

*reprinted*

SENATE FILE **500**

BY COMMITTEE ON LOCAL GOVERNMENT

*Substituted for HF-741  
PASSED IN HOUSES AYES 94, NAYS 0, 4-7-89 (P 1308)  
(SUCCESSOR TO SSB 315)*

Passed Senate, Date 3-30-89 (p.1097) Passed House, Date \_\_\_\_\_  
Vote: Ayes 38 Nays 0 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the powers and duties of certain local  
2 governmental bodies, by providing for the use of ordinances in  
3 certain instances, by changing procedures for certain city  
4 elections, by requiring written veto messages, by changing  
5 filing procedures for a special assessment, and by specifying  
6 the duties of city finance offices.

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

**SENATE FILE 500**

**S-3464**

- 1 Amend Senate File 500 as follows:
- 2 1. Page 2, line 25, by inserting after the word
- 3 "the" the following: "department shall notify the".
- 4 2. Page 2, line 26, by inserting after the word
- 5 "appeals" the following: "which".
- 6 3. Page 2, line 26, by striking the word "The"
- 7 and inserting the following: "The After a hearing by
- 8 the".
- 9 4. Page 2, line 27, by inserting after the word
- 10 "appeals" the following: ", the state department of
- 11 transportation".
- 12 5. Page 2, line 29, by inserting after the word
- 13 "ordinance." the following: "The decision of the
- 14 state department of transportation is final state
- 15 action."
- 16 6. Page 2, line 30, by striking the word "prima-
- 17 facie" and inserting the following: "prima-facie
- 18 prima facie".

By ALVIN V. MILLER  
S-3464 FILED MARCH 29, 1989 *Out of Order 3-30-89 (p.1097)*

1 Section 1. Section 103A.10, subsection 2, paragraph b,  
2 Code 1989, is amended to read as follows:

3 b. In each governmental subdivision where the governing  
4 body has ~~adopted-a-resolution~~ enacted an ordinance accepting  
5 the application of the code.

6 Sec. 2. Section 103A.12, unnumbered paragraphs 1 and 2,  
7 Code 1989, are amended to read as follows:

8 The state building code ~~shall-be~~ is applicable in each  
9 governmental subdivision of the state in which the governing  
10 body has ~~adopted-or~~ enacted ~~a-resolution-or~~ an ordinance  
11 accepting the applicability of the code and ~~shall-have~~ has  
12 filed a certified copy of the ~~resolution-or~~ ordinance in the  
13 office of the commissioner and in the office of the secretary  
14 of state. The state building code ~~shall-become~~ becomes  
15 effective in the governmental subdivision upon the date fixed  
16 by the governmental subdivision ~~resolution-or~~ ordinance, if  
17 the date is not more than six months after the date of  
18 adoption of the ~~resolution-or~~ ordinance.

19 A governmental subdivision in which the state building code  
20 is applicable may by ~~resolution-or~~ ordinance, at any time  
21 after one year has elapsed since the code became applicable,  
22 withdraw from the application of the code, if before the  
23 ~~resolution-or~~ ordinance is voted upon, the local governing  
24 body holds a public hearing after giving not less than four  
25 nor more than twenty days' public notice, together with  
26 written notice to the commissioner of the time, place, and  
27 purpose of the hearing. A certified copy of the vote of the  
28 local governing body shall be transmitted within ten days  
29 after the vote is taken to the commissioner and to the  
30 secretary of state for filing. The ~~resolution-or~~ ordinance  
31 ~~shall-become~~ becomes effective at a time to be specified in  
32 it, which ~~shall~~ must be not less than one hundred eighty days  
33 after the date of adoption. Upon the effective date of the  
34 ~~resolution-or~~ ordinance, the state building code ~~shall-cease~~  
35 ceases to apply to the governmental subdivision except that

1 construction of any a building or structure pursuant to a  
2 permit previously issued shall is not be affected by the  
3 withdrawal.

4 Sec. 3. NEW SECTION. 103A.25 PRIOR RESOLUTIONS.

5 A resolution accepting the state building code, which was  
6 adopted before the effective date of this Act, is an ordinance  
7 for the purpose of this chapter.

8 Sec. 4. Section 327G.32, unnumbered paragraph 3, Code  
9 1989, is amended to read as follows:

3480, 311A

10 This Other portions of this section notwithstanding, a  
11 political subdivision may pass ~~a resolution or~~ an ordinance  
12 regulating the length of time a specific crossing may be  
13 blocked if the political subdivision demonstrates that a  
14 ~~resolution or~~ an ordinance is necessary for public safety or  
15 convenience. If ~~a resolution or~~ an ordinance is passed the  
16 political subdivision shall, within thirty days of the  
17 effective date of the ~~resolution or~~ ordinance, notify the  
18 department and the railroad corporation using the crossing  
19 affected by the ~~resolution or~~ ordinance. The ~~resolution or~~  
20 ordinance shall does not become effective unless the  
21 department and the railroad corporation are notified within  
22 thirty days. The ~~resolution or~~ ordinance shall ~~become~~ becomes  
23 effective thirty days after notification unless a person files  
24 an objection to the ~~resolution or~~ ordinance with the  
25 department. If an objection is filed the department of  
26 inspections and appeals shall hold a hearing. The department  
27 of inspections and appeals may disapprove the ~~resolution or~~  
28 ordinance if public safety or convenience does not require a  
29 ~~resolution or~~ the ordinance. The ~~resolution or~~ ordinance  
30 approved by the political subdivision is prima-facie evidence  
31 that the ~~resolution or~~ ordinance is adopted to preserve public  
32 safety or convenience.

