

CRENNA M. BRUMWELL, ESQ.
CITY ATTORNEY

TO: MAYOR ROY D. BUOL AND MEMBERS OF THE CITY COUNCIL

DATE: NOVEMBER 2, 2018

RE: FIVE FLAGS REFERENDUM TIMELINE

I have looked into the timeline related to referendum issues under Iowa law.

Special elections must be held on a Tuesday. Iowa Code, section 39.2(4) provides the following dates for a public measure via special election:

First Tuesday in March
First Tuesday in May
First Tuesday in August
Day of General Election
Day of the regular city election
Day of a special election held to fill a vacancy in the same city.

A referendum for the issuance of bonds for a general corporate purpose is governed by Iowa Code, sections 75.1 and 384.26 (2-4).

A special election cannot be scheduled until the County Auditor receives a copy of the action by the City Council calling for the special election. Iowa Code, section 47.6(3) requires the applicable County official have notice from the City forty-six (46) days prior to the date the referendum vote.

Using the first Tuesday in May as a possible date of a special election/referendum vote the time line looks like this working backwards:

May 7, 2019: Special Election

March 22, 2019: Ballot Deadline for County

March 18, 2019: Last City Council Meeting before ballot deadline

January – March: City staff prepares factual information related to scope, cost, and impact of project on taxes, city staff presents to groups upon request, city staff responds to questions.

Information widely distributed to the public via mailings, social media, city website, cable television, and other media sources.

January 7, 2019: Recommendation City Council initiate discussion of ballot language if City Council intends to initiate a special election related to the issuance of general obligation bonds for a project at the Five Flags Center.

Ideally, if a special election will be held on the issuance of general obligation bonds related to the Five Flags Center the City would provide the ballot language to the County further in advance of the forty-six (46) days prior to the vote. This allows a coordinated effort by staff to prepare factual information for the public, and any committees organized related to the referendum, on the impacts of the project in advance of the election date to ensure voters have the facts, have proper time to review the information, and can reach an informed decision.

If you have any questions please let me know. Thank you.