

How to Change City Government

Changing the Form of City Government

Go to **page 2** to see the process for changing the form of city government to the following:

- Mayor-council, or mayor-council with appointed manager
- Commission
- Council-manager-at-large
- Council-manager-ward
- City-county consolidated form

Go to **page 3** to see the process for changing the form of city government to a Home Rule Charter.

Previous Changes in Linn County – City of Cedar Rapids

In 2005, the City of Cedar Rapids changed its form of government to the Home Rule Charter form. The charter was adopted at a special election held on June 14, 2005.

Important Note: Before embarking on a petition drive to change city government, it is highly recommended that the petition coordinator first seek legal counsel. **Linn County Election Services cannot provide legal advice.**

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Below is an excerpt from Chapter 372, Code of Iowa. For more information, please read Chapter 372 in its entirety.

372.1 Forms of cities.

The forms of city government are:

1. Mayor-council, or mayor-council with appointed manager.
2. Commission.
3. Council-manager-at-large.
4. Council-manager-ward.
5. Home rule charter.
6. Special charter.
7. City-county consolidated form as provided in sections 331.247 through 331.252.
8. Community commonwealth as provided in sections 331.260 through 331.263.

A city when first incorporated has the mayor-council form. A city retains its form of government until it adopts a different form as provided in this division.

Within thirty days of the date that this section becomes effective, a city shall adopt by ordinance a charter embodying its existing form of government, which must be one of the forms provided in this division, and shall file a copy of its charter with the secretary of state, and maintain copies available for public inspection.

372.2 Six-year limitation.

Unless otherwise provided by law, a city may adopt a different form of government not more often than once in a six-year period. A different form, *other than a home rule charter, special charter, city-county consolidated government, or community commonwealth*, must be adopted as follows:

1. Eligible electors of the city may petition the council to submit to the electors the question of adopting a different form of city government. **The minimum number of signatures required on the petition shall be equal in number to twenty-five percent of those who voted in the last regular city election.** The petition shall specify which form of city government in section 372.1 the petitioners propose for adoption.

2. *a.* Within fifteen days after receiving a valid petition, the council shall publish notice of the date that a special city election will be held to determine whether the city shall change to a different form of government. The election date shall be as specified in section 39.2, subsection 4, paragraph “*b*”. If the next election date specified in that paragraph is more than sixty days after the publication, the council shall publish another notice fifteen days before the election. The notice shall include a statement that the filing of a petition for appointment of a home rule charter commission will delay the election until after the home rule charter commission has filed a proposed charter. Petition requirements and filing deadlines shall also be included in the notice.

- b.* The council shall notify the county commissioner of elections to publish notice of the election and conduct the election pursuant to chapters 39 to 53. The county commissioner of elections shall certify the results of the election to the council.

3. If a majority of the persons voting at the special election approves the proposed form, it is adopted.

4. If a majority of the persons voting at the special election does not approve the proposed form, that form may not be resubmitted to the voters within the next four years.

5. If the proposed form is adopted:

- a.* The elective officers provided for in the adopted form are to be elected at the next regular city election held more than eighty-four days after the special election at which the form was adopted. The adopted form becomes effective at the beginning of the new term following the regular city election.

- b.* The change of form does not alter any right or liability of the city in effect when the new form takes effect.

- c.* All departments and agencies shall continue to operate until replaced.

- d.* All measures in effect remain effective until amended or repealed, unless they are irreconcilable with the adopted form.

- e.* Upon the effective date of the adopted form, the city shall adopt by ordinance a new charter embodying the adopted form, and shall file a copy of its charter with the secretary of state, and maintain copies available for public inspection.

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372.9 Home rule charter procedure.

A city to be governed by the home rule charter form shall adopt a home rule charter in which its form of government is set forth. A city may adopt a home rule charter only by the following procedures:

1. A home rule charter may be proposed by:
 - a. The council, causing a charter to be prepared and filed and by resolution submitting it to the voters.
 - b. Eligible electors of the city equal in number to **at least twenty-five percent of the persons who voted at the last regular city election** petitioning the council to appoint a charter commission to prepare a proposed charter. The council shall, within thirty days of the filing of a valid petition, appoint a charter commission composed of not less than five nor more than fifteen members. The charter commission shall, within six months of its appointment, prepare and file with the council a proposed charter.
2. When a charter is filed, the council and mayor shall notify the county commissioner of elections to publish notice containing the full text of the proposed home rule charter, a description of any other form of government being presented to the voters, and the date of the election, and to conduct the election. The notice shall be published at least twice in the manner provided in section 362.3, except that the publications must occur within sixty days of the filing of the home rule charter, with a two-week interval between each publication. The council shall provide copies of a proposed charter for public distribution by the city clerk.
3. The proposed home rule charter must be submitted at a special election on a date specified in section 39.2, subsection 4, paragraph “b”, and in accordance with section 47.6. However, the date of the last publication must be not less than thirty nor more than sixty days before the election.
4. If a proposed home rule charter is rejected by the voters, it may not be resubmitted in substantially the same form to the voters within the next four years. If a proposed home rule charter is adopted by the voters, no other form of government may be submitted to the voters for six years.
5. If a petition for the appointment of a charter commission is filed at any time within two weeks after the second publication of a charter proposed by the council, the submission to the voters of a charter proposed by the council must be delayed, a charter commission appointed, and the council proposal and the Election Laws of Iowa 2014 Page 710 charter proposed by the charter commission must be submitted to the voters at the same special election.
6. The ballot submitting a proposed charter or charters must also submit the existing form of government as an alternative.
7. a. If only two forms of government are being voted upon, the form of government which receives the highest number of votes is adopted. b. If more than two forms are being voted upon and no form receives a majority of the votes cast in the special election, there must be a runoff election between the two proposed forms which receive the highest number of votes in the special election. The runoff election must be held within thirty days following the special election and must be conducted in the same manner as a special city election.
8. If a home rule charter is adopted:
 - a. The elective officers provided for in the charter are to be elected at the next regular city election held more than sixty days after the special election at which the charter was adopted, and the adopted charter becomes effective at the beginning of the new term following the regular city election.
 - b. The adoption of the charter does not alter any right or liability of the city in effect at the time of the special election at which the charter was adopted.
 - c. All departments and agencies shall continue to operate until replaced.
 - d. All measures in effect remain effective until amended or repealed, unless they are irreconcilable with the charter.
 - e. Upon the effective date of the home rule charter, the city shall adopt by ordinance the home rule charter, and shall file a copy of its charter with the secretary of state, and maintain copies available for public inspection.