33 Sec. 5. Section 327G.32, Code 1989, is amended by adding  
34 the following new unnumbered paragraph:

35 NEW UNNUMBERED PARAGRAPH. A resolution regulating the

1 length of time a specific crossing may be blocked, which was  
2 adopted before the effective date of this Act, is an ordinance  
3 for the purposes of this section.

4 Sec. 6. Section 372.2, subsections 1 and 2, Code 1989, are  
5 amended to read as follows:

6 1. Eligible electors of the city, equal in number to at  
7 least twenty-five percent of the persons who voted at the last  
8 regular city election, may petition the mayer council to adopt  
9 submit to the electors the question of adopting a different  
10 form of city government.

11 2. Within one-week fifteen days after receiving a valid  
12 petition, the mayer council shall proclaim a special city  
13 election to be held within sixty days to determine whether the  
14 city shall change to a different form of government. The  
15 mayer council shall notify the county commissioner of  
16 elections to publish notice of the election and conduct the  
17 election pursuant to ~~the provisions of~~ chapters 39 to 53. The  
18 county commissioner of elections shall certify the results of  
19 the election to the mayer council.

20 Sec. 7. Section 372.2, subsection 5, paragraph b, Code  
21 1989, is amended to read as follows:

22 b. The change of form does not alter any right or  
23 liability of the city in effect ~~at the time of the special~~  
24 ~~election at which the form was adopted~~ when the new form takes  
25 effect.

26 Sec. 8. Section 372.9, subsection 3, Code 1989, is amended  
27 to read as follows:

28 3. The proposed home rule charter must be submitted at a  
29 special city election on a date selected by the mayor after  
30 ~~consulting regarding the date on which the election may most~~  
31 ~~conveniently be held with the county commissioner of elections~~  
32 ~~who will be responsible for conducting the election~~ and  
33 council in accordance with section 47.6. However, the date of  
34 the election must be not less than thirty nor more than sixty  
35 days after the last publication of the proposed home rule

1 charter.

2 Sec. 9. Section 372.13, subsection 8, Code 1989, is  
3 amended to read as follows:

4 8. By ordinance, the council shall prescribe the  
5 compensation of the mayor, council members, and other elected  
6 city officers, but a change in the compensation of the mayor  
7 ~~shall~~ does not become effective during the term in which the  
8 change is adopted, and the council shall not adopt ~~such~~ an  
9 ordinance changing the compensation of the mayor, ~~or~~ council  
10 members, or other elected officers during the months of  
11 November and December ~~immediately-following~~ in the year of a  
12 regular city election. A change in the compensation of  
13 council members ~~shall-become~~ becomes effective for all council  
14 members at the beginning of the term of the council members  
15 elected at the election next following the change in  
16 compensation. Except as provided in section 362.5, an elected  
17 city officer ~~shall~~ is not entitled to receive any other  
18 compensation for any other city office or city employment  
19 during that officer's tenure in office, but may be reimbursed  
20 for actual expenses incurred. However, if the mayor pro tem  
21 performs the duties of the mayor during the mayor's absence or  
22 disability for a continuous period of fifteen days or more,  
23 the mayor pro tem may be paid for that period ~~such the~~  
24 compensation ~~as~~ determined by the council, based upon the  
25 mayor pro tem's performance of the mayor's duties and upon the  
26 compensation of the mayor.

27 Sec. 10. Section 380.6, subsection 2, Code 1989, is  
28 amended to read as follows:

29 2. If the mayor vetoes the measure, the mayor shall  
30 explain the reasons for the veto in a written message to the  
31 council at the time of the veto. Within thirty days after the  
32 mayor's veto, the council may pass the measure again by a vote  
33 of not less than two-thirds of the council members. If the  
34 mayor vetoes a measure and the council repasses the measure  
35 after the mayor's veto, a resolution becomes effective

1 immediately upon repassage, and an ordinance or amendment  
2 becomes a law when published, unless a subsequent effective  
3 date is provided within the measure.

4 Sec. 11. Section 384.51, unnumbered paragraph 3, Code  
5 1989, is amended to read as follows:

6 After adopting the resolution of necessity, the clerk shall  
7 certify to the county treasurer of each county in which the  
8 city assessed property is located, a copy of the resolution of  
9 necessity, the plat, and the schedule of assessments. In  
10 counties in which taxes are collected in two or more places,  
11 the resolution of necessity, the plat, and the schedule of  
12 assessments shall be certified to the office of county  
13 treasurer where the special assessments are collected. The  
14 county treasurer shall preserve the resolution, plat, and  
15 schedule as a part of the records of the office until the city  
16 certifies the final assessment schedule as provided in section  
17 384.60 or certifies that the public improvement has been  
18 abandoned.

