A STUDY OF IOWA COUNTY GOVERNMENT

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CHAPTER I

THE PROBLEM AND METHOD OF APPROACH

Section 280.8 of the Code of Iowa Laws states that:

Public and private high schools, academies, and other institutions ranking as secondary schools which maintain three-year or longer courses of instruction shall offer, and all students shall be required to take, a minimum of instruction in American history and civics of the state and nation to the extent of two semesters.

Since the county is a subdivision of the state and operates primarily to execute and enforce state laws, that phrase from the code as quoted above, "civics of the state," would certainly include the teaching about county government.

I. THE PROBLEM

Statement of the problem. Many secondary school teachers in the state of Iowa have expressed concern regarding the paucity of materials for the teaching of Iowa county government. It was the purpose of this study to draw together a somewhat detailed explanation of county government, primarily for the education of the secondary school teacher, but, upon its adaptation by the teacher, for the teaching of his students.

Importance of the study. In the early days of Iowa, county government was felt to be extremely important. Even the political subdivision of the county, the township, played a very significant role in governmental affairs. With slow-moving transportation and the county seat as much as two days travel away (though no county seat was more than twenty-five miles from any county line), the people of Iowa felt that the county was the governmental unit which cared for their needs. Des Moines and the
state government were too far away.

Then came the railroad and later the automobile. No longer did men live and die without leaving the confines of the county in which they were born. In the twentieth century many students of government took a new look at the county. They came to believe that the county was too small an area to be effective. Then began a movement to consolidate counties. Proposals were made to reduce the ninety-nine counties to thirty-three.\(^1\) The old counties were no longer justified. Even now there is a law on the books stating that should the voters assent, any two of a number of county officers may be combined into one office. Included in the list are: sheriff, treasurer, recorder, auditor, medical examiner, assessor, clerk of the district court, and other lesser officials.\(^2\) In no case has there been a combining of offices.\(^3\) Another law allows counties to share the same county superintendent of schools. In 1964 there were twelve two-county units and two three-county units.\(^4\) Many claim that the township is out of tradition rather than real need.

Certainly the township has lost its one-time importance. Townships within incorporated municipalities are prohibited from electing township officials.\(^5\) Many townships which may elect a full complement of officers fail to do so. Little argument can be given to support the idea

\(^{1}\)Editorial in the Des Moines Register, October 4, 1960.

\(^{2}\)News item in the Des Moines Register, March 12, 1964.

\(^{3}\)Ibid.

\(^{4}\)Ibid.

\(^{5}\)Code of Iowa, 1962, Sections 359.24 and 602.17.
of the township's importance when the people of that area themselves have allowed the offices to atrophy. However, in recent years the county has increased its value as a governmental organ. As government has grown, and as people demand more and more services from governments—services which must be administered on a local level, the state has been forced to increase the duties and powers of the county officials. Public assistance programs have increased in importance. An extreme example of this is Woodbury County, the county seat of which is Sioux City. There in 1960 sixty cents of every dollar collected from rural taxpayers for county purposes went for assistance programs. For city taxpayers, it was worse. Sixty-six cents of every dollar collected for county use went to welfare.¹ Though other counties would not exhibit figures so high, welfare remains in most of them the prime expenditure. In 1964 the county may well be as important a governmental unit as it was a half-century earlier.

Because of the scarcity of teaching materials and the idea that the county no longer served worth-while functions, teachers for a long time have slighted the county. With a recognition of the new importance of the county, there still remains the lack of materials to hamper adequate teaching of county government. This study was undertaken in an attempt to alleviate that condition.

II. METHOD OF APPROACH

The study was conducted in two distinct ways. The first phase was the general reading of various books and articles on Iowa county govern-

¹Bronleigh S. Lamb, "This is Welfare in the County," The County Officer, XXVI (April, 1961), 108.
ent and the specific and thorough examination of the Constitution of the State of Iowa for provisions dealing directly with the county and its government. The constitution makes very little reference to the county. The main source for the legal requirements concerning the county is the Iowa Code of Laws. The Code of Iowa, 1962, was thoroughly studied to find the latest provisions. In addition, the laws passed by the Sixtieth General Assembly since the last compilation of the Iowa Code were examined for very recent changes. These sources have provided the constitutional and statutory provisions for county government.

The second phase of the study was an analysis of the actual functions of Iowa county government. This involved the comparison of governmental functions in three central Iowa counties, selected because of differing rural-urban population ratios and as broadly representative of its. Over thirty-eight per cent of all Iowa counties have a rural-urban ratio deviating less than five per cent from that of one of the three counties chosen for the study; nearly sixty-six per cent of all Iowa counties deviate less than ten per cent. Those selected were Dallas County, with an urban percentage of 26.7, according to the official 1960 census; Mahaska County, with an urban percentage of 46.3; and Polk County, with an urban percentage of 91.7. Thus the comparisons were made among: (1) a county of about one-fourth urbanization, (2) a county of about one-half urbanization, and (3) one approaching total urbanization. These counties were investigated through materials already in print, but most particularly through personal interviews with officials in all three counties.
CHAPTER II

HISTORICAL BACKGROUND OF THE COUNTY

I. EARLY DAYS IN AMERICA

Local government in America developed out of the institutions of England. The colonists in the various parts of the country modified these institutions brought over from the mother country in such a manner as to adapt them to their peculiar needs. This resulted in the development of several systems with distinct characteristics which have been perpetuated in the United States down to the present time. Altogether there were four different plans for local government adopted in the English colonies, and adaptations of these four plans are the forms of local administration used now throughout the United States.

Town system. In New England the chief unit of local government was the town, although the county was an organized unit. Settlements there were made in compact communities in which the church or meeting house served as the center. Local affairs were managed in the town meeting attended by all the inhabitants who were authorized to take part in public business. In this meeting officers were elected and measures were passed authorizing the carrying out of the public business.

The most important town officers were the selectmen—from three to fifteen in number—an executive body to carry out the expressed will of the town meeting. The selectmen administered local finances, served as local agents of the town, administered town laws, and acted as elective officers. They appointed minor officers and were at times designated as
the agents of the central government. A list of the other officers of the ordinary New England town would include a constable, a town clerk, a treasurer, assessors, collectors, surveyors of highways, and others of less importance.¹

County system. The county system, in which the county is the chief unit of local government, arose in the South, where towns were few in number. The first development was in the colony of Virginia. There, the first subdivisions were called plantations and hundreds, but these districts soon became parishes, each of which was both an ecclesiastical and a civil unit having a vestry, a minister, and church wardens for the management of local affairs. The parishes performed many important functions, but owing to the prevalence of large plantations and the widely scattered population, the county became the important unit of local administration at an early date, and local government became representative.²

The county officers of earliest Virginia were the lieutenant, the sheriff, justices of the peace, and the coroner. These officers were appointed by the governor upon recommendation of the justices of the peace. Later officers became a self-perpetuating body, usually of aristocratic planters, controlling the entire county administration. The justices of the peace formed a county court or board having general supervision over county affairs. The sheriff was the chief executive officer of the court and of the county, as well as county collector and treasurer.

¹Ivan L. Pollock, "Historical Backgrounds of the County in Iowa," The Iowa Journal of History and Politics, XXIII (January, 1925), 6.
²Ibid., p. 7.
The lieutenant was primarily a military officer.¹

**Combination systems.** The colonies of New York and Pennsylvania developed combination forms of local government. In New York each township chose one supervisor, and these representatives formed the county board of supervisors to which was given general control of the county's business. The justices of the peace gradually came to have only judicial powers. In this system the county became the center of political activity rather than the town, but the emphasis was on the township. In the Pennsylvania combined-type of local government the county became the most important unit. Each county was authorized to elect three commissioners at large to manage the financial affairs of the county. These commissioners in no way represented either town or township.²

**II. HISTORY OF THE COUNTY IN IOWA**

As pioneers moved westward, they took with them their accustomed forms of local government and adapted them to the conditions which they found. In this process the New England system of town government in its pure form never flourished. The pure county system of Virginia spread throughout the South and Southwest, but in most states where the county became the chief unit of local government there has been a tendency toward modification in the direction of a combination county-township form.³

The North Central states from Ohio westward established local institutions patterned chiefly after those of New York and Pennsylvania. Both county and township were established and given important functions. The New York system has been generally adopted in Michigan, Wisconsin, northern Illinois, and Nebraska. The Pennsylvania system has been adopted as the prevailing type of local government in Ohio, Indiana, southern Illinois, Kansas, Missouri, and Iowa.¹

The area of Iowa remained in an unorganized state from 1821 until it was made a part of the Territory of Michigan in 1834. Following the recommendation of the governor of the Territory of Michigan, the Legislative Council passed "An Act to lay off and organize Counties west of the Mississippi River." This act provided for the establishment of two counties to be known as Dubuque and Davenport; established the boundary lines of these two counties; set two townships to be identical to the counties; and provided for the organization of these local areas. Dubuque County was to constitute Julien Township, and Davenport County, Flint Hill Township. A county court was authorized for each county.²

On the same day that the act to create Dubuque and Davenport Counties was approved, the governor of Michigan Territory, with the consent of the Legislative Council, appointed the following officers for Dubuque County: one chief justice, two associate justices, a county clerk, a sheriff, a judge of probate, a register of probate, a notary public, a supreme court

¹Tbid., p. 16.

