

## CHAPTER 15

### MAYOR

15.01 Term of Office  
15.02 Powers and Duties  
15.03 Appointments

15.04 Compensation  
15.05 Voting

**15.01 TERM OF OFFICE.** The Mayor is elected for a term of four years.  
*(Code of Iowa, Sec. 376.2)*

**15.02 POWERS AND DUTIES.** The powers and duties of the Mayor are as follows:

1. Chief Executive Officer. Act as the chief executive officer of the City and presiding officer of the Council, supervise all departments of the City, except for supervisory duties delegated to the City Administrator, give direction to department heads concerning the functions of the departments, and 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.

*(Code of Iowa, Sec. 372.14[1])*

2. Proclamation of Emergency. Have authority to take command of the police and govern the City by proclamation, upon making a determination that a time of emergency or public danger exists. Within the City limits, the Mayor has all the powers conferred upon the Sheriff to suppress disorders.

*(Code of Iowa, Sec. 372.14[2])*

3. Special Meetings. Call special meetings of the Council when the Mayor deems such meetings necessary to the interests of the City.

*(Code of Iowa, Sec. 372.14[1])*

4. Mayor's Veto. Sign, veto or take no action on an ordinance, amendment or resolution passed by the Council. The Mayor may veto an ordinance, amendment or resolution within fourteen days after passage. The Mayor shall explain the reasons for the veto in a written message to the Council at the time of the veto.

*(Code of Iowa, Sec. 380.5 & 380.6[2])*

5. Reports to Council. Make such oral or written reports to the Council as required. These reports shall concern municipal affairs generally, the municipal departments, and recommendations suitable for Council action.

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

7. Contracts. Whenever authorized by the Council, sign contracts on behalf of the City.

8. Professional Services. Upon order of the Council, secure for the City such specialized and professional services not already available to the City. In executing the order of the Council, the Mayor shall act in accordance with the Code of Ordinances and the laws of the State.

9. Licenses and Permits. 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.

10. Nuisances. Issue written order for removal, at public expense, any nuisance for which no person can be found responsible and liable.

11. Absentee Officer. Make appropriate provision that duties of any absentee officer be carried on during such absence.

**15.03 APPOINTMENTS.** The Mayor shall appoint the Mayor Protem, and the Mayor also appoints, with Council approval, the following officials:

*(Code of Iowa, Sec. 372.4)*

1. Library Board of Trustees
2. Police Chief
3. Park Board
4. Citizens Programming Selection Committee

In addition, the Mayor recommends individuals for appointment by the Council for membership on the Planning and Zoning Commission. In making appointments, the Mayor shall comply with Iowa law, including the provisions for the achievement of gender balance on all boards.

**15.04 COMPENSATION.** The salary of the Mayor is forty-five hundred dollars (\$4,500.00) per year, payable annually.

*(Code of Iowa, Sec. 372.13[8])*

**15.05 VOTING.** The Mayor is not a member of the Council and shall not vote as a member of the Council.

*(Code of Iowa, Sec. 372.4)*

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## CHAPTER 16

### MAYOR PRO TEM

16.01 Vice President of Council  
16.02 Powers and Duties

16.03 Voting Rights  
16.04 Compensation

**16.01 VICE PRESIDENT OF COUNCIL.** The Mayor shall appoint a member of the Council as Mayor Pro Tem, who shall serve as vice president of the Council.

*(Code of Iowa, Sec. 372.14[3])*

**16.02 POWERS AND DUTIES.** Except for the limitations otherwise provided herein, the Mayor Pro Tem shall perform the duties of the Mayor in cases of absence or inability of the Mayor to perform such duties. In the exercise of the duties of the office the Mayor Pro Tem shall not have power to appoint, employ, or discharge from employment officers or employees that the Mayor has the power to appoint, employ, or discharge without the approval of the Council.

*(Code of Iowa, Sec. 372.14[3])*

**16.03 VOTING RIGHTS.** The Mayor Pro Tem shall have the right to vote as a member of the Council.

*(Code of Iowa, Sec. 372.14[3])*

**16.04 COMPENSATION.** If the Mayor Pro Tem performs the duties of the Mayor during the Mayor's absence or disability for a continuous period of fifteen (15) days or more, the Mayor Pro Tem may be paid for that period the compensation as determined by the Council, based upon the Mayor Pro Tem's performance of the Mayor's duties and upon the compensation of the Mayor.

*(Code of Iowa, Sec. 372.13[8])*

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## CHAPTER 17

### CITY COUNCIL

17.01 Number and Term of Council  
17.02 Powers and Duties  
17.03 Exercise of Power

17.04 Council Meetings  
17.05 Appointments  
17.06 Compensation

**17.01 NUMBER AND TERM OF COUNCIL.** The Council consists of five Council members elected at large for overlapping terms of four years.

*(Code of Iowa, Sec. 372.4 & 376.2)*

**17.02 POWERS AND DUTIES.** The powers and duties of the Council 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.

*(Code of Iowa, Sec. 364.2[1])*

2. Wards. By ordinance, the Council may divide the City into wards based upon population, change the boundaries of wards, eliminate wards, or create new wards.

*(Code of Iowa, Sec. 372.13[7])*

3. 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 that may be specially assessed.

*(Code of Iowa, Sec. 364.2[1], 384.16 & 384.38[1])*

4. Public Improvements. The Council shall make all orders for the construction of any improvements, bridges, or buildings.

*(Code of Iowa, Sec. 364.2[1])*

5. Contracts. The Council shall make or authorize the making of all contracts. No contract shall bind or be obligatory upon the City unless approved by the Council.

*(Code of Iowa, Sec. 26.10)*

6. Employees. The Council shall authorize, by resolution, the number, duties, term of office and compensation of employees or officers not otherwise provided for by State law or the Code of Ordinances.

