

TITLE I - POLICY AND ADMINISTRATION**CHAPTER 1 - GENERAL PROVISIONS****ARTICLE 1
CODE OF ORDINANCES**

110-101 TITLE. This code of ordinances shall be known and may be cited as the City Code of the City of Estherville, Iowa, 2000.

110-102 DEFINITIONS. Terms used in this city code, unless specifically defined otherwise in another section shall have the meanings prescribed as follows:

1. "City": shall mean the City of Estherville, Iowa.
2. "County": shall mean Emmet County, Iowa.
3. "State": shall mean the State of Iowa.
4. "Council": shall mean the City Council of Estherville, Iowa.
5. "Clerk": shall mean the city clerk of Estherville, Iowa.
6. "Person": shall mean an individual, firm, partnership, domestic or foreign corporation, company, association or joint stock association, trust, or other legal entity, and includes a trustee, receiver, assignee, or similar representative thereof, but does not include a governmental body.
7. "Ordinances": shall mean the ordinances of the City of Estherville, Iowa, as embodied in the Code of Ordinances, ordinances not repealed by the ordinance adopting the Code of Ordinances, and those enacted hereafter.
8. "City Code": shall mean the Code of Ordinances of the City of Estherville, Iowa, 2000.
9. "Code": shall mean the specific chapter in which a specific subject is covered and bears a descriptive title word (such as the Building Code and/or a standard code adopted by reference).

10. "Measure": shall mean an ordinance, amendment, resolution, or motion.
11. "Statutes, Laws": shall mean the latest edition of the Code of Iowa, as amended.
12. "Preceding", "Following": shall mean next before and next after, respectively.
13. "Property": shall include real property, and tangible and intangible personal property unless clearly indicated otherwise.
14. "Property Owner": shall mean a person owning private property in the city as shown by the county auditor's plats of the city.
15. "Occupant, Tenant": applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.
16. "Year": shall mean a calendar year.
17. "Month": shall mean a calendar month.
18. "Writing, Written": shall include printing, typing, lithographing, or other mode of representing words and letters.
19. "Oath": shall be construed to include an affirmation in all cases in which by law an affirmation may be substituted for an oath, and in such cases the words "affirm" and "affirmed" shall be equivalent to the words "swear" and "sworn."
20. "Public Property": shall mean any and all property owned by the city or held in the name of the city by any of the departments, commissions, or agencies within the city government.
21. "Public Place": shall include in its meaning, but is not restricted to, any city-owned open place, such as parks and squares.
22. "Public Way": shall include any street, alley, boulevard, parkway, highway, sidewalk, or other public thoroughfare.

23. "Street": shall mean and include any public way, highway, street, avenue, boulevard, parkway, or other public thoroughfare, and each of such words shall include every other of them, and unless otherwise indicated in the text, shall include the entire width between property lines.
24. "Alley": shall mean a public right-of-way, other than a street, affording secondary means of access to abutting property.
25. "Sidewalk": shall mean that portion of the street between the edge of the traveled way, surfacing, or curb line and the adjacent property line.
26. "Public Purpose": shall mean the promotion of public health, safety, morals, general welfare, security, and prosperity of the residents of the City of Estherville.

110-103 RULES OF CONSTRUCTION. In the construction of the city code the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the council or repugnant to the context of the provisions.

1. Tense: words used in the present tense include the future.
2. May: confers a power.
3. Must: states a requirement.
4. Shall: imposes a duty.
5. Gender: the masculine gender shall include the feminine and neuter genders.
6. Interpretation: all general provisions, terms, phrases, and expressions contained in the city code shall be liberally construed in order that the true intent and meaning of the council may be fully carried out.

110-104 AMENDMENTS. All ordinances which amend, repeal, or in any manner affect the city code shall include proper reference to title, division, chapter, article, section, and subsection to maintain an orderly codification of ordinances of the city.

(Code of Iowa, 1999, Sec. 380.2)

110-105 CATCHLINES AND NOTES. The catchlines of the several sections of the city code, titles, headings (chapter, division, article, section, and subsection), editor's notes, cross references and state law references, unless set out in the body of the section itself, contained in the city code, do not constitute any part of the law, and are intended merely to indicate, explain, supplement, or clarify the contents of a section.

110-106 ALTERING CODE. It is unlawful for any person to change or amend by additions or deletions, any part or portion of the city code, or to insert or delete pages, or portions thereof, or to alter or tamper with the city code in any manner whatsoever which will cause the law of the city to be misrepresented thereby.

(Code of Iowa, 1999, Sec. 718.5)

110-107 STANDARD PENALTY. Unless another penalty is expressly provided by the city code for any particular provision, section or chapter, any person failing to perform a duty, or obtain a license required by, or violating any provision of the city code, or any rule or regulation adopted herein by reference shall be guilty of a misdemeanor and, upon conviction, be subject to a fine of not more than one hundred dollars (\$100) or imprisonment not to exceed thirty (30) days.

(Code of Iowa, 1999, Sec. 364.3 [2])

110-108 SEVERABILITY. If any section, provision, or part of the city code is adjudged invalid or unconstitutional, such adjudication will not affect the validity of the city code as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

TITLE I - POLICY AND ADMINISTRATION**CHAPTER 1 - GENERAL PROVISIONS****ARTICLE 2
OFFICERS AND EMPLOYEES**

110-201 OATHS. The oath of office shall be required and administered in accordance with the following:

1. Qualify for Office. All elected officers and the following appointed officers shall qualify for office by taking the prescribed oath:

(Code of Iowa, 1999, Sec. 63.1)

- A. City Clerk.
- B. Deputy City Clerk.
- C. Peace Officer.
- D. Treasurer.

2. Prescribed Oath. The prescribed oath is: "I, (name), do solemnly swear that I will support the constitution of the United States and the Constitution of the State of Iowa, and that I will faithfully and impartially, to the best of my ability, discharge all duties of the office of (name of office) in Estherville as now or hereinafter required by law."

(Code of Iowa, 1999, Sec. 63.10)

3. Officers Empowered to Administer Oaths. The following are empowered to administer oaths and to take affirmations in any matter pertaining to the business of their respective office:

- A. The Mayor.
- B. The Clerk.
- C. Members of all boards, commissions, or bodies created by law.

(Code of Iowa, 1999, Sec. 63A.2)

110-202 BONDS. Surety bonds shall be provided in accordance with the following:

1. Required. The bonds of all municipal officers who are required to give bonds shall each be in such penal sum as may be provided by law or as the council shall from time to time prescribe by ordinance; but the council may provide for a surety bond running to the city and covering all city officers and employees not otherwise covered and conditioned as set forth for bonds in Section 64.2 of the 1999 Code of Iowa.

(Code of Iowa, 1999, Sec. 64.13)

2. Surety. Any association or incorporation which does the business of insuring the fidelity of others, and which has authority by law to do business in this state, shall be accepted as surety upon any bonds required.

3. Bonds Approved. Bonds shall be approved by the council.

(Code of Iowa, 1999, Sec. 64.19[5])

4. Bonds Filed. All bonds, after approval and proper record, shall be filed with the clerk.

(Code of Iowa, 1999, Sec. 64.23)

5. Record. The clerk shall keep a book, to be known as the "Record of Official Bonds" in which shall be recorded the official bonds of all city officers, elective, or appointive.

(Code of Iowa, 1999, Sec. 64.24 [3])

110-203 DUTIES: GENERAL. Each municipal officer shall exercise the powers and perform the duties prescribed by law and city code, or as otherwise directed by the council unless contrary to state law or city charter.

(Code of Iowa, 1999, Sec. 372.13 [4])

110-204 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, except for those records that have been designated as being confidential pursuant to Section 22.7, Code of Iowa, 1999.

(Code of Iowa, 1999, Sec. 22.2)

110-205 TRANSFER TO SUCCESSOR. Each officer shall transfer to his successor in office all books, paper, records, documents, and property in his custody and appertaining to his office.

(Code of Iowa, 1999, Sec. 372.13 [4])

110-206 OPEN MEETINGS. All meetings of the council, any board or commission, or any committee of the foregoing bodies, shall comply with the following:

1. Open to Public. Meetings shall be open to the public at all times, and any meetings which are not open to the public are prohibited, unless closed meetings are expressly permitted by law.

(Code of Iowa, 1999, Sec. 21.3)

2. Exception. Any meeting may be closed by affirmative vote of two-thirds of its members when authorized by Section 21.5 of the 1999 Code of Iowa.

(Code of Iowa, 1999, Sec. 21.5)

3. Advance Notice of Meetings. Each public agency shall give advance public notice of the date, time and place of each meeting in accordance with Section 21.4 of the 1999 Code of Iowa.

