

TITLE II POLICY AND ADMINISTRATION

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TITLE II POLICY AND ADMINISTRATION

CHAPTER 7

CITY CHARTER

- 2-7-1 Charter
- 2-7-2 Form of Government
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SECTION 2-7-1 CHARTER. This ordinance may be cited as the Charter of the City of Alburnett, Iowa.

SECTION 2-7-2 FORM OF GOVERNMENT. The form of government of the City of Alburnett, Iowa, is the Mayor-Council form of government.

(Code of Iowa, Sec. 372.4)

SECTION 2-7-3 COPIES ON FILE. The city clerk shall keep an official copy of this charter on file with the official records of the city clerk, shall immediately file a copy with the Secretary of State of Iowa, and shall keep copies of the charter available at the city clerk's office for public inspection.

(Code of Iowa, Sec. 372.1)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 8

CITY ELECTIONS

2-15-1	Nominating Method to be Used
2-15-2	Nomination by Petition
2-15-3	Adding by Petition
2-15-4	Preparation of Petition
2-15-5	Filing, Presumption, Withdrawals, and Objections
2-15-6	Persons Elected

SECTION 2-8-1 NOMINATING METHOD TO BE USED. All candidates for elective municipal offices shall be nominated under the provisions of Chapter 45, Code of Iowa.
(Code of Iowa, Sec. 376.3)

SECTION 2-8-2 NOMINATIONS BY PETITION. Nominations for elective municipal offices of the City may be made by nomination paper or papers signed by not less than ten (10) eligible electors, residents of the City or as provided pursuant to Chapter 45, Section 8, Code of Iowa.
(Code of Iowa, Sec. 45.1)

SECTION 2-8-3 ADDING NAME BY PETITION. The name of a candidate placed upon the ballot by any other method than by petition shall not be added by petition for the same office.
(Code of Iowa, Sec. 45.2)

SECTION 2-8-4 PREPARATION OF PETITION. Each eligible elector shall add to the signature the elector's residence address, and date of signing. The person whose nomination is proposed by the petition may not sign it. Before filing the petition, there shall be endorsed thereon or attached thereto an affidavit executed by the candidate, which affidavit shall contain.

(1) **Name of Residence.** The name and residence (including street and number, if any) of the nominee, and the office to which the person is nominated.

(2) **Name on Ballot.** A request that the name of the nominee be printed upon the official ballot for the election.

(3) **Eligibility.** A statement that the nominee is eligible to be a candidate for the office and if elected will qualify as such officer.

(4) **Organization Statement.** A statement, in the form required by Iowa law, concerning the organization of the candidate's committee. Such petition when so verified shall be known as a nomination paper.

(Code of Iowa, Sec. 45.5)

SECTION 2-8-5 FILING, PRESUMPTION, WITHDRAWALS, AND OBJECTIONS. The time and place of filing nomination petitions, the presumption of validity thereof, the right of a candidate so nominated to withdraw and the effect of such withdrawal, and the right to object to the

legal sufficiency of such petitions, or to the eligibility of the candidate, shall be governed by the appropriate provisions of Chapter 44 of the Code of Iowa.

SECTION 2-8-6 PERSONS ELECTED. The candidates who receive the greatest number of votes for each office on the ballot are elected, to the extent necessary to fill the positions open.

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CHAPTER 9

APPOINTMENT, COMPENSATION AND QUALIFICATIONS OF MUNICIPAL OFFICERS

2-9-1	Powers and Duties
2-9-2	Number and Term of Council
2-9-3	Term of Mayor
2-9-4	Attendance at Council Meetings
2-9-5	Mayor – Salary
2-9-6	Mayor Pro Tem – Compensation
2-9-7	Councilperson – Compensation
2-9-8	City Attorney – Compensation and Appointment
2-9-9	City Treasurer – Compensation
2-9-10	Appointments of City Clerk
2-9-11	City Officer-Appointment
2-9-12	Time and Manner of Qualifying
2-9-13	Conflict of Interest
2-9-14	Resignations
2-9-15	Removal of Appointed Officers and Employees
2-9-16	Vacancies
2-9-17	Bonds of City Officers
2-9-18	Oaths
2-9-19	Gifts
2-9-20	Fraud

SECTION 2-9-1 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 state law and by the ordinances, resolutions, rules and regulations of the City of Alburnett.

