

FEB 7 2006
Place On Calendar

HOUSE FILE 2282
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HF 2093)

Passed House, Date 2-22-06

Passed Senate, Date 3-28-06

Vote: Ayes 98 Nays 0

Vote: Ayes 50 Nays 0

Re-passed
4-4-06 97-0

Approved _____

A BILL FOR

1 An Act relating to the election of mayor and city council members
2 in a city governed by the council-manager-at-large form of
3 city government.

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

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Conference Comm. Rpt.

adopted 4-25-06
95-0

adopted 4-26-06
48-0

HF 2282

1 Section 1. Section 372.6, Code 2005, is amended to read as
2 follows:

3 372.6 COUNCIL-MANAGER-AT-LARGE FORM.

4 1. A city governed by the council-manager-at-large form
5 has five council members elected at large for staggered four-
6 year terms. At the first meeting of the new term following
7 each city election, the council shall elect one of the council
8 members to serve as mayor, and one to serve as mayor pro tem.
9 The mayor is a member of the council and may vote on all
10 matters before the council. As soon as possible after the
11 beginning of the new term following each city election, the
12 council shall appoint a manager.

13 2. a. The city council of a city governed by the council-
14 manager-at-large form may adopt a resolution on its own
15 motion, or shall adopt a resolution if a petition valid under
16 section 362.4 is filed with the city clerk, proposing that the
17 city be governed by a mayor elected by the people for a four-
18 year term and four council members elected at large. After
19 adoption of the resolution, the council shall direct the
20 county commissioner of elections to put the proposal on the
21 ballot for the next general election or the next regular city
22 election, whichever occurs first. If the ballot proposal is
23 approved, the city council shall adopt an ordinance meeting
24 the requirements of paragraph "b", and the ordinance is
25 effective beginning with the next following regular city
26 election.

27 b. The ordinance shall provide that the mayor is a member
28 of the council and may vote on all matters before the council.
29 The ordinance shall provide that the term of office of the
30 mayor is four years and, after each regular city election, the
31 mayor shall appoint a council member as mayor pro tem. The
32 ordinance shall provide that the mayor is a member of the
33 council for purposes of maintaining staggered terms on the
34 council. A council member's term shall not be shortened or
35 lengthened as a means of initially implementing the ordinance.

1 c. An ordinance adopted and approved under this subsection
2 is not subject to repeal until the ordinance has been in
3 effect for at least six years. The question of repeal of the
4 ordinance is subject to the requirements of paragraph "a".

5 3. The council may by ordinance provide that the city will
6 be governed by council-manager-ward form. The ordinance must
7 provide for the election of the mayor and council members
8 required under council-manager-ward form at the next regular
9 city election.

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EXPLANATION

11 Under current law, the council-manager-at-large form of
12 city government is required to have five city council members
13 who serve four-year terms. After each regular city election,
14 a mayor and mayor pro tem are chosen by the council from among
15 the council members.

16 This bill requires the city council of a city governed by
17 the council-manager-at-large form to adopt an ordinance
18 providing that the city be governed by a mayor elected by the
19 people to a four-year term and four council members elected at
20 large if such a proposal is approved at election. The bill
21 provides that the city council of such a city may on its
22 motion, or shall if petitioned for, adopt a resolution to put
23 the proposal on the ballot at the general election or the next
24 regular city election, whichever occurs first.

