

Reprinted 3/88

FEB 26 1988

Place On Calendar

HOUSE FILE 2348
BY COMMITTEE ON LOCAL
GOVERNMENT

(Formerly House Study Bill 728)

Passed House, Date 3/2/88 (S 729) Passed Senate, Date _____

Vote: Ayes 72 Nays 0 Vote: Ayes _____ Nays _____

Approved _____

*Amended to House Bill (S 127)
w/ 3/1/88 743*

A BILL FOR

1 An Act relating to certain ambiguities and inconsistencies of the
2 Code as they relate to city government.

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

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HF 2348

1 Section 1. Section 22.7, Code Supplement 1987, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 25. Information concerning amounts billed
4 for the services of a city utility, city enterprise, or
5 combined city enterprise, or concerning the payment status of
6 the accounts. However, the payment status of the accounts may
7 be made public under one or more of the following
8 circumstances:

9 a. In connection with the certification of delinquent
10 amounts for collection in the same manner as taxes pursuant to
11 section 384.84.

12 b. In connection with discontinuance of the service due to
13 delinquency in payment.

14 c. For good cause as determined by the custodian of the
15 records.

16 Sec. 2. Section 44.4, unnumbered paragraph 1, Code
17 Supplement 1987, is amended to read as follows:

18 Nominations made ~~under the provisions of~~ pursuant to this
19 chapter and chapter 45 which are required to be filed in the
20 office of the state commissioner shall be filed in that office
21 not more than eighty-five days nor later than five o'clock
22 p.m. on the sixty-seventh day prior to the date of the general
23 election to be held in November; and those nominations made
24 for a special election called pursuant to section 69.14 shall
25 be filed not less than twenty days prior to the date of an
26 election called upon at least forty days' notice and not less
27 than seven days prior to the date of an election called upon
28 at least ten days' notice. Nominations made pursuant to this
29 chapter and chapter 45 which are required to be filed in the
30 office of the commissioner shall be filed in that office not
31 later than five o'clock p.m. on the fifty-fifth day prior to
32 the date of the general election. Nominations made ~~under~~
33 pursuant to this chapter or chapter 45 for city office shall
34 be filed not more than ~~sixty-five~~ seventy-two days nor later
35 than five o'clock p.m. on the ~~fortieth~~ forty-seventh day prior

1 to the city election with the city clerk, who shall process
2 them as provided by law.

3 Sec. 3. Section 362.5, subsection 5, Code Supplement 1987,
4 is amended by striking the subsection and inserting in lieu
5 thereof the following:

6 5. Contracts in which a city officer or employee has an
7 interest solely by reason of employment, or a stock interest
8 of the kind described in subsection 9, or both, if the
9 contract is for professional services not customarily awarded
10 by competitive bid, if the remuneration of employment will not
11 be directly affected as a result of the contract, and if the
12 duties of employment do not directly involve the procurement
13 or preparation of any part of the contract.

14 Sec. 4. Section 362.5, subsection 10, Code Supplement
15 1987, is amended by striking the subsection.

16 Sec. 5. Section 372.13, subsection 5, Code Supplement
17 1987, is amended to read as follows:

18 5. The council shall determine its own rules and maintain
19 records of its proceedings. City records and documents, or
20 accurate reproductions, shall be kept for at least five
21 years. ~~7-except-that~~ However, ordinances, resolutions, council
22 proceedings, and records and documents relating to real
23 property transactions or bond issues or accurate reproductions
24 of those ordinances, resolutions, council proceedings, and
25 records and documents relating to real property transactions
26 or bond issues, shall be maintained permanently.

27 Sec. 6. Section 380.3, unnumbered paragraph 1, Code 1987,
28 is amended to read as follows:

29 A proposed ordinance or amendment must be considered and
30 voted on for passage at two council meetings prior to the
31 meeting at which it is to be finally passed, unless this
32 requirement is suspended by a recorded vote of not less than
33 three-fourths of the council members. If a proposed ordinance
34 or amendment fails to receive sufficient votes for passage at
35 any consideration, the proposed ordinance or amendment shall

1 be considered defeated.

