

Senate Study Bill 1116 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON WEBSTER)

A BILL FOR

1 An Act concerning local government notice requirements on certain
2 actions.

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

unofficial

1 Section 1. Section 24.2A, subsection 4, paragraph b,
2 subparagraph (2), Code 2025, is amended to read as follows:

3 (2) If the political subdivision is a city, notice of the
4 public hearing shall be published ~~not less than ten nor more than~~
5 ~~twenty days prior to the hearing~~ pursuant to section 362.3 in
6 a newspaper published at least once weekly and having general
7 circulation in the city. However, if the city has a population
8 of two hundred or less, publication may be made by posting in
9 three public places in the city.

10 Sec. 2. Section 28E.17, subsection 3, paragraph a,
11 subparagraph (1), Code 2025, is amended to read as follows:

12 (1) The council shall give notice and conduct a hearing
13 on the proposal in the manner set forth in section 384.25.
14 ~~However, the notice must be published at least ten days prior~~
15 ~~to the hearing, and if~~ If a petition valid under section 362.4
16 is filed with the clerk of the city prior to the hearing,
17 asking that the question of issuing the bonds be submitted to
18 the registered voters of the city, the council shall either by
19 resolution declare the proposal abandoned or shall direct the
20 county commissioner of elections to call a special election to
21 vote upon the question of issuing the bonds. Notice of the
22 election and its conduct shall be in the manner provided in
23 section 384.26.

24 Sec. 3. Section 103A.12, subsection 2, Code 2025, is amended
25 to read as follows:

26 2. A governmental subdivision in which the state building
27 code is applicable may by ordinance, at any time after one year
28 has elapsed since the code became applicable, withdraw from the
29 application of the code. The local governing body shall hold a
30 public hearing pursuant to section 362.3, ~~after giving not less~~
31 ~~than four but not more than twenty days' public notice,~~ together
32 with written notice to the commissioner of the time, place, and
33 purpose of the hearing, before the ordinance to withdraw is voted
34 upon. A certified copy of the vote of the local governing body
35 shall be transmitted within ten days after the vote is taken

1 to the commissioner. The ordinance becomes effective at a time
2 to be specified in the ordinance, which must be not less than
3 one hundred eighty days after the date of adoption. Upon the
4 effective date of the ordinance, the state building code ceases
5 to apply to the governmental subdivision except that construction
6 of a building or structure pursuant to a permit previously issued
7 is not affected by the withdrawal.

8 Sec. 4. Section 368.3, subsection 2, Code 2025, is amended to
9 read as follows:

10 2. A city may also be discontinued in accordance with the
11 following procedures. The council shall adopt a resolution
12 of intent to discontinue and shall call a public hearing on
13 the proposal to discontinue. Notice of the time and place of
14 the public hearing and the proposed action shall be published
15 as provided in section 362.3, ~~except that at least ten days'~~
16 ~~notice must be given.~~ At the public hearing, the council shall
17 receive oral and written comments regarding the proposal from
18 any person. Thereafter, the council, at the same meeting or
19 at a subsequent meeting, may pass a resolution of discontinuance
20 or pass a resolution abandoning the proposal. If the council
21 passes a resolution of discontinuance, a petition may be filed
22 with the clerk in the manner provided in section 362.4, within
23 thirty days following the effective date of the resolution,
24 requesting that the question of discontinuance be submitted to
25 the registered voters of the city. Upon receipt of a petition
26 requesting an election, the council shall direct the county
27 commissioner of elections to call a special election on the
28 question of discontinuance or shall adopt a resolution abandoning
29 the discontinuance. Notice of the election shall be given by
30 publication as required in section 49.53. If a majority of
31 those voting approve the discontinuance or if no petition for an
32 election is filed, the clerk shall send a copy of the resolution
33 of discontinuance and, if an election is held, the results of
34 the election to the board. The board shall take control of the
35 property of the discontinued city and shall supervise procedures

1 necessary to carry out the discontinuance in accordance with
2 section 368.21.

3 Sec. 5. Section 368.15, Code 2025, is amended to read as
4 follows:

5 **368.15 Public hearing.**

6 The committee shall conduct a public hearing on a proposal as
7 soon as practicable. Notice of the hearing must be served upon
8 the council of each city for which a discontinuance or boundary
9 adjustment is proposed, the county board of supervisors for each
10 county ~~which~~ that contains a portion of a city to be discontinued
11 or territory to be incorporated, annexed, or severed, and any
12 regional planning authority for the area involved. A notice of
13 the hearing, which includes a brief description of the proposal
14 and a statement of where the petition or plan is available
15 for public inspection, must be published as provided in section
16 362.3, ~~except that there must be two publications in a newspaper~~
17 ~~having general circulation in each city and each territory~~
18 ~~involved in the proposal.~~ Any person may submit written briefs,
19 and, in the committee's discretion, may be heard on the proposal.
20 The board may subpoena witnesses and documents relevant to the
21 proposal.