SECTION 2-9-2 NUMBER AND TERM OF COUNCIL. The council shall consist of five (5) councilpersons elected at-large whose overlapping terms of office shall be four (4) years.
(Code of Iowa, Secs. 372.4 and 376.2)

SECTION 2-9-3 TERM OF MAYOR. The mayor is elected for a term of four (4) years.
(Code of Iowa, Secs. 372.4 and 376.2)

SECTION 2-9-4 ATTENDANCE AT COUNCIL MEETINGS. The Mayor and Council members are required to attend 2/3 of all city council meetings or not miss more than 3 consecutive meetings. To be considered in attendance the Mayor or Council member must be in attendance for 1/2 of the meeting time. Failure to meet this requirement is grounds for removal from office.

SECTION 2-9-5 MAYOR - SALARY. The salary payable to the Mayor of the City of Alburnett, Iowa, shall be the sum of \$2,500.00 per annum paid in monthly installments.
(Code of Iowa, Sec. 372.13(8))

SECTION 2-9-6 MAYOR PRO TEM – COMPENSATION. If the Mayor Pro Tem performs the duties of the Mayor during the Mayor’s absence or disability for 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))

SECTION 2-9-7 COUNCILPERSON - COMPENSATION. Each member of the City Council of the City of Alburnett, Iowa, shall receive as compensation for his/her services the sum of \$20.00 for each and every regular and special meeting of the Alburnett City Council at which said Councilperson is present.

(Code of Iowa, Sec. 372.13(8))

SECTION 2-9-8 CITY ATTORNEY – COMPENSATION AND APPOINTMENT. The Council shall appoint by majority vote a City Attorney to serve at the discretion of the Council. The City Attorney shall receive such compensation as established by resolution of the Council.

SECTION 2-9-9 CITY TREASURER – COMPENSATION. The Clerk receives no additional compensation for performing the duties of the Treasurer.

SECTION 2-9-10 APPOINTMENTS OF CITY CLERK. 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. The Clerk shall receive such compensation as established by resolution of the Council.

(Code of Iowa, Sec. 372.13(3))

SECTION 2-9-11 CITY OFFICER - APPOINTMENT. All officers of the City of Alburnett, Iowa, shall be appointed by the City Council.

(Code of Iowa, Secs. 372.4(2) and 372.13(4))

SECTION 2-9-12 TIME AND MANNER OF QUALIFYING. All elective or appointed city officers shall qualify for their respective offices as required by the laws of the State of Code of Iowa 2007, Chapter 63. All persons elected or appointed to fill vacancies shall qualify for office as required by State Code of Iowa 2007, Chapter 63.8 and 63.9.

SECTION 2-9-13 CONFLICT OF INTEREST. A City officer or employee shall not have an interest, direct or indirect, in any contract, work, material or the profits thereof or services to be furnished or performed for the 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, 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, Sec. 21.4)

(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, Sec. 362.5(2))

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

(Code of Iowa, Sec. 362.5(3))

(4) Stock Interest. Contracts in which a City officer or employee has an interest solely by reason of employment, or a stock interest, or both, if the contract is for professional services not customarily awarded by competitive bid, if the remuneration of employment will not be directly affected as a result of the contract, and if the duties of employment do not directly involve the procurement or preparation of the contract.

(Code of Iowa, Sec. 362.5(5))

(5) Newspaper. The designation of an official newspaper.

(Code of Iowa, Sec. 362.5(6))

(6) Existing contracts. A contract in which a City officer or employee has an interest if the contract was made before the time the officer or employee was elected or appointed, but the contract may not be renewed.

(Code of Iowa, Sec. 362.5(7))

(7) Volunteers. Contracts with volunteer fire fighters or civil defense volunteers.

(Code of Iowa, Sec. 362.5(8))

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

(Code of Iowa, Sec. 362.5(9))

(9) Contracts. Contract made by the City upon competitive bid in writing, publicly invited and opened.

(Code of Iowa, Sec. 362.5(4))

(10) Cumulative purchases. Contracts not otherwise permitted by this section, for the purchase of goods or services which benefit a City officer or employee, if the purchases do not exceed a cumulative total purchase price of fifteen hundred dollars (\$1,500.00) in a fiscal year.