(Code of Iowa, 1999, Sec. 21.4)

110-207 CONFLICT OF INTEREST. A city officer or employee shall not have an interest, direct or indirect, in any contract or job of work or material or the profits thereof or services to be furnished or performed for his city, unless expressly permitted by law. A contract entered into in violation of this section is void. The provisions of this section do not apply to:

(Code of Iowa, 1999, Sec. 362.5)

1. Compensation of Officers. The payment of lawful compensation of a city officer or employee holding more than one city office or position, the holding of which is not incompatible with another public office or is not prohibited by law.

(Code of Iowa, 1999, Sec. 362.5 [1])

2. Investment of Funds. The designation of a bank or trust company as a depository, paying agent, or for investment of funds.

(Code of Iowa, 1999, Sec. 362.5 [2])

3. City Treasurer. An employee of a bank or trust company, who serves as treasurer of a city.

(Code of Iowa, 1999, Sec. 362.5 [3])

4. Contracts made by the city upon competitive bid in writing, publicly invited and opened.

(Code of Iowa, 1999, Sec. 362.5 [4])

5. Stock Interests. Contracts in which a city officer or employee has an interest solely by reason of employment, or a stock interest of the kind described in subsection nine (9) of this section, or both, if the contracts are made by competitive bid, publicly invited and opened, and if the remuneration of employment will not be directly affected as a result of the contract and the duties of employment do not directly involve the procurement or preparation of any part of the contract. The competitive bid requirement of this subsection shall not be required for any contract for professional services not customarily awarded by competitive bid.

(Code of Iowa, 1999, Sec. 362.5 [5])

6. Newspaper. The designation of an official newspaper.

(Code of Iowa, 1999, Sec. 362.5 [6])

7. Existing Contracts. A contract in which a city officer or employee has an interest if the contract was made before the time he was elected or appointed, but the contract may not be renewed.

(Code of Iowa, 1999, Sec. 362.5 [7])

8. Volunteers. Contracts with volunteer firemen or civil defense volunteers.

(Code of Iowa, 1999, Sec. 362.5 [8])

9. Corporations. A contract with a corporation in which a city officer or employee has an interest by reason of stockholdings when less than five (5) percent of the outstanding stock of the corporation is owned or controlled directly or indirectly by the officer or employee or the spouse or immediate family of such officer or employee.

(Code of Iowa, 1999, Sec. 362.5 [9])

10. Competitive Bids. A contract made by competitive bid, publicly invited and opened, in which a member of a city board of trustees, commission, or administrative agency has an interest if he is not authorized by law to participate in the awarding of the contract. The competitive bid requirement of this subsection does not apply to any contract for professional services not customarily awarded by competitive bid.

(Code of Iowa, 1999, Sec. 362.5 [10])

11. Contracts not otherwise permitted by this section for the purchase of goods and services which benefit a city officer or employee, if the purchases benefiting that officer or employee do not exceed a cumulative total purchase price of one thousand five hundred dollars (\$1,500) in a fiscal year.

12. Franchise Agreements. Franchise agreements between a city and a utility and contracts entered into by a city for the provision of essential city utility services.

110-208 TERMS OF APPOINTED OFFICERS. The terms of all appointed officers that are not otherwise fixed by law or ordinance shall be two (2) years, such terms expiring at the time of the organizational meeting of the council in January following the regular municipal election and the appointment of a successor.

110-209 RESIGNATIONS. An elected officer who wishes to resign may do so by submitting his resignation in writing to the clerk so that it shall be properly recorded and considered. A person who resigns from an elective office is not eligible for appointment to the same office during the

time for which he was elected if during that time, the compensation of the office has been increased.

(Code of Iowa, 1999, Sec. 372.13 [9])

110-210 REMOVAL OF APPOINTED OFFICERS. Except as otherwise provided by state or city law, all persons appointed to city office may be removed by the officer or body making the appointment, but every such removal shall be by written order. The order shall give the reasons, be filed in the office of the clerk, and a copy shall be sent by certified mail to the person removed who, upon request filed with the clerk within thirty (30) days of the date of mailing the copy, shall be granted a public hearing before the council on all issues connected with the removal. The hearing shall be held within thirty (30) days of the date the request is filed, unless the person removed requests a later date.

(Code of Iowa, 1999, Sec. 372.15)

110-211 VACANCIES. A vacancy in an elective city office during a term of office shall be filled by the council, within forty (40) days after the vacancy occurs, for the balance of the unexpired term unless a special election is sooner held to fill the office for the remaining balance of the unexpired term. Such an election shall be called if the council is presented with a petition so requesting in accordance with state law. When a vacancy occurs in an appointed office, it must be filled by the appointing authority.

(Code of Iowa, 1999, Sec. 372.13 [2])

110-212 UNLAWFUL USE OF CITY PROPERTY. No person shall use or permit any other person to use the property owned by the city for any private purpose and for personal gain, to the detriment of the city.

(Code of Iowa, 1999, Sec. 721.2 [5])

TITLE I - POLICY AND ADMINISTRATION

CHAPTER 1 - GENERAL PROVISIONS

**ARTICLE 3
RUN-OFF ELECTION**

110-301 PURPOSE. The purpose of this article is to adopt the alternative of using a run-off election in lieu of a primary election for the choosing of persons for elective offices, and prescribing the procedures to be followed therein.

(Code of Iowa, 1999, Sec. 376.9)

110-302 RUN-OFF ELECTION. A run-off election shall be held only for positions unfilled because of failure of a sufficient number of candidates to receive a majority vote in the regular city election.

(Code of Iowa, 1999, Sec. 376.9)

110-303 QUALIFICATION. Candidates who do not receive a majority of the votes cast for an office, but who receive the highest number of votes cast for that office in the regular city election, to the extent of twice the number of unfilled positions, are candidates in the run-off elections.

(Code of Iowa, 1999, Sec. 376.9)

110-304 TIME HELD. Run-off elections shall be held four (4) weeks after the date of the regular city election and shall be conducted in the same manner as regular city elections.

(Code of Iowa, 1999, Sec. 376.9)

110-305 CANDIDATES ELECTED. Candidates in the run-off election who receive the highest number of votes cast for each office on the ballot are elected to the extent necessary to fill the positions open.

(Code of Iowa, 1999, Sec. 376.9)

TITLE I - POLICY AND ADMINISTRATION**CHAPTER 1 - GENERAL PROVISIONS****ARTICLE 4
FISCAL MANAGEMENT**

110-401 PURPOSE. The purpose of this article is to establish policies and provide for rules and regulations governing the management of the financial affairs of the city.

110-402 FINANCE OFFICER. The city clerk shall be the finance and accounting officer of the city and shall be responsible for the administration of the provisions of this article.

110-403 CASH CONTROL. To assure the proper accounting and safe custody of monies, the following shall apply:

1. Deposit of Funds. All monies or fees collected for any purpose by any city officer shall be deposited through the office of the clerk. If any said fees are due to an officer, they shall be paid to him by check drawn by the clerk and approved by the council only upon such officer making adequate reports relating thereto as required by law, ordinance, or council directive.

(Code of Iowa, 1999, Sec. 721.2 [2])

2. Bank Deposits. All monies belonging to the city shall be promptly deposited in banks selected by the council in amounts not exceeding the authorized depository limitation established by the council.

3. Petty Cash Fund. The clerk shall be custodian of a petty cash fund not to exceed fifty dollars (\$50) for the payment of small claims for minor purchases, collect-on-delivery transportation charges and small fees customarily paid at the time of rendering a service for which payments the clerk shall obtain some form of receipt or bill acknowledged as paid by the vendor or his agent. At such time as the petty cash fund is approaching

depletion, the clerk shall draw a check for replenishment in the amount of the accumulated expenditures and said check and supporting detail shall be submitted to the council as a claim in the usual manner for claims and charged to the proper funds and accounts. It shall not be used for salary payments or other personal services or personal expenses.

4. Change Fund. The clerk is authorized to draw a check on the General Fund for establishing a change fund in the amount of four hundred fifty dollars (\$450) for the purpose of making change without co-mingling other funds to meet the requirements of said office. Said change funds shall be in the custody of the clerk and he shall maintain the integrity of the fund.

110-404 FUND CONTROL. The clerk and treasurer shall establish and maintain separate and distinct funds in accordance with the following:

1. Revenues. All monies received by the city shall be credited to the proper fund as required by law, ordinance or resolution.
2. Expenditures. No disbursement shall be made from a fund unless such disbursement is authorized by law, ordinance or resolution, was properly budgeted, and supported by a claim approved by the council.
3. Statutory Emergency Fund. The City Council may provide for a statutory emergency fund as authorized by Iowa law. No transfers from any other fund to the statutory emergency fund. Transfers from the statutory emergency fund to the general fund may be made as provided in rules promulgated by the City Finance Committee.

