

February 25, 1963.

County and Township Affairs. *Pass 3/28*

**House File 339**

By RILEY.

Passed House, Date.....

Passed Senate, Date.....

Vote: Ayes..... Nays.....

Vote: Ayes..... Nays.....

Approved.....

## **A BILL FOR**

**An Act enabling the establishment of multicounty benefited fire districts.**

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

1 Section 1. The board of supervisors of any county shall, on  
 2 receipt of a petition proposing a benefited fire district which  
 3 would embrace territory in more than one county, grant a hearing  
 4 relative to the establishment of such district.

1 Sec. 2. A public hearing shall be held within twenty days of  
 2 the presentation to the board of supervisors of a petition for  
 3 the formation of a multicounty fire district. Notice of such  
 4 hearing shall be given by posting bills in three public places  
 5 within the district, or by publication in two successive issues  
 6 of any paper of general circulation within the proposed district.  
 7 The last publication or posting shall be not less than one week  
 8 before the hearing.

1 Sec. 3. The petition proposing a multicounty benefited fire  
 2 district shall be submitted by twenty-five percent of the resi-  
 3 dent owners of the proposed district and shall be directed to  
 4 the board of supervisors of the county in which the fire district  
 5 equipment would be stored, hereafter called the "storage county".

6 The petition shall set out the following:

7 1. The need of co-operative fire protection.

8 2. The approximate district to be served.

9 3. The approximate number of families in district.

1 Sec. 4. There is hereby established a "conference board", to  
2 be made up of the boards of supervisors from each of the counties  
3 involved in the muticounty district. Each individual county  
4 board shall vote as a unit and shall have one vote on any question  
5 arising at a meeting of a conference board.

1 Sec. 5. The conference board shall designate the precincts  
2 and the places at which polls shall be established.

1 Sec. 6. The county auditor of the "storage county" shall be  
2 responsible for making the levies in the district.

1 Sec. 7. The county treasurer of the storage county shall  
2 collect the funds from the levies from the various counties and  
3 shall pay such funds over to the clerk of the multicounty fire  
4 district.

1 Sec. 8. After public hearing the conference board shall estab-  
2 lish or disallow the fire district requested. Such action shall  
3 be by resolution, and action on the petition may be delayed by  
4 the board for a period not to exceed ten days.

1 Sec. 9. When the conference board shall have established the  
2 benefited fire district, they shall appoint a competent disinter-  
3 ested civil engineer, who shall prepare a preliminary plat showing  
4 the proper design in general outline of the district, and shall  
5 show the lots and parcels of land within the proposed district  
6 as they appear on the county auditors' plat books, together  
7 with the names of the owners, and the assessed valuation of  
8 said lots and parcels. The compensation of the engineer shall  
9 be determined by the conference board.

1 Sec. 10. On receipt of the engineer's report, the conference  
2 board shall give notice in the same manner as before, of a hearing

3 on the engineer's tentative design and preliminary plat. On the  
4 day set, or within ten days thereafter, the conference board shall  
5 approve or disapprove the engineer's plan. If it shall appear  
6 advisable, the conference board may make changes in the boundaries  
7 as they appear on the engineer's report.

1 Sec. 11. When the preliminary report has been approved by the  
2 conference board, a date not more than thirty days after such  
3 approval shall be set for an election within the district to ap-  
4 prove the levy of a tax of not more than one and one-half mills  
5 on all the taxable property within the district to carry out the  
6 provisions of this Act and to choose candidates for the offices of  
7 trustee within the district. Notice of the election, including  
8 the time and place of holding the same, shall be given in the same  
9 manner as for the public hearing heretofore provided for. The vote  
10 shall be by ballot which shall state clearly the proposition to be  
11 voted upon, and any legal voter residing within the district at  
12 the time of the election shall be entitled to vote. Judges shall  
13 be appointed to serve by the conference board from among the  
14 qualified voters of the district who will have charge of the  
15 election. The proposition shall be deemed to have carried if  
16 sixty percent of those voting thereon vote in favor of same.  
17 Judges at such elections shall receive compensation to be set by  
18 the conference board.

1 Sec. 12. At the election provided for in section eleven (11)  
2 of this Act, the names of the trustees shall be written by the  
3 voter on blank ballots without formal nomination and the board  
4 shall appoint three from among the five receiving the highest  
5 number of votes as trustees for the district, one to serve for  
6 one year, one for two years, and one for three years, which

7 trustees and their successors shall give bond in the amount the  
8 board may require, the premium of which shall be paid by the  
9 district said trustees represent. Vacancies may thereafter be  
10 filled by election, or by appointment by the conference board.  
11 The term of succeeding trustees shall be for three years.

1 Sec. 13. The trustees may purchase, own, rent, or maintain fire  
2 apparatus or equipment and provide housing for same and furnish  
3 services in the extinguishing of fires in the benefited fire  
4 district.