(Code of Iowa, Sec. 362.5(11))

(11) Franchise Agreements. Franchise agreements between the City and a Utility and contracts entered into by the City for the provision of essential City utility services.

(Code of Iowa, Sec. 362.5(12))

SECTION 2-9-14 RESIGNATIONS. An elected officer who wishes to resign may do so by submitting a resignation in writing to the Clerk for proper recording and consideration. A person who resigns from an elective office is not eligible for appointment to the same office during the time for which the person was elected, if during that time the compensation for that office has been increased.

(Code of Iowa, Sec. 372.13(9))

SECTION 2-9-15 REMOVAL OF APPOINTED OFFICERS AND EMPLOYEES. Except as otherwise provided by State and City law, all persons appointed to City office or employment 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 reason(s), be filed in the office of the clerk, and a copy shall be sent by certified mail to the person being removed, who, upon request filed with the clerk within thirty (30) days after 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 after the date the request is filed, unless the person removed requests a later date.

(Code of Iowa, Sec. 372.15)

SECTION 2-9-16 VACANCIES. A vacancy in an elective City office during a term of office shall be filled, at the Council's option, by one of the two following procedures:

(Code of Iowa, Sec. 372.13(2))

(1) Appointment. By appointment following public notice by the remaining members of the Council within forty (40) days after the vacancy occurs, except that if the remaining members do not constitute a quorum of the full membership, or if a petition is filed requesting an election, the Council shall call a special election as provided by law.

(Code of Iowa, Sec. 372.13(2a))

(2) Election. By a special election held to fill the office for the remaining balance of the unexpired term as provided by law.

(Code of Iowa, Sec. 372.13 (2b))

SECTION 2-9-17 BONDS OF CITY OFFICERS. Surety bonds are provided in accordance with the following:

(1) Required. The Council shall provide by resolution for a surety bond or blanket position bond running to the City and covering the Mayor, Clerk, Treasurer and such other officers and employees as may be necessary and advisable.

(Code of Iowa, Sec. 64.13)

(2) Bonds Approved. Bonds shall be approved by the Council.

(Code of Iowa, Sec. 64.19)

(3) Bonds Filed. All bonds, after approval and proper record, shall be filed with the Clerk.

(Code of Iowa, Sec. 64.23[6])

(4) 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, Sec. 64.24(3))

SECTION 2-9-18 OATHS. The oath of office shall be required and administered in accordance with the following:

(1) Qualify for Office. Each elected or appointed officer shall qualify for office by taking the prescribed oath and by giving, when required, a bond. The oath shall be taken, and bond provided, after being certified as elected but not later than noon of the first day which is not a Sunday or a legal holiday in January of the first year of the term for which the officer was elected.

(Code of Iowa, Sec. 63.1)

(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 Alburnett as now or hereafter required by law.”

(Code of Iowa, 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) Mayor

(b) City Clerk

(c) Members of all boards, commissions or bodies created by law.

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

SECTION 2-9-19 GIFTS. Except as otherwise provided in Chapter 68B of the Code of Iowa, a public official, public employee or candidate, or that person’s immediate family member, shall not, directly or indirectly, accept or receive any gift or series of gifts from a “restricted donor” as defined in Chapter 68B and a restricted donor shall not, directly or indirectly, individually or jointly with one or more other restricted donors, offer or make a gift or a series of gifts to a public official, public employee or candidate.

(Code of Iowa, Sec. 68B.22)

SECTION 2-9-20 FRAUD. Any city employee or elected official shall be prosecuted to the full extent of the law if convicted of any theft or fraud against the city.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 10

RULES AND PROCEDURES OF THE CITY COUNCIL

2-10-1	Council - Duties and Rules
2-10-2	Exercise of Power
2-10-3	Council Meetings
2-10-4	Meetings
2-10-5	Appointments

SECTION 2-10-1 COUNCIL – DUTIES AND RULES. 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 City Council except as otherwise provided by law or ordinance.

(Code of Iowa, Sec. 364.2(1))

(2) Fiscal Authority. The City 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, Sec. 364.2(1), 384.16 & 384.38(1))

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

(Code of Iowa, Sec. 364.2(1))

(4) Contracts. The City 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 City Council, or reduced to writing and approved by the City Council, or expressly authorized by ordinance or resolution adopted by the City Council.

