

### **372.13 The council.**

1. A majority of all council members is a quorum.
2. A vacancy in an elective city office during a term of office shall be filled, at the council's option, by one of the two following procedures:

*a.* By appointment by the remaining members of the council, except that if the remaining members do not constitute a quorum of the full membership, paragraph "b" shall be followed. The appointment shall be for the period until the next pending election as defined in section 69.12, and shall be made within forty days after the vacancy occurs. If the council chooses to proceed under this paragraph, it shall publish notice in the manner prescribed by section 362.3, stating that the council intends to fill the vacancy by appointment but that the electors of the city or ward, as the case may be, have the right to file a petition requiring that the vacancy be filled by a special election. The council may publish notice in advance if an elected official submits a resignation to take effect at a future date. The council may make an appointment to fill the vacancy after the notice is published or after the vacancy occurs, whichever is later. However, if within fourteen days after publication of the notice or within fourteen days after the appointment is made, there is filed with the city clerk a petition which requests a special election to fill the vacancy, an appointment to fill the vacancy is temporary and the council shall call a special election to fill the vacancy permanently, under paragraph "b". The number of signatures of eligible electors of a city for a valid petition shall be determined as follows:

(1) For a city with a population of ten thousand or less, at least two hundred signatures or at least the number of signatures equal to fifteen percent of the voters who voted for candidates for the office at the preceding regular election at which the office was on the ballot, whichever number is fewer.

(2) For a city with a population of more than ten thousand but not more than fifty thousand, at least one thousand signatures or at least the number of signatures equal to fifteen percent of the voters who voted for candidates for the office at the preceding regular election at which the office was on the ballot, whichever number is fewer.

(3) For a city with a population of more than fifty thousand, at least two thousand signatures or at least the number of signatures equal to ten percent of the voters who voted for candidates for the office at the preceding regular election at which the office was on the ballot, whichever number is fewer.

(4) The minimum number of signatures for a valid petition pursuant to subparagraphs (1) through (3) shall not be fewer than ten. In determining the minimum number of signatures required, if at the last preceding election more than one position was to be filled for the office in which the vacancy exists, the number of voters who voted for candidates for the office shall be determined by dividing the total number of votes cast for the office by the number of seats to be filled.

*b.* By a special election held to fill the office for the remaining balance of the unexpired term. If the council opts for a special election or a valid petition is filed under paragraph "a", the special election may be held concurrently with any pending election as provided by section 69.12 if by so doing the vacancy will be filled not more than ninety days after it occurs. Otherwise, a special election to fill the office shall be called at the earliest practicable date. If there are concurrent vacancies on the council and the remaining council members do not constitute a quorum of the full membership, a special election shall be called at the earliest practicable date. The council shall give the county commissioner at least sixty days' written notice of the date chosen for the special election. The council of a city where a primary election may be required shall give the county commissioner at least eighty-five days' written notice of the date chosen for the special election. A special election held under this subsection is subject to sections 376.4 through 376.11, but the dates for actions in relation to the special election shall be calculated with regard to the date for which the special election is called.

3. The council shall appoint a city clerk to maintain city records and perform other duties prescribed by state or city law.

4. Except as otherwise provided by state or city law, the council may appoint city officers and employees, and prescribe their powers, duties, compensation, and terms. The appointment of a city manager must be made on the basis of that individual's qualifications and not on the basis of political affiliation.

5. The council shall determine its own rules and maintain records of its proceedings. City records and documents, or accurate reproductions, shall be kept for at least five years except that:

*a.* Ordinances, resolutions, council proceedings, records and documents, or accurate reproductions, relating to the issuance of public bonds or obligations shall be kept for at least eleven years following the final maturity of the bonds or obligations. Thereafter, such records, documents, and reproductions may be destroyed, preserving confidentiality as necessary. Records and documents pertaining to the transfer of ownership of bonds shall be kept as provided in section 76.10.

*b.* Ordinances, resolutions, council proceedings, records and documents, or accurate reproductions, relating to real property transactions shall be maintained permanently.