(Code of Iowa, 1999, Sec. 384.8)

4. Debt Service Fund. Except where specifically prohibited by state law, monies may be transferred from any other city fund to the debt service fund to meet payments of principal and interest. Such transfers must be authorized by the original budget or a budget amendment.

5. Capital Improvements Reserve Fund. Except where specifically prohibited by state law, monies may be transferred from any city fund to the capital improvements reserve fund. Such transfers must be authorized by the original budget or a budget amendment.

(Code of Iowa, 1999, Sec. 384.7)

6. Utility and Enterprise Funds. The governing body of a city utility, combined utility system, city enterprise or combined city enterprise which has a surplus in its fund may transfer such surplus to any other city fund, except the statutory emergency fund, by resolution. A surplus shall be defined in accordance with generally accepted accounting principles as promulgated by the American Institute of Certified Public Accountants. No transfer shall be made that is in violation of state law or rules of the city finance committee.

(Code of Iowa, 1999, Sec. 384.9)

7. Balancing of Funds. The clerk and treasurer shall reconcile their fund accounts at the close of each month and submit a report thereof to the council.

110-405 OPERATING BUDGET PREPARATION. The annual operating budget of the city shall be prepared in accordance with the following:

1. Proposal Prepared. The clerk shall be responsible for preparation of the annual budget detail, for review and adoption by the mayor and council in accordance with directives of the mayor and council.

2. Boards and Commissions. All boards, commissions, and other administrative agencies of the city that are authorized to prepare and administer budgets must submit

their budget proposals to the clerk for inclusion in the proposed city budget no later than January 10 of each year and in such form as may be required by the clerk.

3. Submission to Council. The clerk shall submit the completed budget proposal to the council no later than February 15 of each year.

4. Council Review. The council shall review the proposed budget and may make any adjustments in the budget which it deems appropriate before accepting such proposal for publication, hearing, and final adoption.

5. Notice of Hearing. Upon adopting a proposed budget, the council shall set a date for public hearing thereon to be held before March 15 and cause notice of such hearing and a summary of the proposed budget to be published not less than ten (10) nor more than twenty (20) days before the date established for the hearing. Proof of such publication must be filed with the county auditor.

(Code of Iowa, 1999, Sec. 384.16 [3])

6. Copies of Budget on File. No later than ten (10) days before the public hearing the clerk shall make available a sufficient number of copies of the detailed budget to meet the requests of taxpayers and organizations, and have them available for distribution at the offices of the mayor and clerk and at the city library.

(Code of Iowa, 1999, Sec. 384.16 [2])

7. Adoption and Certification. After the hearing, the council shall adopt, by resolution, a budget for at least the next fiscal year and the clerk shall certify the necessary tax levy for the next fiscal year to the county auditor and the county board of supervisors. The tax levy certified may be less than, but not more than, the amount estimated in the proposed budget. Two copies each of the detailed budget as adopted and of the tax certificate must be transmitted to the county auditor.

(Code of Iowa, 1999, Sec. 384.16 [5])

110-406 CAPITAL BUDGET PREPARATION.

(RESERVED FOR FUTURE USE)

110-407 BUDGET AMENDMENTS. A city budget finally adopted for the following fiscal year becomes effective July 1 and constitutes the city appropriation for each program and purpose specified therein until amended as provided by this section.

(Code of Iowa, 1999, Sec. 384.18)

1. Program Increase. Any increase in the amount appropriated to a program must be prepared, adopted, and subject to protest in the same manner as the original budget.

(Code of Iowa, 1999, Sec. 384.18[1])

2. Program Transfer. Any transfer of appropriation from one program to another must be prepared, adopted, and subject to protest in the same manner as the original budget.

(Code of Iowa, 1999, Sec. 384.18[2])

3. Sub-program Transfer. Any transfer of appropriation from one sub-program to another must be approved by resolution of the council.

(Code of Iowa, 1999, Sec. 384.18[3])

4. Activity Transfers. The clerk, subject to the approval of the finance committee, shall have the authority to adjust, by transfer or otherwise, the appropriation allocated to activities within a program or sub-program provided, however, that when such adjustments in any one activity aggregate one thousand dollars (\$1,000) or ten (10) percent of the amount appropriated, whichever is greater, no further adjustments shall be made without approval by the council. All such transfers shall be reported in writing at the next regular meeting of the council following the transfer and recorded in the minutes for the information of the council and general public.

(Code of Iowa, 1999, Sec. 384.18[4])

110-408 INVESTMENT OF FUNDS. The clerk shall advise the council on investments and shall invest city monies not immediately needed at interest in accordance with council directives and the requirements of Chapter 12B and 12C, Code of Iowa, 1999.

110-409 ACCOUNTING. The accounting records of the city shall consist of not less than the following:

1. Revenue and Expense. There shall be established and maintained records of original entry to provide a chronological listing of cash received and cash disbursed.
2. General Ledger. There shall be established and maintained a general ledger controlling all cash transactions, budgetary accounts, and for recording unappropriated surpluses.
3. Checks. Checks shall be prenumbered and signed by the clerk following council approval, except as provided by subsection 5 hereof.
4. Budget Accounts. There shall be established such individual accounts to record receipts by source and expenditures by program, sub-program , and activity as will provide adequate information and control for budgeting purposes as planned and approved by the council. Each individual account shall be maintained within its proper fund and so kept that receipts can be immediately and directly compared with revenue estimates and expenditures can be related to the authorizing appropriation. No expenditure shall be posted except to the appropriation for the function and purpose for which the expense was incurred.
5. Immediate Payment Authorized. The council may by resolution authorize the clerk to issue checks for immediate payment of amounts due which if not paid promptly would result in loss of discount, penalty for late payment, or additional interest cost. Any such payments made shall be reported to the council for review and approval with and in the same manner as other claims at the next meeting following such payment. The

resolution authorizing immediate payment shall specify the type of payment so authorized and may include but is not limited to payment of utility bills, contractual obligations, payroll, and bond principal and interest.

6. Utilities. The clerk shall perform and be responsible for accounting functions of the municipally owned utilities.

110-410 FINANCIAL REPORTS. The clerk shall prepare and file the following financial reports:

1. Monthly Reports. There shall be submitted to the council each month a report showing the activity and status of each fund, program, sub-program, and activity for the preceding month.

2. Annual Report. Not later than October first of each year there shall be published an annual report containing a summary for the preceding fiscal year of all collections and receipts, all accounts due the city, and all expenditures, the current public debt of the city, and the legal debt limit of the city for the current fiscal year. A copy of the annual report must be furnished to the auditor of state.

(Code of Iowa, 1999, Sec. 384.22)

110-411 CONTINGENCY ACCOUNT. Whenever the council shall have budgeted for a contingency account such an account shall be established in the accounting records but no claim shall be paid from such an account. Contingency accounts may be drawn upon only by council resolution directing a transfer to a specific purpose account within its fund and program and then only upon compelling evidence of an unexpected and unforeseeable need or emergency.

110-412 UNAUTHORIZED EXPENDITURE. No city official or employee, or any person acting under color of such office or employment, shall knowingly make any contract or authorize any expenditure known by him or her to be in excess of that authorized by law.

(Code of Iowa, 1999, Sec. 721.2 [1])

TITLE I - POLICY AND ADMINISTRATION**CHAPTER 1 - GENERAL PROVISIONS****ARTICLE 5
CIVIL SERVICE COMMISSION**

110-501 APPOINTMENT AND TERM OF OFFICE. A Civil Service Commission of three (3) members is hereby created. The mayor, with the approval of the council, shall appoint three (3) civil service commissioners who shall hold office, one until the first Monday in April of the second year, one until the first Monday in April of the fourth year, and one until the first Monday in April of the sixth year after such appointment. All appointments to successors in office after the completion of the term of the first appointees shall be for six (6) years.

110-502 QUALIFICATIONS. The commissioners so appointed must be citizens of the state and residents of the city, for more than five (5) years next preceding their appointment. No person while of said commission shall hold or be a candidate for any office of public trust.

110-503 COMPENSATION. Civil service commissioners shall serve without compensation.

110-504 CHAIRMAN. The commission shall elect a chairperson from its members. The clerk shall be the clerk of the commission and keep all records of the commission.

110-505 RECORDS. The Civil Service Commission shall keep a record of all its meetings and also a complete service record of each civil service employee which record shall be permanent and up to date.

