

TITLE 1
ADMINISTRATIVE

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**Title 1 – Administrative
Chapter 1 – City Charter**

SECTIONS:

- 1-1-1 Purpose
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- 1-1-3 Form of Government
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1-1-1 Purpose. The purpose of this Ordinance is to provide for a Charter embodying the form of government existing in the City of Muscatine, Iowa, on August 17, 1972.

1-1-2 Charter. This Ordinance may be cited as the Charter of the City of Muscatine, Iowa.

1-1-3 Form of Government. The form of government of the City of Muscatine, Iowa, is the special charter form of government.

(Code of Iowa, Sec. 372.12)

1-1-4 Powers and Duties. The Council and Mayor and other City officers have such powers and perform such duties as are authorized or required by State law and by the ordinances, resolutions, rules, and regulations of the City of Muscatine, Iowa.

1-1-5 Number and Term of Council. The Council consists of two (2) Council members elected at large and one (1) Council member from each of five (5) wards, as established by ordinance, elected for four (4) year staggered terms.

(Code of Iowa, Sec. 376.2)

1-1-6 Term of Mayor. The Mayor is elected for a term of two (2) years.

(Code of Iowa, Sec. 376.2)

1-1-7 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 the 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 1 – Administrative
Chapter 2 – City Code**

SECTIONS:

- 1-2-1 Title
- 1-2-2 Definitions
- 1-2-3 Rules of Construction
- 1-2-4 Severability
- 1-2-5 City Powers
- 1-2-6 Indemnity
- 1-2-7 Personal Injuries
- 1-2-8 Extension of Authority
- 1-2-9 Amendments
- 1-2-10 Catchlines and Notes
- 1-2-11 Altering Codes
- 1-2-12 Warrants
- 1-2-13 General Standards for Action
- 1-2-14 Standard Penalty
- 1-2-15 Appendix to this Code of Ordinances

1-2-1 Title. This Code of Ordinances shall be known and may be cited as the Code of Ordinances of the City of Muscatine, Iowa, 2014.

1-2-2 Definitions. The following definitions shall be definitions of the words so defined unless the context of the section dictates otherwise:

- A. "Alley" means a public right-of-way, other than a street, affording secondary means of access to abutting property.
- B. "City" shall mean the City of Muscatine, in the County of Muscatine, in the State of Iowa.
- C. "City Council" shall mean the City Council of the City of Muscatine.
- D. "Clerk" means the City Clerk of Muscatine, Iowa.
- E. "Code" shall mean the City Code of Muscatine, Iowa, and all amendments thereto.
- F. "Council" means the City Council of Muscatine, Iowa.
- G. "County" shall mean Muscatine County in the State of Iowa.
- H. "In the City" shall mean and include all territory over which the City now has or shall hereafter acquire jurisdiction for the exercise of its police powers and regulatory functions.
- I. "May" confers a power.
- J. "Measure" means an ordinance, amendment, resolution or motion.
- K. "Month" shall mean one calendar month.

- L. "Municipal Property" means all property owned, leased, or managed by the City of Muscatine, either inside or outside of city limits, shall be under the statutes of the Municipal Code and the City's jurisdiction.
- M. "Oath" shall be deemed to include an affirmation. "Sworn" shall be construed to include the word "Affirmed".
- N. "Occupant" or "Tenant", when applied to a building or land, shall mean any person who holds a written or oral lease of, or actually occupies the whole or part of said building or land, either alone or with others.
- O. "Ordinances" shall mean the ordinances of the City of Muscatine, Iowa, as embodied in this Code of Ordinances, ordinances not repealed by the ordinance adopting this Code of Ordinances, and those enacted hereafter.
- P. "Owner", when applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, or joint tenant of the whole or part of such building, land, or any property, either alone or with others.
- Q. "Person" means 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.
- R. "Public way" includes any street, alley, boulevard, parkway, highway, sidewalk, or other public thoroughfare.
- S. "Shall" imposes a duty or requirement.
- T. "Right-of-way" means the area on, below, or above any real property in which the City has an interest, including, without limitation, any street, road, highway, alley, sidewalk or any other place, area or real property owned by or under the control of the City, including other dedicated right-of-way for travel purposes and utility easements.
- U. "Sidewalk" means that surfaced portion of the public way (See R above) between the edge of the traveled way, surfacing, or curb line and the adjacent property line, intended for the use of pedestrians.
- V. "State" means the State of Iowa.
- W. "Statutes" or "laws" means the latest edition of the Code of Iowa, as amended.
- X. "Street" or "highway" means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right.
- Y. "Urban Design Standards and Urban Standard Specifications (U.D.S. & U.S.S.)" means the latest edition of the Urban Design Standards Manual and the Urban Standard Specifications for Public Improvements Manual as compiled by the Urban Standards and Specifications Committee.

Words that are not defined in this Code of Ordinances or by the Code of Iowa have their ordinary meaning unless such construction would be inconsistent with the manifest intent of the Council, or repugnant to the context of the provision.

1-2-3 Rules of Construction. In the construction of this Code of Ordinances, the rules of statutory construction as set forth in Chapter 4 of the Code of Iowa shall be utilized to ascertain the intent of the Council with the understanding that the term "statute" as used therein will be deemed to be synonymous with the term "ordinance" when applied to this Code of Ordinances

1-2-4 Severability. If any section, subsection, sentence, clause, or phrase of this Code for any reason is held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portions of this Code as a whole or any section, provision or part thereof not held invalid or unconstitutional.

1-2-5 City Powers. The City may, except as expressly limited by the Iowa Constitution, and if not inconsistent with the laws of the Iowa General Assembly, exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges and property of the City and of its residents, and preserve and improve the peace, safety, health, welfare, comfort and convenience of its residents and each and every provision of this Code of Ordinances shall be deemed to be in the exercise of the foregoing powers and the performance of the foregoing functions.