2 Sec. 7. Section 384.84, subsection 1, Code Supplement
3 1987, is amended to read as follows:

4 1. The governing body of a city utility, combined utility
5 system, city enterprise, or combined city enterprise may
6 establish, impose, adjust, and provide for the collection of
7 rates to produce gross revenues at least sufficient to pay the
8 expenses of operation and maintenance of the city utility,
9 combined utility system, city enterprise, or combined city
10 enterprise and, when revenue bonds or pledge orders are issued
11 and outstanding pursuant to this division, shall establish,
12 impose, adjust, and provide for the collection of rates to
13 produce gross revenues at least sufficient to pay the expenses
14 of operation and maintenance of the city utility, combined
15 utility system, city enterprise, or combined city enterprise,
16 and to leave a balance of net revenues sufficient at all times
17 to pay the principal of and interest on the revenue bonds and
18 pledge orders as they become due and to maintain a reasonable
19 reserve for the payment of principal and interest, and a
20 sufficient portion of net revenues must be pledged for that
21 purpose. Rates must be established by ordinance of the
22 council or by resolution of the trustees, published in the
23 same manner as an ordinance. All rates or charges for the
24 services of sewer systems, sewage treatment, solid waste
25 collection, water solid waste disposal, or any of these, if
26 not paid as provided by ordinance of the council, or
27 resolution of the trustees, are a lien upon the premises
28 served by any of these services upon certification to the
29 county treasurer that the rates or charges are due. ~~The~~
30 However, the lien shall not be less than five dollars. The
31 county treasurer may charge two dollars for each lien
32 certified as an administrative expense, which amount shall be
33 added to the amount of the lien to be collected at the time of
34 payment of the assessment from the payor and credited to the
35 county general fund. The lien has equal precedence with

1 ordinary taxes, may be certified to the county treasurer and
2 collected in the same manner as taxes, and is not divested by
3 a judicial sale.

4 Sec. 8. Section 386.3, subsection 2, paragraph f, Code
5 1987, is amended to read as follows:

6 f. A statement that taxes levied for the self-supported
7 improvement district operation fund shall be used for the
8 purpose of paying maintenance expenses of improvements or
9 self-liquidating improvements ~~financed-pursuant-to-this~~
10 ~~chapter~~ for a specified length of time, along with any options
11 to renew, if such the taxes are to be used for this
12 maintenance purpose.

13 Sec. 9. Section 388.2, unnumbered paragraph 1, Code 1987,
14 is amended to read as follows:

15 The proposal of a city to establish, acquire, lease, or
16 dispose of a city utility, except a sanitary sewage system or
17 waterworks, in order to undertake or to discontinue the
18 operation of the city utility, or the proposal to establish or
19 dissolve a combined utility system, or the proposal to
20 establish or discontinue a utility board, is subject to the
21 approval of the voters of the city, except that a board may be
22 discontinued by resolution of the council when the city
23 utility, city utilities, or combined utility system it
24 administers is disposed of or leased for a period of over five
25 years.

26 Sec. 10. Section 414.5, Code 1987, is amended to read as
27 follows:

28 414.5 CHANGES -- PROTEST.

29 The regulations, restrictions, and boundaries may, from
30 time to time, be amended, supplemented, changed, modified, or
31 repealed. Notwithstanding section 414.2, as a part of an
32 ordinance changing land from one zoning district to another
33 zoning district or an ordinance approving a site development
34 plan, a council may impose conditions on a property owner
35 which are in addition to existing regulations if the

1 additional conditions have been agreed to in writing by the
2 property owner before the public hearing required under this
3 section or any adjournment of the hearing. The conditions
4 must be reasonable and imposed to satisfy public needs which
5 are directly caused by the requested change. In case,
6 however, of a written protest against a change or repeal which
7 is filed with the city clerk and signed by the owners of
8 twenty percent or more of the area of the lots included in the
9 proposed change or repeal, or by the owners of twenty percent
10 or more of the property which is located within two hundred
11 feet of the exterior boundaries of the property for which the
12 change or repeal is proposed, the change or repeal shall not
13 become effective except by the favorable vote of at least
14 three-fourths of all the members of the council. The protest,
15 if filed, must be filed before or at the public hearing. The
16 provisions of section 414.4 relative to public hearings and
17 official notice apply equally to all changes or amendments.

18 Sec. 11. Section 537.1202, Code 1987, is amended by adding
19 the following new subsection:

20 NEW SUBSECTION. 6. Customer accounts of a city utility,
21 city enterprise, or combined city enterprise for the payment
22 of services provided.

23 EXPLANATION

24 Section 1 provides that information concerning customer
25 accounts related to services of a city utility, city
26 enterprise or combined city enterprise are confidential except
27 in circumstances related to the collection of delinquent
28 accounts, the discontinuance of service due to a delinquent
29 account, or for a good cause as determined by the custodian of
30 the records.

31 Section 11 is related to section 1 in that it exempts
32 customer accounts of a city utility, city enterprise, or
33 combined city enterprise from regulation under chapter 537.
34 Chapter 537 prohibits the disclosure of customer account
35 information as authorized in section 1.

1 Section 2 provides that the time period in which nomination
2 papers for elective city office must be filed is the same in
3 section 44.4 as in section 376.4.

4 Sections 3 and 4 relate to potential conflicts of interest
5 for city officers and employees. References to competitive
6 bids are deleted in section 362.5, subsection 5, and section
7 362.5, subsection 10, is stricken, because competitive bids
8 are covered in section 362.5, subsection 4.