6. Within fifteen days following a regular or special meeting of the council, the clerk shall cause the minutes of the proceedings of the council, including the total expenditure from each city fund, to be published in a newspaper of general circulation in the city. The publication shall include a list of all claims allowed and a summary of all receipts and shall show the gross amount of the claim. Matters discussed in closed session pursuant to section 21.3 shall not be published until entered on the public minutes. However, in cities having more than one hundred fifty thousand population the council shall each month print in pamphlet form a detailed itemized statement of all receipts and disbursements of the city, and a summary of its proceedings during the preceding month, and furnish copies to the city library, the daily newspapers of the city, and to persons who apply at the office of the city clerk, and the pamphlet shall constitute publication as required. Failure by the clerk to make publication is a simple misdemeanor. The provisions of this subsection are applicable in cities in which a newspaper is published, or in cities of two hundred population or over, but in all other cities, posting the statement in three public places in the city which have been permanently designated by ordinance is sufficient compliance with this subsection.

7. By ordinance, the council may divide the city into wards which shall be drawn according to the following standards:

*a.* All ward boundaries shall follow precinct boundaries.

*b.* Wards shall be as nearly equal as practicable to the ideal population determined by dividing the number of wards to be established into the population of the city.

*c.* Wards shall be composed of contiguous territory as compact as practicable.

*d.* Consideration shall not be given to the addresses of incumbent officeholders, political affiliations of registered voters, previous election results, or demographic information other than population head counts, except as required by the Constitution and the laws of the United States.

8. By ordinance, the council shall prescribe the compensation of the mayor, council members, and other elected city officers, but a change in the compensation of the mayor does not become effective during the term in which the change is adopted, and the council shall not adopt an ordinance changing the compensation of the mayor, council members, or other elected officers during the months of November and December in the year of a regular city election. A change in the compensation of council members becomes effective for all council members at the beginning of the term of the council members elected at the election next

following the change in compensation. Except as provided in section 362.5, an elected city officer is not entitled to receive any other compensation for any other city office or city employment during that officer's tenure in office, but may be reimbursed for actual expenses incurred. However, if the mayor pro tem performs the duties of the mayor during the mayor's absence or disability for a continuous period of fifteen days or more, the mayor pro tem may be paid for that period the compensation determined by the council, based upon the mayor pro tem's performance of the mayor's duties and upon the compensation of the mayor.

9. A council member, during the term for which that member is elected, is not eligible for appointment to any city office if the office has been created or the compensation of the office has been increased during the term for which that member is elected. A person who resigns from an elective office is not eligible for appointment to the same office during the time for which that person was elected if during that time, the compensation of the office has been increased.

10. A council member, during the term for which that member is elected, is not precluded from holding the office of chief of the volunteer fire department if the fire department serves an area with a population of not more than two thousand. A person holding the office of chief of such a volunteer fire department at the time of the person's election to the city council may continue to hold the office of chief of the fire department during the city council term for which that person was elected.

11. Council members shall be elected according to the council representation plans under sections 372.4 and 372.5. However, the council representation plan may be changed, by petition and election, to one of those described in this subsection. Upon receipt of a valid petition, as defined in section 362.4, requesting a change to a council representation plan, the council shall submit the question at a special city election to be held within sixty days. If a majority of the persons voting at the special election approves the changed plan, it becomes effective at the beginning of the term following the next regular city election. If a majority does not approve the changed plan, the council shall not submit another proposal to change a plan to the voters within the next two years.

Eligible electors of a city may petition for one of the following council representation plans:

*a.* Election at large without ward residence requirements for the members.

*b.* Election at large but with equal-population ward residence requirements for the members.

*c.* Election from single-member, equal-population wards, in which the electors of each ward shall elect one member who must reside in that ward.

*d.* Election of a specified number of members at large and a specified number of members from single-member, equal- population wards.