19 Sec. 12. Section 453.1, subsection 1, Code 1989, is  
20 amended to read as follows:

21 1. All funds held in the hands of the following officers  
22 or institutions shall be deposited in one or more depositories  
23 first approved by the appropriate governing body as indicated:  
24 For the treasurer of state, by the executive council; for  
25 judicial officers and court employees, by the supreme court;  
26 for the county treasurer, recorder, auditor, and sheriff, by  
27 the board of supervisors; for the city treasurer or other  
28 designated financial officer of a city, by the city council;  
29 for the county public hospital or merged area hospital, by the  
30 board of hospital trustees; for a memorial hospital, by the  
31 memorial hospital commission; for a school corporation, by the  
32 board of school directors; for a city utility or combined  
33 utility system established under chapter 388, by the utility  
34 board; for a regional library established under chapter 303B,  
35 by the regional board of library trustees; and for an electric

1 power agency as defined in section 28F.2, by the governing  
2 body of the electric power agency. However, the treasurer of  
3 state and the treasurer of each political subdivision or the  
4 designated financial officer of a city shall invest all funds  
5 not needed for current operating expenses in time certificates  
6 of deposit in approved depositories pursuant to this chapter  
7 or in investments permitted by section 452.10. The list of  
8 public depositories and the amounts severally deposited in the  
9 depositories are matters of public record. This subsection  
10 does not limit the definition of "public funds" contained in  
11 subsection 2.

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## EXPLANATION

13 This bill amends a number of Code sections relating to the  
14 powers and duties of local government, primarily cities.  
15 Sections 1 through 5 provide that ordinances, not resolutions,  
16 are to be used to adopt or enact the state building code and  
17 regulations regarding the blocking of streets by railway cars.  
18 If a resolution was used before the effective date of this  
19 bill, the resolution will be considered an ordinance.

20 Sections 6 through 8 change procedures regarding the  
21 submission of a question to change a form of city government  
22 to the city electors. The petition to initiate the election  
23 is to be submitted to the city council in lieu of the mayor.  
24 The city council has fifteen days rather than one week to  
25 proclaim a special election on the change in form of  
26 government. Section 7 recognizes that the current law leaves  
27 a time lag between the election approving a change of  
28 government and the date when the change becomes effective.  
29 Rights and liabilities may be affected during this time  
30 period.

31 Section 9 provides that October 31 is the last day in the  
32 year of a regular city election when salaries of the mayor,  
33 council, or other elected city officer can be changed.

34 Section 10 requires that the mayor's veto message must be  
35 in writing.

1 Section 11 provides that when special assessments are  
2 levied, the city clerk must certify to the county treasurer of  
3 each county in which the assessed property is located, a copy  
4 of the resolution of necessity, the plat, and the schedule of  
5 assessments. Under current law, the materials have to be sent  
6 to each county in which the city is located whether or not any  
7 assessed property is in the county.

8 Section 12 authorizes designated financial officers other  
9 than the city treasurer to invest city funds.

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## SENATE FILE 500

S-3480

Amend Senate File 500 as follows:

1. Page 2, line 25, by inserting after the word "the" the following: "department shall notify the".
2. Page 2, line 26, by inserting after the word "appeals" the following: "which".
3. Page 2, line 26, by striking the word "The" and inserting the following: "The After a hearing by the".
4. Page 2, line 27, by inserting after the word "appeals" the following: ", the state department of transportation".
5. Page 2, line 29, by inserting after the word "ordinance." the following: "The decision of the state department of transportation is final agency action.".
6. Page 2, line 30, by striking the word "prima-facie" and inserting the following: "prima-facie".

By ALVIN V. MILLER

S-3480 FILED MARCH 29, 1989

*Adopted 3-30-89 (4-1097)*

SENATE FILE 500  
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SSB 315)  
*Substituted for H.F. 741 4/7*

(AS AMENDED AND PASSED BY THE SENATE MARCH 30, 1989)

----- - New Language by the Senate

Passed Senate, Date 3/30/89 (p.1077) Passed House, Date 4/7/89 (p.1327)  
Vote: Ayes 38 Nays 0 Vote: Ayes 94 Nays 0  
Approved 4-20-89 (p.584)

A BILL FOR

1 An Act relating to the powers and duties of certain local  
2 governmental bodies, by providing for the use of ordinances in  
3 certain instances, by changing procedures for certain city  
4 elections, by requiring written veto messages, by changing  
5 filing procedures for a special assessment, and by specifying  
6 the duties of city finance offices.

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

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S.F. 500

1 Section 1. Section 103A.10, subsection 2, paragraph b,  
2 Code 1989, is amended to read as follows:

3 b. In each governmental subdivision where the governing  
4 body has ~~adopted-a-resolution~~ enacted an ordinance accepting  
5 the application of the code.

6 Sec. 2. Section 103A.12, unnumbered paragraphs 1 and 2,  
7 Code 1989, are amended to read as follows:

8 The state building code ~~shall-be~~ is applicable in each  
9 governmental subdivision of the state in which the governing  
10 body has ~~adopted-or enacted a-resolution-or~~ an ordinance  
11 accepting the applicability of the code and ~~shall-have~~ has  
12 filed a certified copy of the ~~resolution-or~~ ordinance in the  
13 office of the commissioner and in the office of the secretary  
14 of state. The state building code ~~shall-become~~ becomes  
15 effective in the governmental subdivision upon the date fixed  
16 by the governmental subdivision ~~resolution-or~~ ordinance, if  
17 the date is not more than six months after the date of  
18 adoption of the ~~resolution-or~~ ordinance.

19 A governmental subdivision in which the state building code  
20 is applicable may by ~~resolution-or~~ ordinance, at any time  
21 after one year has elapsed since the code became applicable,  
22 withdraw from the application of the code, if before the  
23 ~~resolution-or~~ ordinance is voted upon, the local governing  
24 body holds a public hearing after giving not less than four  
25 nor more than twenty days' public notice, together with  
26 written notice to the commissioner of the time, place, and  
27 purpose of the hearing. A certified copy of the vote of the  
28 local governing body shall be transmitted within ten days  
29 after the vote is taken to the commissioner and to the  
30 secretary of state for filing. The ~~resolution-or~~ ordinance  
31 ~~shall-become~~ becomes effective at a time to be specified in  
32 it, which ~~shall~~ must be not less than one hundred eighty days  
33 after the date of adoption. Upon the effective date of the  
34 ~~resolution-or~~ ordinance, the state building code ~~shall-cess~~  
35 ceases to apply to the governmental subdivision except that

1 construction of any a building or structure pursuant to a  
2 permit previously issued ~~shall~~ is not be affected by the  
3 withdrawal.

