

Senate Study Bill 1069

SENATE FILE _____
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:
5 TLSB 1932SC 80
6 sc/cl/14

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1 1 Section 1. Section 372.4, Code 2003, is amended to read as
1 2 follows:
1 3 372.4 MAYOR=COUNCIL FORM.
1 4 1. A city governed by the mayor=council form has a mayor
1 5 and five council members elected at large, unless the council
1 6 representation plan is changed pursuant to section 372.13,
1 7 subsection 11. The council may, by ordinance, provide for a
1 8 city manager and prescribe the manager's powers and duties,
1 9 and as long as the council contains an odd number of council
1 10 members, may change the number of wards, abolish wards, or
1 11 increase the number of council members at large without
1 12 changing the form.
1 13 However, a city governed, on July 1, 1975, by the mayor=
1 14 council form composed of a mayor and a council consisting of
1 15 two council members elected at large, and one council member
1 16 from each of four wards, or a special charter city governed,
1 17 on July 1, 1975, by the mayor=council form composed of a mayor
1 18 and a council consisting of two council members elected at
1 19 large and one council member elected from each of eight wards,
1 20 may continue until the form of government is changed as
1 21 provided in section 372.2 or section 372.9. While a city is
1 22 thus operating with an even number of council members, the
1 23 mayor may vote to break a tie vote on motions not involving
1 24 ordinances, resolutions or appointments made by the council
1 25 alone, and in a special charter city operating with ten
1 26 council members under this section, the mayor may vote to
1 27 break a tie vote on all measures.
1 28 2. The mayor shall appoint a council member as mayor pro
1 29 tem, and shall appoint and dismiss the marshal or chief of
1 30 police except where an intergovernmental agreement makes other
1 31 provisions for police protection or as otherwise provided in
1 32 section 400.13. However, the appointment and dismissal of the
1 33 marshal or chief of police are subject to the consent of a
1 34 majority of the council. Other officers must be selected as
1 35 directed by the council. The mayor is not a member of the
2 1 council and shall not vote as a member of the council.
2 2 3. In a city having a population of between five hundred
2 3 and five thousand or less, the city council may, or shall upon
2 4 petition of the electorate meeting the numerical requirements
2 5 of section 372.2, subsection 1, submit a proposal at the next
2 6 regular or special city election to reduce the number of
2 7 council members to three. If a majority of the voters voting
2 8 on the proposal approves it, the proposal is adopted. If the
2 9 proposal is adopted, the new council shall be elected at the
2 10 next regular or special city election. The council shall
2 11 determine by ordinance whether the three council members are
2 12 elected at large or by ward.
2 13 4. In a city having a population of less than five
2 14 hundred, the city council may adopt a resolution of intent to
2 15 reduce the number of council members from five to three and
2 16 shall call a public hearing on the proposal. Notice of the
2 17 time and place of the public hearing shall be published as
2 18 provided in section 362.3, except that at least ten days'
2 19 notice must be given. At the public hearing, the council
2 20 shall receive oral and written comments regarding the proposal
2 21 from any person. Thereafter, the council, at the same meeting

2 22 as the public hearing or at a subsequent meeting, may adopt a
2 23 final resolution to reduce the number of council members from
2 24 five to three or may adopt a resolution abandoning the
2 25 proposal. If the council adopts a final resolution to reduce
2 26 the number of council members from five to three, a petition
2 27 may be filed with the clerk in the manner provided in section
2 28 362.4, within thirty days following the effective date of the
2 29 final resolution, requesting that the question of reducing the
2 30 number of council members from five to three be submitted to
2 31 the registered voters of the city. Upon receipt of a petition
2 32 requesting an election, the council shall direct the county
2 33 commissioner of elections to put the proposal on the ballot
2 34 for the next regular city election. If the ballot proposal is
2 35 adopted, the new council shall be elected at the next
3 1 following regular city election. If a petition is not filed,
3 2 the council shall notify the county commissioner of elections
3 3 by July 1 of the year of the regular city election and the new
3 4 council shall be elected at that regular city election. If
3 5 the council notifies the commissioner of elections after July
3 6 1 of the year of the regular city election, the change shall
3 7 take effect at the next following regular city election. The
3 8 council shall determine by ordinance whether the three council
3 9 members are elected at large or by ward.

3 10 EXPLANATION

3 11 This bill provides that city councils of cities with less
3 12 than 500 population may, by resolution, reduce the size of the
3 13 city council from five to three members. The bill requires
3 14 the council to adopt a resolution of intent and to hold a
3 15 public hearing on the proposal. The council may, at the
3 16 hearing or at a subsequent meeting, adopt a final resolution
3 17 to reduce the council from five to three members. If a
3 18 petition is filed within 30 days of adoption of the final
3 19 resolution requesting that the proposal be voted on by
3 20 registered voters of the city, the council is required to
3 21 direct the county commissioner of elections to place the
3 22 proposal on the ballot at the next regular city election. If
3 23 the ballot proposal is adopted, the new council shall be
3 24 elected at the next regular city election following the
3 25 election at which the proposal was adopted. If no petition is
3 26 filed, the council must notify the county commissioner of
3 27 elections of the change from five to three members by July 1
3 28 of the year of the regular city election and the new council
3 29 shall be elected at that regular city election. If the
3 30 council notifies the commissioner of elections after July 1 of
3 31 the odd-numbered year, the change takes effect at the next
3 32 following regular city election.

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