April 28, 2003

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit:

Senate File 230, an Act relating to the procedure for reducing the number of members of a city council from five to three in certain cities and providing an effective date.

The above Senate File is hereby approved this date.

Sincerely,

Thomas J. Vilsack
Governor

TJV:jmc

cc: Secretary of the Senate
    Chief Clerk of the House

AN ACT

RELATING TO THE PROCEDURE FOR REDUCING THE NUMBER OF MEMBERS
OF A CITY COUNCIL FROM FIVE TO THREE IN CERTAIN CITIES AND
PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 372.4, Code 2003, is amended to read as
follows:

372.4 MAYOR-COUNCIL FORM.

1. A city governed by the mayor-council form has a mayor
and five council members elected at large, unless the council
representation plan is changed pursuant to section 372.13,
subsection 11. The council may, by ordinance, provide for a
city manager and prescribe the manager's powers and duties,
and as long as the council contains an odd number of council
members, may change the number of wards, abolish wards, or
increase the number of council members at large without
changing the form.

However, a city governed, on July 1, 1975, by the mayor-
council form composed of a mayor and a council consisting of
two council members elected at large, and one council member
from each of four wards, or a special charter city governed,
on July 1, 1975, by the mayor-council form composed of a mayor
and a council consisting of two council members elected at
large and one council member elected from each of eight wards,
may continue until the form of government is changed as
provided in section 372.2 or section 372.9. While a city is
thus operating with an even number of council members, the
mayor may vote to break a tie vote on motions not involving
ordinances, resolutions or appointments made by the council
alone, and in a special charter city operating with ten

council members under this section, the mayor may vote to
break a tie vote on all measures.

2. The mayor shall appoint a council member as mayor pro
tem, and shall appoint and dismiss the marshal or chief of
police except where an intergovernmental agreement makes other
provisions for police protection or as otherwise provided in
section 400.13. However, the appointment and dismissal of the
marshal or chief of police are subject to the consent of a
majority of the council. Other officers must be selected as
directed by the council. The mayor is not a member of the
council and shall not vote as a member of the council.

3. In a city having a population of between five hundred
and five thousand or less, the city council may, or shall upon
petition of the electorate meeting the numerical requirements
of section 372.2, subsection 1, submit a proposal at the next
regular or special city election to reduce the number of
council members to three. If a majority of the voters voting
on the proposal approves it, the proposal is adopted. If the
proposal is adopted, the new council shall be elected at the
next regular or special city election. The council shall
determine by ordinance whether the three council members are
elected at large or by ward.

4. In a city having a population of less than five
hundred, the city council may adopt a resolution of intent to
reduce the number of council members from five to three and
shall call a public hearing on the proposal. Notice of the
time and place of the public hearing shall be published as
provided in section 362.3, except that at least ten days'
notice must be given. At the public hearing, the council
shall receive oral and written comments regarding the proposal
from any person. Thereafter, the council, at the same meeting
as the public hearing or at a subsequent meeting, may adopt a
final resolution to reduce the number of council members from
five to three or may adopt a resolution abandoning the
proposal. If the council adopts a final resolution to reduce
the number of council members from five to three, a petition
meeting the same requirements specified in section 362.4 for
petitions authorized by city code may be filed with the clerk
within thirty days following the effective date of the final
resolution, requesting that the question of reducing the
number of council members from five to three be submitted to
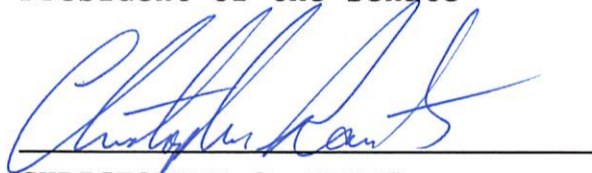the registered voters of the city. Upon receipt of a petition

requesting an election, the council shall direct the county commissioner of elections to put the proposal on the ballot for the next regular city election. If the ballot proposal is adopted, the new council shall be elected at the next following regular city election. If a petition is not filed, the council shall notify the county commissioner of elections by July 1 of the year of the regular city election and the new council shall be elected at that regular city election. If the council notifies the commissioner of elections after July 1 of the year of the regular city election, the change shall take effect at the next following regular city election. The council shall determine by ordinance whether the three council members are elected at large or by ward.

   Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

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MARY E. KRAMER
President of the Senate

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CHRISTOPHER C. RANTS
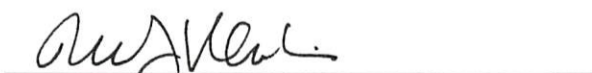Speaker of the House

   I hereby certify that this bill originated in the Senate and is known as Senate File 230, Eightieth General Assembly.

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MICHAEL E. MARSHALL
Secretary of the Senate

Approved ___April 28___ , 2003

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THOMAS J. VILSACK
Governor