

## CHAPTER 3 POWERS AND DUTIES OF MUNICIPAL OFFICERS

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2-3-1 GENERAL DUTIES. Each municipal officer shall exercise the powers and perform the duties prescribed by law and ordinance, or as otherwise directed by the Council unless contrary to state law or city charter.

2-3-2 BOOKS AND RECORDS. All books and records required to be kept by law or ordinance shall be open to inspection by the public upon request.

2-3-3 DEPOSITS OF MUNICIPAL FUNDS. Prior to the fifth day of each month, each office or department shall deposit all funds collected on behalf of the municipality during the preceding month. The officer responsible for the deposit of funds shall take such funds to the City Clerk, together with receipts indicating the sources of the funds.

2-3-4 TRANSFER OF RECORDS AND PROPERTY TO SUCCESSOR. Each officer shall transfer to his/her successor in office all books, papers, records, documents and property, together with an invoice of the same, in his/her custody and appertaining to his/her office.

2-3-5 POWERS AND DUTIES OF THE MAYOR. The duties of the Mayor shall be as follows:

1. The Mayor shall have the power to examine all functions of the municipal departments, their records, and to call for special reports from department heads at any time.

2. The Mayor shall act as presiding officer at all regular and special Council meetings. The Mayor pro tem shall serve in this capacity in the Mayor's absence.

3. The Mayor may sign, veto, or take no action on an ordinance, amendment, or resolution passed by the Council. If he vetoes a measure, he must explain in writing the reason for such veto to the Council. The Council may re-pass a measure over the Mayor's veto by a two-thirds majority of the Council members, if said action is taken within thirty days of the veto.

4. The Mayor shall make appropriate provision that duties of any absentee officer be carried on during his/her absence.

5. The Mayor shall represent the City in all negotiations properly entered into accordance with law or ordinance. The Mayor shall not represent the City where this duty is specifically delegated to another officer by law or ordinance.

6. The Mayor shall, whenever authorized by the Council, sign all contracts on behalf of the City.

7. The Mayor shall call special meetings of the City Council when he/she deems such meetings necessary to the interests of the City.

8. The Mayor shall make such oral or written reports to the City Council at the first meeting of every month as referred. These reports shall concern municipal affairs generally, the municipal departments, and recommendations suitable for Council action.

9. Immediately after taking office the Mayor shall designate one member of the City Council as Mayor Pro Tempore. The Mayor Pro Tempore shall be vice-president of the Council. Except for the limitations otherwise provided herein, the Mayor Pro Tempore shall perform the duties of the Mayor in cases of absence or inability of the Mayor to perform his/her duties. In the exercise of the duties of his/her office the Mayor Pro Tempore shall not have power to employ or discharge from employment officers or employees that the Mayor has the power to appoint, employ, or discharge. The Mayor Pro Tempore shall have the right to vote as a member of the Council.

10. The Mayor shall upon order of the City Council, secure for the City such specialized and professional services not already available to the City. In executing the order of the City Council he/she shall conduct himself/herself in accordance with the City ordinances and the laws of the State of Iowa.

11. The Mayor shall sign all licenses and permits which have been granted by the Council, except those designated by law or ordinance to be issued by another municipal officer.

12. Upon authorization of the Council, the Mayor shall revoke permits or licenses granted by the Council when their terms, the ordinances of the City, or the laws of the State of Iowa are violated by holders of said permits or licenses.

2-3-6 POWERS AND DUTIES OF THE COUNCIL. The powers and duties of the Council shall include, but are not limited to, the following:

1. General. All powers of the City are vested in the Council except as otherwise provided by law or ordinance.

2. Fiscal Authority. The Council shall apportion and appropriate all funds, and audit and allow all bills, accounts, payrolls and claims, and order payment thereof. It shall make all assessments for the cost of street improvements, sidewalks, sewers and other work, improvement or repairs which may be specially assessed.

3. Public Improvements. The Council shall make all orders for the doing of work, or the making or construction of any improvements, bridges, or buildings.