4 Sec. 3. NEW SECTION. 103A.25 PRIOR RESOLUTIONS.

5 A resolution accepting the state building code, which was  
6 adopted before the effective date of this Act, is an ordinance  
7 for the purpose of this chapter.

8 Sec. 4. Section 327G.32, unnumbered paragraph 3, Code  
9 1989, is amended to read as follows:

10 ~~This~~ Other portions of this section notwithstanding, a  
11 political subdivision may pass ~~a resolution or an~~ ordinance  
12 regulating the length of time a specific crossing may be  
13 blocked if the political subdivision demonstrates that ~~a~~  
14 ~~resolution or an~~ ordinance is necessary for public safety or  
15 convenience. If ~~a resolution or an~~ ordinance is passed the  
16 political subdivision shall, within thirty days of the  
17 effective date of the ~~resolution or~~ ordinance, notify the  
18 department and the railroad corporation using the crossing  
19 affected by the ~~resolution or~~ ordinance. The ~~resolution or~~  
20 ordinance ~~shall~~ does not become effective unless the  
21 department and the railroad corporation are notified within  
22 thirty days. The ~~resolution or~~ ordinance ~~shall become~~ becomes  
23 effective thirty days after notification unless a person files  
24 an objection to the ~~resolution or~~ ordinance with the  
25 department. If an objection is filed the department shall  
26 notify the department of inspections and appeals which shall  
27 hold a hearing. After a hearing by the department of  
28 inspections and appeals, the state department of  
29 transportation may, in its discretion, suspend or  
30 revoke a permit or order issued by the department of  
31 inspections and appeals. If the department of  
32 inspections and appeals suspends or revokes a permit or  
33 order issued by the department of inspections and appeals,  
34 the department of transportation may, in its discretion,  
35 suspend or revoke a permit or order issued by the  
36 department of transportation. The department of  
37 transportation shall not suspend or revoke a permit or  
38 order issued by the department of transportation unless  
39 the department of inspections and appeals has first  
40 suspended or revoked a permit or order issued by the

1 Sec. 5. Section 327G.32, Code 1989, is amended by adding  
2 the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. A resolution regulating the  
4 length of time a specific crossing may be blocked, which was  
5 adopted before the effective date of this Act, is an ordinance  
6 for the purposes of this section.

7 Sec. 6. Section 372.2, subsections 1 and 2, Code 1989, are  
8 amended to read as follows:

9 1. Eligible electors of the city, equal in number to at  
10 least twenty-five percent of the persons who voted at the last  
11 regular city election, may petition the mayor council to adopt  
12 submit to the electors the question of adopting a different  
13 form of city government.

14 2. Within ~~one-week~~ fifteen days after receiving a valid  
15 petition, the mayor council shall proclaim a special city  
16 election to be held within sixty days to determine whether the  
17 city shall change to a different form of government. The  
18 mayor council shall notify the county commissioner of  
19 elections to publish notice of the election and conduct the  
20 election pursuant to ~~the provisions of~~ chapters 39 to 53. The  
21 county commissioner of elections shall certify the results of  
22 the election to the mayor council.

23 Sec. 7. Section 372.2, subsection 5, paragraph b, Code  
24 1989, is amended to read as follows:

25 b. The change of form does not alter any right or  
26 liability of the city in effect ~~at the time of the special~~  
27 ~~election at which the form was adopted~~ when the new form takes  
28 effect.

29 Sec. 8. Section 372.9, subsection 3, Code 1989, is amended  
30 to read as follows:

31 3. The proposed home rule charter must be submitted at a  
32 special city election on a date selected by the mayor after  
33 ~~consulting regarding the date on which the election may most~~  
34 ~~conveniently be held with the county commissioner of elections~~  
35 ~~who will be responsible for conducting the election~~ and

1 council in accordance with section 47.6. However, the date of  
2 the election must be not less than thirty nor more than sixty  
3 days after the last publication of the proposed home rule  
4 charter.

5 Sec. 9. Section 372.13, subsection 8, Code 1989, is  
6 amended to read as follows:

7 8. By ordinance, the council shall prescribe the  
8 compensation of the mayor, council members, and other elected  
9 city officers, but a change in the compensation of the mayor  
10 ~~shall~~ does not become effective during the term in which the  
11 change is adopted, and the council shall not adopt such an  
12 ordinance changing the compensation of the mayor, or council  
13 members, or other elected officers during the months of  
14 November and December ~~immediately-following~~ in the year of a  
15 regular city election. A change in the compensation of  
16 council members ~~shall-become~~ becomes effective for all council  
17 members at the beginning of the term of the council members  
18 elected at the election next following the change in  
19 compensation. Except as provided in section 362.5, an elected  
20 city officer ~~shall~~ is not entitled to receive any other  
21 compensation for any other city office or city employment  
22 during that officer's tenure in office, but may be reimbursed  
23 for actual expenses incurred. However, if the mayor pro tem  
24 performs the duties of the mayor during the mayor's absence or  
25 disability for a continuous period of fifteen days or more,  
26 the mayor pro tem may be paid for that period ~~such~~ the  
27 compensation ~~as~~ determined by the council, based upon the  
28 mayor pro tem's performance of the mayor's duties and upon the  
29 compensation of the mayor.