²Benjamin F. Shambaugh, Documentary Material Relating to the History of Iowa, (Iowa City, Iowa: State Historical Society of Iowa, 1921), III, 265.
commissioner, and six justices of the peace.¹

Scarcely had the local government machinery been established in the Iowa district under the Territory of Michigan, when the Territory of Wisconsin, including the Iowa district, was separated from Michigan in 1836. The organic act creating the Wisconsin Territory made some provision for local government. In general, it extended into the new Wisconsin Territory the pattern applied to the Michigan Territory. One important provision of the organic act relating to local government declared that all township officers and all county officers except judicial officers, justices of the peace, sheriffs, and clerks should be elected by the people.²

While the Iowa country was a part of the Territory of Wisconsin, an act was passed by the territorial legislature for the division of the original Des Moines County into seven new counties, one of which retained the name Des Moines. Less than two years later, in 1838, the original county of Dubuque was subdivided into fourteen new counties. After Iowa became a territory in its own right in 1838, additional counties were created, so that by the date of Iowa's admission to statehood on December 28, 1846, there were forty-four established counties, covering a little less than one-half the area of the present state.³

In January, 1851, the governor approved an act of the General Assembly establishing fifty counties and completing the subdivision of

¹Ibid., p. 266.
³Ibid., pp. 24-26.
the State of Iowa into counties.\textsuperscript{1}

The Constitution of 1857 of the State of Iowa specified that no new county could be created with an area less than 432 square miles, nor could any existing county be reduced below that figure. (This was a simple restatement of what the original constitution of 1846 had contained.) The 1857 constitution legalized counties along the northern border which were less than the required minimum. It specified also that "no law changing the boundary lines of any county shall have effect until upon being submitted to the people of the counties affected by the change, at a general election, it shall be approved by a majority of the votes of each county, cast for and against it."\textsuperscript{2}

There were four stages or periods in the development of county government in Iowa, each characterized by a distinct type of county governmental organization. The first stage extended over the entire territorial period of Iowa and down to 1851. During these years the county commissioner system of local government was in effect. The second period, extending from 1851 to 1860, was characterized by a unique experiment in county government in Iowa, the so-called county judge system. During the third period, from 1860 to 1870, county government in Iowa was patterned after the New York plan, the main feature of which was the county board of supervisors. The fourth and final period began with the establishment in 1870 of the present system, which is really a return to the old commissioner system, with the commissioners being called

\begin{footnotes}
\item[Ibid., p. 26.]
\item[\textit{Constitution of Iowa, 1857}, Article II, Section 20 and Article XI, Section 2.]
\end{footnotes}
County commissioner system. Under the county commissioner system the chief county authority was to be a board of three county commissioners, each elected at large for a term of three years on a staggered basis. The board of commissioners were to appoint the clerk, inspect the assessor's books, levy a county tax, make an annual statement of receipts and expenditures, provide books and stationery for other county officers, and assume general responsibility for conducting county business.\(^1\)

Other elected officials were the treasurer, coroner, register of deeds, and assessor. The appointive county officers were the sheriff, judge of probate, supreme court commissioner, justices of the peace, clerk of county commissioners, and a number of lesser positions.\(^2\)

During the county commissioner period an attempt was made to divide the counties into townships and establish governmental responsibilities in those divisions. The following officials were to be chosen by the township electors: a clerk, three trustees, two overseers of the poor, three fence viewers, two constables, one township treasurer, and a sufficient number of highway supervisors.\(^3\)

By the end of this period the township alone exercised the function of viewing fences. The township and the county shared care of the poor, care of roads, administration of schools, control of elections,

\(^1\)Pollock, pp. cit., pp. 21-22.

\(^2\)Ibid., pp. 33-34.

\(^3\)Ibid., p. 21.

\(^4\)Ibid., p. 36.
administration of justice, and the levy and collection of taxes. The county alone assessed property, probated wills, administered estates, recorded land titles, issued licenses, surveyed land, and cared for the insane.\footnote{Tbid., p. 40.}

**County judge system.** In 1851 the county judge system was inaugurated. The main feature of this system was the county judge, who was the chief county authority. Elected for four years, he had all the powers of the county commissioners during the previous period. He was the chief executive, administrative, legislative, and judicial authority in the county government. Other county officers under this system, all popularly elected for two-year terms, were a prosecuting attorney, clerk of the district court, recorder, sheriff, coroner, surveyor of roads, and school fund commissioner.\footnote{Tbid., pp. 41-44.}

At first there were no real safeguards or limitations on the powers of the county judge. As a result of this fact (county judges were not even bonded), many counties had extreme difficulties with financial manipulation and the issuance of bogus bonds. Some counties went into debt and received little for this indebtedness. Such abuses caused demand for modification of the system, and when modification proved ineffective, the entire system was discarded in 1860.\footnote{James O. Crosby, "The County Judge System," *Annals of Iowa*, X (April, 1911), 145.}

**County board of township supervisors system.** As a reaction to the highly centralized one-man system of the county judge, there was a shift
to a county board of township supervisors with diffused powers. The advocates of decentralization maintained that the decentralized system of township and county organization would be closer to the people and more democratic. It was declared that public officials could be held more strictly accountable for their actions and that all public service would be more efficient. The opponents argued against a multiplicity of officers, increased expense, and the absence of individual responsibility, but the supervisor system was established.¹

Under the new plan the governing body of the county was to be composed of one member elected from each civil township with a possible additional member from especially populous townships. The term of office was two years, and half of the supervisors were to be elected every year. The duties of the board were all those exercised by the county judge. It controlled all county property; it could lay out and organize townships; it managed and controlled the county school funds; it was in charge of county finance; and it had executive control over the other county officers. County and township functions were hard to separate. The supervisor was, in fact, a township officer also, and individual responsibility was difficult to ascertain.²

In its early years this plan faced a difficult test—the Civil War. Any system would have been taxed during those strenuous times. The supervisor system incurred an animosity it was never able to overcome. It was unattractive; the legal duties were burdensome; and it was wasteful and

¹Pollock, op. cit., p. 48.
²Ibid., pp. 48-49.
inefficient largely because of the lack of individual responsibility. The new, more sparsely-settled counties were particularly dissatisfied with a costly, inefficient system. After an unsuccessful attempt to change the system in 1869, a law was enacted two years later providing for the present system of county government.\(^1\)

**County supervisor system.** The county supervisor system went into effect on January 1, 1871. The law establishing this system did not change the status of the county. It did not enumerate even the powers and duties of the new board of supervisors. It simply regarded the new board as having the same powers and duties as the old board of township supervisors in so far as county government was concerned. The one important change was that the county authority was reorganized on a county basis and that the spheres of the township and the county in local government were more clearly defined. The new board of supervisors had supreme authority over county affairs within the limits prescribed by the state constitution, but unlike the circumstances under the previous system, it had almost no jurisdiction over township government affairs. This was to be left to the township trustees. There was, then, a separation of county and township government.\(^2\)

\(^{1}\)Ibid., pp. 50-51.

\(^{2}\)Ibid., p. 52.
CHAPTER III

CONSTITUTIONAL AND STATUTORY PROVISIONS

FOR THE COUNTIES OF IOWA

All legal provisions concerning the counties of Iowa must come from one of two sources. These are the Constitution of Iowa, passed in 1857 and amended several times since, and the various acts enacted by the sixty general assemblies which have met during Iowa's history up to 1964.

I. CONSTITUTIONAL PROVISIONS

There are eight sections in the Iowa Constitution relating to counties. Some of these sections refer to the place of the county in the setting up of state representative and senatorial districts. Six sections relate directly to the governments of county or township and their protection from excessive state control.

Article III, Section 30 of the original constitution states that:

The General Assembly shall not pass local or special laws in the following cases:
For the assessment and collection of taxes for State, County, or road purposes;
For laying out, opening, and working roads or highways;
For changing the names of persons;
For the incorporation of cities and towns;
For vacating roads, town plats, streets, alleys, or public squares;
For locating or changing county seats.

In all the cases above enumerated, and in all other cases where a general law can be made applicable, all laws shall be general, and of uniform operation throughout the state; and no law changing the boundary lines of the counties affected by the change, at a general election, it shall be approved by a majority of the votes in each county, cast for and against it.