(Code of Iowa, Sec. 364.1)

1-2-6 Indemnity. The applicant for any permit or license under this Code of Ordinances, by making such application, assumes and agrees to pay for all injury to or death of any person or persons whomsoever, and all loss of or damage to property whatsoever, including all costs and expenses incident thereto, however arising from or related to, directly, indirectly or remotely, the issuance of the permit or license, or the doing of anything thereunder, or the failure of such applicant, or the agents, employees or servants of such applicant, to abide by or comply with any of the provisions of this Code of Ordinances or the terms and conditions of such permit or license, and such applicant, by making such application, forever agrees to indemnify the City and its officers, agents and employees, and agrees to save them harmless from any and all claims, demands, lawsuits or liability whatsoever for any loss, damage, injury or death, including all costs and expenses incident thereto, by reason of the foregoing. The provisions of this Section shall be deemed to be a part of any permit or license issued under this Code of Ordinances or any other ordinance of the City whether expressly recited therein or not.

1-2-7 Personal Injuries. When action is brought against the City for personal injuries alleged to have been caused by its negligence, the City may notify in writing any person by whose negligence it claims the injury was caused. The notice shall state the pendency of the action, the name of the plaintiff, the name and location of the court where the action is pending, a brief statement of the alleged facts from which the cause arose, that the City believes that the person notified is liable to it for any judgment rendered against the City and asking the person to appear and defend. A judgment obtained in the suit is conclusive in any action by the City against any person so notified, as to the existence of the defect or other cause of the injury or damage, as to the liability of the City to the plaintiff in the first named action, and as to the amount of the damage or injury. The City may maintain an action against the person notified to recover the amount of the judgment together with all the expenses incurred by the City in the suit.

(Code of Iowa, Sec. 364.14)

1-2-8 Extension of Authority. Whenever an officer or employee is required or authorized to do an act by a provision of this Code of Ordinances, the provision shall be construed as authorizing performance by a regular assistant, subordinate or a duly authorized designee of said officer or employee.

1-2-9 Amendments. All ordinances which amend, repeal or in any manner affect this Code of Ordinances shall include proper reference to chapter, section, subsection or paragraph to maintain an orderly codification of ordinances of the City.

(Code of Iowa, Sec. 380.2)

1-2-10 Catchlines and Notes. The catchlines of the several sections of the Code of Ordinances, titles, headings (chapter, 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 Code of Ordinances, do not constitute any part of the law, and are intended merely to indicate, explain, supplement or clarify the contents of a section.

1-2-11 Altering Codes. It is unlawful for any unauthorized person to change or amend by additions or deletions, any part or portion of the Code of Ordinances, or to insert or delete pages, or portions thereof, or to alter or tamper with the Code of Ordinances in any manner whatsoever which will cause the law of the City to be misrepresented thereby.

(Code of Iowa, Sec. 718.5)

1-2-12 Warrants. If consent to enter upon or inspect any building, structure or property pursuant to a municipal ordinance is withheld by any person having the lawful right to exclude, the City officer or employee having the duty to enter upon or conduct the inspection may apply to the Iowa District Court in and for the county, pursuant to Section 808.14 of the Code of Iowa, for an administrative search warrant. No owner, operator or occupant or any other person having charge, care or control of any dwelling unit, rooming unit, structure, building or premises shall fail or neglect, after presentation of a search warrant, to permit entry therein by the municipal officer or employee.

1-2-13 General Standards for Action. Whenever this Code of Ordinances grants any discretionary power to the Council or any commission, board or officer or employee of the City and does not specify standards to govern the exercise of the power, the power shall be exercised in light of the following standard: The discretionary power to grant, deny or revoke any matter shall be considered in light of the facts and circumstances then existing and as may be reasonably foreseeable, and due consideration shall be given to the impact upon the public health, safety and welfare, and the decision shall be that of a reasonably prudent person under similar circumstances in the exercise of the police power.

1-2-14 Standard Penalty. Unless another penalty is expressly provided for violation of any particular provision, section or chapter, any person failing to perform a duty or obtain a license required by this Code of Ordinances or violating any provision of this Code of Ordinances or any rule or regulation adopted herein by reference shall, upon conviction, be subject to penalties for a simple misdemeanor as provided in the Code of Iowa, Sec. 364.3(2) and 903.1(1a) and included in Muscatine City Code Appendix A – Schedule of Penalties. ⁱ ⁱⁱ

(Code of Iowa, Sec. 364.3[2] and 903.1[1a])

1-2-15 Appendix to this Code of Ordinances. The City is hereby authorized to create and maintain an Appendix to this Code of Ordinances. The contents of the Appendix shall be approved by resolution of the City Council. The Appendix shall contain, but not be limited to the following contents:

- A. A schedule of minimum penalties for specific city offenses.
- B. A schedule of permit and licensing requirements, which shall include application fees and any and all bond and insurance requirements.
- C. A schedule of fees for use of city services, including but not limited to sewer and sanitation fees.
- D. A schedule of miscellaneous charges and fees related to platting subdivisions, building permits, inspection and zoning matters.

**Title 1 – Administrative
Chapter 3 – Municipal Infractions**

SECTIONS:

- 1-3-1 Municipal Infraction
- 1-3-2 Penalties
- 1-3-3 Civil Citations
- 1-3-4 Alternative Relief
- 1-3-5 Criminal Penalties

1-3-1 Municipal Infraction. A violation of this Code of Ordinances or any ordinance or code herein adopted by reference or the omission or failure to perform any act or duty required by the same, with the exception of those provisions specifically provided under State law as a felony, an aggravated misdemeanor, or a serious misdemeanor, or a simple misdemeanor under Chapters 687 through 747 of the Code of Iowa, is a municipal infraction punishable by civil penalty as provided herein.

(Code of Iowa, Sec. 364.22[2] and [3])

1-3-2 Penalties. Unless provided for elsewhere in this Code or another amount is provided for in the Schedule of Penalties in the Appendix to this Code of Ordinances, a violation of a City ordinance is punishable by the following civil penalties:

Standard Civil Penalties.

- A. First Offense – Not to exceed \$500.00
- B. Each Repeat Offense – Not to exceed \$750.00

Each day that a violation occurs or is permitted to exist constitutes a repeat offense.

Special Civil Penalties.