30 Sec. 10. Section 380.6, subsection 2, Code 1989, is  
31 amended to read as follows:

32 2. If the mayor vetoes the measure, the mayor shall  
33 explain the reasons for the veto in a written message to the  
34 council at the time of the veto. Within thirty days after the  
35 mayor's veto, the council may pass the measure again by a vote

1 of not less than two-thirds of the council members. If the  
2 mayor vetoes a measure and the council repasses the measure  
3 after the mayor's veto, a resolution becomes effective  
4 immediately upon repassage, and an ordinance or amendment  
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6 date is provided within the measure.

7 Sec. 11. Section 384.51, unnumbered paragraph 3, Code  
8 1989, is amended to read as follows:

9 After adopting the resolution of necessity, the clerk shall  
10 certify to the county treasurer of each county in which the  
11 city assessed property is located, a copy of the resolution of  
12 necessity, the plat, and the schedule of assessments. In  
13 counties in which taxes are collected in two or more places,  
14 the resolution of necessity, the plat, and the schedule of  
15 assessments shall be certified to the office of county  
16 treasurer where the special assessments are collected. The  
17 county treasurer shall preserve the resolution, plat, and  
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19 certifies the final assessment schedule as provided in section  
20 384.60 or certifies that the public improvement has been  
21 abandoned.

22 Sec. 12. Section 453.1, subsection 1, Code 1989, is  
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25 or institutions shall be deposited in one or more depositories  
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30 the board of supervisors; for the city treasurer or other  
31 designated financial officer of a city, by the city council;  
32 for the county public hospital or merged area hospital, by the  
33 board of hospital trustees; for a memorial hospital, by the  
34 memorial hospital commission; for a school corporation, by the  
35 board of school directors; for a city utility or combined

1 utility system established under chapter 388, by the utility  
2 board; for a regional library established under chapter 3033,  
3 by the regional board of library trustees; and for an electric  
4 power agency as defined in section 28F.2, by the governing  
5 body of the electric power agency. However, the treasurer of  
6 state and the treasurer of each political subdivision or the  
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MILLER, CH.  
SZYMONIAK  
VANDEHOEF

SSB 315  
LOCAL GOVERNMENT

SENATE FILE 511  
BY (PROPOSED COMMITTEE ON LOCAL  
GOVERNMENT BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

### A BILL FOR

1 An Act relating to the powers and duties of certain local  
2 governmental bodies, by providing for the use of ordinances in  
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14 of state. The state building code ~~shall-become~~ becomes  
15 effective in the governmental subdivision upon the date fixed  
16 by the governmental subdivision ~~resolution-or~~ ordinance, if  
17 the date is not more than six months after the date of  
18 adoption of the ~~resolution-or~~ ordinance.

19 A governmental subdivision in which the state building code  
20 is applicable may by ~~resolution-or~~ ordinance, at any time  
21 after one year has elapsed since the code became applicable,  
22 withdraw from the application of the code, if before the  
23 ~~resolution-or~~ ordinance is voted upon, the local governing  
24 body holds a public hearing after giving not less than four  
25 nor more than twenty days' public notice, together with  
26 written notice to the commissioner of the time, place, and  
27 purpose of the hearing. A certified copy of the vote of the  
28 local governing body shall be transmitted within ten days  
29 after the vote is taken to the commissioner and to the  
30 secretary of state for filing. The ~~resolution-or~~ ordinance  
31 ~~shall-become~~ becomes effective at a time to be specified in  
32 it, which ~~shall~~ must be not less than one hundred eighty days  
33 after the date of adoption. Upon the effective date of the  
34 ~~resolution-or~~ ordinance, the state building code ~~shall-cease~~  
35 ceases to apply to the governmental subdivision except that

1 construction of ~~any a~~ building or structure pursuant to a  
2 permit previously issued ~~shall~~ is not be affected by the  
3 withdrawal.

4 Sec. 3. NEW SECTION. 103A.25 PRIOR RESOLUTIONS.

5 A resolution accepting the state building code, which was  
6 adopted before the effective date of this Act, is an ordinance  
7 for the purpose of this chapter.

8 Sec. 4. Section 327G.32, unnumbered paragraph 3, Code  
9 1989, is amended to read as follows:

10 ~~This~~ Other portions of this section notwithstanding, a  
11 political subdivision may pass ~~a-resolution-or~~ an ordinance  
12 regulating the length of time a specific crossing may be  
13 blocked if the political subdivision demonstrates that a  
14 ~~resolution-or~~ an ordinance is necessary for public safety or  
15 convenience. If ~~a-resolution-or~~ an ordinance is passed the  
16 political subdivision shall, within thirty days of the  
17 effective date of the ~~resolution-or~~ ordinance, notify the  
18 department and the railroad corporation using the crossing  
19 affected by the ~~resolution-or~~ ordinance. The ~~resolution-or~~  
20 ordinance ~~shall~~ does not become effective unless the  
21 department and the railroad corporation are notified within  
22 thirty days. The ~~resolution-or~~ ordinance ~~shall-become~~ becomes  
23 effective thirty days after notification unless a person files  
24 an objection to the ~~resolution-or~~ ordinance with the  
25 department. If an objection is filed the department of  
26 inspections and appeals shall hold a hearing. The department  
27 of inspections and appeals may disapprove the ~~resolution-or~~  
28 ordinance if public safety or convenience does not require a  
29 ~~resolution-or~~ the ordinance. The ~~resolution-or~~ ordinance  
30 approved by the political subdivision is prima-facie evidence  
31 that the ~~resolution-or~~ ordinance is adopted to preserve public  
32 safety or convenience.

