

**House File 261 - Introduced**

HOUSE FILE 261

BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 3)

**A BILL FOR**

1 An Act relating to the removal of city utility board members,  
2 and including effective date provisions.

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

1 Section 1. Section 388.3, Code 2019, is amended to read as  
2 follows:

3 **388.3 Procedure upon approval.**

4 1. If a proposal to establish a utility board receives  
5 a favorable majority vote, the mayor shall appoint the board  
6 members, as provided in the proposal, subject to the approval  
7 of the council. The council shall by resolution provide for  
8 staggered six-year terms for, and shall set the compensation  
9 of, board members. Notwithstanding section 372.15, board  
10 members may only be removed from office pursuant to section  
11 66.1A.

12 2. A board member appointed to fill a vacancy occurring by  
13 reason other than the expiration of a term is appointed for the  
14 balance of the unexpired term.

15 3. A public officer or a salaried employee of the city may  
16 not serve on a utility board.

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

19 EXPLANATION

20 The inclusion of this explanation does not constitute agreement with  
21 the explanation's substance by the members of the general assembly.

22 Under Code section 372.15, any person appointed to city  
23 office may be removed from office by written order from the  
24 officer or body making the appointment. This bill provides  
25 that notwithstanding Code section 372.15, board members  
26 of city utilities established under Code chapter 388 may  
27 only be removed from office pursuant to Code section 66.1A.  
28 Code section 66.1A provides for the removal of appointed or  
29 elected officers by the district court for certain reasons,  
30 including neglect or refusal to perform duties, misconduct  
31 or maladministration, corruption, extortion, conviction of a  
32 felony, intoxication, or conviction of a violation of Code  
33 chapter 68A.

34 The bill takes effect upon enactment.