*(Code of Iowa, Sec. 372.13[4])*

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 does not become effective during the term in which the change 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 in the year of a regular City election. A change in the compensation of Council members becomes effective for all Council members at the beginning of the term of the Council members elected at the election next following the change in compensation.

*(Code of Iowa, Sec. 372.13[8])*

**17.03 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:

*(Code of Iowa, Sec. 364.3[1])*

1. Action by Council. Passage of an ordinance, amendment or resolution requires a majority vote of all of the members of the Council. Passage of a motion requires a majority vote of a quorum of the Council. A resolution must be passed to spend public funds in excess of one hundred thousand dollars (\$100,000.00) on a public improvement project, or to accept public improvements and facilities upon their completion. Each Council member's vote on a measure must be recorded. A measure which fails to receive sufficient votes for passage shall be considered defeated.

*(Code of Iowa, Sec. 380.4)*

2. Overriding Mayor's Veto. Within thirty (30) days after the Mayor's veto, the Council may pass the measure again by a vote of not less than two-thirds of all of the members of the Council.

*(Code of Iowa, Sec. 380.6[2])*

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

A. An ordinance or amendment signed by the Mayor becomes effective when the ordinance or a summary of the ordinance is published, unless a subsequent effective date is provided within the ordinance or amendment.

*(Code of Iowa, Sec. 380.6[1a])*

B. A resolution signed by the Mayor becomes effective immediately upon signing.

*(Code of Iowa, Sec. 380.6[1b])*

C. A motion becomes effective immediately upon passage of the motion by the Council.

*(Code of Iowa, Sec. 380.6[1c])*

D. If the Mayor vetoes an ordinance, amendment or resolution 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 the ordinance or a summary of the ordinance is published, unless a subsequent effective date is provided within the ordinance or amendment.

*(Code of Iowa, Sec. 380.6[2])*

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

*(Code of Iowa, Sec. 380.6[3])*

"All of the members of the Council" refers to all of the seats of the Council including a vacant seat and a seat where the member is absent, but does not include a seat where the Council member declines to vote by reason of a conflict of interest.

*(Code of Iowa, Sec. 380.1[a])*

**17.04 COUNCIL MEETINGS.** Procedures for giving notice of meetings of the Council and other provisions regarding the conduct of Council meetings are contained in Section 5.06 of this Code of Ordinances. Additional particulars relating to Council meetings are the following:

1. Regular Meetings. The time and place of the regular meetings of the Council shall be fixed by resolution of the Council.
2. Special Meetings. Special meetings shall be held upon call of the Mayor or upon the request of a majority of the members of the Council.  
*(Code of Iowa, Sec. 372.13[5])*
3. Quorum. A majority of all Council members is a quorum.  
*(Code of Iowa, Sec. 372.13[1])*
4. Rules of Procedure. The Council shall determine its own rules and maintain records of its proceedings.  
*(Code of Iowa, Sec. 372.13[5])*
5. Compelling Attendance. Any three members of the Council can compel the attendance of the absent members at any regular, adjourned, or duly called meeting, by serving a written notice upon the absent members to attend at once.

**17.05 APPOINTMENTS.** The Council shall appoint the following officials and prescribe their powers, duties, compensation and term of office:

1. City Clerk
2. City Attorney
3. City Administrator
4. Zoning Board of Adjustment
5. Planning and Zoning Commission

In making appointments, the Council shall comply with Iowa law, including the provisions for the achievement of gender balance on all boards.

**17.06 COMPENSATION.** The salary of each Council member is fifteen hundred dollars (\$1,500.00) per year, payable annually.

*(Code of Iowa, Sec. 372.13[8])*

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# CHAPTER 18

## CITY CLERK

18.01 Appointment and Compensation  
18.02 Powers and Duties: General  
18.03 Publication of Minutes  
18.04 Recording Measures  
18.05 Publication  
18.06 Authentication  
18.07 Certify Measures

18.08 Records  
18.09 Attendance at Meetings  
18.10 Issue Licenses and Permits  
18.11 Notify Appointees  
18.12 Elections  
18.13 City Seal

**18.01 APPOINTMENT AND COMPENSATION.** The City Administrator is ex officio City Clerk and has the duties, powers and functions prescribed in this chapter, by State law and other ordinances of the City. The Council shall specify by resolution the compensation to be paid for such services.

*(Code of Iowa, Sec. 372.13[3])*

**18.02 POWERS AND DUTIES: GENERAL.** The Clerk, or in the Clerk's absence or inability to act, the Deputy Clerk, has the powers and duties as provided in this chapter, this Code of Ordinances and the law.

**18.03 PUBLICATION OF MINUTES.** Within fifteen (15) days following a regular or special meeting, the Clerk shall cause the minutes of the proceedings thereof to be published. Such publication shall include a list of all claims allowed and a summary of all receipts and shall show the gross amount of the claims.

*(Code of Iowa, Sec. 372.13[6])*

**18.04 RECORDING MEASURES.** The Clerk shall promptly record each measure considered by the Council and record a statement with the measure, where applicable, indicating whether the Mayor signed, vetoed or took no action on the measure, and whether the measure was repassed after the Mayor's veto.

*(Code of Iowa, Sec. 380.7[1 & 2])*

**18.05 PUBLICATION.** The Clerk shall cause to be published all ordinances, enactments, proceedings and official notices requiring publication as follows:

1. Time. If notice of an election, hearing, or other official action is required by this Code of Ordinances or law, the notice must be published at least once, not less than four (4) nor more than twenty (20) days before the date of the election, hearing or other action, unless otherwise provided by law.