- A. A municipal infraction arising from noncompliance with a pretreatment standard or requirement, referred to in 40 C.F.R. §403.8, by an industrial user is punishable by a penalty of not more than \$1,000.00 for each day a violation exists or continues.
- B. A municipal infraction classified as an environmental violation is punishable by a penalty of not more than \$1,000.00 for each occurrence. However, an environmental violation is not subject to such penalty if all of the following conditions are satisfied:
 - 1. The violation results solely from conducting an initial startup, cleaning, repairing, performing scheduled maintenance, testing, or conducting a shutdown of either equipment causing the violation or the equipment designed to reduce or eliminate the violation.
 - 2. The City is notified of the violation within twenty-four (24) hours from the time that the violation begins.
 - 3. The violation does not continue in existence for more than eight (8) hours.

1-3-3 Civil Citations. Any officer authorized by the City to enforce this Code of Ordinances may issue a civil citation to a person who commits a municipal infraction. The citation may be served by personal service as provided in Rule of Civil Procedure 1.305, by

certified mail addressed to the defendant at defendant's last known mailing address, return receipt requested, or by publication in the manner as provided in Rule of Civil Procedure 1.310 and subject to the conditions of Rule of Civil Procedure 1.311. A copy of the citation shall be served to the defendant, a copy of the citation shall be retained by the issuing officer, and the original citation shall be sent to the Clerk of the District Court. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:

(Code of Iowa, Sec. 364.22 [4])

- A. The name and address of the defendant.
- B. The name or description of the infraction attested to by the officer issuing the citation.
- C. The location and time of the infraction.
- D. The amount of civil penalty to be assessed or the alternative relief sought, or both.
- E. The manner, location, and time in which the penalty may be paid.
- F. The time and place of court appearance.
- G. The penalty for failure to appear in court.

1-3-4 Alternative Relief. Seeking a civil penalty as authorized in this Chapter does not preclude the City from seeking alternative relief from the court in the same action. Such alternative relief may include, but is not limited to, an order for abatement or injunctive relief.

(Code of Iowa, Sec. 364.22 [9])

1-3-5 Criminal Penalties. This Chapter does not preclude a peace officer from issuing a criminal citation for a violation of this Code of Ordinances or regulation if criminal penalties are also provided for the violation. Nor does it preclude or limit the authority of the City to enforce the provisions of this Code of Ordinances by criminal sanctions or other lawful means.

(Code of Iowa, Sec. 364.22[12])

Title 1 – Administrative
Chapter 4 – City Boundaries

SECTIONS:

1-4-1 Designation of Boundaries

1-4-2 Boundaries; Record of

1-4-1 Designation of Boundaries. The boundaries of the City of Muscatine shall be as they now appear on file at the office of the City Clerk and as from time to time updated in accordance with applicable law.

1-4-2 Boundaries; record of. A current map of the boundaries of the City of Muscatine shall be kept and made available during regular business hours at the office of the City Clerk.

Title 1 – Administrative
Chapter 5 – Precincts and Wards ⁱⁱⁱ

SECTIONS:

- 1-5-1 Definitions
- 1-5-2 Geography
- 1-5-3 Precincts Established
- 1-5-4 Wards Established
- 1-5-5 Polling Places Established
- 1-5-6 Correction of Errors
- 1-5-7 Publication of Changes

1-5-1 Definitions

- A. "Annexed territory"** means territory annexed to the City after Census Day.
- B. "Census Day"** means April 1, 2020 the official date of the 2020 United States Decennial Census.
- C. "City"** includes all territory within the corporate limits of the City of Muscatine and all annexed territories.
- D. "Commissioner of Elections"** means the County Auditor of Muscatine County.
- E. "Corporate limits"** means the corporate limits of the City of Muscatine.

1-5-2 Geography

- A.** For purposes of this Chapter, each reference to a specific, street, or geographic feature means street or other geographic they are delineated and described in the 2020 Topologically Integrated Geographic Encoding and Referencing System data file created by the United States Census Bureau that corresponds to the population data provided to the State under Pub. L. No. 31 94-171 based upon the 2020 United States Decennial Census.
- B.** For purposes of this Chapter, points of the compass are approximately unless otherwise stated.
- C.** For purposes of this Chapter, "street" or similar language means the centerline of the right-of-way and a straight extension of that centerline.

1-5-3 Precincts Established

The City is hereby divided into ten precincts as follows:

- A. The First Precinct** shall consist of: That territory bounded by a line extended as follows: beginning at a point at the intersection of the centerline Mulberry Avenue and the centerline of Bartlett Street; thence northwesterly along the centerline of Mulberry Avenue to an intersection with the centerline of Tipton Road; thence northwesterly along the centerline of Tipton Road to an intersection with the Corporate limit line; thence following the Corporate limit line counterclockwise to an intersection with the centerline of Lucas Street; thence southeasterly along the centerline of Lucas Street to an intersection with the centerline of Houser Street; thence northerly along the centerline of Houser Street to an intersection with the centerline of Cedar Street; thence easterly along the centerline of Cedar Street to an

intersection with the centerline of Bartlett Street; thence northeasterly along the centerline of Bartlett Street to the point of beginning.