4. Contracts. The Council shall make or authorize the making of all contracts, and no contract shall bind or be obligatory upon the City unless either made by ordinance or resolution by the Council. All contracts and all ordinances and resolutions making contracts or authorizing the making of contracts shall be drawn or approved by the City Attorney before the same are made or passed.

5. Employees. The Council shall authorize, by resolution, the number, duties and compensation of employees not otherwise provided for by state law or the City Code.

6. Records. The Council shall maintain records of its proceedings.

7. Setting Compensation for Elected Officers. By ordinance, the Council shall prescribe the compensation of the Mayor, Council Members, and other elected City officers, but a change in the compensation of the Mayor shall not become effective during the term in which the increase is adopted, and the Council shall not adopt such an ordinance changing the compensation of any elected officer during the months of November and December immediately following a regular city election. A change in the compensation of Council Members shall become effective for all Council Members at the beginning of the term of the Council Members elected at the election next following the adoption of the increase in compensation.

2-3-7 EXERCISE OF POWER. The Council shall exercise a power only by the passage of a motion, a resolution, an amendment, or an ordinance in the following manner:

1. Approved Action by Council. Passage of an ordinance, amendment, or resolution requires an affirmative vote of not less than a majority of the Council Members. A motion to spend public funds in excess of twenty-five thousand dollars on any one project, or a motion to accept public improvements and facilities upon their completion, also requires an affirmative vote of not less than a majority of the Council Members. Each Council Member's vote on an ordinance, amendment, or resolution must be recorded.

2. Overriding Mayor's Veto. Within thirty (30) days after the Mayor's veto, the Council may re-pass the ordinance or resolution by a vote of not less than two-thirds of the Council Members, and the ordinance or resolution becomes effective upon repassage and publication.

3. Measures Become Effective. Measures passed by the Council, other than motions, become effective in one of the following ways:

a. If the Mayor signs the measure, a resolution becomes effective immediately upon signing and an ordinance or amendment becomes a law when published, unless a subsequent effective date is provided within the measure.

b. If the Mayor vetoes a measure and the Council repasses the measure after the Mayor's veto, a resolution becomes effective immediately upon repassage, and an ordinance or amendment becomes a law when published, unless a subsequent effective date is provided within the measure.

c. If the Mayor takes no action on the measure, a resolution becomes effective fourteen (14) days after the date of passage and an ordinance or amendment becomes law when published, but not sooner than fourteen (14) days after the day of passage, unless a subsequent effective date is provided within the measure.

4. Rules of Procedure. The following rules shall govern the meetings of the Council and its order of transaction of business:

a. Preservation of Order: Deciding Questions: Appeals from the Chair. The Mayor, the Mayor Pro Tempore or other presiding officer shall preserve decorum and shall decide questions of order subject to an appeal to the Council. A member called to order shall immediately suspend remarks until permitted by the Mayor to explain. If there is no appeal, the decision of the Chair shall be conclusive; but if the member appeals to the Council from the decision of the Chair, the Council shall decide the question without debate.

b. Motions and resolutions to be seconded; Statement; when to be written: No motion or resolution shall be put until it is seconded. When seconded, it shall be stated by the Mayor or presiding officer before debate. Upon request of the Chair or any Council Member, every motion shall be reduced to writing.

c. Withdrawal of Motions. After a motion or resolution is stated by the Chair, it shall be deemed in the possession of the Council, but it may be withdrawn by the movant at any time before decision or amendment.

d. Name of Mover to be recorded. In all cases where a resolution or a motion is entered on the minutes of the City Council the name of the members moving the same also shall be entered.

e. Preferential Motions. When a question is under debate, the only motions in order shall be:

- First: To adjourn.
- Second: The previous question.
- Third: To lay on the table.
- Forth: To postpone indefinitely.
- Fifth: Adjourn to a certain day

- Sixth: To refer.
- Seventh: To amend.