9 Section 5 provides that accurate reproductions of
10 ordinances, resolutions, council proceedings, and records and
11 documents relating to real property transactions or bond
12 issues may be kept in lieu of the original documents.

13 Section 6 provides that a proposed ordinance or amendment
14 shall be considered defeated if it fails to receive sufficient
15 votes for passage at any consideration.

16 Section 7 provides that water bills which are not paid as
17 provided by ordinance or resolution of trustees, become a lien
18 upon the premise served in the same manner as sewer and waste
19 collection charges become liens upon the premises served.

20 Section 8 amends section 386.3, subsection 2, paragraph
21 "f", so that the reference to the use of taxes levied for the
22 self-supported improvement district operation fund in that
23 paragraph is consistent with the reference specified in
24 section 386.8.

25 Section 9 removes the requirement for a referendum to
26 establish a waterworks and provides that the same procedures
27 are to be used as are required for establishing a sanitary
28 sewer system.

29 Section 10 provides a protest of a zoning change must be
30 filed before or at a public hearing called to hear public
31 comment. If the protest is filed at or before the public
32 hearing, the proposed change or repeal shall not become
33 effective without a favorable vote of at least three-fourths
34 of the members of the city council.

35 SUCCESSOR TO HSB 728 (LSB 8164HC)

LSB 8164HV 72

HOUSE FILE 2348
BY COMMITTEE ON LOCAL
GOVERNMENT

(As Amended and Passed by the House March 10, 1988)
Submitted for H.F. 2348

Passed House, Date 4/7/88 (p. 1511) Passed Senate, Date 4/8/88 (p. 1261)
Vote: Ayes 93 Nays 0 Vote: Ayes 44 Nays 0
Approved May 14, 1988

A BILL FOR

1 An Act relating to certain ambiguities and inconsistencies of the
2 Code as they relate to city government.

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

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House Amendments _____

Deleted Language *

*1 Section 1. Section 44.4, unnumbered paragraph 1, Code
2 Supplement 1987, is amended to read as follows:
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4 chapter and chapter 45 which are required to be filed in the
5 office of the state commissioner shall be filed in that office
6 not more than eighty-five days nor later than five o'clock
7 p.m. on the sixty-seventh day prior to the date of the general
8 election to be held in November; and those nominations made
9 for a special election called pursuant to section 69.14 shall
10 be filed not less than twenty days prior to the date of an
11 election called upon at least forty days' notice and not less
12 than seven days prior to the date of an election called upon
13 at least ten days' notice. Nominations made pursuant to this
14 chapter and chapter 45 which are required to be filed in the
15 office of the commissioner shall be filed in that office not
16 later than five o'clock p.m. on the fifty-fifth day prior to
17 the date of the general election. Nominations made ~~under~~
18 pursuant to this chapter or chapter 45 for city office shall
19 be filed not more than ~~sixty-five~~ seventy-two days nor later
20 than five o'clock p.m. on the ~~fortieth~~ forty-seventh day prior
21 to the city election with the city clerk, who shall process
22 them as provided by law.

23 Sec. 2. Section 362.5, subsection 5, Code Supplement 1987,
24 is amended by striking the subsection and inserting in lieu
25 thereof the following:

26 5. Contracts in which a city officer or employee has an
27 interest solely by reason of employment, or a stock interest
28 of the kind described in subsection 9, or both, if the
29 contract is for professional services not customarily awarded
30 by competitive bid, if the remuneration of employment will not
31 be directly affected as a result of the contract, and if the
32 duties of employment do not directly involve the procurement
33 or preparation of any part of the contract.

34 Sec. 3. Section 362.5, subsection 10, Code Supplement
35 1987, is amended by striking the subsection.

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2 1987, is amended to read as follows:

3 5. The council shall determine its own rules and maintain
4 records of its proceedings. City records and documents, or
5 accurate reproductions, shall be kept for at least five
6 years. ~~7-except-that~~ However, ordinances, resolutions, council
7 proceedings, and records and documents relating to real
8 property transactions or bond issues or accurate reproductions
9 of those ordinances, resolutions, council proceedings, and
10 records and documents relating to real property transactions
11 or bond issues, shall be maintained permanently.

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15 voted on for passage at two council meetings prior to the
16 meeting at which it is to be finally passed, unless this
17 requirement is suspended by a recorded vote of not less than
18 three-fourths of the council members. If a proposed ordinance
19 or amendment fails to receive sufficient votes for passage at
20 any consideration, the proposed ordinance or amendment shall
21 be considered defeated.