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HOUSE FILE 2282

S-5134

1 Amend the amendment, S-5121, to House File 2282, as
2 passed by the House, as follows:

3 1. Page 1, by inserting after line 2 the
4 following:

5 "____. Page 2, by inserting after line 9 the
6 following:

7 "Sec. ____ Section 372.13, subsection 2, paragraph
8 a, unnumbered paragraph 1, Code 2005, is amended to
9 read as follows:

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

38 Sec. ____ Section 372.13, subsection 2, Code 2005,
39 is amended by adding the following new paragraph:

40 NEW PARAGRAPH. c. If concurrent vacancies exist
41 on the council and the remaining council members do
42 not constitute a quorum of the full membership, the
43 city clerk shall notify the mayors of the cities in
44 the county where the city is located and such mayors
45 shall, within twenty days of notification, appoint a
46 successor to each vacant city council office. If the
47 city is divided into wards, the appointee must be a
48 resident of the ward in which the city council vacancy
49 has occurred. The appointee shall serve until
50 qualification of the person elected at the special

S-5134

S-5134

Page 2

1 election provided for in paragraph "b". If the office
2 of city clerk is vacant, the remaining council members
3 shall notify the mayors of the city council
4 vacancies.""

5 2. By renumbering as necessary.

By DARYL BEALL

KEITH A. KREIMAN

DAVE MULDER

MARY A. LUNDBY

HERMAN C. QUIRMBACH

THOMAS RIELLY

BRIAN SCHOENJAHN

DOUG SHULL

BRAD ZAUN

S-5134 FILED MARCH 28, 2006

ADOPTED

HOUSE FILE 2282

S-5121

1 Amend House File 2282, as passed by the House, as
2 follows:

3 1. Page 2, by inserting after line 9 the
4 following:

5 "Sec. ____ . NEW SECTION. 372.13A PAYMENTS WITHOUT
6 PRIOR AUTHORIZATION OF COUNCIL.

7 1. If concurrent vacancies exist on the council
8 and the remaining council members do not constitute a
9 quorum of the full membership, the city clerk is
10 authorized to make the following payments without
11 prior approval of the council:

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

16 b. For salaries and payrolls if the compensation
17 has been fixed or approved by the council. The salary
18 or payroll shall be certified by the officer or
19 supervisor under whose direction or supervision the
20 compensation is earned.

21 2. The bills paid under this section shall be
22 submitted to the city council for review and approval
23 at the next regular meeting following payment in which
24 a quorum of the council is present."

25 2. Title page, line 1, by inserting after the
26 words "relating to" the following: "city government
27 by providing for".

28 3. Title page, line 3, by inserting after the
29 word "government" the following: "and by providing
30 for city continuity when concurrent city council
31 vacancies exist".

32 4. By renumbering as necessary.

COMMITTEE ON LOCAL GOVERNMENT

HERMAN C. QUIRMBACH, CO-CHAIRPERSON

DOUG SHULL, CO-CHAIRPERSON

S-5121 FILED MARCH 22, 2006

**SENATE AMENDMENT TO
HOUSE FILE 2282**

H-8422

1 Amend House File 2282, as passed by the House, as
2 follows:

3 1. Page 2, by inserting after line 9 the
4 following:

5 "Sec. _____. Section 372.13, subsection 2, paragraph
6 a, unnumbered paragraph 1, Code 2005, is amended to
7 read as follows:

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

36 Sec. _____. Section 372.13, subsection 2, Code 2005,
37 is amended by adding the following new paragraph:

38 NEW PARAGRAPH. c. If concurrent vacancies exist
39 on the council and the remaining council members do
40 not constitute a quorum of the full membership, the
41 city clerk shall notify the mayors of the cities in
42 the county where the city is located and such mayors
43 shall, within twenty days of notification, appoint a
44 successor to each vacant city council office. If the
45 city is divided into wards, the appointee must be a
46 resident of the ward in which the city council vacancy
47 has occurred. The appointee shall serve until
48 qualification of the person elected at the special
49 election provided for in paragraph "b". If the office
50 of city clerk is vacant, the remaining council members

H-8422

1 shall notify the mayors of the city council
2 vacancies."

3 2. Page 2, by inserting after line 9 the
4 following:

5 "Sec. ____ . NEW SECTION. 372.13A PAYMENTS WITHOUT
6 PRIOR AUTHORIZATION OF COUNCIL.