*(Code of Iowa, Sec. 362.3[1])*

2. Manner of Publication. A publication required by this Code of Ordinances or law must be in a newspaper published at least once weekly and having general circulation in the City.

*(Code of Iowa, Sec. 362.3[2])*

**18.06 AUTHENTICATION.** The Clerk shall authenticate all measures except motions with the Clerk's signature, certifying the time and manner of publication when required.

*(Code of Iowa, Sec. 380.7[4])*

**18.07 CERTIFY MEASURES.** The Clerk shall certify all measures establishing any zoning district, building lines, or fire limits and a plat showing the district, lines, or limits to the recorder of the County containing the affected parts of the City.

*(Code of Iowa, Sec. 380.11)*

**18.08 RECORDS.** The Clerk shall maintain the specified City records in the following manner:

1. Ordinances and Codes. Maintain copies of all effective City ordinances and codes for public use.

*(Code of Iowa, Sec. 380.7[5])*

2. Custody. Have custody and be responsible for the safekeeping of all writings or documents in which the City is a party in interest unless otherwise specifically directed by law or ordinance.

*(Code of Iowa, Sec. 372.13[4])*

3. Maintenance. Maintain all City records and documents, or accurate reproductions, for at least five (5) years except that ordinances, resolutions, Council proceedings, records and documents, or accurate reproductions, relating to the issuance, cancellation, transfer, redemption or replacement of public bonds or obligations shall be kept for at least eleven (11) years following the final maturity of the bonds or obligations. Ordinances, resolutions, Council proceedings, records and documents, or accurate reproductions, relating to real property transactions shall be maintained permanently.

*(Code of Iowa, Sec. 372.13[3 & 5])*

4. Provide Copy. Furnish upon request to any municipal officer a copy of any record, paper or public document under the Clerk's control when it may be necessary to such officer in the discharge of such officer's duty; furnish a copy to any citizen when requested upon payment of the fee set by Council resolution; under the direction of the Mayor or other authorized officer, affix the seal of the City to those public documents or instruments which by ordinance and Code of Ordinances are required to be attested by the affixing of the seal.

*(Code of Iowa, Sec. 372.13[4 & 5] and 380.7[5])*

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

*(Code of Iowa, Sec. 372.13[4])*

**18.09 ATTENDANCE AT MEETINGS.** The Clerk shall attend all regular and special Council meetings and, at the direction of the Council, the Clerk shall attend meetings of committees, boards, and commissions. The Clerk shall record and preserve a correct record of the proceedings of such meetings.

*(Code of Iowa, Sec. 372.13[4])*

**18.10 ISSUE LICENSES AND PERMITS.** The Clerk shall issue or revoke licenses and permits when authorized by this Code of Ordinances, 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.

*(Code of Iowa, Sec. 372.13[4])*

**18.11 NOTIFY APPOINTEES.** The Clerk shall inform all persons appointed by the Mayor or Council to offices in the City government of their positions and the time at which they shall assume the duties of their offices.

*(Code of Iowa, Sec. 372.13[4])*

**18.12 ELECTIONS.** The Clerk shall perform the duties relating to elections and nominations in accordance with Chapter 376 of the *Code of Iowa*.

**18.13 CITY SEAL.** The City seal is in the custody of the Clerk and shall be attached by the Clerk to all transcripts, orders and certificates which it may be necessary or proper to authenticate. The City seal is circular in form, in the center of which is the word "IOWA" and around the margin of which are the words "CITY OF HAWARDEN" and "MUNICIPAL SEAL."

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## CHAPTER 19

# CITY TREASURER

19.01 Appointment  
19.02 Compensation

19.03 Duties of Treasurer

**19.01 APPOINTMENT.** The City Clerk is the Treasurer and performs all functions required of the position of Treasurer.

**19.02 COMPENSATION.** The Clerk receives no additional compensation for performing the duties of the Treasurer.

**19.03 DUTIES OF TREASURER.** The duties of the Treasurer are as follows:

*(Code of Iowa, Sec. 372.13[4])*

1. Custody of Funds. Be responsible for the safe custody of all funds of the City in the manner provided by law, and Council direction.
2. Record of Fund. Keep the record of each fund separate.
3. Record Receipts. Keep an accurate record of all money or securities received by the Treasurer on behalf of the City and specify the date, from whom, and for what purpose received.
4. Record Disbursements. Keep an accurate account of all disbursements, money or property, specifying date, to whom, and from what fund paid.
5. Special Assessments. Keep a separate account of all money received by the Treasurer from special assessments.
6. Deposit Funds. Upon receipt of moneys to be held in the Treasurer's custody and belonging to the City, deposit the same in depositories selected by the Council.
7. Reconciliation. Reconcile depository statements with the Treasurer's books and certify monthly to the Council the balance of cash and investments of each fund and amounts received and disbursed.
8. Debt Service. Keep a register of all bonds outstanding and record all payments of interest and principal.
9. Other Duties. Perform such other duties as specified by the Council by resolution or ordinance.

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## CHAPTER 20

### CITY ATTORNEY

20.01 Appointment and Compensation  
20.02 Attorney for City  
20.03 Power of Attorney  
20.04 Ordinance Preparation

20.05 Review and Comment  
20.06 Provide Legal Opinion  
20.07 Attendance at Council Meetings  
20.08 Prepare Documents

**20.01 APPOINTMENT AND COMPENSATION.** The Council shall appoint by majority vote a City Attorney to serve for an indefinite term. The City Attorney shall receive such compensation as established by resolution of the Council.

**20.02 ATTORNEY FOR CITY.** 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 Council.

*(Code of Iowa, Sec. 372.13[4])*

**20.03 POWER OF ATTORNEY.** 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.

*(Code of Iowa, Sec. 372.13[4])*

**20.04 ORDINANCE PREPARATION.** The City Attorney shall prepare those ordinances which the Council may desire and direct to be prepared and report to the Council upon all such ordinances before their final passage by the Council and publication.