22 Sec. 6. Section 384.84, subsection 1, Code Supplement
23 1987, is amended to read as follows:

24 1. The governing body of a city utility, combined utility
25 system, city enterprise, or combined city enterprise may
26 establish, impose, adjust, and provide for the collection of
27 rates to produce gross revenues at least sufficient to pay the
28 expenses of operation and maintenance of the city utility,
29 combined utility system, city enterprise, or combined city
30 enterprise and, when revenue bonds or pledge orders are issued
31 and outstanding pursuant to this division, shall establish,
32 impose, adjust, and provide for the collection of rates to
33 produce gross revenues at least sufficient to pay the expenses
34 of operation and maintenance of the city utility, combined
35 utility system, city enterprise, or combined city enterprise,

1 and to leave a balance of net revenues sufficient at all times
2 to pay the principal of and interest on the revenue bonds and
3 pledge orders as they become due and to maintain a reasonable
4 reserve for the payment of principal and interest, and a
5 sufficient portion of net revenues must be pledged for that
6 purpose. Rates must be established by ordinance of the
7 council or by resolution of the trustees, published in the
8 same manner as an ordinance. All rates or charges for the
9 services of sewer systems, sewage treatment, solid waste
54-10 collection, water solid waste disposal, or any of these, if
11 not paid as provided by ordinance of the council, or
12 resolution of the trustees, are a lien upon the premises
13 served by any of these services upon certification to the
14 county treasurer that the rates or charges are due. The
15 However, the lien shall not be less than five dollars. The
16 county treasurer may charge two dollars for each lien
17 certified as an administrative expense, which amount shall be
18 added to the amount of the lien to be collected at the time of
19 payment of the assessment from the payor and credited to the
20 county general fund. The lien has equal precedence with
21 ordinary taxes, may be certified to the county treasurer and
22 collected in the same manner as taxes, and is not divested by
23 a judicial sale.

24 Sec. 7. Section 386.3, subsection 2, paragraph f, Code
25 1987, is amended to read as follows:

26 f. A statement that taxes levied for the self-supported
27 improvement district operation fund shall be used for the
28 purpose of paying maintenance expenses of improvements or
29 self-liquidating improvements ~~financed-pursuant-to-this~~
30 ~~chapter~~ for a specified length of time, along with any options
31 to renew, if such the taxes are to be used for this
32 maintenance purpose.

33 Sec. 8. Section 388.2, unnumbered paragraph 1, Code 1987,
34 is amended to read as follows:

35 The proposal of a city to establish, acquire, lease, or

1 dispose of a city utility, except a sanitary sewage system or
2 waterworks, in order to undertake or to discontinue the
3 operation of the city utility, or the proposal to establish or
4 dissolve a combined utility system, or the proposal to
5 establish or discontinue a utility board, is subject to the
6 approval of the voters of the city, except that a board may be
7 discontinued by resolution of the council when the city
8 utility, city utilities, or combined utility system it
9 administers is disposed of or leased for a period of over five
10 years.

11 Sec. 9. Section 414.5, Code 1987, is amended to read as
12 follows:

13 414.5 CHANGES -- PROTEST.

14 The regulations, restrictions, and boundaries may, from
15 time to time, be amended, supplemented, changed, modified, or
16 repealed. Notwithstanding section 414.2, as a part of an
17 ordinance changing land from one zoning district to another
18 zoning district or an ordinance approving a site development
19 plan, a council may impose conditions on a property owner
20 which are in addition to existing regulations if the
21 additional conditions have been agreed to in writing by the
22 property owner before the public hearing required under this
23 section or any adjournment of the hearing. The conditions
24 must be reasonable and imposed to satisfy public needs which
25 are directly caused by the requested change. In case,
26 however, of a written protest against a change or repeal which
27 is filed with the city clerk and signed by the owners of
28 twenty percent or more of the area of the lots included in the
29 proposed change or repeal, or by the owners of twenty percent
30 or more of the property which is located within two hundred
31 feet of the exterior boundaries of the property for which the
32 change or repeal is proposed, the change or repeal shall not
33 become effective except by the favorable vote of at least
34 three-fourths of all the members of the council. The protest,
35 if filed, must be filed before or at the public hearing. The

1 provisions of section 414.4 relative to public hearings and
2 official notice apply equally to all changes or amendments.

3 Sec. 10. Section 476.6, Code Supplement 1987, is amended
4 by adding the following new subsection:

5 NEW SUBSECTION. 17. WATER COSTS FOR FIRE PROTECTION IN
6 CERTAIN CITIES. In a city furnished water by a public utility
7 subject to rate regulation, all or part of the costs of fire
8 hydrants and other improvements, maintenance, and operations
9 for the purpose of providing adequate water production,
10 storage, and distribution for public fire protection may be
11 included in the basic rate or charge assessed to residential,
12 commercial, and industrial consumers located in the city. The
13 costs added to the basic rate or charge under this subsection
14 is subject to the approval of the city council and shall not
15 be assessed separately to the city.

16 Sec. 11. Section 537.1202, Code 1987, is amended by adding
17 the following new subsection:

18 NEW SUBSECTION. 6. Customer accounts of a city utility,
19 city enterprise, or combined city enterprise for the payment
20 of services provided.