33 Sec. 5. Section 327G.32, Code 1989, is amended by adding  
34 the following new unnumbered paragraph:

35 NEW UNNUMBERED PARAGRAPH. A resolution regulating the

1 length of time a specific crossing may be blocked, which was  
2 adopted before the effective date of this Act, is an ordinance  
3 for the purposes of this section.

4 Sec. 6. Section 372.2, subsections 1 and 2, Code 1989, are  
5 amended to read as follows:

6 1. Eligible electors of the city, equal in number to at  
7 least twenty-five percent of the persons who voted at the last  
8 regular city election, may petition the mayer council to ~~adopt~~  
9 submit to the electors the question of adopting a different  
10 form of city government.

11 2. Within ~~one-week~~ fifteen days after receiving a valid  
12 petition, the mayer council shall proclaim a special city  
13 election to be held within sixty days to determine whether the  
14 city shall change to a different form of government. The  
15 mayer council shall notify the county commissioner of  
16 elections to publish notice of the election and conduct the  
17 election pursuant to ~~the-provisions-of~~ chapters 39 to 53. The  
18 county commissioner of elections shall certify the results of  
19 the election to the mayer council.

20 Sec. 7. Section 372.2, subsection 5, paragraph b, Code  
21 1989, is amended to read as follows:

22 b. The change of form does not alter any right or  
23 liability of the city in effect ~~at-the-time-of-the-special~~  
24 ~~election-at-which-the-form-was-adopted~~ when the new form takes  
25 effect.

26 Sec. 8. Section 372.9, subsection 3, Code 1989, is amended  
27 to read as follows:

28 3. The proposed home rule charter must be submitted at a  
29 special city election on a date selected by the mayor ~~after~~  
30 ~~consulting-regarding-the-date-on-which-the-election-may-most~~  
31 ~~conveniently-be-held-with-the-county-commissioner-of-elections~~  
32 ~~who-will-be-responsible-for-conducting-the-election~~ and  
33 council in accordance with section 47.6. However, the date of  
34 the election must be not less than thirty nor more than sixty  
35 days after the last publication of the proposed home rule

1 charter.

2 Sec. 9. Section 372.13, subsection 8, Code 1989, is  
3 amended to read as follows:

4 8. By ordinance, the council shall prescribe the  
5 compensation of the mayor, council members, and other elected  
6 city officers, but a change in the compensation of the mayor  
7 ~~shall~~ does not become effective during the term in which the  
8 change is adopted, and the council shall not adopt ~~such~~ an  
9 ordinance changing the compensation of the mayor, or council  
10 members, or other elected officers during the months of  
11 November and December ~~immediately-following~~ in the year of a  
12 regular city election. A change in the compensation of  
13 council members ~~shall-become~~ becomes effective for all council  
14 members at the beginning of the term of the council members  
15 elected at the election next following the change in  
16 compensation. Except as provided in section 362.5, an elected  
17 city officer ~~shall~~ is not entitled to receive any other  
18 compensation for any other city office or city employment  
19 during that officer's tenure in office, but may be reimbursed  
20 for actual expenses incurred. However, if the mayor pro tem  
21 performs the duties of the mayor during the mayor's absence or  
22 disability for a continuous period of fifteen days or more,  
23 the mayor pro tem may be paid for that period ~~such~~ the  
24 compensation ~~as~~ determined by the council, based upon the  
25 mayor pro tem's performance of the mayor's duties and upon the  
26 compensation of the mayor.

27 Sec. 10. Section 380.6, subsection 2, Code 1989, is  
28 amended to read as follows:

29 2. If the mayor vetoes the measure, the mayor shall  
30 explain the reasons for the veto in a written message to the  
31 council at the time of the veto. Within thirty days after the  
32 mayor's veto, the council may pass the measure again by a vote  
33 of not less than two-thirds of the council members. If the  
34 mayor vetoes a measure and the council repasses the measure  
35 after the mayor's veto, a resolution becomes effective

1 immediately upon repassage, and an ordinance or amendment  
2 becomes a law when published, unless a subsequent effective  
3 date is provided within the measure.

4 Sec. 11. Section 384.51, unnumbered paragraph 3, Code  
5 1989, is amended to read as follows:

6 After adopting the resolution of necessity, the clerk shall  
7 certify to the county treasurer of each county in which the  
8 city assessed property is located, a copy of the resolution of  
9 necessity, the plat, and the schedule of assessments. In  
10 counties in which taxes are collected in two or more places,  
11 the resolution of necessity, the plat, and the schedule of  
12 assessments shall be certified to the office of county  
13 treasurer where the special assessments are collected. The  
14 county treasurer shall preserve the resolution, plat, and  
15 schedule as a part of the records of the office until the city  
16 certifies the final assessment schedule as provided in section  
17 384.60 or certifies that the public improvement has been  
18 abandoned.