*(Code of Iowa, Sec. 372.13[4])*

**20.05 REVIEW AND COMMENT.** The City Attorney shall, upon request, make a report to the Council giving an opinion on all contracts, documents, resolutions, or ordinances submitted to or coming under the City Attorney's notice.

*(Code of Iowa, Sec. 372.13[4])*

**20.06 PROVIDE LEGAL OPINION.** The City Attorney shall give advice or a written legal opinion on City contracts and all questions of law relating to City matters submitted by the City Administrator or the Council as a whole.

*(Code of Iowa, Sec. 372.13[4])*

**20.07 ATTENDANCE AT COUNCIL MEETINGS.** The City Attorney shall attend meetings of the Council at the request of the Mayor or Council.

*(Code of Iowa, Sec. 372.13[4])*

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

*(Code of Iowa, Sec. 372.13[4])*

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## CHAPTER 21

# CITY ADMINISTRATOR

21.01 Purpose and Objectives  
21.02 Duties  
21.03 Council's Retained Powers

21.04 Mayor's Retained Powers  
21.05 Exceptions  
21.06 Council Relations

**21.01 PURPOSE AND OBJECTIVES.** The purpose of this chapter is to provide for a City Administrator for the City. The Council shall appoint by majority vote a City Administrator to serve for an indefinite term. The objectives of the position shall include:

1. Provide for the efficient and effective management of all facets of City government under the control and jurisdiction of the Council.
2. Provide optimum coordination, communication and cooperation between and among City departments, boards and commissions and City staff under the control and jurisdiction of the Council.
3. Promote efficient, fair and equitable personnel management and administration.
4. Support and assist retail, industrial and other economic development.
5. Provide for the systematic and orderly flow of information to and from the Council, its department heads and staff and citizens of the community.

**21.02 DUTIES.** The duties of the City Administrator are as follows:

1. Supervise enforcement and execution of all City ordinances and resolutions and applicable State and Federal laws and regulations within the City.
2. Attend all meetings of the Council unless excused by the Mayor or majority of the Council members.
3. Recommend to the Council such measures as may be necessary or expedient for the good government and welfare of the City.
4. Generally supervise and direct the administration of the City government.
5. Supervise and conduct the business affairs of the City and cause accurate records to be kept by modern and efficient accounting methods.
6. Supervise the performance of all contracts for work to be done for the City, supervise all purchases of material and supplies and ensure that such material and supplies are received and are of the quality and character called for by the contract.
7. Supervise the construction, improvement, repair, maintenance and management of all City properties, capital improvements and undertakings of the City, including the making and preservation of all surveys, maps, plans, drawings, specifications and estimates for capital improvements.
8. Be directly responsible to the Council for the administration of the City as directed by the Council. All City departmental administration requiring the attention of the Council shall be brought before the Council by the Administrator. Council

involvement in administration initiated by the Council must be coordinated through the Administrator.

9. Supervise and direct the official conduct of all officers, departments and employees of the City, specifically including, but not limited to, police, fire, streets, sewers, water pollution control facilities, parks, cemeteries, airport, municipal golf course, solid waste disposal, City utilities, and central administration. To effectuate this responsibility, the City Administrator shall have the power and authority to employ such assistants and other employees of the City for which the Council has approved the positions generally.

10. Represent the City, as directed by the Council, in all negotiations and relations with employees, contractors, consultants, other governmental units and civic organizations in which the City may have an interest.

11. Cooperate with, assist and advise all administrative agencies, City boards and commissions and act as the Council's liaison and representative to such entities.

12. Investigate the affairs and conduct of any department, agency, officer or employee of the City, as deemed appropriate.

13. Keep the Council fully advised of the financial and other conditions of the City and of its future needs.

14. Supervise and assist City boards, commissions and all City departments in the preparation of and administration and operation of the City's annual budget.

15. Make to the Council periodic reports of the general condition of the City, in writing, at such intervals as the Council directs.

16. Advise, assist and consult with the City Attorney on all City legal matters.

17. Formulate and recommend employment and personnel policies, compensation schedules and benefits with the approval of the Council and to cooperate and assist in all matters relating to collective bargaining.

18. Compile and maintain current and up-to-date information regarding all funding sources of the City, including State and Federal grant and loan programs; plan, develop, prepare and submit, with the approval and at the direction of the Council, applications for grants, loans and other sources of funding and to administer all such fundings.

19. Make recommendations to the Council and participate in projects and endeavors to support economic growth and development in the City.

20. Faithfully represent the Council and the City in intergovernmental relations.

21. Perform the responsibilities of the City Clerk as required by this Code of Ordinances and by the most current *Code of Iowa*.

22. Perform such other duties as the Mayor or Council may direct.

23. The City Administrator shall have the power to employ, reclassify, discipline or suspend or discharge any employee, except for those otherwise required to be appointed by the Mayor and/or the Council.

**21.03 COUNCIL'S RETAINED POWERS.** Without limitation, the Council specifically retains the following powers to:

1. Appoint the City Attorney.
2. Control and direct the activities of the City Administrator.
3. Make and establish the policies of the City.

**21.04 MAYOR’S RETAINED POWERS.** With limitations, the Mayor shall retain and enjoy the following powers to:

1. Function as the chief elected official with responsibility for the general public relations of the City and intergovernmental affairs.
2. Preside at all Council meetings.
3. Cooperate with the City Administrator in the furtherance of the policies of the Council.
4. Fulfill all legal obligations and responsibilities provided by ordinance or State law.
5. Appoint the Police Chief, subject to the consent of a majority of the Council.