Such motions shall have precedence in the order herein arranged, the first three (3) to be decided without debate.

f. When Motion to Adjourn is in Order. A motion to adjourn the City Council shall always be in order, except:

- When a member is in possession of the floor.
- When members are voting
- When adjournment was the last preceding motion
- When it has been decided that the previous questions shall be taken.

g. Amendment, Debate of Motion to Adjourn. A motion simply to adjourn cannot be amended; but a motion to adjourn to a given time may be, and is open to debate.

h. Putting the Previous Question. When the previous question is moved and put it shall be in this form, "Shall the main question be now put?" If this is carried, all proposed amendments and all further motions and debates shall be excluded, and the question is put without delay.

i. Amendment, Debate of Motions to Table. A motion to lay a question on the table simply is not debatable but a motion to lay on the table and publish, or any other condition, is subject to amendment and debate.

j. Indefinite Postponement of Motions. When a motion is postponed indefinitely it shall not be taken up again during the same meeting.

k. Precedence of Motions to Refer to Committee. A motion to refer to a standing committee shall take precedence over a similar motion for a special committee.

l. Motions to Amend.

1) A motion to amend an amendment shall be in order; but a motion to amend an amendment to an amendment shall not be entertained.

2) An amendment modifying the intention of a motion shall be in order but an amendment relating to a different subject shall not be in order.

m. Motions to Strike and Insert. On motion to "strike out and insert" the paragraph to be amended shall first be read as it stands, the words proposed to be struck out, and those to be inserted, and finally the paragraph as it would stand if so amended.

n. Timeliness of Motions to Reconsider. A motion may be reconsidered at any time during the meeting, or at the first meeting held thereafter. A motion for a reconsideration being once made, and decided in the negative, shall not be renewed before the next meeting.

o. Who May Move to Reconsider. A motion to reconsider must be made by members who voted in the majority, or by those who were absent and did not vote upon the question to be reconsidered.

p. Reconsidering Motions More Than Once. No question shall be reconsidered more than once, nor shall a vote to reconsider be reconsidered.

q. Suspension of Rules. The foregoing rules may be suspended for a certain meeting or a certain purpose only by the unanimous vote of the Council.

r. Tie Votes. In the event of a tie vote, any member of the Council may make a motion to reconsider at any subsequent meeting of the Council.

s. Handbook for Iowa Council Members. Upon questions arising by this section, the Handbook for Iowa Council Members most recent edition, as prepared by the Institute of Public Affairs of the University of Iowa, shall be used as a guide. In the event of a conflict between the Handbook for Iowa Council Members and this Code, this Code shall take precedence.

t. Passage of Ordinances. All ordinances enacted by the Council shall be done in accordance with Chapter 380 of the Code of Iowa as amended.

(Ordinance 693, 10-8-88)

2-3-8 MEETINGS. Meetings of the Council shall be as follows:

1. Regular Meetings. The regular meetings of the Council shall be on the first and third Mondays of each month at 7:00 p.m. in the Council Chambers at City Hall.

2. Special Meetings. Special meetings shall be held upon call of the Mayor or upon the written request of a majority of the members of the Council submitted to the Clerk. Notice of a special meeting shall specify the date, time, place and subject of the meeting and such notice shall be given personally or left at the usual place of residence of each member of the Council. A record of the service of notice shall be maintained by the Clerk.

3. Quorum. A majority of all Council Members is a quorum.

4. Rules of Procedure. The Council shall determine the rules of its own proceedings by resolution and the Clerk shall keep such rules on file for public inspection.

2-3-9 OFFICE OF MANAGER CREATED. There is hereby created the office of Manager for the City, pursuant to the provisions of State Statutes.

2-3-10 APPOINTMENT. The Manager shall be appointed by a five-two vote of the Council at a regular meeting thereof, and when so appointed he shall hold office during the pleasure of said body and shall be subject to removal from office by a five-two vote of all members of the Council at any time.

Removal of the City Manager shall proceed as set forth in Section 372.15 of the Iowa Code as it may from time to time be amended.