- B. The Second Precinct** shall consist of: that territory bounded by a line extended as follows: beginning at a point at the intersection of the centerline of Lucas Street and the centerline of Houser Street; thence northerly along the centerline of Houser Street to an intersection with the centerline of Cedar Street; thence easterly along the centerline of Cedar Street to an intersection with the centerline of Fulliam Avenue; thence westerly along the centerline of Fulliam Avenue to an intersection with the centerline of Logan Street; thence southerly along the centerline of Logan Street to an intersection the centerline of Newell Avenue; thence westerly along the centerline of Newall Avenue to an intersection with the centerline of Lucas Street; and the northwesterly along the centerline Lucas Street to the point of beginning.
- C. The Third Precinct** shall consist of: that territory bounded by a line extended as follows: beginning at a point at the intersection of the centerline of 8th Street and the centerline of Spruce Street; thence southeasterly along the centerline of Spruce Street to an intersection with the centerline of 7th Street; thence southwesterly along the centerline of 7th Street to an intersection with the centerline of Locust Street; thence southeasterly along the centerline of Locust Street to an intersection with the centerline of 5th Street; thence northeasterly along the centerline of 5th Street to an intersection with the centerline of Cedar Street; thence northwesterly along the centerline of Cedar Street to an intersection with the centerline of Fulliam Avenue; thence westerly along the centerline of Fulliam Avenue to an intersection with the centerline of the segment of Logan Street that extends south of Fulliam Avenue; thence southerly along the centerline of Logan Street to an intersection with the centerline of Newell Avenue; thence easterly along the centerline of Newell Avenue to an intersection with the centerline of Maiden Lane; thence northeasterly along the centerline of Maiden Lane to an intersection with the centerline of Roscoe Avenue; thence southeasterly along the centerline of Roscoe Avenue to an intersection with the centerline of 8th Street; and thence southwesterly along the centerline of 8th Street to the point of beginning.
- D. The Fourth Precinct** shall consist of: that territory bounded by a line extended as follows: Beginning at a point at the intersection of the centerline Hershey Avenue and the centerline of that portion of Green Street that extends north of Hershey Avenue; thence easterly along the centerline of Hershey Avenue and an extension of the centerline of Hershey Avenue to an intersection with the main channel of the Mississippi River (the Corporate limit line); thence northwesterly along the main channel of the Mississippi River to an intersection with the centerline of Highway 92; thence northeasterly along the centerline of Highway 92 to an intersection with the centerline of 2nd Street; thence southwesterly along 2nd Street to an intersection with the west bank of Mad Creek; thence northerly along the west bank of Mad Creek to an intersection with the centerline of 5th Street; thence southwesterly along the centerline of 5th Street to an intersection with the centerline of Poplar Street; thence northwesterly along the centerline of Poplar Street to an intersection with the centerline of 8th Street; thence southwesterly along the centerline of 8th street to an intersection with the centerline of Cedar Street; thence southeasterly along the centerline of Cedar Street to an intersection with the centerline of 5th Street; thence southwesterly along the centerline of 5th Street to an intersection with the centerline of Whicher Street; thence northwesterly along the centerline of Whicher Street to an intersection the centerline of Green Street; and thence southerly along the centerline of Green Street to the point of beginning.
- E. The Fifth Precinct** shall consist of: that territory bounded by a line extended as follows: beginning at a point at the center of the intersection of the centerline of Mulberry Avenue and the centerline Bartlett Street; thence northwesterly along the centerline of Mulberry Avenue to an intersection with the centerline of Leroy Street; thence easterly along the centerline of Leroy Street to an intersection with the centerline of Bidwell Road; thence southeasterly along the centerline of Bidwell Road to an intersection with the centerline of Isett Ave; thence northeasterly along the centerline of Isett Avenue to an intersection with

the centerline of Clay Street; thence easterly along the centerline of Clay Street to an intersection with the centerline of 1st Avenue; thence southerly along the centerline of 1st Avenue to an intersection with the centerline of Adams Street; thence westerly along the centerline of Adams Street to an intersection with the centerline of Howard Avenue; thence southerly along the centerline of Howard Avenue to an intersection with the centerline of Monroe Street; thence westerly along the centerline of Monroe Street to an intersection with the centerline of Fillmore Street; thence southerly along the centerline of Fillmore Street to an intersection with the centerline of Washington Street; thence southwesterly along the centerline of Washington Street to an intersection with the west bank of Mad Creek; thence southerly along the west bank of Mad Creek to an intersection with the centerline of 5th Street; thence southwesterly along the centerline of 5th Street to an intersection with the centerline of Poplar Street; thence northwesterly along the centerline of Poplar Street to an intersection with the centerline of 8th Street; thence southwesterly along the centerline of 8th Street to an intersection with the centerline of Cedar Street; then northwesterly along the centerline of Cedar Street to an intersection with the centerline of Bartlett Street; and thence northeasterly along the centerline of Bartlett Street to the point of beginning.

F. The Sixth Precinct shall consist of: that territory bounded by a line extended as follows: beginning at a point at the center of the intersection of the centerline of Mulberry Avenue and the centerline Leroy Street; thence northwesterly along the centerline of Mulberry Avenue to the center of the intersection of Tipton Road; thence northwesterly along the centerline of Tipton Road to the Corporate limit line; thence following the Corporate limit line easterly to the center of the intersection with Isett Avenue; thence southerly along the centerline of Isett Avenue to an intersection with the northerly right of way line of the U.S. 61 Bypass; thence easterly along the northerly right of way line of the U.S. 61 Bypass to an intersection with the west bank of Mad Creek; thence southerly along the west bank of Mad Creek to an intersection with the centerline of Lake Park Boulevard; thence northeasterly along the centerline of Lake Park Boulevard to an intersection with the centerline of 2nd Avenue; thence southerly along the centerline of 2nd Avenue to an intersection with the centerline of McArthur Street; thence easterly along the centerline of McArthur Street to an intersection with the centerline of 1st Avenue; thence southerly along the centerline of 1st Avenue to an intersection with the centerline of Clay Street; thence westerly along the centerline of Clay Street to an intersection with the centerline of Isett Avenue; thence southwesterly along the centerline Isett Avenue to an intersection with the centerline of Bidwell Road; thence northwesterly along the centerline of Bidwell Road to an intersection with the centerline of Leroy Street; and thence westerly along the centerline of Leroy Street to the point of beginning.