Another injunction against the General Assembly regarding its powers over the county is found in Article XI, Section 2:
Scotl and term (except the commeity justices of the peace) are spell out

aioo

n the county attorney to the any county official whose office

have been selected and qualified

shall hold office for two years and until the successor shall

and shall be elected on the same issues for the county attorney

in 1984, and every year thereafter except a county attorney,

The qualified electromer of each county shall, at the General Geo.

year. The amendment reads as follows:

the same time as the election of the district judges for a term of four

which had been held for the election of a district attorney at the

year 1972, when had called for the election of a district attorney at the

was an amendment adopted in 1988 to replace the original Article V, Sec-

the judicial cases for the amendment to the original document. The first of these

The other lo references to the county found in the state consti-

tion are common suffices of the Justices of the Peace, who

section 1 spells out the jurisdiction of the justices of the peace, who

IX. The operation of, or the jurisdiction of, county government. Article X

only one other provision of the constitution referred to


curtain of such unconstitutionality-

place a line in county unconstitutionality.

The very next paragraph in the constitution, Article X, Section 3,

No new county shall be heretofore created whatever less than your
in the constitution, his is the only office which the General Assembly cannot change by a simple act. Instead, a constitutional amendment is required. Because of this, the county attorney remains the one elected county officer with a term of less than four years. In 1963 the Iowa General Assembly completed the work of making all county officials who gain their positions at the polls have four-year terms. The board of supervisors was the last office other than the county attorney to be extended to four years.

The last reference to the county in the constitution is to be found in Article II, Section 7, which was added to the original document as an amendment in 1916. It established at least temporary agreement of Iowa's general election with that for United States president in these words:

The general election for state, district, county, and township officers in the year 1916 shall be held in the same month and on the same day as that fixed by the laws of the United States for the election of presidential electors, or of president and vice-president of the United States; and thereafter such election shall be held at such time as the general assembly may by law provide.

At no time since the passage of this amendment has the General Assembly seen fit to enact legislation changing the date of Iowa's general election from that as set down by the amendment.

II. STATUTORY PROVISIONS

Each county is a body corporate for civil and political purposes, may sue and be sued, must have a seal, may acquire and hold property, make all contracts necessary for the control, management, and improvement or disposition thereof, and such other acts and exercise such other powers as are authorized by law.1

1The Code of Iowa, 1962, Section 322.1.
The functions of the county are twofold:

1. It is a legal subdivision of the state, and as such, carries on the business of the state at the local level. Because of this position the legislature has maintained a direct control over county officers far beyond that which is exercised over other local units.

2. It is a unit of local government and has fallen heir to many miscellaneous duties which neither the state, the townships, the towns, nor the cities can perform or cannot perform readily. In this function the county has a much greater latitude in making decisions in such things as conservation and zoning.\(^1\)

County government is best understood through an understanding of the officials who make up the government. Therefore, this section of the study will treat each of the elected offices and then the appointed ones, followed in turn by the various boards, both elective and appointive.

**County board of supervisors.**\(^2\) The county board of supervisors is to consist of three members with four year terms, unless the electorate has voted to increase the number to either five or seven in an election called by the board of supervisors following the receipt of petitions bearing the signatures of at least ten per cent of the number voting at the last election for governor. The supervisors may be elected at large.

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\(^1\)The Des Moines League of Women Voters, *The Government of Polk County* (Des Moines, Iowa: The Des Moines League of Women Voters, n.d.), p. 3.

or from supervisory districts which must follow township lines. The super-
visors have the right to establish and abolish these electoral districts.
Since these districts should be as nearly equal in population as possible,
the board of supervisors may redistrict as often as every two years.

The legal requirements for holding office as supervisor in Iowa
counties is the same for all elected county offices, with the county
attorney excepted, i.e., to be a qualified voter. This means to be:
(1) a citizen of the United States, (2) twenty-one years of age, and
(3) a resident in the county in which election takes place. In addition,
the county attorney must be a lawyer.

At its first meeting each year, the board of supervisors elects
its own chairman for that year. Regular meetings are to be held four
times per year; special meetings are to be held when requested by either
majority of the board or by the chairman, this request to be in writing
to the county auditor, who will inform the members of the board of the
time of the meeting. A majority shall be a quorum.

No tax may be levied; no contract to build public buildings may
be let; no settlement may be made with any county officers; no real estate
may be purchased or sold; no new site may be designated for county build-
ings; no change may be made in township boundaries; no money may be
appropriated for highways or bridges without a majority of the entire
board asenting.

The general powers of the board of supervisors are many. Among

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1Wherever a reference to duties of a county official uses the
words "must" or "shall" or "will", this indicates that the official has
been enjoined from doing otherwise; wherever the word "may" is used, this
indicates that that official has discretionary powers.
them are the power to:

1. Make rules not inconsistent with law to help carry out their
   duties.
2. Make orders for county property not inconsistent with law.
3. Examine and settle all accounts of receipts and expenditures of
   the county, and examine, settle, and allow claims against the
   county.
4. Represent the county and have the care and management of its busi-
   ness and property.
5. Manage and control the county school fund.
6. Require any county officer to report under oath to the board of
   supervisors on any subject connected with his office and to
   give necessary bond.
7. Remove from office any official who refuses to give any reports or
   give any bond.
8. Fix compensation for all services of county and township officers
   not specified by law.
9. Cause the county buildings to be insured.
10. Purchase or acquire title by lease or otherwise for use by the
    county any real estate necessary.
11. Build, equip, and keep in repair buildings needed by the county
    and the courts.
12. Hire and sell real estate not needed by the county.
13. Own and operate automobiles used by the sheriff and maintain ser-
    vice garages for these cars and other county vehicles.
14. Establish and enforce rules regulating the use by the public of
5. Provide for seizure, impoundment, and disposition of dogs when not wearing a collar with license tags attached.

The board of supervisors each January must select the newspapers in which the official proceedings shall be published for the ensuing year. This selection must be from newspapers published in the county and having the largest number of bona fide subscribers. Dependent upon the size of the population of the county, the number of newspapers selected varies from three to six, never more than two from the same city or town.

On or before December 31 each year each elective or appointive officer in charge of any county office or department must prepare and submit to the board of supervisors a detailed list of proposed expenditures for the next calendar year. By January 31 the board of supervisors must appropriate by resolution all moneys deemed necessary for each of the county offices and departments for the ensuing year with specifications from which funds the appropriated sums shall be derived. The board may appropriate to a contingent fund a sum to handle unforseen necessities.

The board of supervisors may not order the spending of any amount reaching or exceeding $10,000 for the purchase of real estate or the erection of buildings or additions to buildings without a popular majority vote, unless this can be accomplished without raising taxes, and even then there is a limit of $20,000. The board has the right to submit to the people the question of borrowing money for site purchase or building erection, addition, or remodeling. Should the voters approve this borrowing, the rate of tax for borrowing shall in no case be more than one-
fourth of one per cent on the county's taxable valuation. This is to be
repaid in ten years. However, in counties with a population exceeding
25,000 or where $100,000 or more is to be expended, the debt may run as
long as twenty-five years. No bonds may run more than twenty-five years.

When the outstanding indebtedness of any county on the first day
of January, April, June, or September exceeds the sum of $5,000, the
board of supervisors by a two-thirds vote may fund or refund the debt
and issue bonds of face value running from $100 to $1000. But the board
of supervisors shall not in any one year levy a tax of more than three-
fourths mill\(^1\) for the payment of bonded indebtedness.

The board may license, outside incorporated towns and cities, any
theatre, moving picture show, pool or billiard room or table, dance hall,
skating rink, amusement park, bowling alley, restaurant, or other busi-
ness establishment open to the public where entertainment, food, or
drink are furnished to the public for sale. No person may be in the busi-
ness described without a license from the board, which shall establish
the terms and conditions of the license. This license may be revoked for
toxication, profanity, loudness, or fighting allowed on the premises.

The liquor control act passed by the Nineteenth General Assembly in
1963 gave to the board of supervisors certain responsibilities. In unin-
corporated parts of the county the board is to approve or disapprove ap-
plicants for liquor licenses. Further, the board is allowed to conduct a
referendum to help it decide the question of approval of liquor licenses.
It must hold a popular vote on the question of allowing further liquor

\(^{1}\)A mill is one-tenth of a cent, and each mill brings in one dollar
in taxes for each $1000 of assessed valuation of property.
licenses to be issued in the county if petitions equalling twenty-five per cent of the number voting for governor at the last general election ask for that popular vote. Should one be held, and the majority favor no more licenses, the board is enjoined from further issuance.

The board of supervisors must keep certain records. Among them are data specifically to be entered in such bound volumes as the Minute Book, Highway Record, Bridge Book, Warrant Book, and Claim Register. The board has many miscellaneous powers. It may establish a county library and/or a county dump. It must pay bounty on animals such as wolves, wildcats, and pocket gophers and may pay bounty on other beasts.

For all these duties the members of the county board of supervisors in counties of a population less than 40,000 are paid a per diem of fourteen dollars and a mileage allowance of seven cents per mile, with a maximum allowable work-year of fifty-five days. For counties in the 40,000 to 60,000 population range, supervisors are paid a flat salary of $4400 per year. In counties above 60,000, the annual salary reaches a maximum of $7800.