21 SUCCESSOR TO HSB 728 (LSB 8164HC)

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HOUSE FILE 2348

H-5299

- 1 Amend House File 2348 as follows:
- 2 1. Page 1, by striking lines 1 through 15.
- 3 2. By renumbering sections.

H-5299 FILED MARCH 4, 1988 BY HAMMOND of Story

Adopted 3/10 (p. 701)

HOUSE FILE 2348

H-5344

- 1 Amend House File 2348 as follows:
- 2 1. Page 5, by inserting after line 17 the
- 3 following:
- 4 "Sec. ____ . Section 476.6, Code Supplement 1987, is
- 5 amended by adding the following new subsection:
- 6 NEW SUBSECTION. 17. WATER COSTS FOR FIRE
- 7 PROTECTION IN CERTAIN CITIES. In a city furnished
- 8 water by a public utility subject to rate regulation,
- 9 all or part of the costs of fire hydrants and other
- 10 improvements, maintenance, and operations for the
- 11 purpose of providing adequate water production,
- 12 storage, and distribution for public fire protection
- 13 may be included in the basic rate or charge assessed
- 14 to residential, commercial, and industrial consumers
- 15 located in the city. The costs added to the basic
- 16 rate or charge under this subsection is subject to the
- 17 approval of the city council and shall not be assessed
- 18 separately to the city."

H-5344 FILED MARCH 7, 1988 BY COOPER of Lucas

Adopted 3/10 (p. 702) Motion to Reconsider (p. 702)

HOUSE FILE 2348

H-5399

- 1 Amend House File 2348 as follows:
- 2 1. Page 2, by inserting after line 15 the
- 3 following:
- 4 "Sec. ____ . Section 364.17, subsection 3,
- 5 unnumbered paragraph 1, Code 1987, is amended to read
- 6 as follows:
- 7 A city which adopts or is subject to a housing code
- 8 under this section shall adopt enforcement procedures,
- 9 which shall include ~~a program for regular rental~~
- 10 ~~inspections,~~ rental inspections upon receipt of
- 11 complaints, and certification of inspected rental
- 12 housing, and may include but are not limited to the
- 13 following:"
- 14 2. By renumbering sections.

H-5399 FILED MARCH 9, 1988 BY VAN CAMP of Scott

Adopted 3/10 (p. 708)

HOUSE FILE 2348

S-5636

- 1 Amend House File 2348 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 3, by striking line 33 through page 4,
- 4 line 10.

S-5636

Filed March 29, 1988

BY EDGAR H. HOLDEN

Adopted 4/5 (p. 1260)

HOUSE FILE 2348

S-5645

- 1 Amend House File 2348, as amended, passed, and
- 2 reprinted by the House, as follows:
- a 3 1. Page 3, line 10, by striking the word "water"
- 4 and inserting the following: "water,".
- b 5 2. Page 5, by striking lines 3 through 15.
- c 6 3. Page 5, by striking lines 16 through 20.

S-5645

Filed March 29, 1988

BY ALVIN V. MILLER

Adopted 4/5 (p. 1260)

HOUSE FILE 2348

S-5777

- 1 Amend House File 2348 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting after line 35 the
- 4 following:
- 5 "Sec. ____ . Section 364.17, subsection 3,
- 6 unnumbered paragraph 1, Code 1987, is amended to read
- 7 as follows:
- 8 A city which adopts or is subject to a housing code
- 9 under this section shall adopt enforcement procedures,
- 10 which shall include a program for regular-rental
- 11 inspections; rental inspections upon receipt of
- 12 complaints, and certification of inspected rental
- 13 housing, and may include but are not limited to the
- 14 following:"
- 15 2. By renumbering sections.

S-5777

Filed April 5, 1988

OUT OF ORDER

BY HURLEY HALL

(p. 1260)

SENATE AMENDMENT TO HOUSE FILE 2348

H-6239

- 1 Amend House File 2348 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 3, line 10, by striking the word "water"
- 4 and inserting the following: "water,".
- 5 2. Page 3, by striking line 33 through page 4,
- 6 line 10.
- 7 3. Page 5, by striking lines 3 through 15.
- 8 4. Page 5, by striking lines 16 through 20.
- 9 5. By renumbering, relettering, or redesignating
- 10 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-6239 FILED APRIL 5, 1988

Done - [unclear] 4/7/88

LOCAL GOVERNMENT

House Study Bill 728

Local Government: Platt, Chair; Beatty and Cooper.

new

HOUSE FILE

2348

BY (PROPOSED COMMITTEE ON LOCAL GOVERNMENT BILL)

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to certain ambiguities and inconsistencies of the
2 Code as they relate to city government.

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

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5 combined city enterprise, or concerning the payment status of
6 the accounts. However, the payment status of the accounts may
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8 circumstances:

9 a. In connection with the certification of delinquent
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11 section 384.84.

