

CHAPTER 371

CONSOLIDATION OF COUNTIES

Sec.	
371.01	Counties may consolidate.
371.02	Petition.
371.03	Proclamation.
371.04	Notice of proclamation.
371.05	Notice of election.
371.06	Judges; canvass of votes.
371.07	State canvassing board to canvass returns.
371.08	Governor to appoint first county board.

Sec.	
371.09	Meeting of county board.
371.10	Duties of county board.
371.11	County auditors to meet.
371.12	County board to appoint new officers.
371.13	County board to provide courthouse.
371.14	Title to properties of all counties to become vested in new county.
371.15	May issue certificates of indebtedness.

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

[1933 c 273 s 1] (637-1)

371.02 PETITION. A petition for each county to be affected thereby, signed by voters thereof equal in number to at least one-fourth of those voting in such county at the last preceding biennial election, giving the residence of each signer, shall be filed with the secretary of state not less than 90 days before any general election, praying for the consolidation of the counties therein named, specifying the name of the proposed new county and the name and location of the proposed county-seat.

[1933 c 273 s 2] (637-2)

371.03 PROCLAMATION. If it appears that each petition is signed by the requisite number of persons who are voters in each of the counties affected, of which latter fact the affidavits of persons procuring the signatures thereto shall be prima facie evidence; and, if the petition otherwise conforms to the requirements of section 371.02, the secretary of state shall notify the governor of the filing thereof, who, not less than 60 days before such general election, shall issue his proclamation reciting that such petitions have been so filed, the substance thereof, and directing that the question of such consolidation shall be submitted to the voters of the respective counties to be affected thereby at such election.

[1933 c 273 s 3] (637-3)

371.04 NOTICE OF PROCLAMATION. Upon the issuing of the proclamation the secretary of state shall record the petitions, affidavits, and proclamation, and shall cause three weeks' published notice of the proclamation to be given in the county-seat of each county affected thereby, and shall transmit a certified copy of the proclamation, by mail, to the auditor of each county.

[1933 c 273 s 4] (637-4)

371.05 NOTICE OF ELECTION. The notice of such general election shall specify that the question of consolidating the counties will be voted upon at such election, and shall state substantially the facts set forth in the petition. The ballots upon such proposition shall have printed thereon the words:

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

Yes

No"

[1933 c 273 s 5] (637-5)

371.06 JUDGES; CANVASS OF VOTES. The judges of election, in addition to the returns required in other cases, shall canvass, count, certify, and return, as in such other cases, to the county auditor the votes cast upon the proposition, and the county canvassing board shall canvass and make return of such votes as in the case of votes for state officers, which return shall show the result of such vote for and against the proposition so submitted.

[1933 c 273 s 6] (637-6)

371.07 STATE CANVASSING BOARD TO CANVASS RETURNS. The state canvassing board shall canvass such 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 make and file with the secretary of state its certificate declaring the result of the vote, showing the number of votes cast in each county for and against consolidation. If 60 percent of the votes cast thereon in each county affected by the proposed consolidation be in favor thereof, the secretary of state shall record the certificate and shall deliver a certified copy thereof to the governor, who shall issue a proclamation declaring the result. Upon the issuance of the proclamation by the governor the consolidation shall become effective and operative on the first day of January following such general election.

[1933 c 273 s 7; 1973 c 35 s 66] (637-7)

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

[1933 c 273 s 8] (637-8)

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 chairman. The auditor of the county in which the county-seat is located shall act for and be the recording officer of the board until the consolidation proceedings become effective. At such meeting, or at any adjournment thereof, the board shall divide the new county into commissioner districts by an order defining the boundaries of each district, which order shall be filed with the auditor of each county affected.

[1933 c 273 s 9] (637-9)

371.10 DUTIES OF COUNTY BOARD. The board of county commissioners shall meet at a time in July to be fixed by it, and shall levy a tax for such new county in the manner now provided by law for levying taxes for county purposes; and the chairman thereof shall certify to the auditor of each county affected thereby the amount so levied, and the county boards of the respective counties so to be consolidated shall not in such year levy any tax for county purposes.

[1933 c 273 s 10] (637-10)

371.11 COUNTY AUDITORS TO MEET. At the time of levying such tax the county board shall fix a time for a meeting of the auditors of the counties affected and shall certify such date to the county auditors at the time of certifying the levy. At the time specified the county auditors shall meet at the county-seat and shall, at that meeting, or any adjournment thereof, ascertain and determine the rate of taxation for such new county, based upon the aggregate assessed valuation of the consolidated counties, and each auditor shall extend such taxes within his county in the manner provided by law, and shall, on the first Monday in January following, deliver the appropriate books to the treasurer of the new county for collection, as provided by law. The several officers of the new county shall have all the powers and be subject to all the duties in reference to the collection of delinquent taxes levied by the consolidated counties as would have been possessed and performed by the several officers of the respective counties had no consolidation been effected.

[1933 c 273 s 11] (637-11)

371.12 COUNTY BOARD TO APPOINT NEW OFFICERS. The county board of the new county shall, prior to the date on which the consolidation becomes effective, appoint electors residing within such new county to the several county offices thereof, who shall qualify on the date that such consolidation becomes effective, in the manner now provided by law therefor. All the books, records, and files of the several offices of the consolidated counties shall be delivered to the appropriate officers of the new county.

[1933 c 273 s 12] (637-12)

371.13 COUNTY BOARD TO PROVIDE COURTHOUSE. The county board of such new county shall, on or before the date such consolidation becomes effective, make appropriate arrangements for suitable offices for the several county officers. If the county is not going to succeed to any building or buildings appropriate for such purpose, the board is authorized to lease suitable space or buildings.

[1933 c 273 s 13] (637-13)

371.14 TITLE TO PROPERTIES OF ALL COUNTIES TO BECOME VESTED IN NEW COUNTY. Upon the consolidation becoming effective, the new county shall become vested with the title to all real and personal property, other than moneys in cash or on deposit, of the consolidated counties. The territory embraced within the consolidated counties shall remain liable for all indebtedness of the respective counties outstanding and unpaid at the time the consolidation becomes effective. Any moneys on hand, in cash or on deposit, at the time and the proceeds of any tax levied by the respective counties, when and as collected, shall be applied on the indebtedness. The appropriate officers of the new county shall from time to time levy such tax as may be necessary to provide funds for the payment of such indebtedness as it becomes due, which tax shall be spread against the taxable property liable therefor. The new county shall have authority to enforce any contract and to collect any claims of the several consolidated counties by suit or otherwise.

[1933 c 273 s 14] (637-14)

371.15 MAY ISSUE CERTIFICATES OF INDEBTEDNESS. At any time after the county board has made the original tax levy for such new county and certified the same to the respective auditors, it may issue the certificates of indebtedness of such new county in anticipation of the collection of such levy, which certificate shall be in writing, signed by the chairman, and attested by the recording officer of the board, mature not later than December first following the effective date of the consolidation, and bear interest at a rate not greater than six percent per annum.

[1933 c 273 s 15] (637-15)