(Ord. 810, passed 5-3-93)

The Manager shall have his office in the City Hall Building or elsewhere in the City as the Council may direct. Said office to be equipped with necessary furniture, fixtures and supplies at the expense of the City.

#### 2-3-11 POWERS AND DUTIES OF THE MANAGER.

1. The Manager shall have sole power to appoint, employ or discharge all persons directly engaged in the operating, maintenance, clerical or construction departments of said systems and shall recommend to the Council the compensation to be paid such employees.

2. The Manager shall manage and control the Sewer System of the City and issue permits to duly authorized persons to make lateral connections therewith or repairs and extensions thereto.

3. The Manager shall supervise the performance of all contracts for work to be done in connection with the public utilities, make all purchases of material and supplies needed by the City, reporting the same in detail to the Council and see that such material and supplies are received and are of the quality and character specified.

4. The Manager shall see that all the provisions of this Code, rules and regulations relating to governing the installation, maintenance, operation and extension of the public utilities, are complied with and that the franchise rights of privately-owned public utilities operating within the City are not exceeded or abridged.

5. The Manager shall see that all persons required to do so shall secure the licenses provided by law or the provisions of this Code and shall collect the fees therefor and deposit the same with the Treasurer.

6. The Manager shall keep the Council fully advised of the financial condition as well as other conditions of the City, and make recommendations concerning future needs.

7. The Manager shall have general supervision of the Public Grounds and Buildings and shall keep the Council advised of the condition and needs of the same.

8. The Manager shall perform all the duties of Clerk of City, as provided by law and the provisions of this Code.

9. The Manager shall perform such other services of a managerial, supervisory or clerical nature as the Council may require of him, and when required to perform services other than herein enumerated he shall receive an additional compensation such amount as the Council may appropriate.

10. The Manager shall be empowered to require any appointee or employee of the City whose general duties are not wholly inconsistent with the work to be performed, to render service in any department of public works under his supervision, or to render service in departments not under his supervision when occasion requires.

11. Supervise the official conduct of all officers of the City whom The Manager has appointed, and take active control of the Fire Department.

12. Employ, reclassify, or discharge all employees under the Manager's supervision and fix their compensation, subject to civil service provisions and Chapter 70.

13. Supervise the construction, improvement, repair, maintenance, and management of all City property, capital improvements, and undertakings of the City, including the making and preservation of all surveys, maps, plans, drawings, specifications, and estimates for capital improvements, except property, improvements, and undertakings managed by a utility board of trustees.

14. Co-operate with any administrative agency or City Board or Commission.

15. The City Manager shall supervise the performance of the Police Chief and shall keep the Council fully advised on the Police Chief's operation of the Police Department.

2-3-12 POWERS AND DUTIES OF THE CLERK. The duties of the Clerk shall be as follows:

1. The Clerk shall attend all regular and special Council meetings and prepare and publish a condensed statement of the proceedings thereof, to include the total expenditure from each City fund, within fifteen (15) days of the City Council meeting. The statement shall further include a list of all claims allowed, a summary of all receipts and the gross amount of the claims.

(Code of Iowa, Sec. 372.13(4) and (6))

(ECIA Model Code Amended in 2014)

2. The Clerk shall record each measure taken by the Council, stating where applicable whether the Mayor signed, vetoed, or took no action on the measure and what action the Council made upon the Mayor's veto.

3. The Clerk shall cause to be published either the entire text or a summary of all Ordinances and amendments enacted by the City. "Summary" shall mean a narrative description of the terms and conditions of an Ordinance setting forth the main points of the Ordinance in a manner calculated to inform the public in a clear and understandable manner the meaning of the Ordinance and which shall provide the public with sufficient notice to conform to the desired conduct required by the Ordinance. The description shall include the title of the Ordinance, an accurate and intelligible abstract or synopsis of the essential elements of the Ordinance, a statement that the description is a summary, the location and the normal business hours of the office where the Ordinance may be inspected, when the Ordinance becomes effective, and the full text of any provisions imposing fines, penalties, forfeitures, fees, or taxes. Legal descriptions of property set forth in Ordinances shall be described in full, provided that maps or charts may be substituted for



legal descriptions when they contain sufficient detail to clearly define the area with which the Ordinance is concerned. The narrative description shall be written in a clear and coherent manner and shall, to the extent possible, avoid the use of technical or legal terms not generally familiar to the public. When necessary to use technical or legal terms not generally familiar to the public, the narrative description shall include definitions of those terms. The Clerk shall authenticate all such measures except motions with said Clerk's signature, certifying the time and place of publication when required.