G. The Seventh Precinct shall consist of: That territory bounded by a line extended as follows: beginning at a point at the intersection of the centerline Hershey Avenue and the centerline of that portion of Green Street that extends north of Hershey Avenue; thence southerly along the centerline of Green Street to an intersection with the centerline of Mill Street; thence westerly along the centerline of Mill Street to an intersection with the centerline of Liberty Street; thence southwesterly along the centerline of Liberty Street to an intersection the centerline of Bleeker Street; thence northwesterly along the centerline of Bleeker Street to an intersection with the centerline of Sterneman Boulevard; thence westerly along the centerline of Sterneman Boulevard to an intersection with the centerline of League Street; thence southerly along the centerline of League Street to an intersection with Oneida Avenue; thence westerly along the centerline Oneida Avenue to an intersection with the centerline of Houser Street; thence northerly along the centerline of Houser Street to an intersection with the south bank of Muscatine Slough; thence westerly along the south bank of Muscatine Slough to an intersection with the Corporate Limit Line; thence northerly along the Corporate Limit Line to and intersection with the centerline of Lucas Street; thence easterly along the centerline of Lucas Street to an intersection with the centerline of Newell Avenue; thence easterly along the centerline of Newell Avenue to an intersection with the centerline of Maiden Lane; thence northeasterly along the centerline of Maiden Lane to an intersection with the centerline of Roscoe Avenue; thence southeasterly along the centerline of Roscoe Avenue to an intersection with the centerline of 8th Street; thence

southwesterly along the centerline of 8th Street to an intersection with the centerline of Spruce Street; thence southeasterly along the centerline of Spruce Street to an intersection with the centerline of 7th Street; thence southwesterly along the centerline of 7th Street to an intersection with the centerline of Locust Street; thence southeasterly along the centerline of Locust Street to an intersection with the centerline of 5th Street; thence southwesterly along the centerline of 5th Street to an intersection with the centerline of Whicher Street; thence northwesterly along the center of Whicher Street to an intersection with the centerline of Green Street; then southerly along the center of Green Street to an intersection with the centerline of Hershey Avenue; and thence westerly along the centerline of Hershey Avenue to an intersection with the centerline of that portion of Green Street that extends south of Hershey Avenue and the point of beginning.

- H. The Eighth Precinct** shall consist of: That territory bounded by a line extended as follows: beginning at a point at the intersection of the centerline Hershey Avenue and the centerline of that portion of Green Street that extends north of Hershey Avenue; thence easterly along the centerline of Hershey Avenue and an extension of the centerline of Hershey Avenue to an intersection with the main channel of the Mississippi River (the Corporate Limit Line); thence clockwise along the Corporate Limit Line to an intersection with the south bank of Muscatine Slough; thence westerly along the south bank of Muscatine Slough to an intersection with the centerline of Houser Street; thence southerly along the centerline of Houser Street to an intersection with the centerline Oneida Avenue; thence easterly along the centerline Oneida Avenue to an intersection the centerline of League Street; thence northerly along the centerline of League Street to an intersection the centerline of Sterneman Boulevard; thence easterly along the centerline of Sterneman Boulevard to an intersection with the centerline of Bleeker Street; thence southeasterly along the centerline of Bleeker Street to an intersection with the centerline of Liberty Street; thence northeasterly along the centerline of Liberty Street to an intersection with the centerline of Mill Street; thence easterly along the centerline of Mill Street to an intersection with the centerline of Green Street; thence northerly along the centerline of Green Street to an intersection with the centerline of Hershey Avenue; and thence easterly along the centerline of Hershey Avenue to an intersection with the centerline of that portion of Green Street that extends north of Hershey Avenue and the point of beginning.
- I. The Ninth Precinct** shall consist of: That territory bounded by a line extended as follows: beginning at a point at the intersection of the centerline of Park Avenue and the centerline of Monroe Street; thence northerly along the center of Park Avenue to an intersection with the centerline of Colorado Street; thence easterly along the centerline of Colorado Street to an intersection with the centerline of University Drive; thence southerly along the centerline of University Drive to an intersection with the centerline of Highway 22; thence westerly along the centerline of Highway 22 to an intersection with the Corporate Limit Line; thence clockwise along the Corporate Limit line to an intersection with the centerline of Highway 92; thence northeasterly along the centerline of Highway 92 to an intersection with the centerline of 2nd Street; thence southwesterly along 2nd Street to an intersection with the west bank of Mad Creek; thence northerly along the west bank of Mad Creek to an intersection with the centerline of Washington Street; thence northeasterly along the centerline of Washington Street to an intersection with the centerline of Fillmore Street; thence northerly along the centerline of the Fillmore Street to an intersection with the centerline of Monroe Street; thence easterly along the centerline of Monroe Street to an intersection with the centerline of Howard Avenue; thence northerly along the centerline of Howard Avenue to an intersection with the centerline of Adams Street; thence easterly along the centerline of Adams Street to an intersection with the centerline of 1st Avenue; thence southerly along the centerline of 1st Avenue to an intersection the centerline of Monroe Street; and thence easterly along the centerline of Monroe Street to the point of beginning.

By request of the Secretary of State and pursuant to agreement with Muscatine County for ease of voting, a small portion of un incorporated Muscatine County. Located on the west side of University Drive between Colorado Street and Highway 22 is included as part of

Precinct 9, as described above, for voting purposes. Residents of the portion of Precinct 9 located outside Corporate Limits of the City of Muscatine will not cast votes in Muscatine municipal elections or referendums.

J. The Tenth Precinct shall consist of: That territory bounded by a line extended as follows: beginning at a point at the intersection of the centerline of Park Avenue and the centerline of Monroe Street; thence westerly along the centerline of Monroe Street to an intersection with the centerline of 1st Avenue; thence northerly along the centerline of 1st Avenue to an intersection with the centerline of McArthur Street; thence westerly along the centerline of McArthur Street to an intersection with the centerline of 2nd Avenue; thence northerly along the centerline of 2nd Avenue to an intersection with the centerline of Lake Park Boulevard; thence westerly along the centerline of Lake Park Boulevard to an intersection with the west bank of Mad Creek; thence northerly along the west bank of Mad Creek to an intersection with the northerly right of way line of the U.S. 61 Bypass; thence westerly along the northerly right of way line of the U.S. 61 Bypass to an intersection with the centerline of Isett Avenue; thence northerly along the centerline of Isett Avenue to an intersection with the Corporate Limit Line; thence clockwise along the Corporate Limit Line to an intersection with the centerline of Colorado Street; thence westerly along the centerline of Colorado Street to an intersection with the centerline of Park Avenue; thence southerly along the centerline of Park Avenue to an intersection with the centerline of Monroe Street; and thence westerly along the centerline of Monroe Street to the point of beginning.