7 1. If concurrent vacancies exist on the council
8 and the remaining council members do not constitute a
9 quorum of the full membership, the city clerk is
10 authorized to make the following payments without
11 prior approval of the council:

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

16 b. For salaries and payrolls if the compensation
17 has been fixed or approved by the council. The salary
18 or payroll shall be certified by the officer or
19 supervisor under whose direction or supervision the
20 compensation is earned.

21 2. The bills paid under this section shall be
22 submitted to the city council for review and approval
23 at the next regular meeting following payment in which
24 a quorum of the council is present."

25 3. Title page, line 1, by inserting after the
26 words "relating to" the following: "city government
27 by providing for".

28 4. Title page, line 3, by inserting after the
29 word "government" the following: "and by providing
30 for city continuity when concurrent city council
31 vacancies exist".

32 5. By renumbering as necessary.

RECEIVED FROM THE SENATE

HOUSE FILE 2282

H-8482

1 Amend the amendment, H-8422, to House File 2282, as
2 passed by the House, as follows:

3 1. By striking page 1, line 5, through page 2,
4 line 2, and inserting the following:

5 ""Sec. ____ . Section 372.13, subsection 2,
6 paragraph b, Code 2005, is amended to read as follows:

7 b. By a special election held to fill the office
8 for the remaining balance of the unexpired term. If
9 the council opts for a special election or a valid
10 petition is filed under paragraph "a", the special
11 election may be held concurrently with any pending
12 election as provided by section 69.12 if by so doing
13 the vacancy will be filled not more than ninety days
14 after it occurs. Otherwise, a special election to
15 fill the office shall be called at the earliest
16 practicable date. If there are concurrent vacancies
17 on the council and the remaining council members do
18 not constitute a quorum of the full membership, a
19 special election shall be called at the earliest
20 practicable date. The council shall give the county
21 commissioner at least ~~sixty~~ thirty-two days' written
22 notice of the date chosen for the special election.
23 The council of a city where a primary election may be
24 required shall give the county commissioner at least
25 ~~eighty-five~~ sixty days' written notice of the date
26 chosen for the special election. A special election
27 held under this subsection is subject to sections
28 376.4 through 376.11, but the dates for actions in
29 relation to the special election, including dates for
30 filing of nomination petitions, shall be calculated
31 with regard to the date for which the special election
32 is called.""

33 2. Page 2, by inserting after line 20 the
34 following:

35 "2. If concurrent vacancies exist on the council
36 and the remaining council members do not constitute a
37 quorum of the full membership and the office of city
38 clerk is vacant, the county auditor of the county
39 where the city is located shall make the payments
40 described in subsection 1 without prior approval of
41 the council."

42 3. Page 2, line 21, by striking the figure "2."
43 and inserting the following: "3."

44 4. By renumbering as necessary.

By HUSER of Polk

TJEPKES of Webster

WATTS of Dallas

DRAKE of Pottawattamie

H-8482 FILED APRIL 4, 2006

ADOPTED

HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 2282

S-5167

1 Amend the amendment, H-8422, to House File 2282, as
2 passed by the House, as follows:

3 1. By striking page 1, line 5, through page 2,
4 line 2, and inserting the following:

5 ""Sec. ____ Section 372.13, subsection 2,
6 paragraph b, Code 2005, is amended to read as follows:

7 b. By a special election held to fill the office
8 for the remaining balance of the unexpired term. If
9 the council opts for a special election or a valid
10 petition is filed under paragraph "a", the special
11 election may be held concurrently with any pending
12 election as provided by section 69.12 if by so doing
13 the vacancy will be filled not more than ninety days
14 after it occurs. Otherwise, a special election to
15 fill the office shall be called at the earliest
16 practicable date. If there are concurrent vacancies
17 on the council and the remaining council members do
18 not constitute a quorum of the full membership, a
19 special election shall be called at the earliest
20 practicable date. The council shall give the county
21 commissioner at least ~~sixty~~ thirty-two days' written
22 notice of the date chosen for the special election.
23 The council of a city where a primary election may be
24 required shall give the county commissioner at least
25 ~~eighty-five~~ sixty days' written notice of the date
26 chosen for the special election. A special election
27 held under this subsection is subject to sections
28 376.4 through 376.11, but the dates for actions in
29 relation to the special election, including dates for
30 filing of nomination petitions, shall be calculated
31 with regard to the date for which the special election
32 is called.""