110-506 OFFICES, EQUIPMENT, AND PERSONNEL. The council shall provide suitable rooms for the commission, with all necessary equipment to enable it to properly perform its duties.

110-507 PERSONS AFFECTED. All members of the Police Department, except police reserve officers, shall be under civil service rules as provided by the Civil Service Commission:

110-508 EXAMINATIONS. The Civil Service Commission shall conduct examinations and certify the list of qualified persons as provided by state law, and shall have, exercise, and perform all powers and duties as are provided by Chapter 400, 1999 Code of Iowa, or amendments thereto. (1999 Code).

TITLE I - POLICY AND ADMINISTRATION**CHAPTER 1 - GENERAL PROVISIONS****ARTICLE 6
AMORTIZATION OF PUBLIC IMPROVEMENTS**

110-601 AMORTIZATION PERIOD. That all street improvements, paving, curb and gutter, storm sewer, and sanitary sewer improvements made by the City of Estherville, Iowa, in the year 1976, and thereafter, shall be presumed to have a useful life of ten (10) years for purposes of computation of amortization of special assessment deficiencies upon benefited real estate as provided in Section 384.63 of the 1999 Code of Iowa.

110-602 EFFECTIVE. This chapter shall remain in full force and effect from and after its passage and publication as provided by law, from and after November 22, 1976.

TITLE I - POLICY AND ADMINISTRATION

CHAPTER 2 - ORGANIZATION

**ARTICLE 1
CHARTER**

120-101 TITLE. This article may be cited as the charter of the City of Estherville, Iowa.

120-102 FORM OF GOVERNMENT. The form of government of the City of Estherville, Iowa, is the mayor-council form of government.

(Code of Iowa, 1999, Sec. 372.4)

120-103 POWERS AND DUTIES. The council and mayor and other city officers have such powers and shall perform such duties as are authorized or required by Iowa law and by the ordinances, resolutions, rules, and regulations of the city.

120-104 NUMBER AND TERM OF COUNCIL. The council consists of two council members elected at large and one council member from each of five (5) wards as established by the city code, elected for overlapping terms of four years.

(Code of Iowa, 1999, Sec. 372.4)

120-105 TERM OF MAYOR. The mayor is elected for a term of two years.

(Code of Iowa, 1999, Sec. 376.2)

120-106 COPIES ON FILE. The clerk shall keep an official copy of the charter on file with the official records of the clerk, the secretary of state, and shall keep copies of the charter available at the clerk's office for public inspection.

(Code of Iowa, 1999, Sec. 372.9)

EDITOR'S NOTE

Ordinance No. 292 adopting a charter for the City of Estherville, Iowa, was passed and approved by the council on the 24th day of September, 1973, and published in the Estherville Daily News, Estherville, Iowa, on the 3rd day of October, 1973.

TITLE I - POLICY AND ADMINISTRATION

CHAPTER 2 - ORGANIZATION

**ARTICLE 2
BOUNDARIES**

120-201 CORPORATE LIMITS. The city planner and construction engineer shall keep an official map of the corporate limits of the city. Said map shall be kept current and amended appropriately whenever annexation materializes.

TITLE I - POLICY AND ADMINISTRATION**CHAPTER 2 - ORGANIZATION****ARTICLE 3
PRECINCTS AND WARDS**

120-301 DEFINITIONS. For the purposes of this ordinance, unless the context otherwise requires:

1. "Annexed Territory": means territory annexed to the City of Estherville after Census Day.
2. "Census Day": means the official date of the latest United States Decennial Census.
3. "City of Estherville": includes all territory within the corporate limits and all annexed territories.
4. "Commissioner of Elections": means the county auditor.
5. "Legislative District": means a district represented by a member of the House of Representatives of the General Assembly of the State of Iowa.
6. "Points of the Compass": are approximate unless otherwise stated.
7. "Street" or similar language: means the center line of the right-of-way, and a straight extension of that center line.
8. All names, boundaries, lines, features, and fixtures are to be construed as they existed on Census Day.
9. "Corporate limits": means the corporate limits of the City of Estherville on Census Day. The corporate limits do not embrace the annexed territories.

***120-302 PRECINCTS ESTABLISHED.** The City of Estherville is hereby divided into five (5) precincts as follows:

*Revised 8-6-01; Ord. No. 620 (All of Section 120-302)

1. First Precinct. Population 1,373 persons. The First Precinct shall consist of the territory as follows:

Bounded on the north side and east side by the corporate limits of the City of Estherville, Iowa, and north and east of a line commencing at the intersection of North Sixth (6th) Street and Twenty-second (22nd) Avenue North, south to the intersection of North Sixth (6th) Street and Eighth (8th) Avenue North, east to the intersection of North Thirteenth (13th) Street and Eighth (8th) Avenue North, south to the intersection of North Thirteenth (13th) Street and Fifth (5th) Avenue North, east along Fifth (5th) Avenue North to the corporate limits of the City of Estherville, all of which is a part of the Seventh Legislative District.

**2. Second Precinct. Population 1,266 persons. The Second Precinct shall consist of the territory as follows:

Bounded on the north side and west side by the corporate limits of the City of Estherville, Iowa, and north and west of a line commencing at the intersection of North Sixth (6th) Street and Twenty-second (22nd) Avenue North, south to the intersection of North Sixth (6th) Street and Central Avenue, west to the intersection of West Central Avenue and One Hundred Seventieth (170th) Street, and continuing west along One Hundred Seventieth (170th) Street to the west boundary of the corporate limits of the City of Estherville, Iowa, all of which is a part of the Seventh Legislative District.

3. Third Precinct. Population 1,328 persons. The Third Precinct shall consist of the territory as follows:

Within the boundary from the intersection of North Sixth (6th) Street and Central Avenue, north to the intersection of North Sixth (6th) Street and Eighth (8th) Avenue North, east to the intersection of North Thirteenth (13th) Street and Eighth (8th) Avenue

*Revised 8-6-01; Ord. No. 620 (All of Section 120-302)

**Revised 7-18-05; Ord. No. 657

North, south to the intersection of North Thirteenth (13th) Street and Fifth (5th) Avenue
 North, east to the intersection of North Fifteenth (15th) Street and Fifth (5th) Avenue North,
 south to the intersection of North Fifteenth (15th) Street and Third (3rd) Avenue North,
 east to the intersection of North Sixteenth (16th) Street and Third (3rd) Avenue North,
 south to the intersection of North Sixteenth (16th) Street and Central Avenue and west on
 Central Avenue to the point of origin, the intersection of Sixth (6th) Street and Central
 Avenue, all of which is a part of the Seventh Legislative District.

****4. Fourth Precinct.** Population 1,345 persons. The Fourth Precinct shall consist of
 the territory as follows:

Bounded on the west side and south side by the corporate limits of the City of
 Estherville, Iowa, and south and west of a line from the west boundary of the corporate
 limits of the City of Estherville, Iowa, and the intersection of One Hundred Seventieth
 (170th) Street east to the intersection of One Hundred Seventieth (170th) Street and West
 Central Avenue, east to the intersection of Central Avenue and South Seventeenth (17th)
 Street, south to the intersection of South Seventeenth (17th) Street and Third (3rd)
 Avenue South, west to the intersection of Third (3rd) Avenue South and South Fifteenth
 (15th) Street, south to the intersection of South Fifteenth (15th) Street and Seventh (7th)
 Avenue South, west to the intersection of Seventh (7th) Avenue South and South
 Fourteenth (14th) Street, north to the intersection of South Fourteenth (14th) Street and
 Sixth (6th) Avenue South, west to the intersection of Sixth (6th) Avenue South and South
 Ninth (9th) Street and south along South Ninth (9th) Street to the south boundary of the
 corporate limits of the City of Estherville, Iowa, all of which is a part of the Seventh
 Legislative District.

*Revised 8-6-01; Ord. No. 620 (All of Section 120-302)

**Revised 7-18-05; Ord. No. 657

5. Fifth Precinct. Population 1,345 persons. The Fifth Precinct shall consist of the territory as follows:

Bounded on the east side and south side by the corporate limits of the City of Estherville, Iowa, and east and south of a line commencing on the intersection of Fifth (5th) Avenue North and the eastern corporate limits of the City of Estherville, west to the intersection of Fifth (5th) Avenue North and North Fifteenth (15th) Street, south to the intersection of North Fifteenth (15th) Street and Third (3rd) Avenue North, east to the intersection of Third (3rd) Avenue North and North Sixteenth (16th) Street, south to the intersection of Central Avenue and North Sixteenth (16th) Street, east to the intersection of Central Avenue and South Seventeenth (17th) Street, south to the intersection of South Seventeenth (17th) Street and Third (3rd) Avenue South, west to the intersection of Third (3rd) Avenue South and South Fifteenth (15th) Street, south to the intersection of South Fifteenth (15th) Street and Seventh (7th) Avenue South, west to the intersection of Seventh (7th) Avenue South and South Fourteenth (14th) Street, north to the intersection of South Fourteenth (14th) Street and Sixth (6th) Avenue South, west to the intersection of Sixth (6th) Avenue South and South Ninth (9th) Street, and south along South Ninth (9th) Street to the corporate limits of the City of Estherville, Iowa, all of which is a part of the Seventh Legislative District.

