

ANALYSIS OF IOWA DISTRICTS LAWI. Declaration of policy.

"It is hereby declared to be the policy of the legislature to provide for the restoration and conservation of the soil and soil resources of this state and for the control and prevention of soil erosion and thereby to preserve natural resources, control floods, prevent impairment of dams and reservoirs, assist and maintain the navigability of rivers and harbors, preserve wildlife, protect the tax base, protect public lands and promote the health, safety and public welfare of the people of this state."

II. Definition of a soil conservation district -- A governmental subdivision of this State, and a public body corporate and politic.III. Soil conservation district boundaries.

No limitation -- it can be a county, part of a county, two or more counties, or parts of counties, a watershed, or any legal boundary established by the State Soil Conservation Committee. The law does not state whether all the area does or does not have to be contiguous; therefore assume it does not have to be.

IV. State Soil Conservation Committee -- to serve as an agency of the State; in charge at State level.

A. Composed of chairman and four members.

Director of State Agricultural Extension Service
State Secretary of Agriculture
Three members appointed by Governor and confirmed
by the Senate - shall be bona fide farmers,
living on farms.

The Committee may invite the Secretary of the U. S. Department of Agriculture to appoint member in an advisory capacity. (This is now the state conservationist of the Soil Conservation Service.)

B. Term of office for farmer-members - Six years.

C. Salaries and expenses.

1. Two ex-officio members receive no salary but are entitled to expenses.
2. The three farmer-members receive \$10 for each day they serve but for not over 150 days per year. They shall also be entitled to expenses.

V. Headquarters of State Soil Conservation Committee.

Office of State Department of Agriculture, State Capitol Building,
Des Moines, Iowa.

VI. Duties of State Soil Conservation Committee.

- A. To offer such assistance as may be appropriate to the district governing body in the carrying out of their powers and duties.
- B. Encourage organization of districts.
- C. Supervise all steps in:
 - 1. Organization of districts.
 - 2. Holding of elections.
 - 3. Adding new territory.
 - 4. Discontinuance of districts.
- D. Define exact boundaries of soil conservation districts.
- E. To disseminate information among the districts.
- F. Coordinate programs of the several districts.
- G. Secure cooperation and assistance of the U. S. Government and any of its agencies and any agencies of the State.

VII. Definition of a "landowner".

"Landowner" includes any person, firm, or corporation who shall hold title to three or more acres of land lying outside incorporated cities or towns and within a proposed district or a district organized under the provisions of this chapter.

VIII. "Renter" or "Tenant". - not defined as they have no voting powers

IX. "Due Notice" defined.

Publication at least twice (with an interval of at least six days between publication) in a newspaper of general circulation.

X. District governing body -- three members termed "commissioners".

- A. All three members elected.
- B. Term of office six years, except first election when commissioner receiving highest number of votes will serve for six years, next highest four years, and next two years. Thus an election is held every two years. In case of a tie the State Committee will decide.
- C. Qualifications - they shall reside within the district or in cities or towns lying within the outside boundaries of the district. Law does not say they must be landowners.

XI. Steps in organizing a soil conservation district.

- A. Petition for organization to be presented to State Soil Conservation Committee signed by any 25 owners, but signatures must represent at least 20% of owners in the proposed area. (A form of petition has been set up by the State Committee.)
 1. Petition must give a proposed name.
 2. Must state there is need for a district.
 3. Must give description of proposed area. (Area does not have to be contiguous.)
 4. Must request that the State Committee define the definite boundaries and hold a referendum.
- B. Hearing -- Within 90 days after the petition is filed, the State Committee must give due notice of a hearing, setting the date, the time, and the place.
 1. Hearing held by State Committee. Any interested person has a right to attend and to be heard.
 2. Adjourned hearing -- If there are those present whose lands are not included in the original petition and they want to be included, the State Committee can adjourn the hearing and hold another hearing in the proposed added areas.
 3. Favorable hearing. The State Committee shall so record such determination, define the boundaries, and set a date for a referendum.
 4. Unfavorable hearing. If the hearing is unfavorable, as determined by the State Committee, it shall deny the petition and no new petition in substantially the same territory can be filed for at least six months.
- C. Referendum -- to be supervised by State Committee after giving due notice.
 1. No definite time set up by law.
 2. Due notice must be given.
 3. Vote shall be by ballot.
 4. Only landowners are eligible to vote.
 5. Vote required -- at least 65% of vote cast must be for the district.

6. If vote fails district fails, and no new petition can be presented for six months.
 7. If vote is favorable, the State Committee can still declare it not feasible and deny the petition as, for example, if there are 1,000 eligible voters and only 100 vote. Even though over 65% of the votes cast are favorable, it may show lack of interest due to such a small vote.
 8. If the vote is favorable and the State Committee is favorable, they shall declare the district practical and feasible, and will proceed with the remaining organization steps.
- D. Election of three commissioners - (Note carefully, for this varies from other states in that they are elected at the same time the referendum is held.)
1. Nominating petitions must be filed with the State Committee at least ten (10) days before referendum.
 2. Petition must be signed by 25 or more landowners. Landowners can sign more than one petition.
 3. Candidates' names are placed on same ballot as for referendum.
 4. Only landowners vote.
 5. Three candidates receiving largest vote shall be declared elected. In case of tie, State Committee makes decision.
 6. Term of office -- shall be for six years, except at first election. The one receiving the highest vote shall be for six years, next highest four years, and next two years. Thus, one commissioner is elected every two years. (Supervisors can succeed themselves by election.)
 7. Vacancies -- State Committee can appoint person to fill term until next election for a commissioner at which time any unexpired term must also be voted on.
 8. Salaries and expenses of commissioners -- They shall receive no compensation for services, but may be paid expenses if funds are available.
- E. Certificate of due organization.
1. The three elected commissioners shall apply to the Secretary of State for such a certificate. He will

examine the application papers and if they are in right order, records and issues same.

2. Such a certificate shall also be recorded in the office of the county recorder.

F. Powers and duties of district commissioners.

To carry on all work of the district, as defined by the Law.

XII. Land Use Regulations -- None

XIII. Adding Additional Territory.

- A. Same procedure as for creating a district except if less than 25 landowners are involved in the area to be added and 75% of them sign the petition, all that is needed is to hold a hearing and then the decision is up to the State Committee.
- B. In adding new territory, the landowners in the old territory have no vote -- only those in the territory to be added have the privilege to vote.

XIV. Discontinuance of a district.

- A. After district has been operating five years, any 25 landowners can file petition with the State Committee for discontinuance.
- B. If deemed advisable, the State Committee may hold hearing.
- C. Within 60 days after the petition is filed they must hold a referendum.
- D. Only landowners vote.
- E. Vote required - The Law says that when 65% of the landowners vote to terminate the existence of said district, the State Committee shall advise commissioners to terminate the affairs of the district. There can be some question as to whether 65% means of those voting or of those eligible to vote. Since it requires only 65% of those voting to create a district, no doubt the requirement is the same for discontinuance of a district.
- F. New petitions for discontinuance can only be filed every five years.