**21.05 EXCEPTIONS.** The governance and operation of the Hawarden Community Hospital and the Hawarden Public Library are hereby excepted from all provisions of this chapter. The City Administrator shall have no authority over or responsibility in regard to such entities. The City Administrator shall act as the Council’s liaison and representative to the Hawarden Community Hospital and Hawarden Public Library and will cooperate with the board and administrators of such entities for the good of the City. The City Administrator, from time to time, as deemed appropriate, shall make recommendations to the Council concerning its relations with the Hawarden Community Hospital and Hawarden Public Library.

**21.06 COUNCIL RELATIONS.** The City Administrator shall not take part in any election except by casting his or her vote, and shall not appoint a City elected official to any City office or employment.

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## CHAPTER 22

### LIBRARY BOARD OF TRUSTEES

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| 22.01 Public Library                   | 22.07 Nonresident Use             |
| 22.02 Library Trustees                 | 22.08 Expenditures                |
| 22.03 Qualifications of Trustees       | 22.09 Annual Report               |
| 22.04 Organization of the Board        | 22.10 Injury to Books or Property |
| 22.05 Powers and Duties                | 22.11 Theft                       |
| 22.06 Contracting with Other Libraries | 22.12 Notice Posted               |

**22.01 PUBLIC LIBRARY.** The public library for the City is known as the Hawarden Public Library. It is referred to in this chapter as the Library.

**22.02 LIBRARY TRUSTEES.** The Board of Trustees of the Library, hereinafter referred to as the Board, consists of five resident members. All members are to be appointed by the Mayor with the approval of the Council.

**22.03 QUALIFICATIONS OF TRUSTEES.** All members of the Board shall be bona fide citizens and residents of the City. Members shall be over the age of eighteen (18) years.

**22.04 ORGANIZATION OF THE BOARD.** The organization of the Board shall be as follows:

1. Term of Office. All appointments to the Board shall be for six years, except to fill vacancies. Each term shall commence on July 1. Appointments shall be made every two years of one-third the total number or as near as possible, to stagger the terms.
2. Vacancies. The position of any Trustee shall be vacated if such member moves permanently from the City and shall be deemed vacated if such member is absent from six (6) consecutive regular meetings of the Board, except in the case of sickness or temporary absence from the City. Vacancies in the Board shall be filled in the same manner as an original appointment except that the new Trustee shall fill out the unexpired term for which the appointment is made.
3. Compensation. Trustees shall receive no compensation for their services.
4. Quorum and Voting. All action by the Board shall require a majority vote of the whole number of members appointed to the Board.

**22.05 POWERS AND DUTIES.** The Board shall have and exercise the following powers and duties:

1. Officers. To meet and elect from its members a President, a Secretary, and such other officers as it deems necessary.
2. Physical Plant. To have charge, control and supervision of the Library, its appurtenances, fixtures and rooms containing the same.
3. Charge of Affairs. To direct and control all affairs of the Library.
4. Hiring of Personnel. To employ a librarian, and authorize the librarian to employ such assistants and employees as may be necessary for the proper

management of the Library, and fix their compensation; provided, however, that prior to such employment, the compensation of the librarian, assistants and employees shall have been fixed and approved by a majority of the members of the Board voting in favor thereof.

5. Removal of Personnel. To remove the librarian, by a two-thirds vote of the Board, and provide procedures for the removal of the assistants or employees for misdemeanor, incompetence or inattention to duty, subject however, to the provisions of Chapter 35C of the *Code of Iowa*.

6. Purchases. To select, or authorize the librarian to select, and make purchases of books, pamphlets, magazines, periodicals, papers, maps, journals, other Library materials, furniture, fixtures, stationery and supplies for the Library within budgetary limits set by the Board.

7. Use by Nonresidents. To authorize the use of the Library by nonresidents and to fix charges therefor unless a contract for free service exists.

8. Rules and Regulations. To make and adopt, amend, modify or repeal rules and regulations, not inconsistent with this Code of Ordinances and the law, for the care, use, government and management of the Library and the business of the Board, fixing and enforcing penalties for violations.

9. Expenditures. To have exclusive control of the expenditure of all funds allocated for Library purposes by the Council, and of all moneys available by gift or otherwise for the erection of Library buildings, and of all other moneys belonging to the Library including fines and rentals collected under the rules of the Board.

10. Gifts. To accept gifts of real property, personal property, or mixed property, and devises and bequests, including trust funds; to take the title to said property in the name of the Library; to execute deeds and bills of sale for the conveyance of said property; and to expend the funds received by them from such gifts, for the improvement of the Library.

11. Enforce the Performance of Conditions on Gifts. To enforce the performance of conditions on gifts, donations, devises and bequests accepted by the City by action against the Council.

*(Code of Iowa, Ch. 661)*

12. Record of Proceedings. To keep a record of its proceedings.

**22.06 CONTRACTING WITH OTHER LIBRARIES.** The Board has power to contract with other libraries in accordance with the following:

1. Contracting. The Board may contract with any other boards of trustees of free public libraries, with any other city, school corporation, private or semiprivate organization, institution of higher learning, township, or County, or with the trustees of any County library district for the use of the Library by their respective residents.

*(Code of Iowa, Sec. 392.5 & Ch. 28E)*

2. Termination. Such a contract may be terminated at any time by mutual consent of the contracting parties. It also may be terminated by a majority vote of the electors represented by either of the contracting parties. Such a termination proposition shall be submitted to the electors by the governing body of a contracting party on a written petition of not less than five percent (5%) in number of the electors who voted for governor in the territory of the contracting party at the last general

election. The petition must be presented to the governing body not less than forty (40) days before the election. The proposition may be submitted at any election provided by law that is held in the territory of the party seeking to terminate the contract.

