

OFFICE OF THE COUNTY ADMINISTRATOR
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April 11, 2017

TO: Mahesh Sharma, County Administrator
FROM: Renee Luze-Johnson, Administrative Assistant
SUBJECT: UPDATED 2017 SCOTT COUNTY CODE

The recodified County Code has been reviewed by Rob Cusack, Assistant County Attorney, and is ready for approval by ordinance. The Iowa Code states that "at least once every five years, the board shall compile a code of ordinances containing all of the county ordinances in effect." A copy of the table of contents is attached. A copy of the Code is available for the Board's review.

The Board may want to consider waiving the second and third reading of the ordinance to adopt the Code, and approve it on the first reading since the Code does not contain any proposed new ordinances or amendments.

Enclosures

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Robert L. Cusack, Assistant County Attorney (563) 326-8231

April 6, 2017

Renee Luze-Johnson

Re: 2017 Code of Ordinances

Dear Renee,

As you indicated, the Scott County Board of Supervisors is directed to compile a code of ordinances once every five years. Iowa Code § 331.302(10)(a) provides as follows:

“At least once every five years, the board shall compile a code of ordinances containing all of the county ordinances in effect.

(1) If a proposed code of ordinances contains only existing ordinances edited and compiled without change in substance, the board may adopt the code by ordinance.

(2) If a proposed code of ordinances contains a proposed new ordinance or amendment, the board shall hold a public hearing on the proposed code before adoption. The auditor shall publish notice of the hearing as provided in section 331.305. Copies of the proposed code of ordinances shall be available at the auditor's office and the notice shall so state. Within thirty days after the hearing, the board may adopt the proposed code of ordinances which becomes law upon publication of the ordinance adopting it. If the board substantially amends the proposed code of ordinances after a hearing, notice and hearing shall be repeated.” Iowa Code § 331.302(10)(a).

I have reviewed the proposed 2017 Ordinances you provided, both in hard copy and computer form, and it appears that they incorporate the 2012 Ordinances as modified by subsequent amendments. You have further stated that the proposed 2017 Ordinances do “not contain any proposed new ordinances or amendments.”

Because the proposed code of ordinances contains only ordinances edited and compiled without change in substance, the board may adopt the code by ordinance pursuant to Iowa Code § 331.302(10)(a)(1).

You have also informed me that the Board has, in the past, waived second and third readings of the ordinance to adopt the Code. This is permitted by Iowa Code § 331.302(6)(b). It should be noted that the waiving the additional readings requires a separate recorded vote of

not less than a majority of the supervisors. Although it is not specifically required, it is recommended that the vote on waiver of multiple readings also be placed on the board's agenda so that the public has notice that the requirement may be suspended.

I hope that the above has answered your questions and concerns. If you require additional information, please do not hesitate to contact me at your convenience.

Sincerely,

/s/ Rob Cusack

Rob Cusack

**SCOTT COUNTY CODE
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SCOTT COUNTY ORDINANCE NO. 2017- _____

AN ORDINANCE TO ADOPT THE SCOTT COUNTY CODE AS PRESENTED

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF SCOTT COUNTY, IOWA:

SECTION 1.

That the Scott County Code of Ordinances is adopted, including all new ordinances and amendments passed by the Board through this date.

SECTION 2.

The County Auditor is directed to keep and maintain a copy of the Ordinance in the County Auditor's Office.

SECTION 3. SEVERABILITY CLAUSE

If any of the provisions of the Ordinance are for any reason illegal or void, then the lawful provisions of this Ordinance shall be and remain in full force and effect, the same as if the Ordinance contained no illegal or void provisions.

SECTION 4. REPEALER

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 5. EFFECTIVE DATE

This Ordinance shall be in full force and effect after its final passage and publication as by law provided.

APPROVED this _____ of _____ 2017.

Carol Earnhardt, Chair
Scott County Board of Supervisors

ATTESTED BY:

Roxanna Moritz
Scott County Auditor