

FEB 19 1976

HOUSE FILE 1363

BY COMMITTEE ON CITIES

Place On Calendar
House File 1363
Cities
Schwengels,
Chairperson
Redmond
Hansen
3/11, Pass 2/21

Passed House, Date 3-9-76 (p. 1000) Passed Senate, Date 4-8-76 (1230)
Vote: Ayes 85 Nays 0 Vote: Ayes 42 Nays 2
Approved 4-19-76

A BILL FOR

1 An Act relating to cities and notice that must be given before
2 public ways and grounds can be vacated, filing of certain
3 annexation materials, method of notice of results of certain
4 elections, selection of a date for certain special elections,
5 permanent maintenance of resolutions, and adoption of
6 supplements to codes of ordinances.

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

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1 Section 1. Section three hundred sixty-four point twelve
2 (364.12), subsection two (2), paragraph a, Code 1975, is
3 amended to read as follows:

4 a. Public ways and grounds may be temporarily closed by
5 resolution~~7-and~~. Following notice as provided in section
6 three hundred sixty-two point three (362.3) of the Code, such
7 public ways and grounds may be vacated by ordinance.

8 Sec. 2. Section three hundred sixty-eight point seven
9 (368.7), unnumbered paragraph two (2), Code 1975, as amended
10 by Acts of the Sixty-sixth General Assembly, 1975 Session,
11 chapter two hundred three (203), section fifteen (15), is
12 amended to read as follows:

13 An application for annexation under this section must be
14 approved by resolution of the council which receives the
15 application. If the territory is within the urbanized area
16 of a city other than the city to which the request for
17 annexation is directed, the application must also be approved
18 by the board. Upon receiving ~~the-required~~ approval, of the
19 council, the city clerk shall file a copy of the map and
20 resolution with the board. The annexation is completed when
21 the board has filed copies of the applicable portions of the
22 proceedings as required in section three hundred sixty-eight
23 point twenty (368.20), subsection two (2) of the Code.

24 Sec. 3. Section three hundred sixty-eight point twenty
25 (368.20), subsection one (1), Code 1975, is amended to read
26 as follows:

27 1. Serve and publish notice of the result as provided
28 in section ~~368-75~~ three hundred sixty-two point three (362.3)
29 of the Code.

30 Sec. 4. Section three hundred seventy-two point nine
31 (372.9), subsection three (3), Code 1975, is amended to read
32 as follows:

33 3. The proposed home rule charter must be submitted at
34 a special city election on a date selected by the mayor after
35 consulting regarding the date on which the election may most

1 conveniently be held with the county commissioner of elections
2 who will be responsible for conducting the election. The
3 However, the date of the election must be not less than thirty
4 nor more than sixty days after the last publication of the
5 proposed home rule charter.

6 Sec. 5. Section three hundred seventy-two point thirteen
7 (372.13), subsection five (5), Code 1975, is amended to read
8 as follows:

9 5. The council shall determine its own rules and maintain
10 records of its proceedings. City records and documents, or
11 accurate reproductions thereof, must be maintained for at
12 least ten years, except that ordinances, resolutions, council
13 proceedings, and records and documents relating to real
14 property transactions or bond issues must be maintained
15 permanently.

16 Sec. 6. Section three hundred eighty point eight (380.8),
17 unnumbered paragraph four (4), Code 1975, as amended by Acts
18 of the Sixty-sixth General Assembly, 1975 Session, chapter
19 one hundred ninety-seven (197), section twenty-three (23),
20 is amended to read as follows:

21 Ordinances and amendments which become effective after
22 adoption of a code of ordinances may be compiled as supplements
23 to the code, and upon adoption of the supplement by ~~ordinance~~
24 resolution, become part of the code of ordinances.

25 EXPLANATION

26 This bill provides that notice must be given before public
27 ways and grounds can be vacated by ordinance; that the city
28 clerk, not the council, shall file certain materials relating
29 to annexation; that the method of notice of the result of
30 certain elections be changed; that a mayor must consult with
31 the county commissioner of elections before selecting a date
32 for a special election to consider a proposed home rule
33 charter; that resolutions be maintained permanently; and that
34 supplements to a code of ordinances be adopted by resolution,
35 not by ordinance.