19 Sec. 12. Section 453.1, subsection 1, Code 1989, is  
20 amended to read as follows:

21 1. All funds held in the hands of the following officers  
22 or institutions shall be deposited in one or more depositories  
23 first approved by the appropriate governing body as indicated:  
24 For the treasurer of state, by the executive council; for  
25 judicial officers and court employees, by the supreme court;  
26 for the county treasurer, recorder, auditor, and sheriff, by  
27 the board of supervisors; for the city treasurer or other  
28 designated financial officer of a city, by the city council;  
29 for the county public hospital or merged area hospital, by the  
30 board of hospital trustees; for a memorial hospital, by the  
31 memorial hospital commission; for a school corporation, by the  
32 board of school directors; for a city utility or combined  
33 utility system established under chapter 388, by the utility  
34 board; for a regional library established under chapter 303B,  
35 by the regional board of library trustees; and for an electric

1 power agency as defined in section 28F.2, by the governing  
2 body of the electric power agency. However, the treasurer of  
3 state and the treasurer of each political subdivision or the  
4 designated financial officer of a city shall invest all funds  
5 not needed for current operating expenses in time certificates  
6 of deposit in approved depositories pursuant to this chapter  
7 or in investments permitted by section 452.10. The list of  
8 public depositories and the amounts severally deposited in the  
9 depositories are matters of public record. This subsection  
10 does not limit the definition of "public funds" contained in  
11 subsection 2.

12

## EXPLANATION

13 This bill amends a number of Code sections relating to the  
14 powers and duties of local government, primarily cities.  
15 Sections 1 through 5 provide that ordinances, not resolutions,  
16 are to be used to adopt or enact the state building code and  
17 regulations regarding the blocking of streets by railway cars.  
18 If a resolution was used before the effective date of this  
19 bill, the resolution will be considered an ordinance.

20 Sections 6 through 8 change procedures regarding the  
21 submission of a question to change a form of city government  
22 to the city electors. The petition to initiate the election  
23 is to be submitted to the city council in lieu of the mayor.  
24 The city council has fifteen days rather than one week to  
25 proclaim a special election on the change in form of  
26 government. Section 7 recognizes that the current law leaves  
27 a time lag between the election approving a change of  
28 government and the date when the change becomes effective.  
29 Rights and liabilities may be affected during this time  
30 period.

31 Section 9 provides that October 31 is the last day in the  
32 year of a regular city election when salaries of the mayor,  
33 council, or other elected city officer can be changed.

34 Section 10 requires that the mayor's veto message must be  
35 in writing.

1 Section 11 provides that when special assessments are  
2 levied, the city clerk must certify to the county treasurer of  
3 each county in which the assessed property is located, a copy  
4 of the resolution of necessity, the plat, and the schedule of  
5 assessments. Under current law, the materials have to be sent  
6 to each county in which the city is located whether or not any  
7 assessed property is in the county.

8 Section 12 authorizes designated financial officers other  
9 than the city treasurer to invest city funds.

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SENATE FILE 500

AN ACT

RELATING TO THE POWERS AND DUTIES OF CERTAIN LOCAL GOVERNMENTAL BODIES, BY PROVIDING FOR THE USE OF ORDINANCES IN CERTAIN INSTANCES, BY CHANGING PROCEDURES FOR CERTAIN CITY ELECTIONS, BY REQUIRING WRITTEN VETO MESSAGES, BY CHANGING FILING PROCEDURES FOR A SPECIAL ASSESSMENT, AND BY SPECIFYING THE DUTIES OF CITY FINANCE OFFICES.

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

Section 1. Section 103A.10, subsection 2, paragraph b, Code 1989, is amended to read as follows:

b. In each governmental subdivision where the governing body has adopted ~~a resolution~~ enacted an ordinance accepting the application of the code.

Sec. 2. Section 103A.17, unnumbered paragraphs 1 and 2, Code 1989, are amended to read as follows:

The state building code ~~shall be~~ is applicable in each governmental subdivision of the state in which the governing body has adopted ~~or enacted a resolution or an ordinance~~ accepting the applicability of the code and ~~shall have~~ has

filed a certified copy of the resolution or ordinance in the office of the commissioner and in the office of the secretary of state. The state building code ~~shall become~~ becomes effective in the governmental subdivision upon the date fixed by the governmental subdivision resolution or ordinance, if the date is not more than six months after the date of adoption of the resolution or ordinance.

A governmental subdivision in which the state building code is applicable may by resolution or ordinance, at any time after one year has elapsed since the code became applicable, withdraw from the application of the code, if before the resolution or ordinance is voted upon, the local governing body holds a public hearing after giving not less than four nor more than twenty days' public notice, together with written notice to the commissioner of the time, place, and purpose of the hearing. A certified copy of the vote of the local governing body shall be transmitted within ten days after the vote is taken to the commissioner and to the secretary of state for filing. The resolution or ordinance ~~shall become~~ becomes effective at a time to be specified in it, which ~~shall~~ must be not less than one hundred eighty days after the date of adoption. Upon the effective date of the resolution or ordinance, the state building code ~~shall cease~~ ceases to apply to the governmental subdivision except that construction of any ~~a~~ building or structure pursuant to a permit previously issued ~~shall~~ is not be affected by the withdrawal.

Sec. 3. NEW SECTION. 103A.25 PRIOR RESOLUTIONS.

A resolution accepting the state building code, which was adopted before the effective date of this Act, is an ordinance for the purpose of this chapter.