(Code of Iowa, Sec. 364.2(1) & 384.95 through 384.102)

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

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

(6) Setting Compensation for Elected Officers. By ordinance, the City Council shall prescribe the compensation of the Mayor, City 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 City 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 City Council members becomes effective for all City Council members at the beginning of the term of the City Council members elected at the election next following the change in compensation.

SECTION 2-10-2 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) Approved Action by the City Council. Passage of an ordinance, amendment, or resolution requires an affirmative vote of not less than a majority of the City Council members. A motion to spend public funds in excess of twenty five thousand dollars (\$25,000) 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 City Council members. Each Council member's vote on an ordinance, amendment or resolution must be recorded.

(Code of Iowa, Sec. 380.4)

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

(Code of Iowa, Sec. 380.6(2))

(3) Measures Become Effective. Measures passed by the City 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, Sec. 380.6(1))

(b) If the Mayor vetoes a measure and the City Council re-passes the measure after the Mayor's veto, a resolution becomes effective immediately upon re-passage, and an ordinance or amendment becomes a law when published unless a subsequent effective date is provided with the measure.

(Code of Iowa, 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, Sec. 380.6(3))

SECTION 2-10-3 COUNCIL MEETINGS . Procedures for giving notice of meetings of the Council and other provisions regarding the conduct of Council meetings are contained in Section 2-10-4 of this Code of Ordinances. Additional particulars relating to Council meetings are the following:

(1) Regular Meetings. The regular meetings of the Council are on the second Thursday of each month at seven (7:00) p.m. at such place as designated by the Council. If such day falls on a legal holiday, the meeting is held as designated by the City Council.

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

(Code of Iowa, Sec. 372.13(5))

(3) Special Meetings by Request. Special meetings requested by an individual and/or entity for the sole benefit of said person are subject to the same fees incurred at regular meetings or special meetings called by the Mayor; however, said fees shall be paid by the person requesting the special meetings. Said fees shall be paid prior to the scheduled time of the meeting.

(4) Quorum. A majority of all City Council members is a quorum.

(Code of Iowa, Sec. 372.13(1))

(5) Rules of Procedure. The City Council shall determine its own rules and maintain records of its proceedings.

(Code of Iowa, Sec. 372.13(5))

(6) Compelling Attendance. Any three (3) members of the City 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.

SECTION 2-10-4 MEETINGS. All meetings of the Council, any board or commission, or any multi-membered body formally and directly created by any of the foregoing bodies shall be held in accordance with the following:

(1) Notice of Meetings. Reasonable notice, as defined by State law, of the time, date and place of each meeting, and its tentative agenda shall be given.

(Code of Iowa, 21.4)

(2) Meetings Open. All meetings shall be held in open session unless closed sessions are held as expressly permitted by State law.

(Code of Iowa, Sec. 21.3)

(3) Minutes. Minutes shall be kept of all meetings showing the date, time and place, the members present, and the action taken at each meeting. The minutes shall show the results of each vote taken and information sufficient to indicate the vote of each member present. The vote of each member present shall be made public at the open session. The minutes shall be public records open to public inspection.

(Code of Iowa, Sec. 21.3)

(4) Closed Session. A closed session may be held only by affirmative vote of either two-thirds of the body or all of the members present at the meeting and in accordance with Chapter 21 of the Code of Iowa.

(5) Cameras and Recorders. The public may use cameras or recording devices at any open session.

(Code of Iowa, Sec. 21.7)

(6) Electronic Meetings. A meeting may be conducted by electronic means only in circumstances where such a meeting in person is impossible or impractical and then only in compliance with the provisions of Chapter 21 of the Code of Iowa.

