

CHAPTER 13**COUNCIL**

13.01 POWERS AND DUTIES. The Council shall possess and may exercise all executive, legislative, and judicial powers not inconsistent with statutes applicable to cities and conferred by law upon councils or cities organized under the general laws of this state. The powers and duties of the Council shall include, but are not limited to the following:

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

(Code of Iowa, 1995, 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, 1995, 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, improvements or repairs which may be specially assessed.

(Code of Iowa, 1995, Sec. 364.2 [1], Sec. 384.16 and Sec.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, 1995, 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, 1995, 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 law or this Code.

(Code of Iowa, 1995, Sec. 372.13 [4])

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

(Code of Iowa, 1995, 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 change is adopted, and the Council shall not adopt such an ordinance changing the compensation of any elected officer during the months of November and December 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, 1995, Sec. 372.13 [8])

13.02 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, 1995, 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 (10,000) dollars on any one project, or a motion to accept public improvements and facilities upon their completion, also requires an affirmative vote of not less than a majority of the Council members. Each Council member's vote on an ordinance, amendment or resolution must be recorded.

(Code of Iowa, 1995, 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, 1995, 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, 1995, 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, 1995, 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, 1995, Sec. 380.6 [3])

13.03 MEETINGS. Meetings of the Council shall be as follows:

1. Regular Meetings. The regular meetings of the Council shall be held at such time as may be established by resolution of the 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 Council submitted to the Clerk. Notice of a special meeting shall specify the date, time, place and subject of the meeting and such notice shall be given personally or left at the usual place of residence of each member of the Council. A record of the service of notice shall be maintained by the Clerk.

(Code of Iowa, 1995, Sec. 372.13 [5])

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

(Code of Iowa, 1995, Sec. 372.13 [1])

4. Rules of Procedure. The Council shall determine the rules of its own

proceedings by resolution and the Clerk shall keep such rules on file for public inspection.

(Code of Iowa, 1995, Sec. 372.13 [5])

5. 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.

6. Notice of Meetings. The Council shall give reasonable notice of the time, date and place of each meeting, and its tentative agenda.

(Code of Iowa, 1995, Sec. 21.4)

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

(Code of Iowa, 1995, Sec. 21.3)

8. 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 the vote of each member present shall be made public.

(Code of Iowa, 1995, Sec. 21.3)

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

(Code of Iowa, 1995, Sec. 21.5)

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

(Code of Iowa, 1995, Sec. 21.7)

11. 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 Code of Iowa, Chapter 21.

12. Rules of Conduct. The following rules are hereby adopted for the conduct of those attending regular and special meetings of the City Council in the council

chamber in the City Hall:

A. No person shall be permitted to stand in the council chamber during council sessions between the audience seats and the council members except the persons addressing the council, who shall do so from the speaker's stand, and except city officials and employees on city business.

B. No person shall enter the raised area at the east and west ends of the council table except upon invitation of the Council or a member thereof, and except city officials and employees on city business.

C. Any person desiring to address the council may do so when recognized by the presiding officer, but the Council reserves the right to limit the speaker's time and the order in which the speakers may address the Council.

D. No person shall be interrupted while addressing the Council except by a member of the Council.

E. No member of the public shall be permitted to sit or lean upon the Council table during sessions of the Council.

F. No person shall use unreasonably loud or abusive language or any other language in the Council chamber which disrupts or is intended to disrupt the peace, quiet, and good order of a Council meeting.

G. Those having business before the Council shall have the right to speak to items as they appear on the Council agenda, subject to the foregoing constraints; those wishing to address matters not on the Council agenda must wait until the agenda is completed and until recognized to speak by the presiding officer.

H. Any person violating any of the foregoing rules shall be guilty of a disorderly conduct and disturbing a public assembly and upon conviction shall pay a fine of not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00) or be imprisoned for not less than one nor more than seven days.

I. The Chief of Police shall enforce the provisions of this section and upon request shall provide sufficient officers therefor.

(Code of Iowa, 1995, Sec. 21.7)

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

1. City Administrator/Clerk.
2. City Treasurer.
3. City Attorney.
4. City Engineer.
5. Fire Chief.
6. Superintendent of Public Works.

13.05 COMPENSATION. Each member of the Council shall be paid as compensation the sum of forty dollars (\$40.00) for each meeting of the Council which he or she attends, plus the sum of five hundred dollars (\$500.00) for each calendar quarter. Such compensation shall be paid quarterly following the close of each calendar quarter. Such amount shall remain the compensation of the Council through calendar year 2001.

Beginning January 1, 2002, each member of the City Council shall be paid as compensation the sum of forty-five dollars (\$45.00) for each meeting of the Council which he or she attends plus the sum of (\$515.00) for each calendar quarter. Such compensation shall be paid quarterly following the close of each calendar quarter. Such amount shall remain the compensation of the Council through calendar year 2002.

Beginning January 1, 2003, and each calendar year thereafter, the above compensation amount shall be increased by a percentage equal to the increase in the Consumer Price Index (CPI) for the calendar year immediately preceding the increase in compensation. Meeting pay shall be rounded up to the closest one dollar (\$1). Quarterly pay shall be rounded to the closest ten dollars (\$10). If there is no increase in the CPI in a given year, then the Council compensation shall remain the same in the subsequent year. All compensation provided for herein shall be paid quarterly following the closed of each calendar quarter.

(Code of Iowa, 1995, Sec. 372.13 [8])