(Code of Iowa, Sec. 380.7(1) and (2))  
(Ord. 991, Passed April 19, 2004)

4. The Clerk shall maintain copies of all effective City ordinances and codes for public use.
5. The Clerk shall publish notice of public hearings, elections and other official actions as required by state and city law.
6. The Clerk shall certify all measures establishing any zoning district, building lines, or fire limits, and a plat showing each district, lines or limits to the Recorder of the county containing the affected parts of the City.
7. The Clerk shall be the chief accounting officer of the City.
8. The Clerk shall keep separate accounts for every appropriation, department, public improvement or undertaking, and for every public utility owned or operated by the City. Each account shall be kept in the manner required by law.
9. Following Council adoption of the budget, the Clerk shall certify the necessary tax levy for the following year to the County Auditor and the County Board of Supervisors.
10. The Clerk shall report to the Council at the first meeting of each month the status of each municipal account as of the end of the previous month.
11. The Clerk shall balance all funds with the Treasurer at the end of each month.
12. The Clerk shall prepare the annual public report, publish it, and send a certified copy to the State Auditor and other state officers as required by law.
13. The Clerk shall maintain all city records as required by law.
14. The Clerk shall have custody and be responsible for the safekeeping of all writings or documents in which the municipality is a party in interest unless otherwise specifically directed by law or ordinance.
15. The Clerk shall file and preserve all receipts, vouchers, and other documents kept, or that may be required to be kept, necessary to prove the validity of every transaction and the identity of every person having any beneficial relation thereto.

16. The Clerk shall furnish upon request to any municipal officer a copy of any record, paper or public document under his/her control when it may be necessary to such officer in the discharge of his/her duty. The Clerk shall furnish a copy to any citizen when requested upon payment of the fee set by the Council resolution. The Clerk shall, under the direction of the Mayor or other authorized officer, affix the seal of the corporation to those public documents or instruments which by ordinance are required to be attested by the affixing of the seal.

17. The Clerk shall attend all meetings of committees, boards and commissions of the City. The Clerk shall record and preserve a correct record of the proceedings of such meetings.

18. The Clerk shall keep and file all communications and petitions directed to the City Council or to the City generally. The Clerk shall endorse thereon the action of the City Council taken upon matters considered in such communications and petitions.

19. The Clerk shall issue all licenses and permits approved by the Council, and keep a record of licenses and permits issued which shall show date of issuance, license or permit number, official receipt number, name of person to whom issued, term of license or permit, and purpose for which issued.

20. The Clerk shall inform all persons appointed by the Mayor or City Council to offices in the municipal government of their position and the time at which they shall assume the duties of their office.

21. The Clerk shall compile and preserve a complete record of every city election, regular or special, and perform duties required by law or ordinance of the City Clerk in regard to elections.

22. The Clerk shall draw all warrants/checks for the City upon the vote of the Council.

23. The Clerk shall show on every warrant/check the fund on which it is drawn and the claim to be paid.

24. The Clerk shall keep a warrant/check record in a form approved by the Council, showing the number, date, amount, payee's name, upon what fund drawn, and for what claim each warrant/check is issued.

25. The Clerk shall bill and collect all charges, rents or fees due the City for utility and other services, and give a receipt therefor.

2-3-13 POWERS AND DUTIES OF TREASURER. The duties of the Treasurer shall be as follows:

1. The Treasurer shall keep the record of each fund separate.
2. The Treasurer shall keep an accurate record for all money or securities received by him/her on behalf of the municipality and specify date, from whom, and for what purpose received.