(Code of Iowa, Sec. 21.8)

SECTION 2-10-5 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) Public Works Director

TITLE II POLICY AND ADMINISTRATION

CHAPTER 11

CITY FINANCE

2-11-1	Operating Budget Preparation
2-11-2	Budget Amendment
2-11-3	Monthly Report
2-11-4	Annual Report
2-11-5	Budget Report
2-11-6	Revenues
2-11-7	Expenditures
2-11-8	Cash Control
2-11-9	Accounting
2-11-10	Emergency Fund
2-11-11	Debt Service Fund
2-11-12	Capital Improvements Reserve Fund
2-11-13	Utility and Enterprise Funds
2-11-14	Balancing Funds

SECTION 2-11-1 OPERATING BUDGET PREPERATION. The annual operating budget of the City shall be prepared in accordance with the following:

(1) Proposal Prepared. The City Clerk is responsible for preparation of the annual budget detail, for review by the Mayor and Council and adoption by the 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 City Clerk for inclusion in the proposed City budget at such time and in such form as required by the Council.

(3) Submission to Council. The City 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 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, Sec. 384.16(3))

(6) Copies of Budget on File. Not less than twenty (20) days before the date that the budget must be certified to the County Auditor and not less 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.

(Code of Iowa, 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, Sec. 384.16(5))

SECTION 2-11-2 BUDGET AMENDMENT. The City budget as finally adopted for the following fiscal year becomes effective July first and constitutes the City appropriation for each program and purpose specified therein until amended. The City budget for the current fiscal year remains until amended as provided by this section:

(Code of Iowa, 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.

(IAC, 545-2.2 (384, 388))

(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.

(IAC, 545-2.3 (384, 388))

(3) Activity Transfer. Any transfer of appropriation from one activity to another activity within a program must be approved by resolution of the Council.

(IAC, 545-2.4 (384, 388))

(4) Administrative Transfers. The City Clerk shall have the authority to adjust, by transfer or otherwise, the appropriations allocated within a specific activity without prior Council approval.

(IAC, 545-2.4 (384, 388))

SECTION 2-11-3 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.

SECTION 2-11-4 ANNUAL REPORT. Not later than December first of each year the City shall publish 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 this report shall be furnished to the Auditor of State.

(Code of Iowa, Sec. 384.22)

SECTION 2-11-5 BUDGET OFFICER. The City Clerk shall be the City budget officer and is responsible for preparing the budget data in cooperation with the City Council or Mayor. The City Clerk shall be responsible for carrying out the authorizations and plans in the budget as set forth in the budget, subject to City Council control and the limitations set out in this Ordinance.

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

SECTION 2-11-6 REVENUES. All money received by the City shall be credited to the proper fund, as required by law, ordinance or resolution, not to exceed the authorized depository limit as established by the Council.

SECTION 2-11-7 EXPENDITURES. No expenditure shall be authorized by any City officer or employee except as herein provided. All purchases of services, supplies and equipment shall be made only after issuance of a purchase order and no invoice shall be accepted unless authorized by such an order. Purchases not exceeding five hundred dollars (\$500.00) may be made by those officials authorized by the City Council. All orders above five hundred dollars (\$500.00) shall be made by a purchase order. A copy of such spot purchase order must be delivered to the Clerk within twenty-four (24) hours, weekends, and holidays excepted. All other purchases shall be valid only if a purchase order has been given in writing and signed by the Clerk. Purchases from petty cash shall be excepted.

(Code of Iowa, Sec. 721.2(1))

SECTION 2-11-8 CASH CONTROL. To assure the proper accounting and safe custody of moneys the following shall apply:

(1) Deposit of Funds. All moneys or fees collected for any purpose by any City officer shall be deposited through the office of the City Clerk. If any said fees are due to an officer, they shall be paid to the officer by check drawn by the City Clerk and approved by the Council only upon such officer's making adequate reports relating thereto as required by law, ordinance or Council directive.

(2) Deposits and Investments. All moneys belonging to the City shall be promptly deposited in depositories selected by the Council in amounts not exceeding the authorized depository limitation established by the Council or invested in accordance with the City's written investment policy and State law, including joint investments as authorized by Section 384.21 of the Code of Iowa.

(Code of Iowa, Sec. 384.21, 12B.10, 12C.1)

(3) Petty Cash Fund. The clerk shall be custodian of a petty cash fund for the payment of small claims for minor purchases and small fees customarily paid for at the time of rendering a service for which the clerk shall obtain a receipt for the purchase. At such time the petty cash fund is approaching depletion, the clerk shall draw a check for replenishment in the amount of accumulated expenditures and said check shall be submitted to the Council as a claim in the usual manner. Petty cash shall not be used for salary payments or other personal services or personal expenses.