1. [R60, § 1081, 1093; C73, § 511, 522; C97, § 668; S13, § 668; C24, 27, 31, 35, 39, § **5663**; C46, 50, § 363.36; C54, 58, 62, 66, 71, 73, § 368A.1(2); C75, 77, 79, 81, § 372.13(1)]

2. [R60, § 1101; C73, § 514, 524; C97, § 668; S13, § 668; C24, 27, 31, 35, 39, § **5663**; C46, 50, § 363.36; C54, 58, 62, 66, 71, 73, § 368A.1(8); C75, 77, 79, 81, § 372.13(2); 81 Acts, ch 34, § 46]

3. [R60, § 1082, 1093; C73, § 512, 522; C97, § 651, 659, 940; S13, § 651; SS15, § 1056-a26, 1056-b18; C24, 27, 31, 35, 39, § **5633, 5640, 5663, 6528, 6651, 6703**; C46, 50, § 363.11, 363.19, 363.36, 416.52, 419.37, 420.13; C54, 58, 62, 66, 71, 73, § 368A.1(1), 368A.3; C75, 77, 79, 81, § 372.13(3)]

4. [R60, § 1086, 1093, 1095, 1098, 1103, 1105, 1134; C73, § 493, 515, 522, 524, 528, 532, 534; C97, § 651, 657, 668, 676; S13, § 651, 657, 668, 1056-a27, 1056-a28; SS15, § 1056-a26, 1056-b14, 1056-b17, 1056-b18; C24, 27, 31, 35, 39, § **5638, 5663, 5671, 6519, 6528, 6529, 6533, 6651, 6666, 6674**; C46, 50, § 363.11,

363.17, 363.36, 363.45, 416.43, 416.52, 416.53, 416.57, 419.37, 419.52, 419.60; C54, 58, 62, 66, 71, 73, § 363.40, 363A.4, 363B.11, 363C.4, 363C.9, 368A.1(7, 9, 10); C75, 77, 79, 81, § 372.13(4)]

**5, 6.** [R60, § 1082, 1093; C73, § 512, 522; C97, § 659, 668; S13, § 668, 687-a; C24, 27, 31, 35, 39, § **5640, 5663, 5722**; C46, 50, § 363.19, 363.33, 366.10; C54, 58, 62, 66, 71, 73, § 368A.1(4), 368A.3; C75, 77, 79, 81, § 372.13(5,6); 82 Acts, ch 1047, § 1]

**7.** [R60, § 1092; C73, § 520; C97, § 641; S13, § 641; C24, 27, 31, 35, 39, § **5626**; C46, 50, § 363.4; C54, 58, 62, 66, 71, 73, § 363.7; C75, 77, 79, 81, § 372.13(7)]

**8.** [R60, § 1091, 1095, 1098; C73, § 505, 519, 524, 528; C97, § 669, 676, 943, 945; S13, § 669, 1056-a28; SS15, § 1056-b9; C24, 27, 31, 35, 39, § **5664, 5671, 6517, 6633, 6704, 6705**; C46, 50, § 363.38, 363.45, 416.41, 419.19, 420.14, 420.15; C54, 58, 62, 66, § 363.39, 363A.4, 363B.9, 363C.2, 420.14, 420.15; C71, 73, § 363.39, 363A.4, 363B.9, 363C.2, 363E.1, 420.14, 420.15; C75, 77, 79, 81, § 372.13(8)]

**9.** [R60, § 1091, 1122; C73, § 490, 491, 519; C97, § 668, 677; S13, § 668; C24, 27, 31, 35, 39, § **5672**; C46, 50, § 363.46, 420.17420.19; C54, 58, 62, 66, 71, 73, § 368A.21; C75, 77, 79, 81, § 372.13(9)]

85 Acts, ch 107, §1; 87 Acts, ch 203, §3; 88 Acts, ch 1052, §1; 88 Acts, ch 1246, §4; 89 Acts, ch 39, §9; 89 Acts, ch 136, §71; 90 Acts, ch 1106, § 1; 91 Acts, ch 256, § 39; 93 Acts, ch 89, § 2; 94 Acts, ch 1179, §24; 94 Acts, ch 1180, §54; 97 Acts, ch 170, § 90; 2002 Acts, ch 1134, §104, 115; 2004 Acts, ch 1175, §249

## Footnotes

Removal of appointees, see § 372.15

Removal of officers, chapter 66