5 The trustees may purchase material and employ labor to properly  
6 maintain and operate the benefited fire district. The trustees  
7 shall receive a fee of ten dollars per meeting attended and shall  
8 receive reimbursement for necessary expenses incurred in the  
9 discharge of their duties.

1 Sec. 14. The trustees may by resolution anticipate the col-  
2 lection of the taxes under a voter approved levy, and may issue  
3 bonds payable in ten equal installments with interest not to  
4 exceed five percent per annum. Bonds shall be payable in such  
5 form and at such place as the trustees shall designate. Sections  
6 twenty-three point twelve (23.12) to twenty-three point sixteen  
7 (23.16), inclusive, and chapter four hundred eight (408) of the  
8 Code so far as applicable shall apply to such bonds.

1 Sec. 15. When the boundary lines of a multicounty fire dis-  
2 trict shall include an entire township, the township trustees  
3 shall no longer levy the tax provided by section three hundred  
4 fifty-nine point forty-three (359.43) of the Code; and any in-  
5 debtedness incurred for the purposes of sections three hundred  
6 fifty-nine point forty-two (359.42) to three hundred fifty-nine  
7 point forty-five (359.45) of the Code, inclusive, shall be assumed

8 by the fire district and all of the assets of the township which  
9 relate to the fire fighting operation shall be transferred to  
10 the benefited fire district.

1 Sec. 16. When a benefited fire district boundary shall include  
2 a portion of a township, a levy by the township trustees as  
3 provided in section three hundred fifty-nine point forty-three  
4 (359.43) of the Code, shall not apply to the included portion of  
5 the township. When a benefited fire district boundary line shall  
6 include a portion of a township, the assets, and any indebtedness  
7 incurred under sections three hundred fifty-nine point forty-two  
8 (359.42) to three hundred fifty-nine point forty-five (359.45),  
9 inclusive, of the Code, shall be divided and the part belonging  
10 to the included portion shall be assumed by the fire district.  
11 The basis for the division shall be the ratio that the total  
12 assessed valuation of the included portion bears to the total  
13 assessed valuation of this entire township.

1 Sec. 17. A city or town council, when presented a petition  
2 signed by twenty-five percent of the resident property owners  
3 within the city or town, shall request the conference board to set  
4 an election at which the question of including a city or town  
5 within the boundaries of a multicounty benefited fire district  
6 shall be voted on. All resident property owners of the entire  
7 proposed fire district shall be eligible to vote on the proposal.  
8 The questions shall be deemed to have carried when sixty percent  
9 of the votes cast are in the affirmative. The question may be  
10 submitted to a vote at a general, primary, or special election.

1 Sec. 18. Multicounty benefited fire districts may include any  
2 one or combination of the following:

3 1. One or more adjoining townships or portion thereof.

4 2. Townships or portion thereof which adjoin but do not lie  
5 in the same county.

6 3. Townships or portions thereof and a city or town which  
7 adjoins such area but which has no paid fire department.

1 Sec. 19. All elections in benefited fire districts shall be  
2 held between the hours of 12:00 noon and 7:00 P.M. on the day  
3 specified by the board.

1 Sec. 20. Twenty-five percent of the resident owners of any  
2 area which adjoins an established benefited fire district may  
3 petition the conference board to set a hearing and have an elec-  
4 tion on the question of whether the area should be included in  
5 the boundaries of the established benefited fire district. The  
6 vote shall be limited to the question of taking in the proposed  
7 area and shall not effect a dissolution of the established fire  
8 district. All resident owners of the established district and  
9 the area proposed to be included shall be eligible to vote on  
10 the question and the proposal shall be deemed to have carried  
11 when sixty percent of the votes cast are in the affirmative.

1 Sec. 21. There is hereby established in each benefited fire  
2 district the office of clerk. The clerk shall be appointed by the  
3 trustees. The clerk shall receive an annual salary to be set by  
4 the trustees. The clerk shall post bond in favor of the benefited  
5 fire district in such amount as the conference board may require.

1 Sec. 22. The trustees of a benefited fire district shall pre-  
2 pare and submit a budget to the county auditor of the storage  
3 county not later than July 1 of each year.

1 Sec. 23. The trustees of a beneficial fire district may enter  
2 into a contract with any city or town not included in the district  
3 for the exchange of fire protection service.

1    Sec. 24. Upon petition of thirty-five percent of the resident  
2 voters of a benefited fire district, the conference board may  
3 dissolve such district and dispose of any remaining property,  
4 proceeds of which shall be applied to any outstanding obligations  
5 and any balance shall be applied to tax credit of property owners  
6 of the district. The auditor of the storage county shall continue  
7 to cause the levy of the one and one-half mill tax on all property  
8 of the district after dissolution until all outstanding obliga-  
9 tions of the district are paid.

10    The conference board or the board of supervisors may exclude  
11 any part of the area within such benefited fire district upon  
12 petition therefor by the resident owner of such property, pro-  
13 vided such district has no indebtedness then existing and secured  
14 by an outstanding bond issue.

EXPLANATION OF HOUSE FILE 339

This bill would provide for multicounty benefited fire districts.