County auditor. The county auditor is an elected official who works more closely with the board of supervisors, as its ex-officio secretary, than any other county official. His term is four years, and his salary follows a schedule set down by the General Assembly. The salary of the auditor ranges from $4400 in counties of under 10,000 population to $4850 in counties of up to 25,000 population. From 25,000 population up to 50,000 population the salary ranges from $5000 to $5600. From

1The Code of Iowa, 1956, Chapters 333, 340, 350, 351, and 352.
50,000 to in excess of 80,000 population the range is $5900 to $6800. At the discretion of the board of supervisors the auditor may have a deputy, whose salary, however, may not be more than eighty per cent of the auditor's.

The county auditor's duties include the following:

1. Record all proceedings of the board of supervisors.
2. Record the vote of each supervisor on any question if required by any member.
3. Sign all orders issued by the board of supervisors for the payment of money and record the reports of the county treasurer of the receipts and expenditures of the county.
4. Preserve and file all accounts acted upon by the board of supervisors.
5. Deliver upon demand to anyone upon payment of legal fees a certified copy of any record or account in his office.
6. Have general custody and control of the courthouse, subject to the direction of the board of supervisors.

The county auditor issues warrants draw upon county funds held by the treasurer. All warrants issued are to be numbered and recorded. The auditor may not sign or issue any county warrant unless the board of supervisors has authorized it, except as listed below. The auditor may issue warrants without prior board approval for mileage fees, witness fees in criminal cases in district court, per diem of shorthand reporters of the district court, and expenses of the grand jury. The board may authorize the auditor to issue warrants without board approval when the board is not in session for certain fixed charges such as freight and
utilities and also for salaries.

The auditor is responsible for the printing and delivering to election boards all official election ballots and is custodian of ballots and pollbooks returned from the various polling precincts. It is his function, also, to compute the taxes on all taxable property in the county from levies made by the board of supervisors, town and township officers, school districts, and the State Tax Commission.

It is to the auditor that the citizen must go to collect a bounty paid on a wild animal. The auditor defaces or otherwise changes the appearance of the skins, or in the case of rattlesnakes, destroys the rattles, and returns the skins with bounty. The auditor issues all dog licenses to canines more than three months of age, upon payment of a fee ranging from one dollar to five dollars, depending upon the type of dog and the wishes of the board of supervisors.

The auditor must report to the secretary of state of Iowa the name, office, and term of every county officer elected or appointed within ten days of election or appointment. He must also make a yearly report to the state superintendent of public instruction relating to all county school funds and property.

Each year in January the auditor must prepare a financial report for publication, showing:

1. The amount of the various classes of warrants drawn on the county funds.
2. The amount paid for various duties and expenses of operating the district court.
3. The expenses of the grand jury.
4. The expenses of the county medical examiner.
5. The expenses of the various justice courts.
6. The amount each supervisor drew.
7. The warrants drawn on the poor fund.
8. The warrants drawn on the fund for the insane.
9. The amount paid for the care of the mentally ill in the county.
10. The amount paid to various state institutions.
11. The amounts paid to convict on liquor violations together with the amounts collected in fines.
12. A comparison of all warrants drawn each year for a period of five years.
13. A summary of amounts paid to the sheriff for boarding prisoners and other jail expenses as a part of a five-year comparison.
14. The financial reports of all other county officials.
15. The financial reports of all committees appointed by the board of supervisors.

\textbf{County treasurer.} The county treasurer is elected for a term of...
It is the duty of the county treasurer to receive all money pay-
able to the county and make disbursements only on warrants drawn and
signed by the county auditor. He shall keep accounts of receipts and ex-
penditures for inspection at all times by the board of supervisors. He
collects the property taxes for the county, townships, municipalities,
and school districts as well as motor vehicle taxes for the state.

The treasurer must keep a separate account of the taxes for state,
county, school, highway, and other purposes, and of all other funds
created by law, and money to be disbursed from funds created for that
purpose. By the fifteenth of each month the county treasurer must send to
the treasurer of state and to the state comptroller sworn statements of
the moneys belonging to the state in the hands of the county treasurer at
the end of the preceding month.

Should money be lost through the county treasurer's error, the
loss above the amount of his bond, currently $10,000, shall be replaced
by the state auditor. The state auditor will determine the amount of the
loss, and this figure will be apportioned to the counties in the propor-
tion which the taxable property of each county bears to the total taxable
property of the state.

County recorder. The county recorder is elected for a term of
four years. The salary paid the recorder is exactly the same as paid the
auditor and the treasurer and is based upon the same population factor.
The salary runs from $4,400 to $4,850 in counties under 10,000 to counties

1The Code of Iowa, 1952, Chapters 335 and 340.
of 25,000 population. From 25,000 to 50,000 population the salary runs from $5000 to $5600. From 50,000 to in excess of 80,000 population the salary ranges from $5900 to $6800. He may have a deputy appointed by the board of supervisors with the same eighty per cent salary limit as that applied to treasurer's and auditor's deputies.

The recorder maintains official listings of all real estate documents, liens against property and releases from liens, and military documents. He also issues all hunting and fishing and trapping licenses. He "shall accept in blank delivered to him in writing for entry."

He must, on request and without charge, record on forms approved by the adjutant general of Iowa the discharge or discharges from the armed forces of the United States of any man or woman who enlisted, was inducted from, resided in the county at any time, or who is buried there. Where no official discharge was issued, or the person was killed in action or died in service, the recorder must record an official certificate upon receipt of competent proof from military or government sources.

In addition, the recorder's books cover the recording in full or listing or indexing of various miscellaneous documents, including articles of incorporation, findings and decisions of trustees in drainage matters, farm names, decisions of fence viewers, trade marks, permits to sell dangerous weapons, powers of attorney, change of name by individuals, and names adopted by concerns for business purposes.

A resident of the county may have his social security number officially recorded with the recorder. All records made by the recorder's office are subject to the payment of fees according to a schedule prescribed by law, military records excepted. All records are kept in a
numerical listing for ease of access.

Should a vacancy occur in the office of county recorder, the county auditor will fill that position until the board of supervisors appoints a new officeholder.

**County sheriff.**¹ The county sheriff is elected for a term of four years. His salary also follows a sliding scale, based upon the population of the county he serves. From counties of under 10,000 population to those of 25,000 population, the salary range is $4400 to $4850; from 25,000 to 50,000 the range is $5000 to $5600; from 50,000 to in excess of 125,000 the range is $5900 to $8000. The first and second deputy sheriffs may not be paid more than eighty-five per cent of the sheriff's salary. All other deputies' salaries are fixed by the board of supervisors at a level not to exceed that of the first and second deputy.

The sheriff is the chief law enforcement officer of the county, and as such is expected to preserve the peace, detect crime, apprehend and arrest criminals, and file informations against persons arrested for law violations. To aid in his duties, the sheriff may call upon anyone to help him. Upon the written request of the county attorney, the sheriff must make an investigation of any supposed infraction of the laws.

The sheriff is an agent of the district court and as such may appoint his own bailiffs, who, while acting for the court, are regarded as deputy sheriffs. The sheriff must execute, or supervise execution of, all writs issued for service by the court.

The sheriff has jurisdiction over the county jail and directs its

¹The Code of Iowa, 1962, Chapters 337, 340, and 356.
use as a place of: (1) detention of persons charged with a crime and committed for trial, (2) detention of persons to secure their attendance or witness at criminal trials, or (3) confinement of persons under sentence following conviction.

But the sheriff is limited in his administration of the prisoners in his custody. Minors, for example, must be separately confined. Female prisoners must be segregated from male prisoners. And, while any prisoner who becomes disorderly or causes damage may be chained or kept in solitary or bread-and-water confinement, such punishment may be for no longer than ten days for any one offense. Any convicted male over the age of sixteen may be required to labor during all or part of his sentence on streets or public roads or on or about public buildings and grounds, but such labor may not exceed eight hours in any one day. Such labor may not be leased, and each day's labor shall be credited at the rate of $1.50 toward payment of the prisoner's fine and costs in the office.

The schedule of fees the sheriff may charge for certain services performed by him, i.e., serving warrants of arrest and boarding prisoners in the jail, is fixed by law. A mileage allowance is usually authorized for use of his automobile while he is on county business, although in counties over 100,000 population the board of supervisors may contract with the sheriff for the use of his automobile on a monthly rather than a per-mile basis.

County attorney. The county attorney, the only county official provided for in the state constitution, is elected for a two-year term.

\[1\text{The Code of Iowa, 1962, Chapters 336 and 340.}\]
Compensation for the county attorney follows a graduated salary schedule similar to that applied to other elected county officials. In the counties of under 10,000 population the salary is $3000. In those of 25,000 to $40,000 population the salary ranges from $4200 to $7000. From $50,000 to $100,000 population the range is $5100 to $12,000, the latter figure having been raised from $10,000 by the Sixtieth General Assembly in 1953. Law does not provide for an assistant county attorney in counties of under 36,000 population. However, in the larger counties an assistant may be appointed by the board of supervisors at a salary of seventy-five per cent of the attorney's. In addition, the board may appoint other assistants at salaries from fifty to sixty-five per cent of the attorney's.

