

Withdrawn 4/7/03
SF 230 substituted

MAR 13 2003
Place On Calendar

HOUSE FILE **553**
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HSB 251)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the procedure for reducing the number of
2 members of a city council from five to three in certain cities
3 and providing an effective date.

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

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HOUSE FILE 553

H-1089

1 Amend House File 553 as follows:
2 1. Page 2, by striking lines 27 and 28 and
3 inserting the following: "meeting the same
4 requirements specified in section 362.4 for petitions
5 authorized by city code may be filed with the clerk
6 within thirty days following the effective date of
7 the".

By MADDOX of Polk

H-1089 FILED MARCH 19, 2003

Adopted 4/7/03

HF 553

HOUSE FILE 553

H-1241

1 Amend the amendment, H-1089, to House File 553 as
2 follows:
3 1. Page 1, by inserting after line 7 the
4 following:
5 "____. Page 3, by striking lines 10 and 11.
6 _____. Title page, line 3, by striking the words
7 "and providing an effective date"."

By MADDOX of Polk

H-1241 FILED APRIL 2, 2003

Adopted 4/7/03

1 Section 1. Section 372.4, Code 2003, is amended to read as
2 follows:

3 372.4 MAYOR-COUNCIL FORM.

4 1. A city governed by the mayor-council form has a mayor
5 and five council members elected at large, unless the council
6 representation plan is changed pursuant to section 372.13,
7 subsection 11. The council may, by ordinance, provide for a
8 city manager and prescribe the manager's powers and duties,
9 and as long as the council contains an odd number of council
10 members, may change the number of wards, abolish wards, or
11 increase the number of council members at large without
12 changing the form.

13 However, a city governed, on July 1, 1975, by the mayor-
14 council form composed of a mayor and a council consisting of
15 two council members elected at large, and one council member
16 from each of four wards, or a special charter city governed,
17 on July 1, 1975, by the mayor-council form composed of a mayor
18 and a council consisting of two council members elected at
19 large and one council member elected from each of eight wards,
20 may continue until the form of government is changed as
21 provided in section 372.2 or section 372.9. While a city is
22 thus operating with an even number of council members, the
23 mayor may vote to break a tie vote on motions not involving
24 ordinances, resolutions or appointments made by the council
25 alone, and in a special charter city operating with ten
26 council members under this section, the mayor may vote to
27 break a tie vote on all measures.

28 2. The mayor shall appoint a council member as mayor pro
29 tem, and shall appoint and dismiss the marshal or chief of
30 police except where an intergovernmental agreement makes other
31 provisions for police protection or as otherwise provided in
32 section 400.13. However, the appointment and dismissal of the
33 marshal or chief of police are subject to the consent of a
34 majority of the council. Other officers must be selected as
35 directed by the council. The mayor is not a member of the

1 council and shall not vote as a member of the council.

2 3. In a city having a population of between five hundred
3 and five thousand or-less, the city council may, or shall upon
4 petition of the electorate meeting the numerical requirements
5 of section 372.2, subsection 1, submit a proposal at the next
6 regular or special city election to reduce the number of
7 council members to three. If a majority of the voters voting
8 on the proposal approves it, the proposal is adopted. If the
9 proposal is adopted, the new council shall be elected at the
10 next regular or special city election. The council shall
11 determine by ordinance whether the three council members are
12 elected at large or by ward.

13 4. In a city having a population of less than five
14 hundred, the city council may adopt a resolution of intent to
15 reduce the number of council members from five to three and
16 shall call a public hearing on the proposal. Notice of the
17 time and place of the public hearing shall be published as
18 provided in section 362.3, except that at least ten days'
19 notice must be given. At the public hearing, the council
20 shall receive oral and written comments regarding the proposal
21 from any person. Thereafter, the council, at the same meeting
22 as the public hearing or at a subsequent meeting, may adopt a
23 final resolution to reduce the number of council members from
24 five to three or may adopt a resolution abandoning the
25 proposal. If the council adopts a final resolution to reduce
26 the number of council members from five to three, a petition
27 may be filed with the clerk in the manner provided in section
28 362.4, within thirty days following the effective date of the
29 final resolution, requesting that the question of reducing the
30 number of council members from five to three be submitted to
31 the registered voters of the city. Upon receipt of a petition
32 requesting an election, the council shall direct the county
33 commissioner of elections to put the proposal on the ballot
34 for the next regular city election. If the ballot proposal is
35 adopted, the new council shall be elected at the next

1 following regular city election. If a petition is not filed,
2 the council shall notify the county commissioner of elections
3 by July 1 of the year of the regular city election and the new
4 council shall be elected at that regular city election. If
5 the council notifies the commissioner of elections after July
6 1 of the year of the regular city election, the change shall
7 take effect at the next following regular city election. The
8 council shall determine by ordinance whether the three council
9 members are elected at large or by ward.

10 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
11 immediate importance, takes effect upon enactment.

12 EXPLANATION

13 This bill provides that city councils of cities with less
14 than 500 population may, by resolution, reduce the size of the
15 city council from five to three members. The bill requires
16 the council to adopt a resolution of intent and to hold a
17 public hearing on the proposal. The council may, at the
18 hearing or at a subsequent meeting, adopt a final resolution
19 to reduce the council from five to three members. If a
20 petition is filed within 30 days of adoption of the final
21 resolution requesting that the proposal be voted on by
22 registered voters of the city, the council is required to
23 direct the county commissioner of elections to place the
24 proposal on the ballot at the next regular city election. If
25 the ballot proposal is adopted, the new council shall be
26 elected at the next regular city election following the
27 election at which the proposal was adopted. If no petition is
28 filed, the council must notify the county commissioner of
29 elections of the change from five to three members by July 1
30 of the year of the regular city election and the new council
31 shall be elected at that regular city election. If the
32 council notifies the commissioner of elections after July 1 of
33 the odd-numbered year, the change takes effect at the next
34 following regular city election.

35 The bill takes effect upon enactment.

Rep 02

Chair Maddy
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Fallon

Succeeded by
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HSB 251
LOCAL GOVERNMENT

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL
BY CHAIRPERSON
VAN ENGELENHOVEN)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
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