

JAN 10 2005
LOCAL GOVERNMENT

HOUSE FILE 11
BY HUSER

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

A BILL FOR

1 An Act relating to publication of certain notices in small
2 cities.

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

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HC 11

1 Section 1. Section 24.9, unnumbered paragraph 1, Code
2 2005, is amended to read as follows:

3 Each municipality shall file with the secretary or clerk
4 thereof the estimates required to be made in sections 24.3 to
5 24.8, at least twenty days before the date fixed by law for
6 certifying the same to the levying board and shall forthwith
7 fix a date for a hearing thereon, and shall publish such
8 estimates and any annual levies previously authorized as
9 provided in section 76.2, with a notice of the time when and
10 the place where such hearing shall be held not less than ten
11 nor more than twenty days before the hearing. ~~Provided that~~
12 However, in municipalities of less than ~~two~~ five hundred
13 population such estimates and the notice of hearing thereon
14 shall be posted in three public places in the district in lieu
15 of publication.

16 Sec. 2. Section 362.3, subsection 2, Code 2005, is amended
17 to read as follows:

18 2. A publication required by the city code must be in a
19 newspaper published at least once weekly and having general
20 circulation in the city. However, if the city has a
21 population of ~~two~~ five hundred or less, or in the case of
22 ordinances and amendments to be published in a city in which
23 no newspaper is published, a publication may be made by
24 posting in three public places in the city which have been
25 permanently designated by ordinance.

26 In the case of notices of elections, a city with a
27 population of ~~two~~ five hundred or less meets the publication
28 requirement of this section by posting notices of elections in
29 three public places which have been designated by ordinance.

30 Sec. 3. Section 372.13, subsection 6, Code 2005, is
31 amended to read as follows:

32 6. Within fifteen days following a regular or special
33 meeting of the council, the clerk shall cause the minutes of
34 the proceedings of the council, including the total
35 expenditure from each city fund, to be published in a

1 newspaper of general circulation in the city. The publication
2 shall include a list of all claims allowed and a summary of
3 all receipts and shall show the gross amount of the claim.
4 Matters discussed in closed session pursuant to section 21.3
5 shall not be published until entered on the public minutes.
6 However, in cities having more than one hundred, fifty thousand
7 population the council shall each month print in pamphlet form
8 a detailed itemized statement of all receipts and
9 disbursements of the city, and a summary of its proceedings
10 during the preceding month, and furnish copies to the city
11 library, the daily newspapers of the city, and to persons who
12 apply at the office of the city clerk, and the pamphlet shall
13 constitute publication as required. Failure by the clerk to
14 make publication is a simple misdemeanor. The provisions of
15 this subsection are applicable in cities in which a newspaper
16 is published, or in cities of ~~two~~ five hundred population or
17 over, but in all other cities, posting the statement in three
18 public places in the city which have been permanently
19 designated by ordinance is sufficient compliance with this
20 subsection.

21 Sec. 4. Section 384.16, subsection 3, Code 2005, is
22 amended to read as follows:

23 3. The council shall set a time and place for public
24 hearing on the budget before the final certification date and
25 shall publish notice of the hearing not less than ten nor more
26 than twenty days before the hearing in a newspaper published
27 at least once weekly and having general circulation in the
28 city. However, if the city has a population of ~~two~~ five
29 hundred or less, publication may be made by posting in three
30 public places in the city. A summary of the proposed budget
31 shall be included in the notice. Proof of publication must be
32 filed with the county auditor. The department of management
33 shall prescribe the form for the public hearing notice for use
34 by cities.

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EXPLANATION

1 This bill applies the criteria for publication of city
2 notices, currently applicable to cities with a population of
3 200 or less, to cities with a population of 500 or less.
4 Current law allows a city with a population of 200 or less to
5 publish required notices by posting the notice in three public
6 places, as opposed to newspaper publication. The bill allows
7 cities with a population of 500 residents or less to forgo
8 newspaper publication and post the notices.

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