**22.07 NONRESIDENT USE.** The Board may authorize the use of the Library by persons not residents of the City or County in any one or more of the following ways:

1. Lending. By lending the books or other materials of the Library to nonresidents on the same terms and conditions as to residents of the City, or County, or upon payment of a special nonresident Library fee.
2. Depository. By establishing depositories of Library books or other materials to be loaned to nonresidents.
3. Bookmobiles. By establishing bookmobiles or a traveling library so that books or other Library materials may be loaned to nonresidents.
4. Branch Library. By establishing branch libraries for lending books or other Library materials to nonresidents.

**22.08 EXPENDITURES.** All money appropriated by the Council for the operation and maintenance of the Library shall be set aside in an account for the Library. Expenditures shall be paid for only on orders of the Board, signed by its President and Secretary.

*(Code of Iowa, Sec. 384.20 & 392.5)*

**22.09 ANNUAL REPORT.** The Board shall make a report to the Council immediately after the close of the fiscal year. This report shall contain statements as to the condition of the Library, the number of books added, the number circulated, the amount of fines collected, and the amount of money expended in the maintenance of the Library during the year, together with such further information as may be required by the Council.

**22.10 INJURY TO BOOKS OR PROPERTY.** It is unlawful for a person willfully, maliciously or wantonly to tear, deface, mutilate, injure or destroy, in whole or in part, any newspaper, periodical, book, map, pamphlet, chart, picture or other property belonging to the Library or reading room.

*(Code of Iowa, Sec. 716.1)*

**22.11 THEFT.** No person shall take possession or control of property of the Library with the intent to deprive the Library thereof.

*(Code of Iowa, Sec. 714.1)*

**22.12 NOTICE POSTED.** There shall be posted in clear public view within the Library notices informing the public of the following:

1. Failure To Return. Failure to return Library materials for two months or more after the date the person agreed to return the Library materials, or failure to return Library equipment for one month or more after the date the person agreed to return the Library equipment, is evidence of intent to deprive the owner, provided a reasonable attempt, including the mailing by restricted certified mail of notice that such material or equipment is overdue and criminal actions will be taken, has been made to reclaim the materials or equipment.

*(Code of Iowa, Sec. 714.5)*

2. Detention and Search. Persons concealing Library materials may be detained and searched pursuant to law.

*(Code of Iowa, Sec. 808.12)*

## CHAPTER 23

# PLANNING AND ZONING COMMISSION

23.01 Planning and Zoning Commission  
23.02 Term of Office  
23.03 Vacancies

23.04 Compensation  
23.05 Powers and Duties

**23.01 PLANNING AND ZONING COMMISSION.** The City Planning and Zoning Commission, hereinafter referred to as the Commission, consists of seven members appointed by the Council. The Commission members shall be residents of the City and shall not hold any elective office in the City government.

*(Code of Iowa, Sec. 414.6 & 392.1)*

**23.02 TERM OF OFFICE.** The term of office of the members of the Commission shall be five years. The terms of not more than one-third of the members will expire in any one year.

*(Code of Iowa, Sec. 392.1)*

**23.03 VACANCIES.** If any vacancy exists on the Commission caused by resignation, or otherwise, a successor for the residue of the term shall be appointed in the same manner as the original appointee.

*(Code of Iowa, Sec. 392.1)*

**23.04 COMPENSATION.** All members of the Commission shall serve without compensation, except their actual expenses, which shall be subject to the approval of the Council.

*(Code of Iowa, Sec. 392.1)*

**23.05 POWERS AND DUTIES.** The Commission shall have and exercise the following powers and duties:

1. Selection of Officers. The Commission shall choose annually at its first regular meeting one of its members to act as Chairperson and another as Vice Chairperson, who shall perform all the duties of the Chairperson during the Chairperson's absence or disability.

*(Code of Iowa, Sec. 392.1)*

2. Adopt Rules and Regulations. The Commission shall adopt such rules and regulations governing its organization and procedure as it may deem necessary.

*(Code of Iowa, Sec. 392.1)*

3. Zoning. The Commission shall have and exercise all the powers and duties and privileges in establishing the City zoning regulations and other related matters and may from time to time recommend to the Council amendments, supplements, changes or modifications, all as provided by Chapter 414 of the *Code of Iowa*.

*(Code of Iowa, Sec. 414.6)*

4. Recommendations of Improvements. No statutory, memorial or work of art in a public place, and no public building, bridge, viaduct, street fixtures, public structure or appurtenances, shall be located or erected, or site therefor obtained, nor shall any permit be issued by any department of the City for the erection or location thereof

until and unless the design and proposed location of any such improvement shall have been submitted to the Commission and its recommendations thereon obtained, except such requirements and recommendations shall not act as a stay upon action for any such improvement when the Commission after thirty (30) days' written notice requesting such recommendations, shall have failed to file same.

*(Code of Iowa, Sec. 392.1)*

5. Review and Comment on Plats. All plans, plats, or re-plats of subdivision or re-subdivisions of land embraced in the City or adjacent thereto, laid out in lots or plats with the streets, alleys, or other portions of the same intended to be dedicated to the public in the City, shall first be submitted to the Commission and its recommendations obtained before approval by the Council.

*(Code of Iowa, Sec. 392.1)*

6. Review and Comment of Street and Park Improvements. No plan for any street, park, parkway, boulevard, traffic-way, river front, or other public improvement affecting the City plan shall be finally approved by the City or the character or location thereof determined, unless such proposal shall first have been submitted to the Commission and the Commission shall have had thirty (30) days within which to file its recommendations thereon.