The county attorney is the only elected county officer for whom special professional qualifications are a legal prerequisite. Only a lawyer qualified to practice in the state of Iowa may hold the office.

It is the duty of the county attorney to:

1. Enforce or cause to be enforced all laws of Iowa.
2. Appear for the state and county in all proceedings in which the state or county is a party, including the supreme court.
3. Appear and prosecute preliminary hearings before justices of the peace.
4. Appear and prosecute all misdemeanors before justices of the peace.
5. Enforce all forfeited bonds, and prosecute all proceedings necessary to the recovery of any money owed the county or the state.
6. Prosecute and defend all actions and proceedings in which any county officer or the county is an interested party.
7. Give advice or his opinion to the board of supervisors or other county officials, school or township officials when requested to do so on matters in which the state, county, or school board is interested.

8. Attend the grand jury to examine witnesses, give legal advice, procure subpoenas, and issue informations and bills of indictment.

9. Make reports concerning his own office to the governor or attorney-general when requested.

The county attorney may receive no fees or rewards from anyone aided by the county attorney, nor may he or any member of any firm to which he belongs be engaged as attorney in any action which bears directly on any duty which he performs as county attorney, nor may any of his associates be engaged in a similar fashion.

Clerk of the district court. The clerk of the district court is an elected official serving a four-year term. His salary follows a schedule based upon the population of the county wherein he was elected. The salary runs from $4400 to $4850 in the bracket from under 10,000 population to 25,000 population; from $5000 to $5600 in the 25,000 to 50,000 bracket; and from $5900 to $6800 in the 50,000 to in excess of 80,000 bracket. The county board of supervisors may appoint a deputy whose salary does not exceed eighty per cent of the clerk's salary.

The clerk of the district court is the county registrar of vital statistics, not only births and deaths, but also marriages and divorces.

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1 The Code of Iowa, 1962, Chapters 144, 340, 595, and 606.
It is the clerk who issues all marriage licenses. He may not issue marriage licenses to males under twenty-one or females under eighteen years of age, without the consent of the parents nor to parties within the degree of consanguinity in which marriages are prohibited by law. He also keeps the official records of adoption.

The clerk, or his designated deputy, must attend the sessions of the district court; keep the records, papers, and seal; and record the proceedings of the court under the direction of the judge.

The clerk or his deputy may not be a justice of the peace or a practicing attorney. He may collect thirty separate types of fees, according to an official schedule.

County medical examiner. 1 The county board of supervisors must appoint a county medical examiner for a two-year term and fix the compensation to be paid him. The board must appoint a person licensed as a "medical doctor" or an osteopathic physician or an osteopathic physician and surgeon. If lists, each of which was submitted by the county medical or osteopathic society, if no lists are submitted by these societies, the board may appoint any doctor from the county, and, if necessary, one from the county for his relief.

Death occurring in the county must be reported to the county medical examiner if the cause of death occurred under any of the following circumstances:

1. Due to violence.
2. When unattended by a doctor for thirty-six hours before death.
3. Suddenly, when in apparent health.
4. As a result of or during abortion.
5. While in the custody of law officials.
6. In an accident in a gypsum or coal mine.
7. In a suspicious, unusual, or unnatural manner.
8. From a disease which might constitute a threat to public health.

Upon receipt of a death notice, the medical examiner must take charge of the body, determine the cause of death, and make an official report on official forms supplied by the commissioner of public health to the county attorney and to the criminal investigation division of the state department of public safety.

An autopsy may be performed by the medical examiner or a pathologist, as the examiner may indicate, if, in his opinion, it is necessary. A full report of the autopsy must be sent to the county attorney. No embalming or cremation may take place without the approval of the county medical examiner if there are any suspicious circumstances surrounding the death.

In cases where doubt as to the cause of death arises after burial has already taken place, the medical examiner must notify the county attorney, who may apply to the district court for an order of exhumation. An autopsy is to be performed, and the results given to the court.

**County engineer.**¹ The county board of supervisors must employ one or more registered civil engineers who are to be known as county engineers. The board may fix the term of office, not to exceed three years,

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¹The Code of Iowa, 1962, Chapter 309.
but employment may be terminated at any time. The board must fix compensa-

tion for the engineers and pay this from the county general fund or the
secondary road fund.

The board of supervisors may levy annually for secondary road
construction and maintenance purposes up to five-eighths mills on all
taxable county property; up to two and one-half mills on all taxable
property in the county except on property within cities and towns which
control their own bridge levies; and up to eight and five-eighths mills
on all taxable property in the county except on property within cities
and towns.

All county construction and maintenance work shall be performed
under direct and immediate supervision of the county engineer. On or be-
fore December 1, the board of supervisors must, subject to the approval
of the state highway commission, adopt a road construction program for
the following year. At the close of each year, the county engineer must
include in his required yearly report to the state highway commission a
report of progress on all phases of the approved program.

**Local Action Board**: The county conference board includes
the mayors of all incorporated cities and towns whose property is as-
sessed by the county assessor, the members of the county board of educa-
tion, and the members of the county board of supervisors. The chairman
of the board of supervisors acts as chairman of the conference board.
Each of the three groups on the conference board has a single vote, a
majority of two votes being necessary for a decision.

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1 The Code of Iowa, 1962, Chapter 441.
The county conference board appoints three members to an examining board, which concerns itself with a part of the process of selecting the assessor and deputy assessors. The first phase of the selection process is the preparation and administration of written examinations by the State Tax Commission. Applicants for assessor must make a score of ninety per cent on these examinations in order to be qualified as eligible. The second phase of the selection process involves the oral examination by the examining board of the candidates qualified by written examination. From the list submitted by the examining board, the conference board selects an assessor. A similar system of examinations conditions the selection of deputy assessors, but in this instance the assessor appoints his deputies from the list of qualified personnel.

The county assessor, appointed by the county conference board for a term of six years, acts as clerk for the board. His salary is set by the conference board. He may be re-appointed without further examination. However, if a new assessor is desired, new examinations must be held.

The assessor must:

1. Cause to be assessed all the property, real and personal, in the county, except as is exempt.
2. Have access to all public records.
3. Cooperate with the State Tax Commission.
4. Have the power to apply to the district court for an order to examine the books of any person, firm, corporation, or asoci-

1The Code of Iowa, 1962, Chapters 354, 441.
5. Make up all the assessor's books and records and turn over to the auditor all these books and records and cooperate with the auditor in the preparation of the tax lists.

County board of tax review. 1 The conference board must appoint for six-year terms a board of review of all assessments made by the county assessor. The board is to have from three to five members, at least one of whom must be a farmer. If possible, one member is to be a real estate broker and one an architect or a person experienced in the building and construction field.

The board of review has the power to equalize assessments by raising or lowering individual assessments and the power to add to the rolls any taxable property omitted by the assessor. Any taxpayer who is dissatisfied with his assessment may appeal to the board of review. Failing to receive what he feels to be justice, the taxpayer may appeal the verdict of the review board to the district court.

County board of education. 2 The county school system, administered by the county board of education, embraces all the public schools of the county except those which are a part of independent and consolidated school districts that maintain four-year high schools. Any independent or consolidated school district may become a member of the county school system if approved by the voters of the district. Reorganized high school

1 The Code of Iowa, 1962, Chapter 441.
2 The Code of Iowa, 1962, Chapters 272 and 273.
districts become community school districts and belong automatically to the county school system.

The territory of the entire county has been divided by the county board of education into four areas, as nearly as possible of equal area and contiguous territory. The county board of education consists of five members, one each elected from the four election areas, and one elected at large. The terms are six years.

The county board of education must:

1. Appoint a county superintendent of schools and fix his salary, and may appoint an assistant and other supervisory and clerical assistants as deemed necessary, and fix salaries.

2. Approve the curriculum as recommended by the county superintendent of schools.

3. Adopt textbooks and decide the financial arrangements for their distribution.

4. Purchase school supplies as needed.

5. Establish and maintain school libraries.

6. Enforce all rules concerning transportation of pupils to and from school.

County boards of education in two or more adjacent counties may by mutual agreement act as a joint board to appoint one superintendent for the counties involved. This arrangement must be approved by the state department of public instruction. Such superintendents are to be appointed for terms of one to three years.
County superintendent of schools. The term of office for the county superintendent of schools is three years, with his salary set by the county board of education which appointed him. He must be a graduate of an accredited university or college, a holder of a superintendent's certificate, and must have had at least five years experience in administrative or supervisory work or in teaching.