12 b. In connection with discontinuance of the service due to
13 delinquency in payment.

14 c. For good cause as determined by the custodian of the
15 records.

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20 office of the state commissioner shall be filed in that office
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23 election to be held in November; and those nominations made
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25 be filed not less than twenty days prior to the date of an
26 election called upon at least forty days' notice and not less
27 than seven days prior to the date of an election called upon
28 at least ten days' notice. Nominations made pursuant to this
29 chapter and chapter 45 which are required to be filed in the
30 office of the commissioner shall be filed in that office not
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32 the date of the general election. Nominations made ~~under~~
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1 to the city election with the city clerk, who shall process
2 them as provided by law.

3 Sec. 3. Section 362.5, subsection 5, Code Supplement 1987,
4 is amended by striking the subsection and inserting in lieu
5 thereof the following:

6 5. Contracts in which a city officer or employee has an
7 interest solely by reason of employment, or a stock interest
8 of the kind described in subsection 9, or both, if the
9 contract is for professional services not customarily awarded
10 by competitive bid, if the remuneration of employment will not
11 be directly affected as a result of the contract, and if the
12 duties of employment do not directly involve the procurement
13 or preparation of any part of the contract.

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18 5. The council shall determine its own rules and maintain
19 records of its proceedings. City records and documents, or
20 accurate reproductions, shall be kept for at least five
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22 proceedings, and records and documents relating to real
23 property transactions or bond issues or accurate reproductions
24 of those ordinances, resolutions, council proceedings, and
25 records and documents relating to real property transactions
26 or bond issues, shall be maintained permanently.

27 Sec. 6. Section 380.3, unnumbered paragraph 1, Code 1987,
28 is amended to read as follows:

29 A proposed ordinance or amendment must be considered and
30 voted on for passage at two council meetings prior to the
31 meeting at which it is to be finally passed, unless this
32 requirement is suspended by a recorded vote of not less than
33 three-fourths of the council members. If a proposed ordinance
34 or amendment fails to receive sufficient votes for passage at
35 any consideration, the proposed ordinance or amendment shall

1 be considered defeated.

2 Sec. 7. Section 384.84, subsection 1, Code Supplement
3 1987, is amended to read as follows:

4 1. The governing body of a city utility, combined utility
5 system, city enterprise, or combined city enterprise may
6 establish, impose, adjust, and provide for the collection of
7 rates to produce gross revenues at least sufficient to pay the
8 expenses of operation and maintenance of the city utility,
9 combined utility system, city enterprise, or combined city
10 enterprise and, when revenue bonds or pledge orders are issued
11 and outstanding pursuant to this division, shall establish,
12 impose, adjust, and provide for the collection of rates to
13 produce gross revenues at least sufficient to pay the expenses
14 of operation and maintenance of the city utility, combined
15 utility system, city enterprise, or combined city enterprise,
16 and to leave a balance of net revenues sufficient at all times
17 to pay the principal of and interest on the revenue bonds and
18 pledge orders as they become due and to maintain a reasonable
19 reserve for the payment of principal and interest, and a
20 sufficient portion of net revenues must be pledged for that
21 purpose. Rates must be established by ordinance of the
22 council or by resolution of the trustees, published in the
23 same manner as an ordinance. All rates or charges for the
24 services of sewer systems, sewage treatment, solid waste
25 collection, water solid waste disposal, or any of these, if
26 not paid as provided by ordinance of the council, or
27 resolution of the trustees, are a lien upon the premises
28 served by any of these services upon certification to the
29 county treasurer that the rates or charges are due. ~~The~~
30 However, the lien shall not be less than five dollars. The
31 county treasurer may charge two dollars for each lien
32 certified as an administrative expense, which amount shall be
33 added to the amount of the lien to be collected at the time of
34 payment of the assessment from the payor and credited to the
35 county general fund. The lien has equal precedence with

1 ordinary taxes, may be certified to the county treasurer and
2 collected in the same manner as taxes, and is not divested by
3 a judicial sale.

4 Sec. 8. Section 386.3, subsection 2, paragraph f, Code
5 1987, is amended to read as follows:

6 f. A statement that taxes levied for the self-supported
7 improvement district operation fund shall be used for the
8 purpose of paying maintenance expenses of improvements or
9 self-liquidating improvements ~~financed-pursuant-to-this~~
10 ~~chapter~~ for a specified length of time, along with any options
11 to renew, if such the taxes are to be used for this
12 maintenance purpose.

13 Sec. 9. Section 388.2, unnumbered paragraph 1, Code 1987,
14 is amended to read as follows:

15 The proposal of a city to establish, acquire, lease, or
16 dispose of a city utility, except a sanitary sewage system or
17 waterworks, in order to undertake or to discontinue the
18 operation of the city utility, or the proposal to establish or
19 dissolve a combined utility system, or the proposal to
20 establish or discontinue a utility board, is subject to the
21 approval of the voters of the city, except that a board may be
22 discontinued by resolution of the council when the city
23 utility, city utilities, or combined utility system it
24 administers is disposed of or leased for a period of over five
25 years.