33 2. Page 2, by inserting after line 20 the
34 following:

35 "2. If concurrent vacancies exist on the council
36 and the remaining council members do not constitute a
37 quorum of the full membership and the office of city
38 clerk is vacant, the county auditor of the county
39 where the city is located shall make the payments
40 described in subsection 1 without prior approval of
41 the council."

42 3. Page 2, line 21, by striking the figure "2."
43 and inserting the following: "3."

44 4. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-5167 FILED APRIL 5, 2006

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 2282

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 2282, a bill for an Act relating to the election of mayor and city council members in a city governed by the council-manager-at-large form of city government, respectfully make the following report:

1. That the House recedes from its amendment, S-5167.
2. That the Senate recedes from its amendment, H-8422.
3. That House File 2282, as passed by the House, is

amended as follows:

1. Page 2, by inserting after line 9 the following:

"Sec. ____ . Section 372.13, subsection 2, paragraph b, Code 2005, is amended to read as follows:

b. By a special election held to fill the office for the remaining balance of the unexpired term. If the council opts for a special election or a valid petition is filed under paragraph "a", the special election may be held concurrently with any pending election as provided by section 69.12 if by so doing the vacancy will be filled not more than ninety days after it occurs. Otherwise, a special election to fill the office shall be called by the council at the earliest practicable date. ~~If there are concurrent vacancies on the council and the remaining council members do not constitute a quorum of the full membership, a special election shall be called at the earliest practicable date.~~ The council shall give the county commissioner at least ~~sixty~~ thirty-two days' written notice of the date chosen for the special election. The council of a city where a primary election may be required shall give the county commissioner at least ~~eighty-five~~ sixty days' written notice of the date chosen for the special election. A special election held under this subsection is subject to sections 376.4 through 376.11, but the dates for actions in relation to the special election, including dates for filing of nomination petitions, shall be calculated with regard to the date for which the special election is called.

If there are concurrent vacancies on the council and the remaining council members do not constitute a quorum of the full membership, a special election shall be called by the county commissioner at the earliest practicable date. The remaining council members shall give notice to the county commissioner of the absence of a quorum. If there are no remaining council members, the city clerk shall give notice to the county commissioner of the absence of a council. If the office of city clerk is vacant, the city attorney shall give notice to the county commissioner of the absence of a clerk and a council. Notice of the need for a special election shall be given under this paragraph by the end of the following business day.

Sec. ____ . NEW SECTION. 372.13A PAYMENTS WITHOUT PRIOR AUTHORIZATION OF COUNCIL.

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

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

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

2. If concurrent vacancies exist on the council and the remaining council members do not constitute a quorum of the full membership and the office of city clerk is vacant, the county auditor of the county where the city is located shall make the payments described in subsection 1 without prior approval of the council.

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

2. Title page, line 1, by inserting after the words "relating to" the following: "city government by providing for".

3. Title page, line 3, by inserting after the word "government" the following: "and by providing for city continuity when concurrent city council vacancies exist".