Under the direction of the county board of education, it is the duty of the county superintendent to:

1. Act as secretary, ex-officio, and executive officer of the board.
2. Preside at the organizational meeting of the board.
3. Attend all meetings of the board and advise the members.
4. Advise and counsel local boards of education on their problems and plans.
5. Supervise, or provide supervision of, instruction in the schools of the county school system.
6. Provide in-service training of teachers.
7. Promote an active interest in education.
8. Establish rules and regulations for admitting, classifying, promoting, and graduating pupils to or from the rural schools of the county school system, within the law.
9. Cooperate with the county board of education in a system of school transportation.
10. Serve, under the direction of the state superintendent of public instruction, as a means of communication between the department

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1The Code of Iowa, 1962, Chapters 273 and 278.
of public instruction and the various school officers and
teachers of the county.

11. Visit each school at least once a year or oftener when requested
to do so by a majority of a local board.

12. Keep accurate school census records for the county.

13. Recommend to the rural school boards teachers to be employed by

_County hospital board of trustees._ County hospitals are main-

ained separately from county homes or county farms in nineteen of Iowa's

ninety-nine counties. Having supervision over the county hospital is the

county hospital board of trustees, numbering seven. These trustees are
elected by the voters for staggered terms of six years each, with no

trustee allowed to be a physician.

Purchase, condemn, or lease a site for the hospital and provide

and equip buildings.

1. Cause plans to be made and adopted for hospital and equipment and

advertise for bids.

3. Have supervision over buildings and grounds.

4. Employ an administrator and assistants and employees, and fix

their compensation.

5. Have control and supervision over physicians, nurses, attendants,

and patients in the hospital.

6. Cause one member of the board to visit and examine the hospital

_The Code of Iowa, 1962, Chapter 347._
at least twice a month.

7. Determine if any applicant is indigent or tuberculous and entitled to free care, and fix fees to be charged other patients.

8. Establish a yearly budget for the hospital.

9. File a report each year with the board of supervisors of the proceedings, receipts, and expenditures of the board of trustees during the previous calendar year.

In addition, the hospital trustees may:

1. Establish and maintain in connection with the hospital a training school for nurses.

2. Establish a building for isolation and detention of persons with contagious diseases subject to quarantine.

3. Adopt a name other than county public hospital.

4. Operate the hospital or a department of the hospital as a tuberculosis sanitorium.

5. In counties over 135,000 population, establish a psychiatric department for the temporary admission of patients for observation, examination, diagnosis, and treatment, but not for longer than sixty days.

6. Operate a nursing home in conjunction with the hospital.

Any resident of the county who becomes sick or injured is entitled to the benefits of the hospital by paying the fees established by the board of trustees. It is the duty of the hospital trustees to collect all accounts. After sixty days they may use any means and employ any persons necessary for collecting. Any money uncollected to be paid in the manner provided for therein, except when the county attorney acts for the board, in which case
he serves without compensation.

The hospital trustees serve without compensation, but may receive reimbursement for expenses incurred in the performance of their duties. No trustee may have any financial interest in the sale of any items to the hospital.

In a county not maintaining a county hospital, the procedure to establish one must begin with a petition of at least two hundred signatures, not over one hundred fifty of which may come from the municipality where the proposed hospital is to be located. The board of supervisors then submits the question to the voters at the next general election or at a special election. A simple majority carries at the general election; a sixty per cent majority is needed at a special election. Bonds may be approved by the voters to pay no more than five per cent interest for no longer than twenty years. The board of supervisors may levy a tax of not over two mills for erection and equipment of the hospital and not over one mill for improvement, maintenance, and replacements in the hospital. In counties of over 135,000 population, the latter figure may be raised to three and one-half mills.

If the voters approve the establishment of a county hospital, the board of supervisors must appoint seven trustees, three of whom may be women and not more than four of whom may be from the municipality of the hospital's location. These trustees are to hold office only until the next general election, at which time trustees shall be elected, two for two years, two for four years, and three for six years. Thereafter, their successors shall be elected for six-year terms.
County board of social welfare. In all counties the county board of social welfare must appoint a board of social welfare whose members serve one-year terms. In counties of under 20,000 population, the board shall have three members, only two of which may be of the same political party. In counties of over 20,000 population, the board of social welfare shall have five members, only three of which may belong to the same political party. One member must be a woman; one member may also be a member of the county board of supervisors.

Members are to be reimbursed for expenses incurred in the performance of their duties. Compensation is fixed at three dollars per day, with no member being paid more than $90 per year in counties of under 20,000 population, and no member being paid more than $120 in counties of over 20,000 population.

It is the duty of the board of social welfare to administer programs of aid to the blind, old-age assistance, aid to dependent children, aid to disabled persons, and emergency welfare. The county board must investigate all cases for any kind of assistance and then must decide upon the eligibility of the applicant.

Aid to dependent children is granted to needy children whose parents have been killed in the state at least one year. These children are defined as those under sixteen years of age or those under eighteen years of age and attending school who have been deprived of parental support for two years, or who were born of living incapacity or infertility of either parent. The children must be living at
home. The county board of social welfare investigates the situation through home visits. If physical or mental incapacity or unfitness is in-
...t level of physicians selected by the county board of social wel-
fare must certify that condition. No payments are made unless and until
the county board certifies that the parents receiving aid to dependent
children is cooperating in legal actions and other efforts to obtain sup-
port money from persons legally responsible. The amount of the aid granted
is decided by the county board, subject to the approval of the state de-
partment of social welfare, and subject to the availability of funds.

The annual amount on hand that any family may receive in aid to
dependent children is $179 per month.

Old-age assistance is granted to persons who are at least sixty-
...five years of age, who are United States citizens or have been continuous
residents of the United States for twenty-five years, who have lived in
Iowa for the nine continuous years just prior to the application for
... , have no one legally responsible for their support, and
... who are unable to earn $120 per year. In addition, there are certain
property or earnings that reduce the assets or having less amounts of certain
amounts. Should a person qualify to the satisfaction of the county board
of social welfare, he is to be granted a sufficient income to provide a
... level of living; the board to determine what that living
... is. Besides the monthly assistance, modest funeral expenses are paid from
old-age assistance funds.

Aid to the blind may be given to a person who is eighteen years of
age, a United States citizen or an applicant for United States citizen-
ship, who has lived five of the previous nine years in Iowa or became
blind while living in Iowa, who is not receiving old-age assistance, and who has insufficient income to provide a reasonable standard of living. As well as the usual home visits made by the county board of social welfare, in the case of an applicant for aid to the blind, an examination by an ophthalmologist is required. In deciding the amount of aid to be granted, the board disregards the first $85 earned by the applicant and half of all money earned beyond $85.

Aid to disabled persons is granted to those persons between the ages of eighteen and sixty-five who are not living in institutions, have insufficient income to maintain a reasonable standard of living, have lived at least one year in Iowa or suffered disability resulting from an accident or condition which occurred after residing in Iowa. The amount given is supposed to enable the recipient to attain a reasonable standard of living, but as in the case of all types of welfare, the amount of aid must be approved by the state department of social welfare, and the amount of funds available is not often what is really needed.

County board of conservation. Upon receipt of petitions signed by two hundred residents of the county asking for a county conservation board, the county board of supervisors must submit the question to popular referendum. Should a majority favor it, the board of supervisors shall appoint a county board of conservation, consisting of five members to serve staggered terms of one, two, three, four, and five years. Thereafter, members are appointed one each year for five years on a basis of their demonstrated interest in conservation. Members serve without fixed

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1The Code of Iowa, 1962, Chapter 111A.
compensation, but expenses incurred in the performance of their duties are reimbursable.

The county board of conservation has authority over land acquired by the county for public parks and other recreation and conservation areas. It shall have the right to:

1. Adopt a plan for all public recreation and conservation areas.

2. Employ and fix compensation for an executive officer responsible to the county board for carrying out its policies.

3. Fix and collect fees for the use of land under its authority and rent any such land.

County libraries. Counties may provide free public libraries open to the use of all residents. A county library district may be established composed of one county or two or more adjacent counties. If five per cent of the number voting for governor at the last previous general election petition their board(s) of supervisors, the question is to be put on the ballot at a general or special election. The question carries if a majority residing outside cities and towns maintaining libraries votes for it.

A board of library trustees composed of five, seven, or nine members, serving without compensation, is to be appointed by the board(s) of supervisors. If more than one county is represented on the board, the representation shall be on a basis of the proportion of population. All moneys for the library shall be deposited with the county treasurer and kept separate from all other funds.

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1The Code of Iowa, 1962, Chapter 358B.
Township officials. The county board of supervisors has a great deal of power over the township. It may divide the county into townships as it sees fit, and it may change the boundaries and number of townships. Another restriction on the township is the law which states that in a city or town constituting one or more townships where township lines and city limits are coincidental, no township officers may be elected. Also, if a township contains a municipality exceeding 1500 population, the voters of that municipality may petition the board of supervisors to divide the township in two, one part within and one part without the city or town.

