

House Study Bill 65

Conference Committee Text

PAG LIN

1 1 Section 1. Section [392.1](#), Code 1995, is amended to read as
1 2 follows:
1 3 392.1 ESTABLISHMENT BY ORDINANCE.
1 4 If the council wishes to establish an administrative
1 5 agency, it shall do so by an ordinance which indicates the
1 6 title, powers, and duties of the agency, the method of
1 7 appointment or election, qualifications, compensation, and
1 8 term of members, and other appropriate matters relating to the
1 9 agency. The title of an administrative agency must be
1 10 appropriate to its function. The council may

~~not~~

- delegate to
1 11 an administrative agency any of the powers, authorities, and
1 12 duties prescribed in division V of chapter 384 or in chapter
1 13 388,

~~except that~~

- and the council may delegate to an
1 14 administrative agency power to establish and collect charges,
1 15 and disburse the moneys received for the use of a city
1 16 facility, including a city enterprise, as defined in section
1 17 384.24,

~~so long as there are no~~

- if the delegation to an
1 18 administrative agency is strictly subject to the limitations
1 19 imposed by the revenue bonds or pledge orders outstanding
1 20 which are payable from the revenues of the city enterprise.
1 21 Except as otherwise provided in this chapter, the council may
1 22 delegate rule-making authority to the agency for matters
1 23 within the scope of the agency's powers and duties, and may
1 24 prescribe penalties for violation of agency rules which have
1 25 been adopted by ordinance. Rules governing the use by the
1 26 public of any city facility must be made readily available to
1 27 the public.

1 28

EXPLANATION

1 29 This bill authorizes a city council the option of
1 30 delegating the authority to issue revenue bonds to an
1 31 administrative agency of the city or keeping the power with
1 32 the city council. The city council may also delegate its
1 33 powers and authority relating to the operation of a combined
1 34 utility system pursuant to chapter 388. The delegation of
1 35 power would recognize restrictions or limitations imposed by
2 1 outstanding revenue bonds or pledge orders.

2 2 LSB 1721HC 76

2 3 tj/jj/8