4. By renumbering as necessary.

ON THE PART OF THE HOUSE:

RALPH C. WATTS, CHAIRPERSON
JACK DRAKE
MARY GASKILL
GERI D. HUSER
DAWN E. PETTENGILL

ON THE PART OF THE SENATE:

DAVE MULDER, CO-CHAIRPERSON
HERMAN QUIRMBACH, CO-CHAIRPERSON
DARYL BEALL
JOHN PUTNEY
DOUG SHULL
STEVE WARNSTADT

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 2282

To the Speaker of the House of Representatives and the
President of the Senate:

We, the undersigned members of the conference committee
appointed to resolve the differences between the House of
Representatives and the Senate on House File 2282, a bill for
an Act relating to the election of mayor and city council
members in a city governed by the council-manager-at-large
form of city government, respectfully make the following
report:

1. That the House recedes from its amendment, S-5167.
2. That the Senate recedes from its amendment, H-8422.

CCR 2282

Page 2

3. That House File 2282, as passed by the House, is amended as follows:

1. Page 2, by inserting after line 9 the following:

"Sec. ____ . Section 372.13, subsection 2, paragraph b, Code 2005, is amended to read as follows:

b. By a special election held to fill the office for the remaining balance of the unexpired term. If the council opts for a special election or a valid petition is filed under paragraph "a", the special election may be held concurrently with any pending election as provided by section 69.12 if by so doing the vacancy will be filled not more than ninety days after it occurs. Otherwise, a special election to fill the office shall be called by the council at the earliest practicable date. ~~If there are concurrent vacancies on the council and the remaining council members do not constitute a quorum of the full membership, a special election shall be called at the earliest practicable date.~~ The council shall give the county commissioner at least ~~sixty~~ thirty-two days' written notice of the date chosen for the special election. The council of a city where a primary election may be required shall give the county commissioner at least ~~eighty-five~~ sixty days' written notice of the date chosen for the special election. A special election held under this subsection is subject to sections 376.4 through 376.11, but the dates for actions in relation to the special election, including dates for filing of nomination petitions, shall be calculated with regard to the date for which the special election is called.

If there are concurrent vacancies on the council and the remaining council members do not constitute a quorum of the full membership, a special election shall be called by the county commissioner at the earliest practicable date. The remaining council members shall give notice to the county commissioner of the absence of a quorum. If there are no remaining council members, the city clerk shall give notice to

the county commissioner of the absence of a council. If the office of city clerk is vacant, the city attorney shall give notice to the county commissioner of the absence of a clerk and a council. Notice of the need for a special election shall be given under this paragraph by the end of the following business day.

Sec. ____ . NEW SECTION. 372.13A PAYMENTS WITHOUT PRIOR AUTHORIZATION OF COUNCIL.

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

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

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

2. If concurrent vacancies exist on the council and the remaining council members do not constitute a quorum of the full membership and the office of city clerk is vacant, the county auditor of the county where the city is located shall make the payments described in subsection 1 without prior approval of the council.

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

2. Title page, line 1, by inserting after the words "relating to" the following: "city government by providing for".

3. Title page, line 3, by inserting after the word "government" the following: "and by providing for city

CCR 2282

Page 4

continuity when concurrent city council vacancies exist".

4. By renumbering as necessary.

ON THE PART OF THE HOUSE:

RALPH C. WATTS, CHAIRPERSON
JACK DRAKE
MARY GASKILL
GERI D. HUSER
DAWN E. PETTENGILL

ON THE PART OF THE SENATE:

DAVE MULDER, CO-CHAIRPERSON
HERMAN QUIRMBACH, CO-CHAIRPERSON
DARYL BEALL
JOHN PUTNEY
DOUG SHULL
STEVE WARNSTADT

CCR 2282 FILED APRIL 24, 2006

HOUSE FILE 2282

AN ACT

RELATING TO CITY GOVERNMENT BY PROVIDING FOR THE ELECTION OF MAYOR AND CITY COUNCIL MEMBERS IN A CITY GOVERNED BY THE COUNCIL-MANAGER-AT-LARGE FORM OF CITY GOVERNMENT AND BY PROVIDING FOR CITY CONTINUITY WHEN CONCURRENT CITY COUNCIL VACANCIES EXIST.

