 77

Regional planning as submitted here allows all levels of government which have a need for planning to join in a common agency with a common staff. There is no compulsion. There is no additional cost at any level of government, but rather a chance of accomplishing objectives at less cost. Interstate metropolitan planning is possible if neighboring states follow suit. There is no modification of existing powers.

HOUSE FILE 77

1 Amend House File 77, Section two (2), line two (2),  
2 by striking the words "nor more than twelve".  
Filed COMMITTEE ON STATE PLANNING AND DEVELOPMENT,  
February 13, 1963. ELMER VERMEER, *Chairman*.

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