

April 1, 1969
Placed on Calendar

HOUSE FILE 736

By COMMITTEE ON CITIES
AND TOWNS

Passed House, Date 4-3-69 Passed Senate, Date 4-8-69

Vote: Ayes 105 Nays 0 Vote: Ayes 54 Nays 1

Approved April 15, 1969

A BILL FOR

*Motion to reconsider
laid on table 4-8*

- 1 An Act relating to powers and duties of municipal officers.
- 2 *Be It Enacted by the General Assembly of the State of Iowa:*
- 3 Section 1. Section three hundred sixty-eight A point
- 4 twenty-two (368A.22), Code 1966, is hereby amended by adding
- 5 at the end thereof the following new subsection:
- 6 "Any contract entered into in violation of this section
- 7 is void."
- 8 Sec. 2. Chapter three hundred sixty-eight A (368A), Code
- 9 1966, is hereby amended by adding thereto the following new
- 10 section:
- 11 "No ordinance, resolution, or motion voted upon shall be
- 12 invalid by reason of conflict of interest in an officer of
- 13 a municipality unless the vote of such officer was decisive
- 14 to the passage of such ordinance, resolution, or motion.
- 15 Where a specific majority or unanimous vote of a municipal
- 16 body is required by statute, such majority or vote shall be
- 17 computed on the basis of the number of officers not dis-
- 18 qualified by reason of conflict of interest. For the purposes
- 19 of this section, the statement of any officer that he de-
- 20 clines to vote by reason of conflict of interest shall be
- 21 conclusive and shall be entered of record. However, a
- 22 quorum of such public body shall be determined as provided
- 23 in section three hundred sixty-eight A point one (368A.1)."
- 24 Sec. 3. This Act, being deemed of immediate importance,
- 25 shall take effect and be in force from and after its passage

1 and publication in The Burlington Hawk-Eye, a newspaper pub-
2 lished in Burlington, Iowa, and the Evening Democrat, a news-
3 paper published in Ft. Madison, Iowa.

EXPLANATION OF HOUSE FILE 736

The recent case of Wilson vs. Iowa City holds that a resolution or ordinance of a municipality would be invalid if any concilman voting has a conflict of interest. The case makes any municipal action subject to collateral attack by anyone claiming a conflict of interest, direct or indirect, hidden or overt.

This bill will make clear that the protections of Section 368A.22 remain intact and that any contract entered into in violation of that Section is void.

This bill further clarifies that if an officer of a municipality votes upon a resolution or ordinance where he may have a conflict of interest, only he is penalized and only his vote is cancelled, and the whole municipality is not penalized by making the ordinance or resolution invalid. Only in the case where the councilman's vote would have been decisive would the whole resolution or ordinance be invalid.