*(Code of Iowa, Sec. 392.1)*

7. Fiscal Responsibilities. The Commission shall have full, complete and exclusive authority to expend for and on behalf of the City all sums of money appropriated to it, and to use and expend all gifts, donations or payments whatsoever which are received by the City for City planning and zoning purposes.

*(Code of Iowa, Sec. 392.1)*

8. Limitation on Entering Contracts. The Commission shall have no power to contract debts beyond the amount of its original or amended appropriation as approved by the Council for the present year.

*(Code of Iowa, Sec. 392.1)*

9. Annual Report. The Commission shall each year make a report to the Mayor and Council of its proceedings, with a full statement of its receipts, disbursements and the progress of its work during the preceding fiscal year.

*(Code of Iowa, Sec. 392.1)*

## CHAPTER 24

### PARK BOARD

24.01 Park Board  
24.02 Term  
24.03 Appointments  
24.04 Organization  
24.05 Treasurer  
24.06 Budgeting

24.07 Records and Reports  
24.08 Jurisdiction and Authority  
24.09 Limited Leases  
24.10 Rules and Regulations  
24.11 Penalties  
24.12 Swimming Pool

**24.01 PARK BOARD.** There shall be a Board of Park Commissioners for the City consisting of five (5) citizens of legal age.

**24.02 TERM.** Commissioners are appointed for staggered four-year terms, excluding the initial appointments.

**24.03 APPOINTMENTS.** The Mayor shall appoint members to the Park Board subject to approval by the Council. The initial appointments shall consist of the three existing Park Board Members and two newly appointed members. Of the current Park Commissioners, the two most recently elected/appointed Park Board members shall be appointed to four-year terms. The remaining current Park Commissioner shall be appointed for a two-year term. The two additional appointed members of the Park Board shall be appointed for a two-year term and a four-year term.

**24.04 ORGANIZATION.** In January of every even year, the Board shall elect one of its members as Chairperson and one as Secretary.

**24.05 TREASURER.** The City Finance Officer is the Treasurer of the Board and pays out all moneys under the control of the Board on orders signed by the Chairperson and Secretary within approved budgeted amounts. Such officer receives no compensation for such services.

**24.06 BUDGETING.** The Board, working with the City Administrator, shall submit to the Council each year a proposed project list for general park purposes for the ensuing fiscal year. The Council shall include such items, or so much thereof as it may deem necessary, in the City's annual budget as certified to the County Auditor.

**24.07 RECORDS AND REPORTS.** The Board shall keep a record of all its transactions and proceedings and submit an annual presentation to the Council during the budget process describing the current status of existing projects funded and the upcoming item proposed.

**24.08 JURISDICTION AND AUTHORITY.** Subject to the ultimate authority of the Council, the Board shall have control of the parks and pleasure grounds or of any other ground owned by the City and set apart for like purposes within and without the City. All ordinances of the City shall be in full force and effect in and over the territory occupied by such parks.

**24.09 LIMITED LEASES.** Under the guidelines approved by the Council, the Board may lease under reasonable rates and requirements a particular park or portion thereof.

**24.10 RULES AND REGULATIONS.** The Board shall have the power to draft rules and regulations for the use of park or other facilities under its control for adoption by the Council. Such rules shall be posted on the facility or otherwise publicized in a manner to provide adequate notice to the public.

**24.11 PENALTIES.** Any person who violates a Board rule or regulation which has been approved by the Council and adopted by ordinance may be subject to the penalties provided for in the ordinance adopting the rule or regulation.

**24.12 SWIMMING POOL.** The Board shall not manage the City Swimming Pool and the area surrounding it which is incidental to or part of the pool.

## CHAPTER 25

# HOSPITAL BOARD OF TRUSTEES

25.01 Establishment of Board  
25.02 Term and Election of Members  
25.03 Compensation

25.04 Powers and Duties  
25.05 Contracts

**25.01 ESTABLISHMENT OF BOARD.** There is hereby established a Hospital Board of Trustees for the City.

**25.02 TERM AND ELECTION OF MEMBERS.** The Board of Trustees shall consist of five (5) members. Members of the Board shall reside within the hospital service area within the boundaries of the state, and shall be elected by the voters of the City, for four-year staggered terms, in such a manner that the term of office of no more than three (3) members shall expire at each regular City election. A vacancy on the Board shall be filled by appointment by the remaining members of the Board of Trustees unless within fourteen (14) days after the appointment there is filed with the City Clerk a petition which requests a special election to fill the vacancy. Trustees appointed to fill a vacancy or elected at special elections shall serve the unexpired terms of office or until their successors are elected and qualified.

*(Code of Iowa, Sec. 392.6)*

**25.03 COMPENSATION.** The Trustees shall receive no compensation for their services but may be reimbursed for any cash expenditures actually made for personal expenses incurred as Trustee, but an itemized statement of all expenses for moneys paid out shall be made under oath by each of the Trustees and filed with the Secretary and allowed only by affirmative vote of the full board.

**25.04 POWERS AND DUTIES.** The Board of Trustees is granted all the powers and duties necessary for the management, control and government of the City Hospital and the Board shall have and exercise the following specific powers and duties:

1. To meet and elect from its members a President, a Secretary and a Treasurer and such other officers as it deems necessary.
2. To purchase, condemn or lease a site for such public hospital and to provide and equip suitable hospital buildings.
3. To cause plans and specifications to be made and adopted for all hospital buildings and equipment and advertise for bids as required by law for other municipal buildings before making any contract for the construction of any such buildings or the purchase of such equipment.
4. To have general supervision and care of such grounds and buildings.
5. To employ an Administrator and necessary assistants and employees and to fix their compensation.
6. To have control and supervision over the physicians, nurses, attendants and patients in the hospital.

