

Senate File 2136 - Introduced

SENATE FILE 2136
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SF 562)
(SUCCESSOR TO SSB 1095)

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, subsection 1, Code 2020, is
2 amended to read as follows:

3 1. If a proposal to establish a utility board receives
4 a favorable majority vote, the mayor shall appoint the board
5 members, as provided in the proposal, subject to the approval
6 of the council. The council shall by resolution provide for
7 staggered six-year terms for, and shall set the compensation
8 of, board members. Notwithstanding section 372.15, board
9 members may only be removed from office pursuant to section
10 388.3A.

11 Sec. 2. NEW SECTION. **388.3A Removal of utility board**
12 **members for cause.**

13 1. Any person appointed as a board member of a utility
14 board pursuant to section 388.3 may be removed from office by
15 the mayor with the approval of the city council for any of the
16 following reasons:

17 a. Upon sufficient evidence supporting removal for any
18 reason enumerated in section 66.1A.

19 b. For habitual nonattendance of board meetings.

20 2. Removal pursuant to this section shall be by written
21 order. The order shall give the reasons for the removal and
22 shall be filed in the office of the city clerk, and a copy
23 shall be sent by certified mail to the person removed who, upon
24 request filed with the city clerk within thirty days of the
25 date of mailing the copy, shall be granted a public hearing
26 before the city council on all issues connected with the
27 removal. The hearing shall be held within thirty days of the
28 date the request is filed unless the person removed requests
29 a later date.

30 3. Subsections 1 and 2 shall not apply to the removal of a
31 member of a utility board of a city utility of a city having a
32 population greater than two hundred thousand according to the
33 2010 decennial census.

34 Sec. 3. **EFFECTIVE DATE.** This Act, being deemed of immediate
35 importance, takes effect upon enactment.

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EXPLANATION

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

Under Code section 372.15, any person appointed to city office may be removed from office by written order from the officer or body making the appointment. This bill provides that notwithstanding Code section 372.15, board members of city utilities established under Code chapter 388 may only be removed from office pursuant to new Code section 388.3A.

New Code section 388.3A provides that city utility board members may be removed from office by the mayor with the approval of the city council upon sufficient evidence supporting any reason enumerated in Code section 66.1A or for habitual nonattendance of board meetings. Code section 66.1A provides for the removal of appointed or elected officers by the district court for certain reasons, including neglect or refusal to perform duties, misconduct or maladministration, corruption, extortion, conviction of a felony, intoxication, or conviction of a violation of Code chapter 68A. Removal of city utility board members shall be by written order pursuant to the procedure described in the bill. The bill provides an exception to the removal and written order provisions for members of a utility board of a city utility of a city having a population greater than 200,000 according to the 2010 decennial census.

The bill takes effect upon enactment.