SECTION 2-11-9 ACCOUNTING. The accounting records of the City shall consist of not less than the following:

(1) Books of Original Entry. There shall be established and maintained books of original entry to provide a chronological record of cash received and disbursed.

(2) General Ledger. There shall be established and maintained a general ledger controlling all cash transactions, budgetary accounts and for recording inappropriate surpluses.

(3) Checks. Checks shall be prenumbered and signed by the Mayor, or designee, 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 a 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 City Clerk shall perform and be responsible for accounting functions of the municipally owned utilities.

SECTION 2-11-10 EMERGENCY FUND. No transfer may be made from any fund to the emergency fund.

SECTION 2-11-11 DEBT SERVICE FUND. Except where prohibited by State law, money 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.

SECTION 2-11-12 CAPITAL IMPROVEMENTS RESERVE FUND. Except where prohibited by State law, money may be transferred from any other City fund to the capital improvements reserve fund. Such transfers must be authorized by the original budget or a budget amendment.

SECTION 2-11-13 UTILITY AND ENTERPRISE FUNDS. Except where prohibited by State law, a surplus in a utility or enterprise fund may be transferred to any other City fund, except the emergency fund and the road use tax fund, by resolution of the Council. A surplus may exist only after all required transfers have been made to any restricted accounts in accordance with the terms and provisions of any revenue bonds or loan agreements relating to the Utility or enterprise Fund. A surplus is defined as the cash balance in the operating account or the unrestricted retained earnings calculated in accordance with generally accepted accounting principles in excess of:

(1) The amount of expense of disbursements for operating and maintaining the utility or enterprise for the preceding three (3) months, and

(2) The amount necessary to make all required transfers to restricted accounts for the succeeding three (3) months.

(IAC, 545-2.5(384, 388), Sec. 2.5(5))

SECTION 2-11-14 BALANCING OF FUNDS. Fund accounts shall be reconciled at the close of each month and a report thereof submitted to the Council.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 12

POWERS AND DUTIES OF MUNICIPAL OFFICERS

2-12-1	General Duties
2-12-2	Books and Records
2-12-3	Transfer of Records and Property To Successor
2-12-4	Powers and Duties of the Mayor
2-12-5	Powers and Duties of the Mayor Pro Tem
2-12-6	Powers and Duties of The City Clerk
2-12-7	Powers and Duties of the City Treasurer
2-12-8	Powers and Duties of the City Attorney

SECTION 2-12-1 GENERAL DUTIES. Each municipal officer shall exercise the powers and perform the duties prescribed by law and Ordinance, or as otherwise directed by the City Council unless contrary to State law or City charter.

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

SECTION 2-12-2 BOOKS AND RECORDS. All books and records required to be kept by law or Ordinance shall be open to public inspection, subject to confidential records in accordance with State law.

(Code of Iowa, Sec. 22.1, 22.2 and 22.7)

SECTION 2-12-3 TRANSFER OF RECORDS AND PROPERTY TO SUCCESSOR. Each officer shall transfer to the officer's successor in office all books, papers, records, documents and property, together with an invoice of the same, in the officer's custody and appertaining to the officer's office.

SECTION 2-12-4 POWERS AND DUTIES OF THE MAYOR. The powers and duties of the Mayor shall be 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, 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.

(12) Appointments. The Mayor shall appoint the Mayor Pro Tem

(13) Voting. The Mayor is not a member of the Council and may not vote as a member of the council.

SECTION 2-12-5 POWER AND DUTIES OF THE MAYOR PRO TEM. The Mayor Pro Tem is vice president of the Council and shall have the following powers and duties.

(Code of Iowa, Sec. 372.14(3))

(1) 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 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))

(2) 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))

SECTION 2-12-6 POWERS AND DUTIES OF THE CITY CLERK. The City Clerk shall have the following powers and duties.

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

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

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

(Code of Iowa, Sec. 380.7(1))

(3) The Clerk shall cause to be published either the entire text or a summary of all Ordinances and amendments enacted by the City, requiring publication as follows:

(a) 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(2))

(b) 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. 262.3(2))

(4) 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))

(5) The Clerk shall maintain copies of all effective city ordinances and codes for public use.