7. To accept property by gift, devise, bequest or otherwise and if the Board deems it advisable may at public sale sell or exchange any property so accepted upon a concurring vote of the majority of all members of the Board and apply the proceeds thereof or property received in exchange therefor to any legitimate hospital purpose.

8. To receive and control all revenue derived from hospital operations and grants and gifts from other sources and to determine the expenditure of the same pursuant to rules established by the Trustees without prior approval of the Council. The Trustees shall follow fiscal rules and procedures applicable to Iowa municipalities except as otherwise specifically required or permitted by State law or this Code.

9. To prepare an annual budget and submit the same to the Council.

The Board of Trustees shall not incur indebtedness or contract indebtedness or impose indebtedness on the City or enter into a contract agreeing for the expenditure of a sum of money where said money has not previously been provided for said Board by the Council.

**25.05 CONTRACTS.** The contracts made by the Board of Trustees pursuant to this chapter shall not be reviewable by the Council, nor shall said contracts need the approval of the Council.

## CHAPTER 26

# CITIZENS PROGRAMMING SELECTION COMMITTEE

### 26.01 Establishment

### 26.02 Committee Members

### 26.03 Organization of the Committee

### 26.04 Duties and Responsibilities

**26.01 ESTABLISHMENT.** There is hereby established a Citizens Programming Selection Committee whose purpose is to select for and commend to the community the value of cable television programming services to be carried on the broadband communications utility. These decisions will be based on a comprehensive analysis of data and information and recommendations provided by utility staff. These selections should provide constructive information and entertainment services and be economically viable.

**26.02 COMMITTEE MEMBERS.** The Committee shall be composed of seven (7) members, appointed by the Mayor and approved by the City Council. Criteria for committee membership shall include Hawarden residency, a subscription to the service, and a commitment to active participation.

### **26.03 ORGANIZATION OF THE COMMITTEE.**

1. Terms of Office. The term of appointment for each member shall be two (2) years, except that the term for the members of the first committee shall be as follows:

- A. One-half shall be appointed for two (2) years.
- B. One-half shall be appointed for four (4) years.

Thereafter, one-half of the membership shall be appointed bi-annually. Each member shall hold his or her position for the term for which he or she is appointed and until his or her successor shall have been appointed and qualified. A term shall begin on the first day of January and end on the last day of December in each appropriate year. Members may be reappointed for additional terms.

2. Vacancies. Any vacancy occurring in the Committee may be filled by appointment by the Mayor with approval of the City Council. A member appointed to fill a vacancy shall be appointed for the unexpired term of his or her predecessor. Any member may resign by submitting written notice of resignation to the Chairperson.

3. Meetings. The Citizens Programming Selection Committee may hold regular and special meetings. Regular meetings shall be held no less than four (4) times each year. Special meetings of the Committee may be called by the Chairperson. Written notice of the time and place for both regular and special meetings shall be given to each member either by personal delivery, mail, e-mail, phone, or fax at least 48 hours before the meeting. Any member who is absent, unexcused, from two consecutive regular meetings shall no longer be entitled to serve as a member of the Citizens Programming Selection Committee. Hawarden Municipal Utility staff shall attend all Citizens Programming Selection Committee meetings to advise and provide programming information, background and research data, and programming recommendations.

4. Quorum and Voting. At all meetings of the Committee, a simple majority of the members thereof shall constitute a quorum for the transaction of business. If a quorum is not present at any meeting of the Committee, the members present may adjourn the meeting, without notice other than announcement at the meeting, until a quorum shall be present.
5. Officers. The officers of the Citizens Programming Selection Committee shall be elected annually by the membership of the Committee and shall consist of a Chairperson, Co-Chair and Secretary.
  - A. Chairperson: Coordinate Committee activities in cooperation with the Hawarden Municipal Utilities staff, set meeting schedules and agendas, facilitate discussions, network with community groups and organizations, stay abreast of industry trends and programming developments. The Chairperson is a voting member of the Committee.
  - B. Co-Chair: Assist the Chairperson as requested, fill Chairperson's position in any absence, coordinate meeting times and facilities.
  - C. HMU: The Hawarden Municipal Utility staff shall provide programming information and background, coordinate presentations, conduct and provide research data, provide strategic direction, provide financial interpretation and support.

#### **26.04 DUTIES AND RESPONSIBILITIES.**

1. Duties and Responsibilities of the Committee. The Committee's primary responsibilities are to make selection decisions on cable television programming services and content and to serve as a private-sector advocate of the programming choices. The responsibilities of the Committee include:
  - A. Ensuring that cable television programming choices are consistent with community standards, market demands, and HMU's goals and objectives.
  - B. Serving as advocates to the community by promoting the goals and successes and advocating support for programming choices.
  - C. Fostering, encouraging, and developing community programming and utilization of access capabilities.
2. Duties and Responsibilities of the Committee Members. Collectively, the Committee has the final selection responsibility on the cable television programs and services that will be carried on the cable television system. Individually, Committee members provide input and serve as advocates of the program and support the Committee by serving responsibly and with dedication. Each Committee member shall meet the following requirements:
  - A. Showing undivided interest in the purpose and goals of the Hawarden Municipal Utilities operations.
  - B. Representing the community.
  - C. Supporting all Committee decisions.
  - D. Understanding the vision and mission of the HMU operations and promoting the goals and activities to member's own constituent groups and to the community as a whole.

- E. Attending all Committee meetings.
- F. Offering constructive, honest, and unbiased opinions without reservation.
- G. Encouraging orderly, systematic, and incremental implementation of the programming choices and discouraging the Committee from being distracted by secondary issues or projects not included in the programming 's annual agenda.
- H. Encouraging other Committee members to express their opinions openly in Committee meetings.
- I. Possessing and showing loyalty to the programming choices and honoring commitment to them.

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