1-5-4 Wards Established

- A. The First Ward** shall consist of the First and Second Precinct.
- B. The Second Ward:** shall consist of the Third and Fourth Precincts.
- C. The Third Ward** shall consist of the Fifth and Sixth Precincts.
- D. The Fourth Ward** shall consist of the Seventh and Eighth Precincts.
- E. The Fifth Ward** shall consist of the portion of the Ninth Precinct located with the Corporate Limits of the City of Muscatine and the Tenth Precinct

1-5-5 Polling Places Established

The polling places shall be designated by the Commissioner of Elections as provided by the Iowa Code.

1-5-6 Correction of Errors

If this Chapter fails to place any part of the City within a precinct established by this Chapter, the Commissioner of Elections shall assign the omitted area to an adjacent precinct or assign to a combined City-County precinct established in accordance with any signed agreement between the City of Muscatine and Muscatine County, with the same legislative district. If this Chapter places any part of the City 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 Chapter.

1-5-7 Publication of Changes

Changes to boundaries and polling places for precincts and wards shall be published in accordance with Chapter 49 of the Code of Iowa.

**Title 1 – Administrative
Chapter 6 – Elections**

SECTIONS:

- 1-6-1 Municipal Elections
- 1-6-2 Offices to be Filled
- 1-6-3 Nominating Method to be Used
- 1-6-4 Nomination by Petition
- 1-6-5 Adding Name by Petition
- 1-6-6 Preparation of Petition and Affidavit
- 1-6-7 Filing, Presumption, Withdrawals, Objections
- 1-6-8 Persons Elected
- 1-6-9 Permanent Registration
- 1-6-10 Use of Public Resources for Political Purposes Prohibited

1-6-1 Municipal Elections. All municipal elections shall be conducted as provided by the Code of Iowa and shall be held on the Tuesday following the first Monday in November of odd numbered years.

1-6-2 Offices to be Filled. The times at which officers of cities shall be elected and their terms of office shall be as provided by or established pursuant to Sections 376.1 and 376.2 of the Iowa Code.

(Code of Iowa, Sec. 39.20)

1-6-3 Nominating Method to be Used. All candidates for elective municipal offices shall be nominated under the provisions of Chapter 45 of the Code of Iowa.

(Code of Iowa, Sec. 376.3)

1-6-4 Nomination by Petition. Nominations for candidates for the office of Mayor and Council Members may be made by nomination papers signed by not less than 25 eligible electors, residents of the City or Ward.

(Code of Iowa, Sec. 45.1)

1-6-5 Adding Name by Petition. A candidate whose name appeared on the ballot by reason of having been nominated, cannot have his name appear a second time by petition.

(Code of Iowa, Sec. 45.2) (Op. Atty. Gen. 1898, p.174 Iowa)

1-6-6 Preparation of Petition and Affidavit. Nomination papers shall include a petition and an affidavit of candidacy. The petition and affidavit shall be in substantially the form prescribed by the State Commissioner of Elections, shall include information required by the Code of Iowa, and shall be signed in accordance with the Code of Iowa.

(Code of Iowa, Sec. 45.3, 45.5 & 45.6)

1-6-7 Filing, Presumption, Withdrawals, 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 45 of the Code of Iowa.

(Code of Iowa, Sec. 45.4)

1-6-8 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.

(Code of Iowa, Sec. 376.8)

1-6-9 Permanent Registration. There is hereby adopted the plan of permanent voter registration as provided by the Code of Iowa.

1-6-10 Use of Public Resources for a Political Purpose Prohibited. For purposes of this subsection, the following definitions apply:

- A. "*Ballot issue*" means a question that has been approved to be placed before the voters or is otherwise required by law to be placed before the voters. "Ballot issue" does not include the nomination or election of a candidate.
- B. "*Campaign*" means the organized effort to expressly advocate the nomination, election, or defeat of a candidate for state or local office in Iowa. "Campaign" also means the organized effort to expressly advocate the passage or defeat of a ballot issue.
- C. "*Candidate*" means any individual who has taken affirmative action to seek nomination or election to a state or local office in Iowa.
- D. "*Expressly advocate*" means "express advocacy" as defined in Iowa Code Section 68A.102(14) and Iowa Admin. Code r. 351-4.53(1). "Express advocacy" includes a communication that uses any word, term, phrase, or symbol that exhorts an individual to vote for or against a clearly identified candidate or for the passage or defeat of a clearly identified ballot issue.
- E. "*Political purpose*" means to expressly advocate the nomination, election, or defeat of a candidate or to expressly advocate the passage or defeat of a ballot issue.
- F. "*Public resources*" means the moneys, time, property, facilities, equipment, and supplies of the executive branch of state government, a county, city, public school, or other political subdivision.

(Iowa Admin. Code r. 351-5.3(68A))

General prohibition. Unless one of the exceptions in rule 351-5.5(68A) applies, the public officials and public employees of the City shall not permit public resources to be used to expressly advocate the nomination, election, or defeat of a candidate or to expressly advocate the passage or defeat of a ballot issue.

(Iowa Admin. Code r. 351-5.4(68A))

Specific Conduct Prohibited. The following specific conduct or actions are deemed to be the prohibited use of public resources for a political purpose:

- A. Using public resources to solicit or accept campaign contributions.
- B. Using public resources to solicit votes, engage in campaign work, or poll voters on their preferences for candidates or ballot issues. The prohibition on polling voters by using public resources does not apply to authorized research at a public university.
- C. Using a publicly owned motor vehicle to transport political materials, placing campaign signs on a publicly owned motor vehicle, or traveling to campaign-related events in a publicly owned motor vehicle.

Using public resources to produce and distribute communications that expressly advocate for or against candidates or that expressly advocate for or against ballot issues.

- D. Placing campaign materials on public property including the placement of campaign signs in the public right-of-way.

(Iowa Admin. Code r. 351-5.4[68A])

Construction. This Section shall not be construed to limit the freedom of speech of officials or employees of the City.