Sec. 4. Section 3270.32, unnumbered paragraph 3, Code 1989, is amended to read as follows:

This Other portions of this section notwithstanding, a political subdivision may pass a resolution or an ordinance

regulating the length of time a specific crossing may be blocked if the political subdivision demonstrates that a resolution or an ordinance is necessary for public safety or convenience. If a resolution or an ordinance is passed the political subdivision shall, within thirty days of the effective date of the resolution or ordinance, notify the department and the railroad corporation using the crossing affected by the resolution or ordinance. The resolution or ordinance shall does not become effective unless the department and the railroad corporation are notified within thirty days. The resolution or ordinance shall become effective thirty days after notification unless a person files an objection to the resolution or ordinance with the department. If an objection is filed the department shall notify the department of inspections and appeals which shall hold a hearing. After a hearing by the department of inspections and appeals, the state department of transportation may disapprove the resolution or ordinance if public safety or convenience does not require a resolution or the ordinance. The decision of the state department of transportation is final agency action. The resolution or ordinance approved by the political subdivision is prima facie evidence that the resolution or ordinance is adopted to preserve public safety or convenience.

Sec. 5. Section 327G.12, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A resolution regulating the length of time a specific crossing may be blocked, which was adopted before the effective date of this Act, is an ordinance for the purposes of this section.

Sec. 6. Section 372.2, subsections 1 and 2, Code 1989, are amended to read as follows:

1. Eligible electors of the city, equal in number to at least twenty-five percent of the persons who voted at the last regular city election, may petition the mayor council to adopt

submit to the electors the question of adopting a different form of city government.

2. Within one week fifteen days after receiving a valid petition, the mayor council shall proclaim a special city election to be held within sixty days to determine whether the city shall change to a different form of government. The mayor council shall notify the county commissioner of elections to publish notice of the election and conduct the election pursuant to the provisions of chapters 39 to 53. The county commissioner of elections shall certify the results of the election to the mayor council.

Sec. 7. Section 372.2, subsection 5, paragraph b, Code 1989, is amended to read as follows:

b. The change of form does not alter any right or liability of the city in effect at the time of the special election at which the form was adopted when the new form takes effect.

Sec. 8. Section 372.9, subsection 3, Code 1989, 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 and council in accordance with Section 47.6. However, the date of the election shall be not less than thirty nor more than sixty days after the last publication of the proposed home rule charter.

Sec. 9. Section 372.13, subsection 8, Code 1989, is amended to read as follows:

8. By ordinance, the council shall prescribe the compensation of the mayor, council members, and other elected city officers, but a change in the compensation of the mayor shall does not become effective during the term in which the change is adopted, and the council shall not adopt such an

ordinance changing the compensation of the mayor, or council members, or other elected officers during the months of November and December immediately following in the year of a regular city election. A change in the compensation of council members shall become effective for all council members at the beginning of the term of the council members elected at the election next following the change in compensation. Except as provided in section 362.5, an elected city officer shall is not entitled to receive any other compensation for any other city office or city employment during that officer's tenure in office, but may be reimbursed for actual expenses incurred. However, if the mayor pro tem performs the duties of the mayor during the mayor's absence or disability for a continuous period of fifteen days or more, the mayor pro tem may be paid for that period such the compensation as determined by the council, based upon the mayor pro tem's performance of the mayor's duties and upon the compensation of the mayor.

Sec. 10. Section 380.6, subsection 2, Code 1989, is amended to read as follows:

2. If the mayor vetoes the measure, the mayor shall explain the reasons for the veto in a written message to the council at the time of the veto. Within thirty days after the mayor's veto, the council may pass the measure again by a vote of not less than two-thirds of the council members. If the mayor vetoes a measure and the council repasses the measure after the mayor's veto, a resolution becomes effective immediately upon repassage, and an ordinance or amendment becomes a law when published, unless a subsequent effective date is provided within the measure.

Sec. 11. Section 384.51, unnumbered paragraph 1, Code 1989, is amended to read as follows:

After adopting the resolution of necessity, the clerk shall certify to the county treasurer of each county in which the city assessed property is located, a copy of the resolution of

necessity, the plat, and the schedule of assessments. In counties in which taxes are collected in two or more places, the resolution of necessity, the plat, and the schedule of assessments shall be certified to the office of county treasurer where the special assessments are collected. The county treasurer shall preserve the resolution, plat, and schedule as a part of the records of the office until the city certifies the final assessment schedule as provided in section 386.63 or certifies that the public improvement has been abandoned.

Sec. 12. Section 453.1, subsection 1, Code 1989, is amended to read as follows:

All funds held in the hands of the following officers or institutions shall be deposited in one or more depositories first approved by the appropriate governing body as indicated: for the treasurer of state, by the executive council; for judicial officers and court employees, by the supreme court; for the county treasurer, recorder, auditor, and sheriff, by the board of supervisors; for the city treasurer or other designated financial officer of a city, by the city council; for the county public hospital or merged area hospital, by the board of hospital trustees; for a memorial hospital, by the memorial hospital commission; for a school corporation, by the board of school directors; for a city utility or combined utility system established under chapter 388, by the utility board; for a regional library established under chapter 303B, by the regional board of library trustees; and for an electric power agency as defined in section 28P.2, by the governing body of the electric power agency. However, the treasurer of state and the treasurer of each political subdivision or the designated financial officer of a city shall invest all funds not needed for current operating expenses in time certificates of deposit in approved depositories pursuant to this chapter or in investments permitted by section 452.10. The list of public depositories and the amounts severally deposited in the

depositories are matters of public record. This subsection does not limit the definition of "public funds" contained in subsection 2.

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JO ANN ZIMMERMAN  
President of the Senate

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DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 500, Seventy-third General Assembly.

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JOHN F. DWYER  
Secretary of the Senate

Approved 4/20, 1989

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TERRY E. BRANSTAD  
Governor