3. The Treasurer shall prepare a receipt in triplicate for all funds received. The Treasurer shall give the original to the party delivering the funds, send the duplicate to the Clerk, and retain the triplicate.

4. The Treasurer shall keep an accurate account of all disbursements, money or property, specifying date, to whom, and from what fund paid.

5. The Treasurer shall keep a separate account of all money received by him/her for special assessments.

6. The Treasurer shall, immediately upon receipt of monies to be held in his/her custody and belonging to the City, deposit the same in banks selected by the City Council in amounts not exceeding monetary limits authorized by the City Council.

2-3-14 POWERS AND DUTIES OF THE CHIEF OF POLICE. The duties of the Marshal shall be as follows:

1. The Chief of Police shall wear upon his/her outer garment and in plain view, a metal badge engraved with the name of this office, and such uniform as may be specified by the Council.

(ECIA Model Code Amended in 2014)

2. The Chief of Police shall assist the City Attorney in prosecuting any persons for the violation of an ordinance by gathering all the facts and circumstances surrounding the case.

3. The Chief of Police shall be sergeant-at-arms of the Council chamber when requested by the Council.

4. The Chief of Police shall report to the Council upon his/her activities as Marshal when requested.

5. The Chief of Police shall protect the rights of persons and property, preserve order at all public gatherings, prevent and abate nuisances, and protect persons against every manner of unlawful disorder and offense.

6. The Chief of Police shall make arrangements to convey any persons requiring detention to the county jail as provided by law and agreements with the County.

7. The Chief of Police shall, whenever any person is bound over to the district court, convey the prisoner to the county jail.

8. The Chief of Police shall execute all lawful orders of any board or commission established by the City Council.

9. To be in command of all officers appointed for police work and be responsible for the care, maintenance and use of all vehicles and equipment for the department.

10. To appoint one or more assistant Police Chiefs, who may perform his/her duties and who shall be members of the police force.

11. To make such rules, not in conflict with the provisions of this ordinance, as needed for the detailed operation of the police department, subject to the approval of the conduct and activity of members, the wearing and care of the uniform, the use of and practice with side arms and other police weapons, the use of police radio and other communications, attendance at training meetings and such other matters as the Police Chief determines to be necessary for the operation of the police department. In the event of an emergency the Chief of Police may make temporary rules for the protection of the system until due consideration by the Council may be had.

12. The Chief of Police shall, when requested, aid other municipal officers in the execution of their official duties.

13. The Chief of Police shall restrain and prevent sheep, swine, horses, cattle, fowl, dogs, cats, and other animals from running at large within the limits of the corporation.

14. The Chief of Police shall report all motor vehicle accidents he/she investigates in the regular course of duty to the Iowa Department of Public Transportation as provided by law.

(Ord. 991, Passed April 19, 2004)

15. The Chief of Police shall keep a record of all arrests made in the City by police officers. The Chief of Police shall record whether said arrest was made under provisions of the laws of the State of Iowa or ordinances of the City. The record shall show the offense for which arrest was made, who made the arrest, and the disposition made of the charge.

16. The Police Chief may appoint one or more assistant Police Chiefs, with approval of the City Council, who may perform the Police Chief's duties and who shall be members of the police force.

(ECIA Model Code Amended in 2014)

2-3-15 POWERS AND DUTIES OF THE CITY ATTORNEY. The duties of the City Attorney shall be as follows:

1. The City Attorney shall be so situated in a convenient location to maintain necessary coordination with the general governmental activities of the municipality.

2. If requested, the City Attorney shall attend every regular meeting of the City Council and attend those special meetings of the City Council at which he/she is required to be present.

3. The City Attorney shall, upon request, formulate drafts for contracts, forms and other writings which may be required for the use of the City.

4. The City Attorney shall keep in property files a record of all official opinions and a docket or register of all actions prosecuted and defended by the City Attorney, accompanied by all proceedings relating to said actions.