**Title 1 – Administrative
Chapter 7 – Mayor**

SECTIONS:

- 1-7-1 Term of Office
- 1-7-2 Powers and Duties of the Mayor
- 1-7-3 Compensation
- 1-7-4 Voting
- 1-7-5 Qualifications of the Mayor
- 1-7-6 Removal of the Mayor

1-7-1 Term of Office. The Mayor is elected for a term of two years.

(Code of Iowa, Sec. 376.2)

1-7-2 Powers and Duties of the Mayor. The Mayor shall be the chief executive officer of the City; shall take care that the laws of the State of Iowa and the provisions of this City Code are duly respected, observed, and enforced within the City; shall preside at all council meetings, preserve order and decorum and shall decide all questions of order, subject to an appeal from the Council; shall from time to time give the Council information for its consideration on such measures as may be in the interest of the City; shall be the conservator of the peace and may call for the assistance of the police and, if necessary, any citizen of the City to aid in quelling or preventing any riot or unlawful assembly, or in preventing or restraining any breach of the peace and any such police officer or citizen, when so called upon, who shall refuse to obey the orders of the Mayor shall be deemed guilty of a misdemeanor; shall sign on behalf of the City all contracts between the City and any other party; and shall perform all duties required by the Charter, the provisions of this Code, resolutions of the City Council and all other acts which the good of the City may require.

1-7-3 Compensation. The Mayor shall receive, in full compensation for his or her services, a salary in the amount as set by ordinance.

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

1-7-4 Voting. The Mayor is not a member of the Council and shall not vote as a member of the Council.

(Code of Iowa, Sec. 372.4)

1-7-5 Qualifications of the Mayor. The Mayor shall be a resident of the City at the time a petition for election is filed, at the time of election, and continuing throughout the term of office.

1-7-6 Removal of the Mayor. The Mayor may be removed from office by action of the City Council for any of the following reasons:

- A. For willful or habitual neglect or refusal to perform the duties of his or her office.
- B. For willful misconduct or maladministration in office.
- C. For corruption.
- D. For extortion.

- E. Upon conviction of a felony.
- F. For intoxication, or upon conviction of being intoxicated, or for possession of any illegal substances.
- G. Upon conviction of violating the provisions of Chapter 68A, Code of Iowa.

Such removal shall be only after a hearing before the City Council based on written charges prepared and filed by the City Attorney, which removal can only be made by a two-thirds vote of the entire Council. Notice of such hearing shall be by personal service on the Mayor whose removal is being sought not less than ten (10) days before the date of such hearing.

**Title 1 – Administrative
Chapter 8 – Mayor Pro Tem**

SECTIONS:

1-8-1 Vice President of Council

1-8-2 Powers and Duties

1-8-3 Voting Rights

1-8-4 Compensation

1-8-1 Vice President of Council. The Mayor Pro Tem is vice president of the Council.

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

1-8-2 Powers and Duties. Except for the limitations otherwise provided herein, the Mayor Pro Tem shall perform the duties of the Mayor in cases of absence or inability of the Mayor to perform such duties

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

1-8-3 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])

1-8-4 Compensation. If the Mayor Pro Tem performs the duties of the Mayor during the Mayor's absence or disability for a continuous period of thirty 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])

**Title 1 – Administrative
Chapter 9 - Council**

SECTIONS:

- 1-9-1 Number and Term of Years
- 1-9-2 Powers and Duties of the Council
- 1-9-3 Exercise of Powers
- 1-9-4 Salary of Council Members
- 1-9-5 Meetings of City Council
- 1-9-6 Qualifications of Council Members
- 1-9-7 Vacancies
- 1-9-8 Removal of Council Members

1-9-1 Number and Term of Years. The Council consists of 2 Council members elected at large for overlapping terms of 4 years and 5 elected by ward for staggered terms of 4 years.

(Code of Iowa, Sec. 372.4 & 376.2)

1-9-2 Powers and Duties of the Council. The powers and duties of the Council include, but are not limited to, the following:

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

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

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

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

- C. 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, Sec. 364.2[1], 384.16 & 384.38 [1])

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

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

- E. Contracts. The Council shall make or authorize the making of all contracts. Contracts are approved by motion or as otherwise required by Iowa Code.

(Code of Iowa, Sec. 38.10)

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

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

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

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

1-9-3 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])*:

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

(Code of Iowa, Sec. 380.4)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 380.4)

1-9-4 Salary of Council Members. Each Council member shall receive, in full compensation for his or her services, a salary in the amount as set by ordinance.

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

1-9-5 Meetings of the City Council. The City Council shall hold regular meetings, as may be designated by the Council, and special meetings called by the Mayor, City Administrator, or a majority of the Council members. A quorum of the Council shall be a majority of the members and no action may be taken by the Council unless a quorum is present. The Council shall prescribe its own rules of procedure by resolution which shall be in conformance with the provisions of the laws of the State of Iowa.

1-9-6 Qualifications of the Council Members. The Council members shall be residents of the City of Muscatine and shall maintain his or her primary residence in the Ward they are elected to represent at the time a petition for election is filed, at the time of election, and continuing throughout the term of office.

1-9-7 Vacancies. A vacancy in the office of the Mayor and the Council shall be filled in accordance with the provisions of the laws of the State of Iowa and all officers appointed or elected to fill such vacancies shall qualify within three (3) days.

1-9-8 Removal of Council Member. Any Council Member may be removed in accordance with Iowa law from office by action of the City Council for any of the following reasons:

- A. For willful or habitual neglect or refusal to perform the duties of his or her office.
- B. For willful misconduct or maladministration in office.
- C. For corruption.
- D. For extortion.
- E. Upon conviction of a felony.
- F. For intoxication, or upon conviction of being intoxicated, or for possession of any illegal substances.
- G. Upon conviction of violating the provisions of Chapter 68A, Code of Iowa.

Such removal shall be only after a hearing before the City Council based on written charges prepared and filed by the City Attorney, which removal can only be made by a two-thirds vote of the entire Council. Notice of such hearing shall be by personal service on the Mayor or City Council Member whose removal is being sought not less than ten (10) days before the date of such hearing.

