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## Township Information

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The information presented below is a summary of information related to the duties of townships officials. This information does not replace the Code of Iowa, and if there are conflicts between the information provided and the Code of Iowa, the Code of Iowa shall prevail.

**Sioux County, Iowa, has been divided into twenty-three townships:**

Buncombe Township	Garfield Township	Nassau Township	Sioux Township
Capel Township	Grant Township	Plato Township	Washington Township
Center Township	Holland Township	Reading Township	Welcome Township
Eagle Township	Lincoln Township	Rock Township	West Branch Township
East Orange Township	Logan Township	Settlers Township	
Floyd Township	Lynn Township	Sherman Township	

The townships are subdivisions for which three appointed trustees from each township have the authority to levy property taxes on behalf of the township for various public purposes. Each township has an appointed clerk to handle the financial and clerical duties of the township.

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## Duties of Township Trustees

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**Emergency Services:** The township trustees of each township shall provide fire protection service for the township, exclusive of any part of the township within a benefited fire district and may provide emergency medical service. The trustees may purchase, own, rent, or maintain fire protection services or emergency medical service apparatus or equipment or both kinds of equipment and provide housing for equipment. The trustees may contract with any public or private agency under chapter 28E for the purpose of providing any service or system required under section 359.42 of the Code of Iowa. Additional information is available in Iowa Code Chapter 359.

**Fence Viewing Duties:** Township trustees act as fence viewers to determine any controversy arising under Iowa Code Chapter 359A. Fence viewers may determine the obligations, rights, and duties of the respective parties in a partition fence dispute, and assign to each owner the part which he or she shall erect, maintain, rebuild, trim or cut back, or pay for, and fix the value thereof, and prescribe the time within which the same shall be completed or paid for, and in the case of repair, may specify the kind of repairs to be made. Fence viewers do NOT have the power to determine the location of a partition fence! The fees of trustees acting as fence viewers are paid by the parties involved, as determined by the trustees. Township trustees are no longer authorized to settle disputes arising out of trespassing livestock. Additional information is available in Iowa Code Chapter 359A.

**Cemeteries:** Township trustees are responsible to improve and maintain cemeteries owned by the township, and may improve and maintain cemeteries not owned by the township, provided the cemetery is devoted to general public use. Trustees shall control a cemetery owned by the township or appoint trustees for said cemetery, or may sell the cemetery to a private corporation for cemetery purposes. Under certain circumstances, township cemetery funds may be used for maintenance and support of a cemetery in adjoining cities or townships. Additional information is available in Iowa Code sections 359.28 through 359.41; 317.5; and 566.19 through 566.26.

**Township Halls:** If a township owns, or acquires by lease with an option to purchase, a public hall, a township may levy funds to maintain said building. Said building shall be within the boundaries of the township. The township clerk, under the direction of the township trustees, shall be the custodian of the building, and the use thereof may be permitted by the township trustees to citizens of the township for any lawful purpose. Additional information is available in Iowa Code Chapter 360.

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## **Compensation of Township Officials**

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The Board of Supervisors determines the pay of township officials, and must provide the funds to pay township officials. (359.46)

In Sioux County, township trustees and clerks are paid \$15.00 per day necessary for township business.

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## **Township Tax Levies**

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Township budgets inform the taxpayer what services tax monies are being requested for. Townships are required to use those funds for only those purposes. Townships cannot use fire funds for cemetery purposes, or owned cemetery funds for non-owned cemetery purposes, etc. Proposed township budgets are posted in the public area of the Sioux County Courthouse at least ten days prior to a township budget hearing. Adopted township budgets must be certified to the County Auditor by March 15<sup>th</sup> of each calendar year, and take effect the following July 1. Copies of adopted township budgets are available for public review in the County Auditor's Office during normal business hours.

Townships are limited in the amounts that may be levied for certain purposes:

- Fire and emergency services levy rate is 40 and ½ cents per thousand, with an additional 20 and ¼ cents available if needed, for a maximum levy of 60 and ¾ cents per thousand (359.43).
  - Up to 30 cents per thousand of the fire and emergency services levy rate may be credited annually to a reserve for fire equipment or supply purchases. Interest held in reserve funds must be credited to this fund.
- Non-owned cemetery levy rate is 6 and ¾ cents per thousand. (359.33)
- Owned cemetery levy rate has no maximum. Townships may levy as much as needed for a cemetery that is owned by a township. (359.30)
- Township hall repair levy rate is 13 and ½ cents per thousand, with certain exceptions. (360.9)
- Library levy rate is 6 and ¾ cents per thousand. (359.30)

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## **Township Meetings**

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Township trustees are a public body and their meetings must be in compliance with Iowa's open meetings laws (Chapter 21). Township meetings must be open to the public.

The trustees must meet at least twice each year. One of those meetings is required to hear comments and objections to the proposed budget. (359.17) It would seem practical to meet at least three times each year:

1. To determine the proposed budget and set the date of the budget hearing.
2. Budget hearing meeting (required). (359.17 & 359.49)

3. Review and sign the annual report by September 30.

Notice of the budget hearing is required to be posted at the courthouse. The Auditor posts this notice when the clerk files the proposed budget worksheet.

Participation in meetings may be by telephone to achieve a quorum, if public access to the conversation of the meeting is provided to the extent reasonably possible.

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## **Appointment of Township Officials**

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The Board of Supervisors shall fill the offices by appointment as the terms of office of the incumbent township officers expire.

A township officer shall be a resident of the township, and may be a resident of a city within the respective township (this previously only applied to township clerks). (39.22 subsection 2).

### **Vacancies in a Township Office (69.8, subsection 5)**

- If the township clerk resigns, the township trustees shall appoint a replacement to hold office until the next appointment. If the trustees fail to appoint a clerk within thirty days, the appointment shall be made by the Board of Supervisors.
- If a township trustee resigns, the two remaining trustees shall appoint a replacement to hold office until the next appointment. If the trustees fail to appoint a trustee within thirty days, the appointment shall be made by the Board of Supervisors.
- If there is only one remaining trustee, the appointments shall be made by the Board of Supervisors. One trustee, acting on his/her own, cannot conduct township business.
- If all three trustee positions are vacant the Board of Supervisors may appoint their replacements, or adopt a resolution stating the Board of Supervisors will take over the duties of township trustee until the vacancies are filled at the next appointment.
- All township officials shall take an oath of office prior to conducting township business. A new oath of office must be taken for each term of office.
- Resignations from township office are to be made in writing to the County Auditor (69.4).

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## **Additional Resources for Township Information**

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- Code of Iowa
- County Auditor
- Fence Viewing Instructions and Forms (Iowa State University Extension Service)
- Township Trustee & Clerk Orientation Booklet (Iowa State University Extension Service)
- Iowa Open Meetings, Open Records Handbook (Iowa Freedom of Information Council)