

APR 2 1971

HOUSE FILE 567

Cities and Towns, *Pass 4/28*
Sen. " " 5/12

By SCHWARTZ and GOODE
(Glenn)

Passed House, Date 5-12-71

Passed Senate, Date 5-26-71

Vote: Ayes 78 Nays 1

Vote: Ayes 44 Nays 0

Approved June 14, 1971

Passed House as amended by Senate
5-28-71.
aye 79, nays 0

A BILL FOR

1 An Act relating to commission form cities.

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

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1. Section 1. Section three hundred sixty-three B point two
2 (363B.2), Code 1971, is amended as follows:

3 363B.2 COUNCIL--CITIES OF LESS THAN 30,000 POPULATION.
4 Cities Except as otherwise provided in section 363B.3, cities
5 operating under the commission form of government, and having
6 a population of less than thirty thousand, shall be governed
7 by a council consisting of a mayor and two councilmen elected
8 at large. One councilman shall be elected to preside over
9 the departments of accounts and finances and public safety.
10 One councilman shall be elected to preside over the departments
11 of parks and public property and streets and public improvements.

12 Sec. 2. Section three hundred sixty-three B point three
13 (363B.3), Code 1971, is amended as follows:

14 363B.3 REDUCTION OR INCREASE IN POPULATION. Whenever any
15 city shall have been organized on the commission plan on or
16 before July 4, 1951, no reduction or increase of the population
17 of such city, shown by a subsequent census shall have any
18 effect upon the organization and number of councilmen but the
19 same shall continue, remain, and be as then by law prescribed
20 for cities of the population such city had at the time its
21 electors voted to adopt such plan of government as shown by
22 the then preceding census.

23 If a city with the commission form of government and a
24 council consisting of a mayor and four councilmen has a
25 reduction in population to less than thirty thousand, as
26 determined by the federal decennial census conducted in 1970
27 or a subsequent certified federal census, the council shall
28 submit to the voters of the city, at the next regular city
29 election, the question of whether to change to a council con-
30 sisting of a mayor and two councilmen, as provided in section
31 363B.2. If a change is approved by a majority of the voters,
32 the change shall become effective with the term of office
33 beginning in January two years subsequent to the January next
34 following the election. If a change is not approved by a
35 majority of the voters, the city shall continue to be governed

1 by a council consisting of a mayor and four councilmen, as
2 provided in section 363B.1.

3 EXPLANATION

4 This bill applies to a commission form city which has a
5 reduction in population to less than thirty thousand. At the
6 present time it is apparently applicable only to Ottumwa.
7 Under the present law, unless the commission form was insti-
8 gated prior to July 4, 1951, the city with a reduced population
9 must shift to a three-member council. However, under this
10 bill, the question will be submitted to the voters, who may
11 choose to retain the five-member council. If a change is
12 voted, it will not take place for two years, giving time for
13 another election to choose the three-member council.

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1 Amend House File 567 as follows:

2 1. Page 2, line 27, strike the word "shall" and
3 insert in lieu thereof the word "may".

4 2. Page 2, strike lines 28 through 35, inclusive, and
5 strike lines 1 and 2 on page 3, and insert in lieu there-
6 of the following:

7 "submit to the voters of the city, either at the next
8 regular city election or at a special election, the ques-
9 tion of whether to change to a council consisting of a
10 mayor and two councilmen, as provided in section 363B.2.
11 If the question is submitted at a special election and
12 the change is approved by a majority of the voters, the
13 change shall become effective with the term of office
14 beginning the following January. If the question is sub-
15 mitted at the next regular election and the change is
16 approved by a majority of the voters, the change shall
17 become effective with the term of office beginning in
18 January two years subsequent to the January next following
19 the election. If the question is submitted at either the
20 next regular election or a special election and a change
21 is not approved by a majority of the voters, the city
22 shall continue to be governed by a council consisting of
23 a mayor and four councilmen, as provided in section
24 363B.1."

Filed - *Adopted 5/26*
May 24, 1971

By GLENN

House concurred 5/28

SENATE AMENDMENT TO HOUSE FILE 567

1 Amend House File 567 as follows:

2 1. Page 2, line 27, strike the word "shall" and insert in
3 lieu thereof the word "may".

4 2. Page 2, strike lines 28 through 35, inclusive, and
5 strike lines 1 and 2 on page 3, and insert in lieu thereof
6 the following:

7 "submit to the voters of the city, either at the next regular
8 city election or at a special election, the question of
9 whether to change to a council consisting of a mayor and
10 two councilmen, as provided in section 363B.2. If the question
11 is submitted at a special election and the change is approved
12 by a majority of the voters, the change shall become effective
13 with the term of office beginning the following January. If
14 the question is submitted at the next regular election and
15 the change is approved by a majority of the voters, the
16 change shall become effective with the term of office
17 beginning in January two years subsequent to the January
18 next following the election. If the question is submitted
19 at either the next regular election or a special election
20 and a change is not approved by a majority of the voters,
21 the city shall continue to be governed by a council consist-
22 ing of a mayor and four councilmen, as provided in section
23 363B.1."

Received from the Senate
May 26, 1971

House concurred 5/28