

FILED FEB 27 '03

SENATE FILE 230  
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SSB 1069)

Passed Senate, Date Passed Passed House, 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  
3 cities.

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

5

SENATE FILE 230

S-3032

1 Amend Senate File 230 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 HERMAN C. QUIRMBACH

S-3032 FILED MARCH 11, 2003

*Adopted 3/17/03*

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SF 230

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.

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EXPLANATION

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

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Substituted for  
HF 553 4/7/03

SENATE FILE 230  
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SSB 1069)  
(AS AMENDED AND PASSED BY THE SENATE MARCH 17, 2003)  
- New Language by the Senate

Passed Senate, Date Passed 4/17/03 Passed House, Date Passed 3/17 Passed Passed 4/7/03  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved 4/28/03

**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  
3 cities.

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

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**SENATE FILE 230**

8 **H-1091**

9 1 Amend Senate File 230, as amended, passed, and  
10 2 reprinted by the Senate, as follows:

11 3 1. Page 3, by inserting after line 10, the  
12 4 following:

13 5 "Sec. \_\_\_\_ . EFFECTIVE DATE. This Act, being deemed  
14 6 of immediate importance, takes effect upon enactment."

15 7 2. Title page, line 3, by inserting after the  
16 8 word "cities" the following: "and providing an  
17 9 effective date".

18 10 3. By renumbering as necessary.

By MADDUX of Polk

19 **H-1091 FILED MARCH 19, 2003**

20 Adopted 4/7/03

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S.F. 230

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 meeting the same requirements specified in section 362.4 for  
28 petitions authorized by city code may be filed with the clerk  
29 within thirty days following the effective date of the final  
30 resolution, requesting that the question of reducing the  
31 number of council members from five to three be submitted to  
32 the registered voters of the city. Upon receipt of a petition  
33 requesting an election, the council shall direct the county  
34 commissioner of elections to put the proposal on the ballot  
35 for the next regular city election. If the ballot proposal is

1 adopted, the new council shall be elected at the next  
2 following regular city election. If a petition is not filed,  
3 the council shall notify the county commissioner of elections  
4 by July 1 of the year of the regular city election and the new  
5 council shall be elected at that regular city election. If  
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7 1 of the year of the regular city election, the change shall  
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**HOUSE AMENDMENT TO  
SENATE FILE 230**

**S-3151**

1 Amend Senate File 230, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 3, by inserting after line 10, the  
4 following:

5 "Sec. \_\_\_\_ . EFFECTIVE DATE. This Act, being deemed  
6 of immediate importance, takes effect upon enactment."

7 2. Title page, line 3, by inserting after the  
8 word "cities" the following: "and providing an  
9 effective date".

10 3. By renumbering as necessary.

RECEIVED FROM THE HOUSE

**S-3151 FILED APRIL 7, 2003**

*Senate concurred 4/17/03*

Miller  
Stewart  
Seymour ✓

Succeeded By SSB 1069  
Si / HF 230

SENATE FILE Local Government  
BY (PROPOSED COMMITTEE ON  
LOCAL GOVERNMENT BILL BY  
CHAIRPERSON GASKILL)

Passed Senate, Date \_\_\_\_\_ Passed House, 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  
3 cities.

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

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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  
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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  
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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  
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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.

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EXPLANATION

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

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SENATE FILE 230

AN ACT

RELATING TO THE PROCEDURE FOR REDUCING THE NUMBER OF MEMBERS  
OF A CITY COUNCIL FROM FIVE TO THREE IN CERTAIN CITIES AND  
PROVIDING AN EFFECTIVE DATE.

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

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

372.4 MAYOR-COUNCIL FORM.

1. A city governed by the mayor-council form has a mayor and five council members elected at large, unless the council representation plan is changed pursuant to section 372.13, subsection 11. The council may, by ordinance, provide for a city manager and prescribe the manager's powers and duties, and as long as the council contains an odd number of council members, may change the number of wards, abolish wards, or

increase the number of council members at large without changing the form.

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

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

3. In a city having a population of between five hundred and five thousand or less, the city council may, or shall upon petition of the electorate meeting the numerical requirements of section 372.2, subsection 1, submit a proposal at the next regular or special city election to reduce the number of council members to three. If a majority of the voters voting on the proposal approves it, the proposal is adopted. If the proposal is adopted, the new council shall be elected at the next regular or special city election. The council shall

determine by ordinance whether the three council members are elected at large or by ward.

4. In a city having a population of less than five hundred, the city council may adopt a resolution of intent to reduce the number of council members from five to three and shall call a public hearing on the proposal. Notice of the time and place of the public hearing shall be published as provided in section 362.3, except that at least ten days' notice must be given. At the public hearing, the council shall receive oral and written comments regarding the proposal from any person. Thereafter, the council, at the same meeting as the public hearing or at a subsequent meeting, may adopt a final resolution to reduce the number of council members from five to three or may adopt a resolution abandoning the proposal. If the council adopts a final resolution to reduce the number of council members from five to three, a petition meeting the same requirements specified in section 362.4 for petitions authorized by city code may be filed with the clerk within thirty days following the effective date of the final resolution, requesting that the question of reducing the number of council members from five to three be submitted to the registered voters of the city. Upon receipt of a petition requesting an election, the council shall direct the county commissioner of elections to put the proposal on the ballot for the next regular city election. If the ballot proposal is adopted, the new council shall be elected at the next following regular city election. If a petition is not filed, the council shall notify the county commissioner of elections by July 1 of the year of the regular city election and the new council shall be elected at that regular city election. If the council notifies the commissioner of elections after July 1 of the year of the regular city election, the change shall take effect at the next following regular city election. The council shall determine by ordinance whether the three council members are elected at large or by ward.

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

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MARY E. KRAMER  
President of the Senate

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CHRISTOPHER C. RANTS  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 230, Eightieth General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

Approved \_\_\_\_\_, 2003

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THOMAS J. VILSACK  
Governor