LSB 4095
can/jw/5

H-5542

1 Amend House File 1363 as follows:

2 1. Page 1, by inserting after line 23 the
3 following:

4 "Sec. 3. Section three hundred sixty-eight
5 point nineteen (368.19), unnumbered paragraph one
6 (1), Code 1975, as amended by Acts of the Sixty-
7 sixth General Assembly, 1975 Session, chapter one
8 hundred ninety-seven (197), section nine (9), is
9 amended to read as follows:

10 368.19 TIME LIMIT--ELECTION. The committee
11 shall approve or disapprove the petition or plan
12 as amended, within ninety days of the final hear-
13 ing, and shall file its decision for record and
14 promptly notify the parties to the proceeding of
15 its decision. If a petition or plan is approved,
16 the board shall set a date within ninety days for a
17 special election on the proposal and the county
18 commissioner of elections shall conduct the election.
19 In a case of incorporation or discontinuance, qual-
20 ified electors of the territory or city may vote,
21 and the proposal is authorized if a majority of
22 those voting approves it. In a case of annexation or
23 severance, qualified electors of the territory and of
24 the city may vote, and the proposal is authorized if
25 a majority of the total number of persons voting
26 approves it except that, in the case where the
27 territory to be annexed is located in a county ad-
28 acent to the county in which the annexing city is
29 located, the proposal shall be authorized only if it
30 receives a favorable vote of at least a majority of
31 the persons voting in the territory to be annexed.
32 In a case of consolidation, qualified electors of
33 each city to be consolidated may vote, and the pro-
34 posal is authorized only if it receives a favorable
35 majority vote in each city. The county commissioner
36 of elections shall publish notice of the election as
37 provided in section 368.15, and shall conduct the
38 election in the same manner as other special city
39 elections.

H-5542 FILED BY WOODS of Polk

MARCH 4, 1976 *Ruled not germane 3/8 (p. 999)*

HOUSE FILE 1363

AN ACT

RELATING TO CITIES AND NOTICE THAT MUST BE GIVEN BEFORE PUBLIC WAYS AND GROUNDS CAN BE VACATED, FILING OF CERTAIN ANNEXATION MATERIALS, METHOD OF NOTICE OF RESULTS OF CERTAIN ELECTIONS, SELECTION OF A DATE FOR CERTAIN SPECIAL ELECTIONS, PERMANENT MAINTENANCE OF RESOLUTIONS, AND ADOPTION OF SUPPLEMENTS TO CODES OF ORDINANCES.

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

Section 1. Section three hundred sixty-four point twelve (364.12), subsection two (2), paragraph a, Code 1975, is amended to read as follows:

a. Public ways and grounds may be temporarily closed by resolution ~~and~~. Following notice as provided in section three hundred sixty-two point three (362.3) of the Code, such public ways and grounds may be vacated by ordinance.

Sec. 2. Section three hundred sixty-eight point seven (368.7), unnumbered paragraph two (2), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter two hundred three (203), section fifteen (15), is amended to read as follows:

An application for annexation under this section must be approved by resolution of the council which receives the application. If the territory is within the urbanized area of a city other than the city to which the request for annexation is directed, the application must also be approved by the board. Upon receiving ~~the required~~ approval ~~of the council, the city clerk~~ shall file a copy of the map and resolution with the board. The annexation is completed when the board has filed copies of the applicable portions of the proceedings as required in section three hundred sixty-eight

point twenty (368.20), subsection two (2) of the Code.

Sec. 3. Section three hundred sixty-eight point twenty (368.20), subsection one (1), Code 1975, is amended to read as follows:

1. Serve and publish notice of the result as provided in section ~~368.20~~ three hundred sixty-two point three (362.3) of the Code.

Sec. 4. Section three hundred seventy-two point nine (372.9), subsection three (3), Code 1975, is amended to read as follows:

3. The proposed home rule charter must be submitted at a special city election on a date selected by the mayor after consulting regarding the date on which the election may most conveniently be held with the county commissioner of elections who will be responsible for conducting the election. ~~The~~ However, the date of the election must be not less than thirty nor more than sixty days after the last publication of the proposed home rule charter.

Sec. 5. Section three hundred seventy-two point thirteen (372.13), subsection five (5), Code 1975, is amended to read as follows:

5. The council shall determine its own rules and maintain records of its proceedings. City records and documents, or accurate reproductions thereof, must be maintained for at least ten years, except that ordinances, resolutions, council proceedings, and records and documents relating to real property transactions or bond issues must be maintained permanently.

Sec. 6. Section three hundred eighty point eight (380.8), unnumbered paragraph four (4), Code 1975, as amended by Acts of the Sixty-sixth General Assembly, 1975 Session, chapter one hundred ninety-seven (197), section twenty-three (23), is amended to read as follows:

Ordinances and amendments which become effective after

adoption of a code of ordinances may be compiled as supplements to the code, and upon adoption of the supplement by ordinance resolution, become part of the code of ordinances.

DALE M. COCHRAN
Speaker of the House

ARTHUR A. NEU
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 1363, Sixty-sixth General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved 4/19/94, 1976

ROBERT D. RAY
Governor