The chief officers of the township are the board of trustees. By an act of the Sixtieth General Assembly in 1963 the terms of the trustees were extended from three to four years. Their number still remains three. Their compensation still remains four dollars per day for an eight-hour day. They also receive one dollar per day when assessing damage done by trespassing animals. They act as fence viewers, but as such are paid by the party receiving the service. The trustees must meet three times a year and are elected by all the voters of the township except those living in incorporated towns and cities.

The township trustees may:

1. Act as overseers of the poor.
2. Condemn land or purchase land for cemeteries, community centers, or juvenile playgrounds.
3. Levy a tax to pay for or maintain a cemetery.
4. Purchase, own, rent, or maintain fire equipment.

1The Code of Iowa, 1962, Chapters 359 and 601.
5. Levy an annual tax not to exceed one and one-half mills if approved by the electors of the township by a sixty per cent majority to purchase and maintain fire equipment.

The township clerk is elected biennially. He is paid four dollars per day and $100 per year for his work according to an official schedule for services performed. He shall keep a record of all proceedings and orders of the board of trustees. The clerk shall keep and disburse all township funds.

By law in those townships outside cities and towns there may be five justices of the peace and two constables for two-year terms. Often all or part of these officials are not elected. The jurisdiction of the justices of peace courts is limited to the county in which the court is to be found. Civil actions are limited to $100 or $200 if both parties agree in writing. Events occurring in one township are not subject to action in another township. A jury trial may be demanded in justice court, and jury to be composed of six persons. Any decision of the justice court may be appealed to the district court. The justice shall act as his own clerk.

The constable is the proper executive officer of the justice court, but in case of vacancies of the constable, the justice of the peace shall serve. In a township where constable work is done, the constables in the same justice of the peace appointment shall be paid as constable and court officials. Fees collected by the justices of the peace and the constables are paid into the county treasury, and the compensation paid the justices and the constables complicated and difficult work.
District court. The state of Iowa is divided into twenty-one judicial districts, each containing one or more counties and always following county lines. Under ordinary circumstances the district court meets in the county courthouses. Where more than one county makes up the judicial district, court is held in each of the counties. There are to be four terms of court held each year in each of the places authorized for the holding of court. The schedule to be followed is printed and posted in the office of the clerk of the district court. Though the district court is not, strictly speaking, a function of county government, it is so closely allied, especially through the office of the district court clerk, a county officer, that no discussion of county government would be complete without including the district court.

District court judges are to be paid $14,000 per year. They must be residents of the district which they serve. No one may become district court judge unless he is an attorney-at-law, duly admitted to practice under the laws of the state of Iowa.

As a result of an amendment to the Iowa Constitution in 1963, the old method of selecting judges on a partisan ballot is no more. The new plan calls for a judge at the end of a regular term of office to file with the secretary of state of Iowa a declaration of candidacy. At the general election the electorate will vote to retain or reject the judge. Should a vacancy occur at any time, a nominating commission will fill the vacancy by appointment. This nominating commission shall be composed of eleven members, of whom five are elected by the resident members of

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1The Code of Iowa, 1962, Chapters 604 and 605.
the bar association in the judicial district, five are appointed by the governor, and the eleventh, serving as chairman, is the district judge who is senior in length of service. All but the chairman serve staggered six-year terms.

The district court shall have general, original, and exclusive jurisdiction over all proceedings, civil or criminal, except as otherwise made legal. It also serves as an appellate court to inferior courts such as justice of the peace courts, mayors' courts, and municipal courts. It has exclusive jurisdiction to probate wills and appoint guardians.

The chief justice of the supreme court may assign any district judge, when not holding court in his own district, to hold court in another district should necessity arise. The chief justice is informed of a temporary need for an additional district court judge through a petition signed by five or more resident attorneys of the district.

Special districts. Iowa law allows citizens to band together in special districts in order to obtain some service that otherwise would not be theirs. Among the services which people may conjoin to receive are a piped water supply, fire protection, and sewage disposal. Water districts, fire districts, and sanitary districts may or may not contain incorporated towns within them. Often they do, and these municipalities serve as the hub for the issuance of the service. The process for the establishment of a special district is almost identical whatever the service to be obtained. The establishment of a water district may serve as an example of the process.

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1The Code of Iowa, 1962, Chapters 357, 357A, and 358.
The county board of supervisors must grant a hearing relative to
the establishment of a proposed water district upon receipt of petitions
bearing the signatures of twenty-five per cent of the property owners of
the proposed water district. At the public hearing the board establishes
or refuses to establish the water district. The board will hire a civil
engineer to examine the proposals; it may accept or change and accept the
engineer's report and assessment schedule. Then an election is held to
vote on the proposed water district and on trustees for the district. The
trustees are to be write-ins, the board of supervisors picking three of
the five highest, one to serve one year, one to serve two years, and one
for three years. Succeeding terms are all to be three years.
CHAPTER IV

COMPARISONS OF COUNTY GOVERNMENT IN THREE IOWA COUNTIES

The Constitution of Iowa, adopted in 1857, and all the laws relating to county government enacted since set down a pattern to be followed in governing the ninety-nine counties of Iowa. Nonetheless, there are variances from one county to another because of differences in total population, rural-urban population ratios, and relative complexities in county government.

Iowa secondary school teachers can teach county government using materials taken from the Constitution of Iowa and the Iowa Code of Laws, but this material takes on a greater meaning if an understanding can be gained of the way in which the functions of county government in Iowa are actually carried out by the officials. In an attempt to facilitate this understanding, this comparative study of Iowa county government was made in three Iowa counties.

Iowa has ninety-nine counties, which in 1960 were divided into approximately 1700 townships.¹ The average size of an Iowa county is 566 square miles.² The smallest county has 382 square miles; the largest has 979 square miles.³ The average population of an Iowa county in 1960 was 27,853.

²Ibid., p. 10.
³Ibid., p. 11.
⁴Ibid., p. 10.
1. SELECTION OF THREE IOWA COUNTIES

The three Iowa counties selected for county government comparison were Dallas County, Mahaska County, and Polk County. All three counties are of approximately the same area and very close to the state average. Dallas County has an area of 597 square miles; Mahaska County, 572; and Polk County, 594; with the state average being 566 square miles.\(^1\) In 1960 the populations of Dallas and Mahaska Counties were similar and slightly under the state average. The population of Dallas County was 24,123, and the population of Mahaska County was 23,602.\(^2\) Polk County, however, is much more populated, having 266,315 people in 1960.\(^3\)

Of Dallas County's 24,123 inhabitants, 6,442, or 26.7 per cent, lived in one urban community-Perry.\(^4\) Between 1950 and 1960 the urban population of Dallas County increased by more than four per cent, from 6,174 to 6,442.\(^5\) The population of Mahaska County in 1960 was 23,602, of which 11,320, or 47.6 per cent, lived in Oskaloosa, the one urban center in the county. This urban percentage increased slightly between 1950 and 1960, attributable entirely to rural population loss, as the population of Oskaloosa itself dropped by seventy-one persons.\(^6\) Polk County's urban population dropped to 166,724 in 1960, which was 26.7 per cent of the total population of the county. Between 1950 and 1960 the nearly-fifteen-per-cent

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\(^1\)Ibid., p. 4-14.
\(^2\)Ibid., p. 11.
\(^3\)Ibid.

\(^4\)By U. S. Census definition, an urban community is one in which there is a minimum of 2,500 people.

\(^5\)United States Bureau of the Census, loc. cit.

\(^6\)Ibid.
drop in rural population was more than offset by a twenty-two per cent increase in urban population. The urban population in Polk County rose from 192,924 in 1950 to 249,073 in 1960.¹

The three counties selected were all of average size; two of the

six were hill counties; but the great difference

in them—that of varying urban-rural population ratios—was the main purpose for their selection. The comparison showed approximately one-
fourth of the population of Dallas County residing in urban areas, about

half of Mahaska County's population in urban areas, while Polk Coun-
y... 7... 30, 100 p.c. and after. Thirty-seven Iowa counties have an urban-rural population ratio deviating less than ten per cent from the ratio of Dallas County.² Twenty-two Iowa counties deviate less than ten per cent from the urban-rural population ratio of Mahaska County.³ Three Iowa counties deviate less than ten per cent from Polk County's ratio.⁴

¹Ibid.

²The counties of Allamakee, Audubon, Benton, Bremer, Buchanan,

Buena Vista, Carroll, Chickasaw, Crawford, Davis, Delaware, Dickinson,

Franklin, Greene, Hamilton, Harrison, Howard, Humboldt, Jackson, Kossuth,

Lyon, Madison, Mills, Mitchell, Monona, O'Brien, Osceola, Palo Alto,

Plymouth, Sac, Shelby, Sioux, Tama, Warren, Washington, Winnebago, and

Winneshiek.

³The counties of Appanoose, Boone, Cass, Cherokee, Clarke, Clay,

Emmett, Fayette, Floyd, Hardin, Henry, Jasper, Jefferson, Jones, Lucas,

Marion, Monroe, Montgomery, Page, Pemiscot, Union, and Wright.

