# Senate File 230

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  1  1                                          SENATE FILE 230
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  1  3                         AN ACT
  1  4  RELATING TO THE PROCEDURE FOR REDUCING THE NUMBER OF MEMBERS
  1  5     OF A CITY COUNCIL FROM FIVE TO THREE IN CERTAIN CITIES AND
  1  6     PROVIDING AN EFFECTIVE DATE.
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  1  8  BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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  1 10     Section 1.  Section 372.4, Code 2003, is amended to read as
  1 11  follows:
  1 12     372.4  MAYOR=COUNCIL FORM.
  1 13     1.  A city governed by the mayor=council form has a mayor
  1 14  and five council members elected at large, unless the council
  1 15  representation plan is changed pursuant to section 372.13,
  1 16  subsection 11.  The council may, by ordinance, provide for a
  1 17  city manager and prescribe the manager's powers and duties,
  1 18  and as long as the council contains an odd number of council
  1 19  members, may change the number of wards, abolish wards, or
  1 20  increase the number of council members at large without
  1 21  changing the form.
  1 22     However, a city governed, on July 1, 1975, by the mayor=
  1 23  council form composed of a mayor and a council consisting of
  1 24  two council members elected at large, and one council member
  1 25  from each of four wards, or a special charter city governed,
  1 26  on July 1, 1975, by the mayor=council form composed of a mayor
  1 27  and a council consisting of two council members elected at
  1 28  large and one council member elected from each of eight wards,
  1 29  may continue until the form of government is changed as
  1 30  provided in section 372.2 or section 372.9.  While a city is
  1 31  thus operating with an even number of council members, the
  1 32  mayor may vote to break a tie vote on motions not involving
  1 33  ordinances, resolutions or appointments made by the council
  1 34  alone, and in a special charter city operating with ten
  1 35  council members under this section, the mayor may vote to
  2  1  break a tie vote on all measures.
  2  2     2.  The mayor shall appoint a council member as mayor pro
  2  3  tem, and shall appoint and dismiss the marshal or chief of
  2  4  police except where an intergovernmental agreement makes other
  2  5  provisions for police protection or as otherwise provided in
  2  6  section 400.13.  However, the appointment and dismissal of the
  2  7  marshal or chief of police are subject to the consent of a
  2  8  majority of the council.  Other officers must be selected as
  2  9  directed by the council.  The mayor is not a member of the
  2 10  council and shall not vote as a member of the council.
  2 11     3.  In a city having a population of between five hundred
  2 12  and five thousand or less, the city council may, or shall upon
  2 13  petition of the electorate meeting the numerical requirements
  2 14  of section 372.2, subsection 1, submit a proposal at the next
  2 15  regular or special city election to reduce the number of
  2 16  council members to three.  If a majority of the voters voting
  2 17  on the proposal approves it, the proposal is adopted.  If the
  2 18  proposal is adopted, the new council shall be elected at the
  2 19  next regular or special city election.  The council shall
  2 20  determine by ordinance whether the three council members are
  2 21  elected at large or by ward.
  2 22     4.  In a city having a population of less than five
  2 23  hundred, the city council may adopt a resolution of intent to
  2 24  reduce the number of council members from five to three and
  2 25  shall call a public hearing on the proposal.  Notice of the
  2 26  time and place of the public hearing shall be published as
  2 27  provided in section 362.3, except that at least ten days'
  2 28  notice must be given.  At the public hearing, the council
  2 29  shall receive oral and written comments regarding the proposal
  2 30  from any person.  Thereafter, the council, at the same meeting
  2 31  as the public hearing or at a subsequent meeting, may adopt a
  2 32  final resolution to reduce the number of council members from
  2 33  five to three or may adopt a resolution abandoning the
  2 34  proposal.  If the council adopts a final resolution to reduce
  2 35  the number of council members from five to three, a petition
  3  1  meeting the same requirements specified in section 362.4 for
  3  2  petitions authorized by city code may be filed with the clerk
  3  3  within thirty days following the effective date of the final
  3  4  resolution, requesting that the question of reducing the
  3  5  number of council members from five to three be submitted to
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3  6 the registered voters of the city.  Upon receipt of a petition
3  7 requesting an election, the council shall direct the county
3  8 commissioner of elections to put the proposal on the ballot
3  9 for the next regular city election.  If the ballot proposal is
3 10 adopted, the new council shall be elected at the next
3 11 following regular city election.  If a petition is not filed,
3 12 the council shall notify the county commissioner of elections
3 13 by July 1 of the year of the regular city election and the new
3 14 council shall be elected at that regular city election.  If
3 15 the council notifies the commissioner of elections after July
3 16 1 of the year of the regular city election, the change shall
3 17 take effect at the next following regular city election.  The
3 18 council shall determine by ordinance whether the three council
3 19 members are elected at large or by ward.
3 20     Sec. 2.  EFFECTIVE DATE.  This Act, being deemed of
3 21 immediate importance, takes effect upon enactment.
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3 24                                 _____
3 25                                 MARY E. KRAMER
3 26                                 President of the Senate
3 27
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3 29                                 _____
3 30                                 CHRISTOPHER C. RANTS
3 31                                 Speaker of the House
3 32
3 33     I hereby certify that this bill originated in the Senate and
3 34 is known as Senate File 230, Eightieth General Assembly.
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4  1
4  2                                 _____
4  3                                 MICHAEL E. MARSHALL
4  4                                 Secretary of the Senate
4  5 Approved _____, 2003
4  6
4  7
4  8 _____
4  9 THOMAS J. VILSACK
4 10 Governor