120-303 WARDS ESTABLISHED. The City of Estherville is hereby divided into five (5) wards as follows:

1. The First Ward shall consist of the First Precinct.
2. The Second Ward shall consist of the Second Precinct.
3. The Third Ward shall consist of the Third Precinct.
4. The Fourth Ward shall consist of the Fourth Precinct.
5. The Fifth Ward shall consist of the Fifth Precinct.

120-304 CORRECTION OF ERRORS. If this ordinance fails to place any part of the City of Estherville within a precinct established by this ordinance, the commissioner of elections shall assign the omitted area to an adjacent precinct with the same legislative district. If this ordinance places any part of the City of Estherville in more than one precinct established by this ordinance, the commissioner of elections shall assign that territory to an adjacent precinct within the proper legislative district. The commissioner of elections may also correct obvious clerical errors in this ordinance.

120-305 PUBLICATION OF CHANGES. The city clerk is hereby directed to publish notice of the boundaries for the precincts and wards established by this ordinance, pursuant to law, (49.11, 1991, Code of Iowa). He shall also certify a copy of this ordinance, and a map drawn in conformance thereto, to the secretary of state.

TITLE I - POLICY AND ADMINISTRATION**CHAPTER 3 - MAYOR AND COUNCIL****ARTICLE 1
MAYOR**

130-101 TERM OF OFFICE. The mayor is elected for a term of two years.

(Code of Iowa, 1999, Sec. 376.2)

130-102 POWERS AND DUTIES. The powers and duties of the mayor shall be as follows:

1. RESERVED FOR FUTURE USE.

2. Presiding Officer. He 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.

(Code of Iowa, 1999, Sec. 372.14 [1 & 3])

3. Special Meetings. He shall call special meetings of the council when he deems such meetings necessary to the interests of the city.

(Code of Iowa, 1999, Sec. 372.14 [1])

4. Mayor's Veto. He may sign, veto, or take no action on an ordinance, amendment, or resolution passed by the council. However, the mayor may not veto a measure if he was entitled to vote on the measure at the time of passage. If he exercises his veto power, he must explain the reason for such veto to the council at the time of the veto. The council may override the mayor's veto by a two-thirds majority of the council members.

(Code of Iowa, 1999, Sec. 380.5, 380.6 [2])

5. Negotiations. He may represent the city in all negotiations properly entered into in accordance with law or ordinance. He shall not represent the city where this duty is specifically delegated to another officer by law, ordinance, or the council.

6. Contracts. He shall, whenever authorized by the council, sign all contracts on behalf of the city.
7. Professional Services. He shall, 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 he shall conduct himself in accordance with the city code and the laws of the State.
8. Licenses and Permits. He 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.
9. Nuisances. He may order in writing, to be removed at public expense, any nuisance for which no person can be found responsible and liable.
10. Absentee Officer. He shall make appropriate provision that duties of any absentee officer be carried on during such absence.

130-103 APPOINTMENTS. The mayor shall appoint the following officials:

1. Mayor Pro Tem.
2. Library Board of Trustees. (with council approval)
3. Park and Recreation Board. (with council approval)
4. Planning and Zoning Commission. (with council approval)
5. Zoning Board of Adjustment. (with council approval)
6. Airport Commission. (with council approval)
7. Civil Service Commission. (with council approval)
8. Police Chief.
9. Such Ad Hoc committees as shall be authorized by the City Council.

***130-104 COMPENSATION.** The salary of the mayor commencing at the inception of the next term of office shall be four hundred dollars (\$400) per month.

(Code of Iowa, 1999, Sec. 372.13 [8])

130-105 VOTING. The mayor is not a member of the council and may not vote as a member of the council.

(Code of Iowa, 1999, Sec. 372.4)

130-106 COUNCIL COMMITTEES. The mayor shall appoint members of such committees of the council as may be established by the mayor or council.

130-107 PROCEDURE. The following procedure shall be followed when pertaining to the consideration of ordinances and amended ordinances and passage thereof:

1. Procedure.

A. Council Member: "I wish to introduce and place on file a proposed ordinance entitled _____." (Let the clerk's record show that the proposed ordinance was introduced by Council Member _____ and duly placed on file.)

B. Council Member: "I move that the proposed ordinance entitled _____ be considered for the first time." Council Member: "I second the motion." The question is put by the mayor; the clerk calls the roll and records the yes and no votes; the mayor announces the vote.

C. The proposed ordinance is considered and if there is any discussion, a record should be made.

D. Council Member: "I move that the rule requiring that the ordinance to be considered on three different council meetings be suspended in passing and adopting the proposed ordinance entitled _____ and that the ordinance be considered for final passage at this time." Council Member: "I second the motion."

The mayor puts the question and the vote is taken; the clerk calls the roll and records the votes; the mayor announces the record of the vote. (There must be a ¾ vote of the full council in favor of this motion in order to dispense with this rule.)

E. Council Member: "I move that the proposed ordinance entitled _____ be finally passed and adopted." Council Member: "I second the motion." The mayor puts the question, the clerk calls the roll and records the vote; the mayor announces the record of the vote and declares whether or not the ordinance is adopted.

F. The ordinance must then be signed by the mayor and attested by the clerk. The clerk must then have the ordinance duly recorded in the ordinance book and it must be published in the newspaper or in book form as required by law.

G. The ordinance should then be authenticated by the mayor and clerk in the following form: "Above Ordinance No. ____ is duly authenticated this ____ day of _____, 20____."

(Signed) _____ (Mayor). Attest: _____ (City Clerk).

The official city seal should then be affixed.

2. Amendment. After an ordinance has been considered for the second time but not adopted, it shall be subject to amendment if the council so directs.

TITLE I - POLICY AND ADMINISTRATION**CHAPTER 3 - MAYOR AND COUNCIL_****ARTICLE 2
MAYOR PRO TEM**

130-201 VICE PRESIDENT OF COUNCIL. The mayor pro tem shall be vice president of the council.

(Code of Iowa, 1999, Sec. 372.14 [3])

130-202 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 his duties. In the exercise of the duties of his office the mayor pro tem shall not have power to 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, 1999, Sec. 372.14 [3])

130-203 VOTING RIGHTS. The mayor pro tem shall have the right to vote as a member of the council.

(Code of Iowa, 1999, Sec. 372.14 [3])

130-204 COMPENSATION. If the mayor pro tem performs the duties of the mayor during his absence or disability for a continuous period of fifteen (15) days or more, the mayor pro tem may be paid for that period such compensation as determined by the council, based upon his performance of the mayor's duties and upon the compensation of the mayor.

(Code of Iowa, 1999, Sec. 372.13 [8])

TITLE I - POLICY AND ADMINISTRATION**CHAPTER 3 - MAYOR AND COUNCIL****ARTICLE 3
COUNCIL**

130-301 NUMBER AND TERM OF COUNCIL. The council consists of two council members elected at large and one council member from each of five wards as established by the city code, elected for overlapping terms of four years.

(Code of Iowa, 1999, Sec. 372.4 & 376.2)

130-302 POWERS AND DUTIES. 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.

(Code of Iowa, 1999, 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, 1999, 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 which may be specially assessed.

(Code of Iowa, 1999, Sec. 364.2 [1],

384.16 & 384.38 [1])

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

(Code of Iowa, 1999, Sec. 364.2 [1])

5. 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 adopted by the council, or reduced to writing and approved by the council, or expressly authorized by ordinance or resolution adopted by the council.

(Code of Iowa, 1999, Sec. 364.2 [1]

& 384.95 through 384.102)

6. 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.

(Code of Iowa, 1999, Sec. 372.13 [4])

7. Records. The council shall maintain records of its proceedings.

(Code of Iowa, 1999, Sec. 372.13 [5])

8. 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.

(Code of Iowa, 1999, Sec. 372.13 [8])

130-303 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, 1999, Sec. 364.3 [1])

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 ten thousand dollars (\$10,000) 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.

(Code of Iowa, 1999, Sec. 380.4)

2. Overriding Mayor's Veto. Within thirty (30) days after the mayor's veto, the council may repass 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.