26 Sec. 10. Section 414.5, Code 1987, is amended to read as
27 follows:

28 414.5 CHANGES -- PROTEST.

29 The regulations, restrictions, and boundaries may, from
30 time to time, be amended, supplemented, changed, modified, or
31 repealed. Notwithstanding section 414.2, as a part of an
32 ordinance changing land from one zoning district to another
33 zoning district or an ordinance approving a site development
34 plan, a council may impose conditions on a property owner
35 which are in addition to existing regulations if the

1 additional conditions have been agreed to in writing by the
2 property owner before the public hearing required under this
3 section or any adjournment of the hearing. The conditions
4 must be reasonable and imposed to satisfy public needs which
5 are directly caused by the requested change. In case,
6 however, of a written protest against a change or repeal which
7 is filed with the city clerk and signed by the owners of
8 twenty percent or more of the area of the lots included in the
9 proposed change or repeal, or by the owners of twenty percent
10 or more of the property which is located within two hundred
11 feet of the exterior boundaries of the property for which the
12 change or repeal is proposed, the change or repeal shall not
13 become effective except by the favorable vote of at least
14 three-fourths of all the members of the council. The protest,
15 if filed, must be filed before or at the public hearing. The
16 provisions of section 414.4 relative to public hearings and
17 official notice apply equally to all changes or amendments.

18 Sec. 11. Section 537.1202, Code 1987, is amended by adding
19 the following new subsection:

20 NEW SUBSECTION. 6. Customer accounts of a city utility,
21 city enterprise, or combined city enterprise for the payment
22 of services provided.

23 EXPLANATION

24 Section 1 provides that information concerning customer
25 accounts related to services of a city utility, city
26 enterprise or combined city enterprise are confidential except
27 in circumstances related to the collection of delinquent
28 accounts, the discontinuance of service due to a delinquent
29 account, or for a good cause as determined by the custodian of
30 the records.

31 Section 11 is related to section 1 in that it exempts
32 customer accounts of a city utility, city enterprise, or
33 combined city enterprise from regulation under chapter 537.
34 Chapter 537 prohibits the disclosure of customer account
35 information as authorized in section 1.

1 Section 2 provides that the time period in which nomination
2 papers for elective city office must be filed is the same in
3 section 44.4 as in section 376.4.

4 Sections 3 and 4 relate to potential conflicts of interest
5 for city officers and employees. References to competitive
6 bids are deleted in section 362.5, subsection 5, and section
7 362.5, subsection 10, is stricken, because competitive bids
8 are covered in section 362.5, subsection 4.

9 Section 5 provides that accurate reproductions of
10 ordinances, resolutions, council proceedings, and records and
11 documents relating to real property transactions or bond
12 issues may be kept in lieu of the original documents.

13 Section 6 provides that a proposed ordinance or amendment
14 shall be considered defeated if it fails to receive sufficient
15 votes for passage at any consideration.

16 Section 7 provides that water bills which are not paid as
17 provided by ordinance or resolution of trustees, become a lien
18 upon the premise served in the same manner as sewer and waste
19 collection charges become liens upon the premises served.

20 Section 8 amends section 386.3, subsection 2, paragraph
21 "f", so that the reference to the use of taxes levied for the
22 self-supported improvement district operation fund in that
23 paragraph is consistent with the reference specified in
24 section 386.8.

25 Section 9 removes the requirement for a referendum to
26 establish a waterworks and provides that the same procedures
27 are to be used as are required for establishing a sanitary
28 sewer system.

29 Section 10 provides a protest of a zoning change must be
30 filed before or at a public hearing called to hear public
31 comment. If the protest is filed at or before the public
32 hearing, the proposed change or repeal shall not become
33 effective without a favorable vote of at least three-fourths
34 of the members of the city council.

35

COMPANION TO LSB 8165SC

LSB 8164HC 72

tj/cf/24

HOUSE FILE 2348

AN ACT

RELATING TO CERTAIN AMBIGUITIES AND INCONSISTENCIES OF THE
CODE AS THEY RELATE TO CITY GOVERNMENT.

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

Section 1. Section 44.4, unnumbered paragraph 1, Code Supplement 1987, is amended to read as follows:

Nominations made ~~under the provisions of~~ pursuant to this chapter and chapter 45 which are required to be filed in the office of the state commissioner shall be filed in that office not more than eighty-five days nor later than five o'clock p.m. on the sixty-seventh day prior to the date of the general election to be held in November; and those nominations made for a special election called pursuant to section 69.14 shall be filed not less than twenty days prior to the date of an election called upon at least forty days' notice and not less than seven days prior to the date of an election called upon at least ten days' notice. Nominations made pursuant to this chapter and chapter 45 which are required to be filed in the office of the commissioner shall be filed in that office not later than five o'clock p.m. on the fifty-fifth day prior to the date of the general election. Nominations made under pursuant to this chapter or chapter 45 for city office shall be filed not more than ~~sixty-five~~ seventy-two days nor later than five o'clock p.m. on the ~~fortieth~~ forty-seventh day prior to the city election with the city clerk, who shall process them as provided by law.