⁴The counties of Black Hawk, Scott, and Woodbury.
II. HISTORICAL BACKGROUND OF THREE SELECTED COUNTIES

Dallas County. In 1847 Dallas County was organized and named for George Mifflin Dallas, then vice-president of the United States. The Iowa General Assembly appointed three men as commissioners to select a site for the county seat. They chose the present location and named the place Penoach. Two years later, in 1849, by order of the district court, the name was changed to Adel, the name it has borne to the present day.

The first session of the district court was held in 1847, and the principal act of record was an order by the judge that the eagle side of twenty-five cent piece be used as the seal of the county until a proper seal could be obtained. (It is interesting to note that the first act of the county board of commissioners of Polk County, just a year earlier, had been to vote the eagle side of a half-dollar the temporary seal of the county.)

Dallas County Board of Commissioners experienced difficulty in raising enough funds to purchase the town site for the county seat.

1Most of the data used in this historical sketch are derived from various local histories. A complete list of these sources is found in private letters and personal interviews.


3Jacob A. Swisher, "The Location of County Seats in Iowa," The Iowa Journal of History and Politics, XXII (January, 1924), 226.

4Iowa. Dallas County. loc. cit.

5Jacob A. Swisher (comp.), "History of the Organization of Counties in Iowa," The Iowa Journal of History and Politics, XX (October 1922), 514.
Finally, W. W. Miller mortgaged his own property to get enough money, and
J. J. Miller went to the then state capital, Iowa City, to file claim on
the land. He obtained a deed in his own name, which he later transferred
to the town. 1

The banks in Adel realized the county seat would promote their
business. They wanted Adel town, because it sat on the primary route
for a county seat—central location. Then railroads came to
Dallas Center, and many citizens thought that the county seat should be
located on a railroad. 2 In 1860 the Rock Island Railroad passed through
the southern part of the county. In 1870 the Ft. Dodge line went through
the county on a somewhat diagonal path—both railroads missing Adel by
seven miles. Dallas Center was built out on the Ft. Dodge line, and
because of its location on the railroad, became a rival for county seat
honors. 3

Several attempts were made to secure a vote on the question of
moving the county seat to Dallas Center, but each time the number of
signers on the petitions to move were exceeded by those on petitions to
leave the county seat. "Ah! No vote was ever taken!" The town of Perry
attempted the same thing, but experienced the same result. 5 Later Waukee
entered the race, and this time a vote was taken, but it went in favor
of no change. 6 On one occasion, enough citizens were satisfied to form
an election, but when the petitioners appeared before the county board,

1Ibid., "Location of County Seat in Iowa," p. 212.
2Ibid., p. 227.
3Ibid.
4Ibid.
5Ibid.
6Ibid.
In 1871 the Des Moines Western Railway was incorporated. Because of the line's poor financing, it went into bankruptcy after accomplishing only grading between Indianola and Adel. However, many residents of Adel, fearing the loss of the county seat, reorganized the railroad as the Des Moines, Adel, and Indianola Railroad. The only building done was the seven-mile stretch from Indianola, and that was narrow gauge. Later this line was taken over by the Milwaukee Railroad. With the coming of the automobile in 1902, the question of the changing of the county seat was revived, but the county seat, so long in the county's interest, voted for the retention of a courthouse in Adel.

Mahaska County. The year before the house met in 1846, the territorial legislature ordered the first authorizing the organization of Mahaska County and for one of the most blood-thirsty of the early Indians. The county was divided into nine precincts by the first appointed justice of the peace, and by April 1, 1844, elections were held for a school board.

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2. Idem., p. 106.
of county officers.\(^1\)

The Territorial Legislature appointed a commission of three men from outside Mahaska County to select the site for the county seat. Three locations were presented to the commission. One at Auburn was advocated because it was the center of population and afforded access to the Des Moines River. A second possibility was the exact geographic center of the county, but the spot was inaccessible and was a poor physical location. The third place was known as "the Narrows", the narrowest point of land between the Des Moines and the Skunk Rivers. Before the county was settled, it was said that this point could be seen from twenty miles as the pioneer approached it from the southeast. It was on a prominent highway of travel between the Mississippi and the Missouri Rivers. This third site was chosen as the county seat.\(^2\) It was named Oskaloosa for a Creek Indian princess and means "last of the beautiful."\(^3\)

Mahaska County has conducted its business in log cabins, a frame courthouse, and since 1856, in a permanent brick courthouse, located east of the square in Oskaloosa.\(^4\)

**Folk County.** The area of Polk County was a part of the last territory in Iowa belonging to the Sac and Fox Indians. Until October 11, 1836, it was a

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\(^2\) Swisher, "The Location of County Seats in Iowa," p. 239.

\(^3\) The League of Women Voters of Oskaloosa, *Know Your County* (Oskaloosa, Iowa: The League of Women Voters of Oskaloosa, 1933), p. 3.

\(^4\) Clark, *loc. cit.*
they were protected from white encroachment west of a line running through Red Rocks, now in Marion County. By that date, they were to be settled on a reservation in Kansas, and the area of Polk County was opened to white settlers.\(^1\) Within three months a law was passed by the territorial Legislature organizing the county.\(^2\)

As soon as Polk County, named for James K. Polk, then president of the United States, was organized in 1846, the battle over the location of the county seat began. A number of communities asserted competing claims for the designation, including Fort Des Moines, Polk City, Saylorville, and Brooklyn, the latter located near the present site of the State Fair Grounds.\(^3\)

Fort Des Moines was the earliest settlement, and as the outgrowth of the military post, seemed to be the logical choice, but there was one circumstance which tended to militate against its selection. It was not centrally located, lying near the southern edge of the county. However, arrangements were made whereby the northern tier of four townships of Warren County just south of Polk County were transferred temporarily to its northern neighbor. This placed Fort Des Moines in the approximate center of the enlarged county. Then a delegation from Fort Des Moines went to the state legislature in Iowa City and successfully persuaded the members to locate the county seat at Fort Des Moines. Later the borrowed townships were returned to Warren County.

\(^{1}\text{Ilda M. Hamm, }\textit{The Book of Des Moines} (Des Moines, Iowa: Third of Education, 1947), \text{p. 24.}\)

\(^{2}\text{Ibid., p. 50.}\)

\(^{3}\text{Ibid., p. 51.}\)

\(^{4}\text{Ibid., pp. 51-52.}\)
The population of the new county seat in 1846 was 127. By 1851 the population had grown enough that Fort Des Moines was incorporated as a town. In 1857 the town of Fort Des Moines was joined with the settlement across the river, East Fort Des Moines, and the present city of Des Moines was created, with a population of about 3,500.

In 1848 the first courthouse was built on the site of the present railroad station south across the street from the present location. It was never intended to be the permanent location, because the original plat of Fort Des Moines in 1846 set aside the present courthouse square and named as Court Avenue the street leading westward from the river to the square. Two courthouses have stood on this square, the current one since 1906, built at a cost of $750,000.

III. DIFFERING COUNTY GOVERNMENTS IN THREE SELECTED IOWA COUNTIES

One of the functions of this study was to attempt to note any variances in county government practices among the three selected counties. Though materials in print were studied, the most important source of information was the county officials themselves. Interviews were conducted in Polk, Dallas, and Mahaska Counties with supervisors,

2 Hamner, op. cit., p. 53. 3 Ibid., p. 63. 4 Ibid., p. 69.
5 The Des Moines League of Women Voters, loc. cit.
6 Hamner, op. cit.
7 Johnson Brigham, Des Moines and Polk County (Chicago: S. J. Clarke Publishing Company, 1911), I, 305.
3. Suddenly, when in apparent health.

4. As a result of or during abortion.

5. While in the custody of law officials.

6. In an accident in a gypsum or coal mine.

7. In a suspicious, unusual, or unnatural manner.

8. From a disease which might constitute a threat to public health.

Upon receipt of a death notice, the medical examiner must take charge of the body, determine the cause of death, and make an official report on official forms supplied by the commissioner of public health to the county attorney and to the criminal investigation division of the state department of public safety.

An autopsy may be performed by the medical examiner or a pathologist, as the examiner may indicate, if, in his opinion, it is necessary. A full report of the autopsy must be sent to the county attorney. No embalming or cremation may take place without the approval of the county medical examiner if there are any suspicious circumstances surrounding the death.

In cases where doubt as to the cause of death arises after burial has already taken place, the medical examiner must notify the county attorney, who may apply to the district court for an order of exhumation. An autopsy is to be performed, and the results given to the court.

County engineer: The county board of supervisors must employ one or more registered civil engineers who are to be known as county engineers. The board may fix the term of office, not to exceed three years,
3. Suddenly, when in apparent health.
4. As a result of or during abortion.
5. While in the custody of law officials.
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1The Code of Iowa, 1962, Chapter 309.