(Code of Iowa, Sec. 380.7(5))

(6) The Clerk shall certify all measures establishing any zoning district, building lines, or fire limits, and a plat showing each district, lines or limits to the recorder of the county containing the affected parts of the City.

(Code of Iowa, Sec. 380.11)

(7) The Clerk shall maintain all City records as required by law.

(Code of Iowa, Sec. 372.13(3) and (5))

(8) The Clerk shall have custody and be responsible for the safekeeping of all writings or documents in which the municipality is a party in interest unless otherwise specifically directed by law or Ordinance.

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

(9) The Clerk shall 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 the Clerk's duty. The Clerk shall furnish a copy to any citizen when requested upon payment of the fee set by City Council resolution. The Clerk shall, under the direction of the Mayor or other authorized officer, affix the seal of the corporation to those public documents or instruments which by Ordinance are required to be attested by the affixing of the seal.

(Code of Iowa, Sec. 380.7(4), Sec. 22.2 and 22.7)

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

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

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

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

(12) The Clerk shall issue all licenses and permits approved by the City Council, and keep a record of licenses and permits issued which shall show a 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))

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

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

(14) The Clerk shall preserve a complete record of every City election, regular or special and perform the following duties in regard to elections:

(Code of Iowa, Sec. 376.4)

(a) In the event of a change in the method of nomination process used by the City, certify to the commissioner of elections the type of nomination process to be used by the City no later than seventy seven (77) days before the date of the regular City election.

(b) Accept the nomination petition of a candidate for a City office for filing if it has the requisite number of signatures and is timely filed.

(c) Designate other employees or officials of the City who are ordinarily available to accept nomination papers if the clerk is not readily available during normal working hours.

(d) Note upon each petition and affidavit accepted for filing the date and time that petition was filed.

(e) Deliver all nomination petitions, together with the text of any public measure being submitted by the Council to the electorate, to the County Commissioner of Elections not later than 5:00 p.m. on the day following the last day on which nomination petition can be filed.

(15) 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.

SECTION 2-12-7 POWERS AND DUTIES OF THE CITY TREASURER. The City Clerk is the Treasurer and performs all functions required of the position 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.

SECTION 2-12-8 POWERS AND DUTIES OF THE CITY ATTORNEY. The powers and duties of the City Attorney shall be as follows:

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

- (1) Upon request, attend regular meetings of the City Council and attend those special meetings of the City Council at which he/she is required to be present.
- (2) Upon request, formulate drafts for contracts, forms, and other writings which may be required for the use of the City.
- (3) Upon request, give his/her opinion in writing upon all questions of law relating to municipal matters submitted by the City Council, the Mayor, members of the City Council individually, municipal boards, or the head of any municipal department.
- (4) Prepare those ordinances which the City Council may desire and direct to be prepared and report in writing to the Council upon all ordinances before their final passage by the City Council and publication.

(5) 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. He/She shall prosecute or defend all actions and proceedings when so requested by the Mayor or City Council.

(6) He/She 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.

(7) Make a written report to the City Council and interested department heads of the defects in all contracts, documents, authorized power of any city officer, and ordinances submitted to him/her or coming under his/her notice.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 13

CONTRACT LAW ENFORCEMENT

2-13-1 Contract Law Enforcement

SECTION 2-12-1 CONTRACT LAW ENFORCEMENT. The Council may contract with the County Sheriff or any other qualified lawful entity to provide law enforcement services within the City, and the Sheriff or such other entity shall have and exercise the powers and duties as provided in said contract and as required by law or ordinance.

(Code of Iowa, 28E.30)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 14

VOLUNTEER FIRE DEPARTMENT

2-14-1	Establishment and Purpose
2-14-2	Fire Chief
2-14-3	Fire Chief's Duties
2-14-4	Volunteer Firefighters
2-14-5	Firefighter's Duties
2-14-6	Firefighter Compensation
2-14-7	Workers Compensation and Hospitalization Insurance
2-14-8	Liability Insurance
2-14-9	Fires Outside of the City

SECTION 2-14-1 ESTABLISHMENT AND PURPOSE. A volunteer fire department is hereby established to prevent and extinguish fires and to protect lives and property against fires, to promote fire prevention and fire safety and to answer all emergency calls for which there is no other established agency.