22 Sec. 6. Section 372.4, subsection 4, Code 2025, is amended to
23 read as follows:

24 4. In a city having a population of less than five hundred,
25 the city council may adopt a resolution of intent to reduce the
26 number of council members from five to three and shall call a
27 public hearing on the proposal. Notice of the time and place
28 of the public hearing shall be published as provided in section
29 362.3, ~~except that at least ten days' notice must be given.~~ At
30 the public hearing, the council shall receive oral and written
31 comments regarding the proposal from any person. Thereafter,
32 the council, at the same meeting as the public hearing or at
33 a subsequent meeting, may adopt a final resolution to reduce
34 the number of council members from five to three or may adopt
35 a resolution abandoning the proposal. If the council adopts a

1 final resolution to reduce the number of council members from
2 five to three, a petition meeting the same requirements specified
3 in section 362.4 for petitions authorized by city code may be
4 filed with the clerk within thirty days following the effective
5 date of the final resolution, requesting that the question of
6 reducing the number of council members from five to three be
7 submitted to the registered voters of the city. Upon receipt
8 of a petition requesting an election, the council shall direct
9 the county commissioner of elections to put the proposal on
10 the ballot for the next regular city election. If the ballot
11 proposal is adopted, the new council shall be elected at the next
12 following regular city election. If a petition is not filed,
13 the council shall notify the county commissioner of elections
14 by July 1 of the year of the regular city election and the new
15 council shall be elected at that regular city election. If the
16 council notifies the commissioner of elections after July 1 of
17 the year of the regular city election, the change shall take
18 effect at the next following regular city election. The council
19 shall determine by ordinance whether the three council members
20 are elected at large or by ward.

21 Sec. 7. Section 384.16, subsection 3, Code 2025, is amended
22 to read as follows:

23 3. Following, and not until, completion of requirements of
24 section 24.2A ~~are completed~~, the council shall set a time
25 and place for public hearing on the budget before the final
26 certification date and shall publish notice of the hearing ~~not~~
27 ~~less than ten nor more than twenty days before the hearing~~
28 pursuant to section 362.3 in a newspaper published at least once
29 weekly and having general circulation in the city. However, if
30 the city has a population of two hundred or less, publication
31 may be made by posting in three public places in the city. A
32 summary of the proposed budget and a description of the procedure
33 for protesting the city budget under section 384.19, in the form
34 prescribed by the director of the department of management, shall
35 be included in the notice. Proof of publication of the notice

1 under this subsection 3 must be filed with the county auditor.
2 The department of management shall prescribe the form for the
3 public hearing notice for use by cities.

4 Sec. 8. Section 384.38, subsection 3, paragraph a, Code 2025,
5 is amended to read as follows:

6 a. A city may establish, by ordinance or by resolution
7 adopted as an ordinance after ~~twenty days'~~ notice published in
8 accordance with section 362.3, and a public hearing, one or more
9 districts and schedules of fees for the connection of property to
10 the city sewer or water utility. If the governing body directs
11 that notice be made by mail, the notice shall be as required
12 in section 384.50. Each person whose property will be served
13 by connecting to the city sewer or water utility shall pay a
14 connection fee to the city. The ordinance shall be certified by
15 the city and recorded in the office of the county recorder of the
16 county in which a district is located. The connection fees are
17 due and payable when a utility connection application is filed
18 with the city. A connection fee may include the equitable cost
19 of extending the utility to the properties, including reasonable
20 interest from the date of construction to the date of payment.
21 All fees collected under this subsection shall be paid to the
22 city treasurer. The moneys collected as fees shall only be used
23 for the purposes of operating the utility, or to pay debt service
24 on obligations issued to finance improvements or extensions to
25 the utility.

26 Sec. 9. Section 384.50, subsection 1, Code 2025, is amended
27 to read as follows:

28 1. The clerk shall publish notice of the date, time, and
29 place of the hearing once each week for two consecutive weeks
30 in the manner provided by section 362.3, ~~the first publication~~
31 ~~of which shall be not less than ten days before the date of the~~
32 ~~hearing.~~

33 Sec. 10. Section 400.1, subsection 1, Code 2025, is amended
34 to read as follows:

35 1. In cities having a population of eight thousand or over

1 and having a paid fire department or a paid police department,
2 the mayor, one year after a regular city election, with the
3 approval of the council, shall appoint three civil service
4 commissioners. The ~~mayer~~ city shall publish notice of the
5 names of persons selected for appointment ~~no less than thirty~~
6 ~~days prior to a vote by the city council pursuant to section~~
7 362.3. Commissioners shall hold office, one until the first
8 Monday in April of the second year, one until the first Monday
9 in April of the third year, and one until the first Monday
10 in April of the fourth year after such appointment, whose
11 successors shall be appointed for a term of four years. In
12 cities having a population of more than seventy thousand, the
13 city council may establish, by ordinance, the number of civil
14 service commissioners at not less than three.