(Code of Iowa, 1999, Sec. 380.6 [2])

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.

(Code of Iowa, 1999, Sec. 380.6 [1])

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.

(Code of Iowa, 1999, Sec. 380.6 [2])

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.

(Code of Iowa, 1999, Sec. 380.6 [3])

130-304 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 times which the council will from time to time establish in the Council Chambers at City Hall. If such day shall fall on a legal holiday, the meeting shall be held on the next succeeding day at the same time unless a different day or time is determined by the council. Adjourned meetings may be held at any time and place as the council may determine.
2. Adjourned Meetings. Adjourned meetings of the council may be held at any time and place as the council may determine.
3. Special Meetings. The mayor or a majority of the members of the council may call special meetings of the council at such times and places as are necessary. Notice of such special meeting when called by the mayor, shall be given the members of the council, by a notice signed by the mayor and either personally served or left at the usual place of residence of the council member. For a meeting called by four (4) members of the council, notice shall be given the other members, signed by such four (4) members and the same shall be either personally served or left at the usual place of residence of such persons. A record of the service of all such notices shall be made by the clerk. Said notices to be served at least two (2) hours previous to the time set for said meeting.

(Code of Iowa, 1999, Sec. 372.13 [5])

4. Notice of Meetings. The public shall be given reasonable notice of all meetings of the council.

5. Quorum. A majority of the whole number of members of the council shall be necessary to constitute a quorum to transact business, but a smaller number as well as when a quorum is present may adjourn, or compel the attendance of absent members, and upon an order therefrom, the chief of police shall bring in the absentees. Any four (4) members of the council can compel the attendance of the absent members at any regular, adjourned or duly called meeting, by serving written notice upon the absent members to attend at once. If any absent member does not attend at once, upon the receipt of said notice, he shall be subject to a penalty of five dollars (\$5) which shall be entered in the minutes and deducted from his salary or in case no salary is due him, the penalty shall be collected by suit against him, brought in the name of the city.

(Code of Iowa, 1999, Sec. 372.13 [1])

6. 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. In all cases wherein the rules of the council are not applicable, the rules thereof shall follow Robert's Rules of Order.

(Code of Iowa, 1999, Sec. 372.13 [5])

7. Compelling Attendance. Any three (3) 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. If there is any absent member who does not attend at once, upon receipt of said notice, he shall be subject to a penalty of twenty-five dollars (\$25), or ten dollars (\$10) in the case of a special meeting, which shall be entered on the minutes and deducted from his salary, or in case no salary is due him, the penalty shall be collected by suit against him, brought in the name of the city.

130-305 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. Park and Recreation Director.
4. Treasurer.
5. Fire Chief.

***130-306 COMPENSATION.** The salary of each council member shall be fifty dollars (\$50) for each regular council meeting attended, forty dollars (\$40) for each committee meeting attended, and twenty-five dollars (\$25) for each special council meeting attended.

(Code of Iowa, 1999, Sec. 372.13 [8])

TITLE I - POLICY AND ADMINISTRATION**CHAPTER 4 - ADMINISTRATION****ARTICLE 1
CITY CLERK**

140-101 APPOINTMENT. At its first meeting in January following the regular city election the council shall appoint by majority vote a city clerk to serve for a term of two (2) years.

(Code of Iowa, 1999, Sec. 372.13 [3])

140-102 POWERS AND DUTIES. General. The city clerk or in the clerk's absence and inability to act, the deputy clerk, shall have primary management responsibility for the finance department, parks and recreation, solid waste collection, city hall and city hall maintenance, and such other areas of responsibility as are provided in this article, the city code, state law, and as the city administrator and/or City Council of the City of Estherville, Iowa, shall from time to time direct. The city clerk shall be directly responsible to the city administrator. In the city administrator's absence and inability to act, the city clerk shall serve as acting city administrator.

1. Revenue and Expense. There shall be established and maintained records of original entry to provide a chronological listing of cash received and cash disbursed.

140-103 RECORDING AND PUBLICATION OF MEETING MINUTES. The clerk shall attend all regular and special council meetings and within fifteen (15) days following a regular or special meeting shall cause the minutes of the proceedings thereof to be published. Such publication shall include a list of all claims allowed, a summary of all receipts, and the gross amount of the claims approved. Matters discussed in closed session pursuant to Section 21.3 of the Code of Iowa shall not be published until entered upon the public minutes.

(Code of Iowa, 1999, Sec. 372.13 [6])

140-104 RECORDING MEASURES CONSIDERED. The clerk shall promptly record each measure considered by the council, with a statement where applicable indicating whether the

mayor signed, vetoed, or took no action on the measure, and whether the measure was re-passed after the mayor's veto.

(Code of Iowa, 1999, Sec. 380.7 [13])

140-105 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 the city code 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, 1999, Sec. 362.3 [1])

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

(Code of Iowa, 1999, Sec. 362.3 [2])

140-106 AUTHENTICATION. The clerk shall authenticate all such measures except motions with his signature, certifying the time and manner of publication when required.

(Code of Iowa, 1999, Sec. 380.7 [3])

140-107 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, 1999, Sec. 380.11)

140-108 RECORDS. The clerk shall maintain the specified city records in the following manner:

1. Ordinances and Codes. He shall maintain copies of all effective city ordinances and codes for public use.

(Code of Iowa, 1999, Sec. 372.13 [4])

2. Custody. He shall 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, 1999, Sec. 372.13 [4])

3. Maintenance. He shall maintain all city records for at least five (5) years, except as follows:

A. Ordinances, resolutions, council proceedings, and records and documents pertaining to real property transactions or bond issues shall be maintained permanently except that actual bonds and coupons may be destroyed after two (2) years following retirement of the debt with a record of destruction placed with the original bond record.

(Code of Iowa, 1999, Sec. 372.13 [3 & 5])

B. Detailed minutes and tape recordings of any closed session of the Estherville City Council may be destroyed one (1) year from and after the date of such meeting.

(Code of Iowa, 1999, Sec. 21.5 [4])

4. Provide Copy. He shall furnish upon request to any municipal officer a copy of any record, paper, or document under his control when it may be necessary to such officer in the discharge of his duty. He shall furnish a copy of any public record, public paper, or public document to any citizen when requested upon payment of the fees set by council resolution. He 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 and city code are required to be attested by the affixing of the seal.

(Code of Iowa, 1999, Sec. 372.13 [4 & 5]

and 380.7 [3 & 4])

5. Filing of Communications. He shall keep and file all communications and petitions directed to the council or to the city generally. He shall endorse thereon the action of the council taken upon matters considered in such communications and petitions.

(Code of Iowa, 1999, Sec. 372.13 [4])

140-109 ATTENDANCE AT MEETINGS. At the direction of the council he shall attend meetings of committees, boards, and commissions. He shall record and preserve a correct record of the proceedings of such meetings.

(Code of Iowa, 1999, Sec. 372.13 [4])

140-110 ISSUE LICENSES AND PERMITS. He shall issue or revoke licenses and permits when authorized by this code, 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, 1999, Sec. 372.13 [4])

140-111 NOTIFY APPOINTEES. He shall inform all persons appointed by the mayor or council to offices in the city government of their position and the time at which they shall assume the duties of their office.

(Code of Iowa, 1999, Sec. 392.13 [4])

140-112 ELECTIONS. The clerk shall accept the nomination petition of a candidate for a city office for filing if on its face it appears to have the requisite number of signatures and it is timely filed. He shall deliver all nomination petitions to the county commissioner of elections not later than five (5) o'clock p.m. on the day following the last day on which nomination petitions can be filed.

(Code of Iowa, 1999, Sec. 376.4)

140-113 CITY SEAL. The city seal shall be in the custody of the clerk and shall be attached by him to all transcripts, orders, and certificates which it may be necessary or proper to authenticate. The city seal shall be circular in form, in the center of which shall be the words "Estherville, Iowa" and around the margin the words "City Seal."

TITLE I - POLICY AND ADMINISTRATION**CHAPTER 4 - ADMINISTRATION****ARTICLE 2
TREASURER**

140-201 APPOINTMENT. The treasurer shall be appointed by the council for a term of two (2) years.

140-202 COMPENSATION. The treasurer shall be paid such compensation as specified by resolution of the council.

140-203 DUTIES OF TREASURER. The duties of the treasurer shall be as follows:

(Code of Iowa, 1999, Sec. 372.13 [4])

1. Custody of Funds. The treasurer shall 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. The treasurer shall keep the record of each fund separate.
3. Record Receipts. The treasurer shall 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. The treasurer shall keep an accurate account of all disbursements, money or property, specifying date, to whom, and from what fund paid.
5. Special Assessments. The treasurer shall keep a separate account of all money received by the treasurer from special assessments.
6. Deposit Funds in Bank. The treasurer shall, upon receipt of monies to be held in his custody and belonging to the city, deposit the same in banks selected by the council in amounts not exceeding monetary limits authorized by the council.