SECTION 2-14-2 FIRE CHIEF. The office of Fire Chief is hereby created. The Fire Chief shall be elected for terms of two (2) years by a simple majority vote of the members of the volunteer fire department with approval of the council, to succeed a prior fire chief or to fill a vacancy. The council shall be furnished with the department's attendance records for drills, meetings and calls, and shall give due consideration to such records in approving the appointment of the Fire Chief. The volunteer fire department, by two-thirds (2/3) majority vote, with approval of the council, may remove the Fire Chief by written order, setting out the reasons for removal, which shall be filed with the City Clerk.

SECTION 2-14-3 FIRE CHIEF'S DUTIES. The Fire Chief shall command all operations of the department, and be responsible for the care, maintenance and use of all vehicles and equipment of the department. In the absence of the Fire Chief, the next ranking officer or senior firefighter on duty shall exercise all duties and responsibilities of the Fire Chief. Subject to council approval, the Fire Chief shall establish and maintain departmental rules to carry out the requirements of this ordinance. The Fire Chief shall provide every firefighter with a copy of these rules.

With the approval of the council, the Fire Chief shall appoint volunteer firefighters, fill vacancies among them and may discharge them. The chief shall keep a record of names, ages and residences of the department members and be responsible for their training and supervision. He shall maintain attendance records for drill meetings and calls.

The Fire Chief shall investigate the cause, origin and circumstances of each fire by which property has been destroyed or damaged, or which results in bodily injury to any person. Whenever he finds that bodily injury or property damage of Fifty (\$50.00) Dollars or more was caused by such fire, or if he suspects arson, he shall report his findings to the State Fire Marshal writing within one week after the fire. If he believes that a fire was started by design or if a death occurs as the result of fire, he shall notify the State Fire Marshal immediately.

The Fire Chief has authority to enter and inspect any building or premises in the performance of his duties and shall make written orders to correct any conditions that are likely cause fire or endanger other buildings, property or persons.

SECTION 2-14-4 VOLUNTEER FIREFIGHTERS. The Fire Department shall be staffed by volunteer firefighters who are eighteen years of age or older and who live or work in the City of Alburnett or Otter Creek Township. Any volunteer firefighter authorized to drive Fire Department equipment must have a valid Iowa driver's license. Persons under age of eighteen years who are allowed to assist the Department in an associate capacity shall be restricted by the Fire Chief from performing any duty in violation of health or safety regulations concerning minors.

SECTION 2-14-5 FIREFIGHTER'S DUTIES. When called by the Fire Chief, all firefighters shall perform duties and comply with rules established by the Fire Chief as provided for in this chapter.

SECTION 2-14-6 FIREFIGHTER COMPENSATION. All volunteer firefighters shall receive no payment or compensation for services except for reimbursement of approved expenses. One Dollar (\$1.00) per attendance at volunteer Fire Department meetings or attendance at calls and emergencies in the fire district shall be paid in an annual lump sum to the Volunteer Fire Department following certification of attendance at meetings and calls by the Fire Chief to the City Council.

SECTION 2-14-7 WORKMEN'S COMPENSATION AND HOSPITALIZATION INSURANCE. The council shall contract to insure the City against liability for workmen's compensation and against statutory liability for the cost of hospitalization, nursing and medical attention for fire department members injured in performance of their duties as firefighters. All members of the Alburnett Fire Department shall be covered by the contract.

SECTION 2-14-8 LIABILITY INSURANCE. The Council shall contract to insure against liability of the City or members of the Department for injuries, death or property damage arising out of and resulting from the performance of departmental duties.

SECTION 2-14-9 FIRES OUTSIDE OF THE CITY. The department may answer calls to fire and other emergencies outside the limits of the City of Alburnett if the Fire Chief determines that an emergency exists and that such action will not endanger persons or property within the limits of the City of Alburnett.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 15

RESERVED

TITLE II POLICY AND ADMINISTRATION

CHAPTER 16

RESERVED

TITLE II POLICY AND ADMINISTRATION

CHAPTER 17

RESERVED

TITLE II POLICY AND ADMINISTRATION

CHAPTER 18

RESERVED