5. The City Attorney shall, upon request, give his/her opinion in writing upon all questions of law relating to municipal matters submitted by the City Council, the Mayor, members of the City Council individually, municipal boards or the head of any municipal department.

6. The City Attorney shall, upon request, prepare those ordinances the City Council may desire and report to the Council upon all ordinances before their initial passage by the City Council.

7. The City Attorney shall act as attorney for the City in all matters affecting the City's interest and appear on behalf of the City before any court, tribunal, commission or board. The City Attorney shall prosecute or defend all actions and proceedings when so requested by the Mayor or City Council.

8. The City Attorney shall not appear on behalf of any municipal officer or employee before any court or tribunal for the purely private benefit of said officer or employee. The City Attorney shall, however, if directed by the Council, appear to defend any municipal officer or employee in any cause of action arising out of or in the course of the performance of the duties of his/her office or employment.

9. The City Attorney shall sign the name of the City to all appeal bonds and to all other bonds or papers of any kind that may be essential to the prosecution of any cause in court, and when so signed the City shall be bound upon the same.

10. The City Attorney shall, upon request, make a written report to the City Council and interested department heads of the defects in all contracts, documents, authorized power of any City officer, and ordinances submitted to him/her or coming under his/her notice.

11. The City Attorney shall, upon request, after due examination, offer a written opinion on and recommend alterations pertaining to contracts involving the City before they become binding upon the City or are published.

(Ord. 870, passed 3-4-96)

2-3-16 **POWERS AND DUTIES OF THE FIRE CHIEF.** The duties of the Fire Chief shall be as follows:

1. The Fire Chief shall be charged with the duty of maintaining the efficiency, discipline and control of the fire department. The members of the fire department shall, at all times, be subject to the direction of the Fire Chief.

2. The Fire Chief shall enforce all rules and regulations established by the Council for the conduct of the affairs of the fire department.

3. The Fire Chief shall exercise and have full control over the disposition of all fire apparatus, tools, equipment and other property used by or belonging to the fire department.

4. The Fire Chief shall cause to be kept records of the fire department personnel, operating cost and efficiency of each element of firefighting equipment, depreciation of all equipment and

apparatus, the number of responses to alarms, their cause and location, and an analysis of losses by value, type and location of buildings.

5. The Fire Chief shall compile an annual report based upon the records maintained by the fire department and summarizing the activities of the fire department for the year. This report shall be filed with the Mayor. The annual report shall also contain recommendations for the improvement of the department.

(Amended during 2019 codification)

6. The Fire Chief shall enforce all ordinances and, where enabled, state laws regulating the following:

- a. Fire prevention
- b. Maintenance and use of fire escapes
- c. The investigation of the cause, origin, and circumstances of fires
- d. The means and adequacy of exit in case of fire from halls, theatres, churches, hospitals, asylums, lodging houses, schools, factories and all other buildings in which the public congregates for any purpose
- e. The installation and maintenance of private fire alarm systems and fire extinguishing equipment

7. The Fire Chief shall have the right of entry into any building or premises within his/her jurisdiction at a reasonable time and after reasonable notice to the occupant or owner. The Fire Chief shall there conduct such investigation or inspection that he/she considers necessary in light of state law, regulations or ordinance.

8. The Fire Chief shall make such recommendations to owners, occupants, caretakers or managers of buildings necessary to eliminate fire hazards.

9. The Fire Chief shall at the request of the State Fire Marshal, and as provided by law, aid said Marshal in the performance of his/her duties by investigating, preventing and reporting data pertaining to fires.

#### 2-3-17 POWERS AND DUTIES OF THE ECONOMIC DEVELOPMENT DIRECTOR.

Ordinance No. 816, passed 8-16-93 repeals this position.

Refer to Resolution 93-52, passed 8-16-93.