7. Bank Reconciliation. The treasurer shall reconcile bank statements with his books and certify monthly to the council the balance of cash and investments of each fund and amounts received and disbursed.
8. Debt Service. The treasurer shall keep a register of all bonds outstanding and record all payments of interest and principal.
9. Depository Declaration. The treasurer shall determine the maximum level of bank deposits for making the depository declaration to the State Treasurer as required by Chapter 453, Code of Iowa, 1999.
10. Other Duties. The treasurer shall perform such other duties as specified by the council by resolution or ordinance.
11. Reconciliation with Clerk. The treasurer shall reconcile his books with the clerk's every month.

TITLE I - POLICY AND ADMINISTRATION**CHAPTER 4 - ADMINISTRATION****ARTICLE 3
CITY ATTORNEY**

140-301 APPOINTMENT AND COMPENSATION. The city attorney shall be appointed by majority vote of the council and receive such compensation as shall be established by resolution.

(Code of Iowa, 1999, Sec. 372.13 [4])

140-302 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.

(Code of Iowa, 1999, Sec. 372.13 [4])

140-303 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, 1999, Sec. 372.13 [4])

140-304 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, 1999, Sec. 372.13 [4])

140-305 REVIEW AND COMMENT. The city attorney shall, upon request, make a written report to the council, mayor, and interested administrative supervisors, giving his opinion on all contracts, documents, resolutions, or ordinances submitted to him or coming under his notice.

(Code of Iowa, 1999, Sec. 372.13 [4])

140-306 OPINION ON CONTRACTS. The city attorney shall, at the request of the council, offer a written opinion on and recommend alterations pertaining to contracts involving the city before they become binding upon the city.

(Code of Iowa, 1999, Sec. 372.13 [4])

140-307 PROVIDE LEGAL OPINION. The city attorney shall, upon request, give his legal opinion in writing upon all questions of law relating to city matters submitted by the council, mayor, any board or administrative supervisor.

(Code of Iowa, 1999, Sec. 372.13 [4])

140-308 ATTENDANCE AT COUNCIL MEETINGS. The city attorney shall attend meetings of the council at the request of the mayor or council.

(Code of Iowa, 1999, Sec. 372.13 [4])

140-309 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, 1999, Sec. 372.13 [4])

TITLE I - POLICY AND ADMINISTRATION**CHAPTER 4 - ADMINISTRATION**

**ARTICLE 4
MISCELLANEOUS ADMINISTRATIVE DUTIES
OF THE CITY ADMINISTRATOR, CITY CLERK,
AND COMMUNITY DEVELOPMENT DIRECTOR**

140-401 MISCELLANEOUS DUTIES OF THE CITY ADMINISTRATOR. In addition to the powers and duties assigned the city administrator in Title I, Chapter 4, Article 6 of this code, the city administrator is hereby designated as the city official responsible for administering the duties prescribed in the following code sections:

- | | | |
|-----------------|--|------------------|
| 1. 212-702 | 7. 330-103 | 13. 610-117 |
| 2. 212-704 | 8. 330-301 | 14. 710-215 |
| 3. 212-1014 (2) | 9. 330-305 | 15. 810-111 |
| 4. 233-5 | 10. 330-306 | 16. 810-112 (10) |
| 5. 233-8 | 11. 610-101 (2) | 17. 810-306 |
| 6. 330-102 (5) | 12. 610-102 | |
| | 18. Title VI, Chapter 6, Article 2, Sec. 2.1 | |
| | 19. Title VI, Chapter 6, Article 2, Sec. 2.2 | |
| | 20. Title VI, Chapter 6, Article 2, Sec. 4 | |

140-402 MISCELLANEOUS DUTIES OF THE COMMUNITY DEVELOPMENT DIRECTOR. In addition to the powers and duties assigned to the community development director in Title I, Chapter 4, Article 5 of this code, the community development director is hereby designated as the city official responsible for administering the duties prescribed in the following code sections:

- | | | |
|--------------|---------------|-------------|
| 1. 310-201 | 6. 620-205 | 11. 840-2 |
| 2. 320-2 (9) | 7. 640-5 (15) | 12. 840-7 |
| 3. 620-107 | 8. 670-9 | 13. 211-415 |
| 4. 620-203 | 9. 710-203 | 14. 231-8 |
| 5. 620-204 | 10. 710-205 | |

140-403 MISCELLANEOUS DUTIES OF THE CITY CLERK. In addition to the powers and duties assigned to the city clerk in Title I, Chapter 4, Article 1 of this code, the city clerk is hereby designated as the city official responsible for administering the duties prescribed in the following code sections:

1. 340-202
2. 340-215

TITLE I - POLICY AND ADMINISTRATION**CHAPTER 4 - ADMINISTRATION****ARTICLE 5
COMMUNITY DEVELOPMENT DIRECTOR**

140-501 NATURE OF WORK. The community development director shall have primary management responsibilities for the code enforcement, planning and zoning enforcement, city vehicle maintenance, safety programs and miscellaneous administration of the city and such other areas of responsibility as shall elsewhere be set forth in this code and as the city administrator and/or City Council shall direct.

140-502 RESPONSIBILITIES. The following shall be the responsibilities of the community development director:

1. Management of Departments and Activities. Primary management responsibilities for the code enforcement, planning and zoning enforcement, city vehicle maintenance, safety programs and miscellaneous administration of the City of Estherville, Iowa, under such policies as may be established from time to time by the city administrator and/or City Council.
2. Code Enforcement. Code enforcement officer for the city; enforcement of all sections of the municipal code not under the jurisdiction of the Police Department (i.e.: nuisances, solid waste, mowing, sidewalk inspections, zoning, subdivision, and flood plain regulations).
3. Review of Plans and Related Activities. Review building plans and specifications for compliance with city codes and zoning ordinance; issues building permits, driveway permits, makes reports; keeps records and supervises inspections related to same.
4. Provide Support. Advisor to the City Council in areas of city planning and community development.

5. Reports. Prepares special reports for the council as directed.
6. Care and Custody of Maps and Records. Responsible for keeping all construction records and maps up-to-date such as water, street, electrical, sewer, and easement locations; zoning, subdivisions, and city-owned property status. Responsible for preparing and revising all city maps and drawings using computer-aided drafting (CAD). Prepares all CAD construction project drawings under the direction of the city administrator.
7. Zoning Administrator. Enforces city zoning ordinances, reviews construction plans for zoning compliance, keeps zoning maps and zoning/subdivision ordinances up-to-date.
8. Technical Advisor for City. Technical advisor to Planning and Zoning Commission, Zoning Board of Adjustment on city planning and construction engineering matters. He shall also act as the secretary for the Zoning Board of Adjustment and Planning and Zoning Commission. Prepares CAD sketches and drawings for the above boards, City Council, and city administrator as directed.
9. Surveying. Coordinates routine surveying such as locating property corners, easements, and topography.
10. Equipment Replacement Plans. Responsible for preparing the annual and long-range Equipment Replacement Plans. Prepares specifications and proposal forms for major equipment purchases.

TITLE I - POLICY AND ADMINISTRATION**CHAPTER 4 - ADMINISTRATION****ARTICLE 6
CITY ADMINISTRATOR**

140-601 NATURE OF WORK. The city administrator shall be the chief administrative officer of the city and shall have complete management authority, including hiring, discharge, layoffs, promotions, transfers, and disciplinary action, over all departments of the city except for the Police and Fire Departments. The person in this position shall be directly responsible to the City Council of the City of Estherville, Iowa.

140-602 RESPONSIBILITIES. The following shall be the responsibility of the city administrator:

1. Management of Departments and Activities. Supervise and direct the official conduct of the city clerk and the community development director and all other administrative and departmental supervisors.
2. Direct Management Responsibilities. Direct management responsibility over the street, water, wastewater treatment, electrical production, and electrical distribution departments of the city.
3. Provide Support. Technical advisor to the City Council in areas of construction, civil engineering, and traffic control.
4. Labor Relations Advisor. Chief labor negotiator and labor relations advisor to the City Council in matters involving the interpretation and administration of labor agreements and policies.
5. Assist in Budget Preparation. Assist the city clerk in budget preparation and purchasing for above-mentioned departments in addition to other departments as directed by the City Council.

