

FILED JAN 26 2005

SENATE FILE 73

BY COURTNEY

LOCAL GOVERNMENT

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to drainage and levee districts, by providing for
2 their administration, expenses associated with the
3 administration, and the assessment of moneys.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 73 LOCAL GOVERNMENT

1 Section 1. Section 331.553, unnumbered paragraph 1, Code
2 2005, is amended to read as follows:

3 The treasurer may do any of the following:

4 Sec. 2. Section 331.553, subsection 4, Code 2005, is
5 amended to read as follows:

6 4. Charge five dollars, as an administrative expense, for
7 every rate, charge, rental, or special assessment certified as
8 a lien to the treasurer for collection. This amount shall be
9 added to the amount of the lien, collected at the time of
10 payment from the payor, and credited to the county general
11 fund. If the amount of the lien is paid in annual
12 installments, an administrative expense charge shall be added
13 to each annual installment. However, this charge shall not be
14 added to an assessment, including a tax or levy, which is
15 levied, collected, or paid under chapter 468.

16 Sec. 3. Section 468.154, Code 2005, is amended by striking
17 the section and inserting in lieu thereof the following:

18 468.154 DRAINAGE AND LEVEE DISTRICTS -- ADDITIONAL OR
19 DEDICATED PERSONNEL.

20 This section applies when the existence of a drainage
21 district or levee district located in a county increases the
22 workload of the office of the county auditor, county
23 treasurer, or county engineer to an extent that the office
24 cannot diligently perform its ordinary functions.

25 1. The county's board of supervisors may provide personnel
26 to keep the records and transact the business of the district.
27 The board may employ personnel or designate existing personnel
28 employed in another county to perform those duties. However,
29 the board shall not employ more than one full-time equivalent
30 position to perform those duties in one office.

31 a. For an intercounty drainage district or intercounty
32 levee district, the joint board of supervisors shall apportion
33 personnel to a county office in proportion to the amount of
34 the county's workload performed on behalf of the district.

35 b. For a drainage district that is under the control and

1 management of a board of trustees as provided in subchapter
2 III, that board must approve the action of the county board of
3 supervisors.

4 2. If a person is employed or designated by a county board
5 of supervisors to work on behalf of a district, all of the
6 following apply:

7 a. The person may perform the duties of the district in
8 multiple offices of the county. For an intercounty drainage
9 district or intercounty levee district, the person may perform
10 those duties in the offices of multiple counties.

11 b. The district shall provide for the compensation of the
12 personnel and the payment of actual expenses incurred by a
13 county office when it acts on behalf of the district. The
14 district may provide for direct payment or reimbursement to
15 the county. The expenses are limited to the following:

16 (1) The payment of the person's wages as defined in
17 section 91A.2 for work performed on behalf of the district.

18 (2) Costs assumed by the county which relate to preparing,
19 publishing, or delivering statements or notices as provided in
20 this chapter.

21 EXPLANATION

22 This bill amends provisions which govern the relationship
23 between counties and drainage districts or levee districts as
24 established under Code chapter 468. Generally, a county board
25 of supervisors is the governing body of a district. In the
26 case of an intercounty district, the governing body is the
27 board of supervisors in both jurisdictions which may meet in
28 joint session and which have common voting rights. There are
29 also instances in which a board of trustees manages a
30 district.

31 Code section 331.553 establishes a \$5 surcharge payable to
32 a county treasurer for special assessments certified as liens
33 which is used to pay for administrative expenses. The bill
34 provides that the charge shall not be added to an assessment
35 or other tax levied to pay for improvements within a drainage

1 district.

2 The bill also amends Code section 468.154, which addresses
3 situations when the office of county auditor performs
4 administrative tasks on behalf of a drainage or levee
5 district. Generally, offices perform filing duties, provide
6 notice, provide appraisals, make and collect assessments, and
7 provide engineering services. Code section 468.154 provides
8 that when a drainage district or levee district located in a
9 county increases the workload of the office of the county
10 auditor, the board of supervisors may employ additional
11 personnel. The expenses associated with the personnel are to
12 be borne by the drainage district.

13 The bill rewrites this provision by authorizing the board
14 to provide such personnel in the offices of county auditor,
15 county treasurer, and county engineer. The bill specifically
16 accounts for districts located in two counties and districts
17 managed by a board of trustees in lieu of the board of
18 supervisors. The county may provide for new personnel or
19 designate existing personnel in another county office to
20 perform these duties. The bill provides that the dedicated
21 personnel may work in multiple county offices. It
22 specifically provides for the assumption of compensation paid
23 to such personnel. The bill provides that the district must
24 pay a person's wages and associated benefits for work
25 performed on behalf of the district. The district must also
26 pay costs assumed by the county that relate to preparing,
27 publishing, or delivering statements or notices.

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