A Resolution Creating the Position of Economic Development Director

#### 2-3-18 RESIDENCE REQUIREMENTS

All new employees employed by the City of Maquoketa after adoption of this ordinance must reside within the state of Iowa within sixty (60) days of their first day of work and must remain a resident of Iowa throughout the period of his/her employment with the City of Maquoketa.

Employees of the City of Maquoketa who hold the following positions shall maintain their principal place of residence within five miles of the City limits of Maquoketa: City Manager, Economic Development Director, Chief of Police, Director of Public Works, Street Superintendent and Fire Chief. This requirement shall not apply to persons holding these positions as of January 1, 1990, unless they already reside within five miles of the City limits.

(Ord. 880, passed 10-7-96)

## 2-3-19 TRANSFER OF POWERS AND DUTIES OF THE CITY MANAGER TO CITY OFFICERS AND EMPLOYEES WHEN THE CITY HAS NO APPOINTED CITY MANAGER.

1. As the duties of the position of City Manager have been extracted from duties and responsibilities assigned to the Mayor by the Code of Iowa, in the absence of a City Manager for a period of time greater than two weeks, the overall management and control of the City reverts to the Mayor. The Mayor will be assisted in these responsibilities by the following personnel and by whatever delegation of additional responsibilities the Mayor may convey in writing to full-time City Employees.

2. The Mayor will normally retain the following powers and responsibilities:

- a. Day to day operation of City Hall and the general offices and buildings of the City.
- b. Supervision of the official conduct of all officers of the City and Department Heads including Fire Chief, Police Chief and Director of Public Works.
- c. Authority to discharge, reprimand, suspend or reclassify an employee upon conferring with the appropriate supervisor and Personnel Committee when needed.
- d. Authority to supervise construction, repair, maintenance, improvement and management of all City property including preservation of all surveys, maps, plans, drawings, and estimates for capital improvements.
- e. The power to supervise employees of the City and to require any employee to render service in any department of the City.
- f. The authority and power to employ, reclassify or discharge all employees of the City and fix compensation subject to civil service provisions in Chapter 400 of the Code of Iowa.

3. Management and control of the sewer system shall be under the authority and responsibility of the People Service, Inc., Superintendent assigned to Maquoketa.

4. The power to issue permits to make connections with the sewer system or repairs or extensions of the sewer system shall be the authority and responsibility of the City Clerk/Deputy City Clerk.

5. Reserved

6. The duty to purchase materials and supplies needed by the City and the duty to report purchases in detail to the Council and see that purchased materials and supplies are received and are of the quality and character specified shall be the duty and responsibility of the Deputy City Clerk after conferring with the appropriate Department Head.

7. Duty to oversee that the provisions of this Code and rules and regulations relating to the installation, maintenance and operation, and extension of public utilities are complied with, and that franchise rights of privately owned public utilities are not exceeded or abridged, shall be the authority and responsibility of the Deputy City Clerk and the City Attorney when required.

8. The duty to see that all persons required to do so have a license, and that those persons pay the required fee, and the duty to collect the fee shall be the authority and responsibility of the Deputy City Clerk.

9. Reserved

10. The duty to keep the Council fully advised as to the financial condition of the City shall be the authority and responsibility of the Financial Officer.

11. The general supervision of City grounds and buildings and the duty to keep the Council informed of the condition of the City grounds and buildings shall be the authority and responsibility of the Director of Public Works.

a. The duty to perform all the duties of the City Clerk as provided by the Code of Iowa and the provisions of this Code shall be the authority and responsibility of the Deputy City Clerk. The duties of the Deputy City Clerk shall include the obligation to perform other managerial, supervisor or clerical services as the Mayor may require.

b. Supervision of the performance of all contracts in connection with the Public Utilities shall be the responsibility of the appropriate Department Head with assistance from the City's Engineering Firm.

c. The duty to attest to and certify official City documents is conveyed to the Deputy City Clerk.

d. The duties of inspecting and approving building permits shall be the responsibility of the Public Works Director with assistance from the City's Local Government Consultant.

(Ord. 885, passed 5-19-97)