

JAN 27 2006
LOCAL GOVERNMENT

HOUSE FILE 2156
BY DRAKE

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

A BILL FOR

1 An Act relating to filling vacancies in certain county and city
2 offices.

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

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HF 2156

1 Section 1. Section 69.8, subsection 4, Code 2005, is
2 amended to read as follows:

3 4. BOARD OF SUPERVISORS. In the membership of the board
4 of supervisors, by the treasurer, auditor, and recorder, or as
5 provided in section 69.14A. If The county attorney and the
6 county sheriff, respectively, shall serve on this committee if
7 any of these offices have been abolished through
8 consolidation, ~~the county attorney shall serve on this~~
9 committee or are otherwise vacant.

10 Sec. 2. Section 69.14A, subsection 1, Code 2005, is
11 amended by adding the following new paragraph:

12 NEW PARAGRAPH. c. If a vacancy exists in the office of
13 two or more of the appointing authorities listed in section
14 69.8 so that a three-member appointment committee cannot be
15 formed and concurrent vacancies exist on the board such that
16 the remaining supervisors do not constitute a quorum of the
17 full membership, the mayors of the cities in the county shall
18 appoint a successor to each vacant supervisor office. If the
19 county is divided into districts, the appointee must be a
20 resident of the district in which the supervisor vacancy has
21 occurred. The appointee shall serve until qualification of
22 the person elected at the next pending election as defined in
23 section 69.12. An appointment made under this paragraph is
24 not subject to petition for a special election.

25 Sec. 3. Section 331.322, subsection 3, Code 2005, is
26 amended to read as follows:

27 3. Fill vacancies in county offices in accordance with
28 sections 69.8 to 69.14A, unless a special election is called
29 pursuant to section 69.14A; fill vacancies on city councils in
30 accordance with section 372.13; and make appointments in
31 accordance with section 69.16 ~~unless a special election is~~
32 ~~called pursuant to section 69.14A.~~

33 Sec. 4. Section 331.506, Code Supplement 2005, is amended
34 by adding the following new subsection:

35 NEW SUBSECTION. 4A. If concurrent vacancies exist on the

1 board and the remaining supervisors do not constitute a quorum
2 of the full membership, the auditor shall issue warrants to
3 pay bills, salaries, and compensation described in subsection
4 3 without the need for the board resolution required in
5 subsection 3. The bills paid under this subsection shall be
6 submitted to the board for review and approval at the next
7 regular meeting following payment in which a quorum of the
8 board is present.

9 Sec. 5. Section 372.13, subsection 2, paragraph a,
10 unnumbered paragraph 1, Code 2005, is amended to read as
11 follows:

12 By appointment by the remaining members of the council,
13 except that if the remaining members do not constitute a
14 quorum of the full membership, paragraph paragraphs "b" and
15 "c" shall be followed. The appointment shall be for the
16 period until the next pending election as defined in section
17 69.12, and shall be made within forty days after the vacancy
18 occurs. If the council chooses to proceed under this
19 paragraph, it shall publish notice in the manner prescribed by
20 section 362.3, stating that the council intends to fill the
21 vacancy by appointment but that the electors of the city or
22 ward, as the case may be, have the right to file a petition
23 requiring that the vacancy be filled by a special election.
24 The council may publish notice in advance if an elected
25 official submits a resignation to take effect at a future
26 date. The council may make an appointment to fill the vacancy
27 after the notice is published or after the vacancy occurs,
28 whichever is later. However, if within fourteen days after
29 publication of the notice or within fourteen days after the
30 appointment is made, there is filed with the city clerk a
31 petition which requests a special election to fill the
32 vacancy, an appointment to fill the vacancy is temporary and
33 the council shall call a special election to fill the vacancy
34 permanently, under paragraph "b". The number of signatures of
35 eligible electors of a city for a valid petition shall be

1 determined as follows:

2 Sec. 6. Section 372.13, subsection 2, Code 2005, is
3 amended by adding the following new paragraph:

4 NEW PARAGRAPH. c. If concurrent vacancies exist on the
5 council and the remaining council members do not constitute a
6 quorum of the full membership, the city clerk shall notify the
7 board of supervisors of the county where the city is located
8 and the board shall, at a regularly scheduled meeting of the
9 board held within twenty days of notification, appoint a
10 successor to each vacant city council office. If the city is
11 divided into wards, the appointee must be a resident of the
12 ward in which the city council vacancy has occurred. The
13 appointee shall serve until qualification of the person
14 elected at the special election provided for in paragraph "b".
15 If the office of city clerk is vacant, the remaining council
16 members shall notify the board of supervisors of the city
17 council vacancies.

18 Sec. 7. NEW SECTION. 372.13A PAYMENTS WITHOUT PRIOR
19 AUTHORIZATION OF COUNCIL.

20 1. If concurrent vacancies exist on the council and the
21 remaining council members do not constitute a quorum of the
22 full membership, the city clerk is authorized to make the
23 following payments without prior approval of the council:

24 a. For fixed charges including, but not limited to,
25 freight, express, postage, water, light, telephone service, or
26 contractual services, after a bill is filed with the clerk.

27 b. For salaries and payrolls if the compensation has been
28 fixed or approved by the council. The salary or payroll shall
29 be certified by the officer or supervisor under whose
30 direction or supervision the compensation is earned.

31 2. The bills paid under this section shall be submitted to
32 the city council for review and approval at the next regular
33 meeting following payment in which a quorum of the council is
34 present.

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EXPLANATION

1 This bill makes changes relating to vacancies in certain
2 county and city offices.

3 The bill provides that vacancies on the supervisor vacancy
4 appointment committee shall be filled by the county attorney
5 and the county sheriff, respectively.

6 The bill provides that if there are concurrent vacancies on
7 the board of supervisors such that there is not a quorum of
8 the full membership and there is also a vacancy in two or more
9 of the county offices which comprise the supervisor vacancy
10 appointment committee so that a three-member appointment
11 committee cannot be formed, then the vacancies on the board of
12 supervisors shall be filled by appointment by the mayors of
13 the cities in the county. The appointees are to serve until
14 supervisors are elected at the next pending election and
15 qualify.

16 The bill provides that if, because of vacancies, the board
17 of supervisors lacks a quorum to conduct business, the county
18 auditor is authorized to pay certain bills and to pay employee
19 compensation without prior approval of the board of
20 supervisors.

21 The bill provides that if there are concurrent vacancies on
22 the council and the remaining members do not constitute a
23 quorum of the full membership, the city clerk or the remaining
24 members shall notify the board of supervisors, and the board
25 shall fill the vacancies by appointment within 20 days of
26 notification. The appointees shall serve until council
27 members are elected at special election and qualify.

28 The bill provides that if, because of vacancies, the city
29 council lacks a quorum to conduct business, the city clerk is
30 authorized to pay certain bills and to pay employee
31 compensation without prior approval of the city council.

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