6. Preliminary Designs and Cost Estimates. Prepares preliminary designs and cost estimates on community improvements such as street improvements and other construction projects for the city.
7. Engineering. Coordinates with consulting engineers and acts as city construction engineer with respect to reviewing project plans and specifications; construction inspections; preparing assessment plats and schedules; preparing and negotiating utility easements and related duties concerning community improvements.
8. City Traffic Engineer. Acts as city traffic engineer to insure the best traffic flow pattern on city streets; responsible for all regulatory signs, information signs, and other traffic control devices being in compliance with the Manual on Uniform Traffic Control Devices.
9. Assist City Attorney. Works with city attorney on the preparation of ordinances of a technical nature and legal matters concerning his area of responsibility.
10. Construction Inspection. City's chief construction inspector for municipal improvements such as street grading, curb and gutter, paving, storm sewer, sanitary sewer, water, and building construction.
11. Reports. Prepares special reports for the City Council as directed.
12. Shall perform such other duties as the City Council shall from time to time direct.

TITLE I - POLICY AND ADMINISTRATION**CHAPTER 4 - ADMINISTRATIVE PROCEDURES FOR CITY BOARDS AND COMMISSIONS****ARTICLE 7
ADMINISTRATIVE HEARING RULES**

140-701 PURPOSE OF CHAPTER. This chapter is intended to provide model procedural rules for city boards and commissions. A city board or commission shall adopt this chapter as its rules of procedure or it shall adopt a separate set of rules but each city board or commission shall by resolution adopt procedural rules to adequately inform the public as to how such board or commission conducts its business.

140-702 MEETINGS.

1. Meetings of a city board or commission shall be held at the call of the chairman and at such other times as the board or commission may determine or as required by city ordinance or state statute. The chairman, or in his absence, the acting chairman, shall administer oaths and compel the attendance of witnesses.
2. Minutes Kept. The board or commission shall keep minutes of its proceedings, show the vote of each member upon each question, or if absent or failing to vote, indicate such fact, and shall keep records of its examinations and other official actions, all of which shall be kept by the secretary or clerk of the city board or commission and shall be a public record.
3. Open Meetings. All meetings shall be open to the general public according to the Iowa Open Meeting Law.
4. Quorum. A majority of the members of a city board or commission shall constitute a quorum.
5. Voting. The concurring vote of a majority of the members of a city board or

commission shall be necessary for a determination of an issue. However, if either a city ordinance or state statute require a greater percentage of concurring votes on a particular issue, then that city ordinance or state statute shall govern the number of concurring votes necessary for the determination of the issue.

6. Notice of Hearings. Notice of hearings of all boards and commissions shall be given in compliance with city ordinance and state statutes. Requests for rescheduling a hearing, made for good cause, shall be made to the chairman, secretary, or clerk of the board or commission for the chairman's decision in the matter.

7. Conduct of Hearings.

A. Meetings shall be conducted according to Robert's Rules of Order except when such rules conflict with city ordinance or state statute which shall govern in such conflicts.

B. Oral or written statements may be presented to the board or commission by anyone interested in the particular item at issue.

C. Parties may appear and be represented by legal counsel.

D. Parties may present evidence including oral or written testimony.

E. Verbatim transcriptions of the proceedings of a board or commission may be made at any party's own expense.

F. Tape recordings of a proceeding may be made by any party at the party's own expense.

G. Either party may ask questions of any witness produced by another party.

H. The chairman, with the support of two members, may impose time limits in cases deemed to be special cases so that the meeting can be held expeditiously.

- I. Parties may request that the board or commission visit a site that relates to an issue under consideration.
 - J. Site views may be made by members individually at their discretion.
8. Adjudicative Decisions. When a board or commission holds a hearing to adjudicate an issue, the board or commission must state in writing the specific facts upon which it relies in reaching its decision. This means that if a board or commission must rule in favor of one side in a situation including two or more conflicting claims, the board must state in writing the specific facts upon which it relied in ruling in favor of the winning side.
9. Order of Business. The order of business at regular meetings shall be:
- A. Roll Call
 - B. Reading of minutes of previous meeting
 - C. Communications
 - D. Report of officers and committees
 - E. Old or unfinished business
 - F. New business
 - G. Approval of current minutes
 - H. Adjournment
10. No rehearings. There shall be no rehearings or reconsiderations of a matter previously decided by a board or commission unless new material facts, not reasonably discoverable at the prior meeting, are presented and then only with the affirmative vote of a majority of the board or commission members to reconsider the issue.

TITLE I - POLICY AND ADMINISTRATION**CHAPTER 5
THE GIVING AND REPORTING OF GIFTS**

150-101 DONEE REPORTING OF GIFTS. An elected or appointed official or employee of this city, or the spouse, or minor child of an elected or appointed official or employee of this city, or a firm of which the elected or appointed official or the employee of this city holds ten (10) percent or more of the stock either directly or indirectly, shall disclose in writing on a report form developed by the secretary of state, the nature, date, and the name of the donor, and the name of such person as donee to which a gift or gifts were made where the gift or gifts exceed fifteen dollars (\$15) in cumulative value in any one calendar day. However, the donee need not report food and beverage provided for immediate consumption in the presence of the donor.

By the fifteenth day of the month following the month in which the gift has been received, a copy of the report disclosing the gift or gifts shall be filed in the office of the county auditor of the county or counties in which the city is located.

150-102 DONOR REPORTING OF GIFTS. A donor of a gift to an elected or appointed official or to an employee of the city, or to the spouse, or to minor child of an elected or appointed official or employee of this city, or to a firm of which the elected or appointed official or the employee of the city is a partner, or to a corporation of which the elected or appointed official or the employee of the city holds ten (10) percent or more of the stock either directly or indirectly, shall disclose in writing on the form developed by the Secretary of State the nature, amount, date, and name of the donor, and the name of the donee of a gift or gifts made by the donor which gift or gifts exceeds fifteen dollars (\$15) in cumulative value in any one calendar day. However, the donor need not report food and beverage provided for immediate consumption in the presence of the donor.

By the fifteenth day of the month following the month in which the gift was received, a copy of the report disclosing the gift or gifts shall be filed by the donor, with the county auditor of the county or counties in which the donee's city is located.

150-103 DEFINITION OF GIFT. For purposes of this chapter "gift" is defined as follows:

1. "Gift" means a rendering of money, property, services, granting a discount, loan forgiveness, payment of indebtedness, or anything else of value in return for which legal consideration of equal or greater value is not given and received, if the donor is in any of the following categories:

A. Is doing or seeking to do business of any kind with the City of Estherville: For purposes of this chapter, "doing business with the city" means being a party to any one or any combination of sales, purchases, leases, or contract to, from, or with the city.

B. Is engaged in activities which are regulated or controlled by the City of Estherville.

C. Has interests which may be substantially and materially affected by the performance or nonperformance of the donee's official duty.

D. Is a lobbyist with respect to matters within the donee's jurisdiction.

2. However, "gift" does not mean any of the following:

A. Campaign contributions.

B. Informational material relevant to a public servant's official functions, such as books, pamphlets, reports, documents or periodicals, and registration fees or tuition not including travel or lodging, for not more than three days, at seminars or other public meetings conducted in this state, at which the public servant receives information relevant to the public servant's official functions. Information or participation

received under the exclusion of this paragraph may be applied to satisfy a continuing education requirement of the donee's regulated occupation or profession if the donee pays any registration costs exceeding thirty-five dollars (\$35).

C. Anything received from a person related within the fourth degree by kinship or marriage, unless the donor is acting as an agent or intermediary for another person not so related.

D. Any inheritance.

E. Anything available to or distributed to the public generally without regard to official status of the recipient.

F. Food, beverages, registration, and scheduled entertainment at group events to which all members of either house or both houses of the General Assembly are invited. "Member of the General Assembly" means an individual duly elected to the Senate or House of Representatives of the State of Iowa.

G. Actual expenses for food, beverages, travel, lodging, registration, and scheduled entertainment of the donee for a meeting, which is given in return for participation in a panel or speaking engagement at the meeting.

H. Plaques or items of negligible resale value given as recognition for public services.

3. The value of the gift is determined as follows:

A. An individual making a gift on behalf of more than one person shall not divide the value of the gift by the number of persons on whose behalf the gift is made.

B. The value of the gift to the donee is the value actually received.

C. For the purposes of the reporting requirements of this chapter, a donor of a gift made by more than one individual to one or more donees, shall report the gift if the total value of the gift to the donee exceeds fifteen dollars (\$15).

150-104 FILING WITH COUNTY. The city clerk shall file a copy of this chapter with the county auditor of the county (or counties) in which this city is located, within fifteen days of passage of this chapter.