15 Sec. 11. Section 404.2, subsection 6, Code 2025, is amended
16 to read as follows:

17 6. The city or county has adopted the proposed or amended
18 plan for the revitalization area after the requisite number of
19 hearings. The city or county may subsequently amend this plan
20 after a hearing. Notice of the hearing shall be published as
21 provided in section 362.3 or 331.305, ~~except that at least seven~~
22 ~~days' notice must be given and the public hearing shall not be~~
23 ~~held earlier than the next regularly scheduled city council or~~
24 ~~board of supervisors meeting following the published notice. A~~
25 city ~~which~~ that has adopted a plan for a revitalization area
26 ~~which~~ that covers all property within the city limits may amend
27 that plan at any time, pursuant to this section, to include
28 property ~~which~~ that has been or will be annexed to the city.
29 The provisions of the original plan shall be applicable to
30 the property ~~which~~ that is annexed and the property shall be
31 considered to have been part of the revitalization area as of the
32 effective date of its annexation to the city.

33 Sec. 12. Section 414.4, Code 2025, is amended to read as
34 follows:

35 **414.4 Zoning regulations, district boundaries, amendments.**

1 The council of the city shall provide for the manner in
2 which the regulations and restrictions and the boundaries of
3 the districts shall be determined, established, and enforced,
4 and from time to time amended, supplemented, or changed.
5 However, the regulation, restriction, or boundary shall not
6 become effective until after a public hearing at which parties in
7 interest and citizens shall have an opportunity to be heard. The
8 notice of the time and place of the hearing shall be published
9 as provided in section 362.3, ~~except that at least seven days'~~
10 ~~notice must be given and in no case shall the public hearing~~
11 ~~be held earlier than the next regularly scheduled city council~~
12 ~~meeting following the published notice.~~

13 EXPLANATION

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

16 Under current law, notice requirements for local governments
17 vary as follows: a political subdivision's proposed property tax
18 hearing requires not less than 10 nor more than 20 days' notice;
19 a city's proposed issuance of joint transit general corporate
20 purpose bonds requires at least 10 days; state building codes
21 adopted by ordinance and later repealed require a public hearing
22 after giving not less than 4 but not more than 20 days' notice;
23 a city resolution of intent to discontinue requires a public
24 hearing on the proposal to discontinue the city with at least
25 10 days' notice; a city special committee hearing to consider
26 a city development board's proposal to discontinue or adjust a
27 city boundary requires two publications in a newspaper having
28 general circulation in each city and each territory involved in
29 the proposal; a city resolution to reduce the number of council
30 members from five to three requires a public hearing on the
31 proposal with at least 10 days' notice; city council budget
32 certifications require a public hearing with not less than 10 nor
33 more than 20 days' notice; a city proposal to establish one or
34 more utility districts with fee schedules for the connection of
35 property to the city sewer or water utility requires a 20-day

1 notice; city resolutions of necessity for public improvements
2 require a public hearing with not less than 10 days' notice
3 to the property owners subject to the special assessment; city
4 appointments of civil service commissioners require published
5 notice of the proposed appointments for no less than 30 days
6 prior to a vote by the city council; amendments to city or county
7 revitalization area plans require a hearing with at least 7 days'
8 notice and the public hearing shall not be held earlier than the
9 next regularly scheduled city council or board of supervisors
10 meeting following the published notice; and when a city council
11 amends, supplements, or changes regulations and restrictions or
12 the boundaries of districts, a public hearing is required with
13 at least 7 days' notice and the public hearing shall not be held
14 earlier than the next regularly scheduled city council meeting
15 following the published notice.

16 This bill changes the notice requirements in accordance with
17 Code section 362.3 for these local government actions as follows:
18 the notice must be published at least once, for a period of not
19 less than 4 nor more than 20 days before the date of the hearing
20 or other action; the publication must be in a newspaper published
21 at least once weekly and having general circulation in the city;
22 and if the city has a population of 200 or less, or if the city
23 has no newspaper, the publication is made by posting in three
24 public places in the city that have been permanently designated
25 by local government ordinance.