Sec. 2. Section 362.5, subsection 5, Code Supplement 1987, is amended by striking the subsection and inserting in lieu thereof the following:

5. Contracts in which a city officer or employee has an interest solely by reason of employment, or a stock interest of the kind described in subsection 9, or both, if the contract is for professional services not customarily awarded by competitive bid, if the remuneration of employment will not be directly affected as a result of the contract, and if the duties of employment do not directly involve the procurement or preparation of any part of the contract.

Sec. 3. Section 362.5, subsection 10, Code Supplement 1987, is amended by striking the subsection.

Sec. 4. Section 372.13, subsection 5, Code Supplement 1987, 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, shall be kept for at least five years, ~~y-except-that~~ However, ordinances, resolutions, council proceedings, and records and documents relating to real property transactions or bond issues or accurate reproductions of those ordinances, resolutions, council proceedings, and records and documents relating to real property transactions or bond issues, shall be maintained permanently.

Sec. 5. Section 380.3, unnumbered paragraph 1, Code 1987, is amended to read as follows:

A proposed ordinance or amendment must be considered and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed, unless this requirement is suspended by a recorded vote of not less than three-fourths of the council members. If a proposed ordinance or amendment fails to receive sufficient votes for passage at any consideration, the proposed ordinance or amendment shall be considered defeated.

Sec. 6. Section 384.84, subsection 1, Code Supplement 1987, is amended to read as follows:

1. The governing body of a city utility, combined utility system, city enterprise, or combined city enterprise may establish, impose, adjust, and provide for the collection of rates to produce gross revenues at least sufficient to pay the expenses of operation and maintenance of the city utility, combined utility system, city enterprise, or combined city enterprise and, when revenue bonds or pledge orders are issued and outstanding pursuant to this division, shall establish, impose, adjust, and provide for the collection of rates to produce gross revenues at least sufficient to pay the expenses of operation and maintenance of the city utility, combined utility system, city enterprise, or combined city enterprise, and to leave a balance of net revenues sufficient at all times to pay the principal of and interest on the revenue bonds and pledge orders as they become due and to maintain a reasonable reserve for the payment of principal and interest, and a sufficient portion of net revenues must be pledged for that purpose. Rates must be established by ordinance of the council or by resolution of the trustees, published in the same manner as an ordinance. All rates or charges for the services of sewer systems, sewage treatment, solid waste collection, water, solid waste disposal, or any of these, if not paid as provided by ordinance of the council, or resolution of the trustees, are a lien upon the premises served by any of these services upon certification to the county treasurer that the rates or charges are due. The However, the lien shall not be less than five dollars. The county treasurer may charge two dollars for each lien certified as an administrative expense, which amount shall be added to the amount of the lien to be collected at the time of payment of the assessment from the payor and credited to the county general fund. The lien has equal precedence with ordinary taxes, may be certified to the county treasurer and

collected in the same manner as taxes, and is not divested by a judicial sale.

Sec. 7. Section 386.3, subsection 2, paragraph f, Code 1987, is amended to read as follows:

f. A statement that taxes levied for the self-supported improvement district operation fund shall be used for the purpose of paying maintenance expenses of improvements or self-liquidating improvements ~~financed-pursuant-to-this~~ chapter for a specified length of time, along with any options to renew, if such the taxes are to be used for this maintenance purpose.

Sec. 8. Section 414.5, Code 1987, is amended to read as follows:

414.5 CHANGES -- PROTEST.

The regulations, restrictions, and boundaries may, from time to time, be amended, supplemented, changed, modified, or repealed. Notwithstanding section 414.2, as a part of an ordinance changing land from one zoning district to another zoning district or an ordinance approving a site development plan, a council may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing required under this section or any adjournment of the hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change. In case, however, of a written protest against a change or repeal which is filed with the city clerk and signed by the owners of twenty percent or more of the area of the lots included in the proposed change or repeal, or by the owners of twenty percent or more of the property which is located within two hundred feet of the exterior boundaries of the property for which the change or repeal is proposed, the change or repeal shall not become effective except by the favorable vote of at least three-fourths of all the members of the council. The protest,

if filed, must be filed before or at the public hearing. The provisions of section 414.4 relative to public hearings and official notice apply equally to all changes or amendments.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2348, Seventy-second General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved _____, 1988

HF 2348

TERRY E. BRANSTAD
Governor