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

Section 1. Section 372.6, Code 2005, is amended to read as follows:

372.6 COUNCIL-MANAGER-AT-LARGE FORM.

1. A city governed by the council-manager-at-large form has five council members elected at large for staggered four-year terms. At the first meeting of the new term following each city election, the council shall elect one of the council members to serve as mayor, and one to serve as mayor pro tem. The mayor is a member of the council and may vote on all matters before the council. As soon as possible after the beginning of the new term following each city election, the council shall appoint a manager.

2. a. The city council of a city governed by the council-manager-at-large form may adopt a resolution on its own motion, or shall adopt a resolution if a petition valid under section 362.4 is filed with the city clerk, proposing that the city be governed by a mayor elected by the people for a four-year term and four council members elected at large. After adoption of the resolution, the council shall direct the county commissioner of elections to put the proposal on the ballot for the next general election or the next regular city election, whichever occurs first. If the ballot proposal is approved, the city council shall adopt an ordinance meeting

the requirements of paragraph "b", and the ordinance is effective beginning with the next following regular city election.

b. The ordinance shall provide that the mayor is a member of the council and may vote on all matters before the council. The ordinance shall provide that the term of office of the mayor is four years and, after each regular city election, the mayor shall appoint a council member as mayor pro tem. The ordinance shall provide that the mayor is a member of the council for purposes of maintaining staggered terms on the council. A council member's term shall not be shortened or lengthened as a means of initially implementing the ordinance.

c. An ordinance adopted and approved under this subsection is not subject to repeal until the ordinance has been in effect for at least six years. The question of repeal of the ordinance is subject to the requirements of paragraph "a".

3. The council may by ordinance provide that the city will be governed by council-manager-ward form. The ordinance must provide for the election of the mayor and council members required under council-manager-ward form at the next regular city election.

Sec. 2. Section 372.13, subsection 2, paragraph b, Code 2005, is amended to read as follows:

b. By a special election held to fill the office for the remaining balance of the unexpired term. If the council opts for a special election or a valid petition is filed under paragraph "a", the special election may be held concurrently with any pending election as provided by section 69.12 if by so doing the vacancy will be filled not more than ninety days after it occurs. Otherwise, a special election to fill the office shall be called by the council at the earliest practicable date. ~~If there are concurrent vacancies on the council and the remaining council members do not constitute a quorum of the full membership, a special election shall be called at the earliest practicable date.~~ The council shall

give the county commissioner at least ~~sixty~~ thirty-two days' written notice of the date chosen for the special election. The council of a city where a primary election may be required shall give the county commissioner at least ~~eighty-five~~ sixty days' written notice of the date chosen for the special election. A special election held under this subsection is subject to sections 376.4 through 376.11, but the dates for actions in relation to the special election, including dates for filing of nomination petitions, shall be calculated with regard to the date for which the special election is called.

If there are concurrent vacancies on the council and the remaining council members do not constitute a quorum of the full membership, a special election shall be called by the county commissioner at the earliest practicable date. The remaining council members shall give notice to the county commissioner of the absence of a quorum. If there are no remaining council members, the city clerk shall give notice to the county commissioner of the absence of a council. If the office of city clerk is vacant, the city attorney shall give notice to the county commissioner of the absence of a clerk and a council. Notice of the need for a special election shall be given under this paragraph by the end of the following business day.

Sec. 3. NEW SECTION. 372.13A PAYMENTS WITHOUT PRIOR AUTHORIZATION OF COUNCIL.

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

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

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

2. If concurrent vacancies exist on the council and the remaining council members do not constitute a quorum of the full membership and the office of city clerk is vacant, the county auditor of the county where the city is located shall make the payments described in subsection 1 without prior approval of the council.

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

CHRISTOPHER C. RANTS
Speaker of the House

JEFFREY M. LAMBERTI
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2282, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2006

THOMAS J. VILSACK
Governor