Title 1 – Administrative
Chapter 10 - City Officers and Employees

SECTIONS:

- 1-10-1 Bond Requirements and Amounts
- 1-10-2 City Administrator; Clerk
- 1-10-3 City Attorney
- 1-10-4 Succession requirements

1-10-1 Bond Requirements and Amounts. The following officers and employees shall have an official bond in the amount proscribed below and as required under Section 64.2 of the Code of Iowa. Costs to be paid by City.

- A. City Administrator: \$500,000
- B. Finance Director (Treasurer): \$500,000
- C. All other City Officers and Employees: \$500,000

1-10-2 City Administrator.

- A. Establishment, Appointment, and Removal. The office of the City Administrator is hereby created, which office shall be filled by a majority vote of the Council. The appointee shall hold office during the pleasure of the Council, and shall be subject to removal by a majority vote of the Council. He or she shall also be the City Clerk.
- B. Qualifications. The City Council shall appoint by majority vote a competent person on the basis of his or her qualifications as City Administrator.

(Code of Iowa, Section 372.13(4))

- C. Excepted Appointment: The City Administrator shall not be considered a department head.
- D. Deputy City Clerk. The City Administrator shall appoint a Deputy City Clerk to perform the duties of the City Clerk in the Administrator's absence and to perform other duties as assigned to him or her.
- E. Duties and Responsibilities: The City Administrator shall have the following duties:
 - 1. Powers and Duties as City Administrator.
 - a. The powers and duties of the City Administrator shall include:
 - i. Enforcement of all City laws and regulations as directed by the Council.
 - ii. Administration of Council policies and directives.
 - iii. Continuous study of the City government's operating procedures, organization, and facilities and to recommend fiscal and other policies to the Council whenever necessary.
 - iv. Preparation and administration of the City's annual operating budget.

- v. Supervision of the City's administrative policies and procedures, including personnel.
 - vi. Keeping the Council informed on the progress of its programs and the status of its policies.
 - vii. Coordinating and directing all City services provided through the various departments.
 - viii. Appointment and removal of City employees in accordance with City policies regarding this activity.
 - ix. Study possible joint arrangements with City boards such as, but not limited to, the Board of Water, Electric, and Communications Trustees or any other independent board and make recommendations for such arrangements as are mutually acceptable.
 - x. Assist the Mayor in any of his or her duties, as requested by him or her and approved by the Council.
 - xi. Review and revise imposition of penalties, costs, fees, bond, and insurance requirements as set out in the Appendices to this Code of Ordinances.
 - xii. Oversee daily operations of City and staff
- b. Any elected official shall deal with City Department Heads and employees, who are subject to the direction and supervision of the City Administrator solely, through the City Administrator, and Council Members shall not give orders to any such Department Heads or employees either publicly or privately. All departmental activity requiring the attention of the Council shall be brought before that body by the City Administrator. Elected officials shall have access to department heads or staff employees for the purpose of open and two-way communications; however, any meetings, issues or concerns raised by department heads, staff or elected officials shall be brought to the attention of the City Administrator ^{iv}

(Code of Iowa, Section 372.13(4))

2. Powers and Duties as Clerk.

- a. The Powers and Duties of the Clerk shall include:
 - i. Record of Appointments on Boards. It shall be the duty of the Clerk to keep a record of all appointments to all City Advisory Commissions and Boards. Such record must show the name, the period of the appointment, the date of its commencement and ending, by whom appointed, and the name of the board to which the appointment is made.

(Code of Iowa, Section 372.13(4))

- ii. Publication of Minutes. Within fifteen days following a regular or special meeting of the council, the clerk shall cause the minutes of the proceedings of the council, including the total expenditure from each city fund, to be published in a newspaper of general circulation in the city. The publication shall include a list of all claims allowed and a summary of all receipts and shall show the gross amount of the claims as required by Iowa Code, Section 372.13[6].

(Code of Iowa, Section 372.13(6))

- iii. Recording Measures. The clerk shall promptly record a statement with the measure, where applicable, indicating whether the mayor signed, vetoed, or took no action on the measure, and whether the measure was repassed after the mayor's veto.

(Code of Iowa, Section 380.7(2))

- iv. Publication of Ordinances. The clerk shall publish a summary of all ordinances or the complete text of ordinances and amendments in the manner provided in Section 362.3 of the Iowa Code.

(Code of Iowa, Section 380.7(3))

- v. Authentication of Measures. The Clerk shall authenticate all measures except motions with the clerk's signature and certification as to time and manner of publication, if any. The clerk's certification is presumptive evidence of the facts stated therein.

(Code of Iowa, Section 380.7(4))

- vi. Availability of Records. The Clerk shall maintain for public use copies of all effective ordinances and codes.

(Code of Iowa, Section 380.7(5))

- vii. Issuance of Licenses and Permits. Except as otherwise provided, any person desiring a license or permit for any purpose from the City shall pay the requisite license fee to the Clerk, who shall thereupon issue the proper license.

1-10-3 City Attorney.

- A. Establishment, Appointment, and Removal. There is hereby established the office of City Attorney, who shall be appointed by and hold office during the pleasure of the Council and shall be subject to removal of a majority vote of the Council. Notwithstanding this Subsection, the Council may use whatever additional legal counsel is available and appropriate as long as not in conflict with any provision of this Code of Ordinances.
- B. Qualifications. The City Attorney shall not be an employee of the City but shall be under the administrative direction of the City Administrator. The City Attorney shall be a graduate of a college of law and shall be a licensed Attorney authorized to practice in the State of Iowa upon employment.

- C. Powers and duties. The City Attorney performs legal services for and on behalf of the City, its officers, boards, commissions, and departments; attends meetings of various official bodies and gives oral advice and opinions in writing when requested; performs the preparation and review of ordinances, resolutions, contracts, and other legal documents as requested; tries cases and appears in other legal matters before courts, including district and appellate courts, boards, and commissions; confers with City officials on legal problems; performs research in connection with constitution, statutes, ordinances, decisions, rules, and regulations; prepares complaints, answers, and briefs for court cases; and performs additional administrative duties as assigned.

(Code of Iowa, Section 372.13(4))

- D. Compensation. The compensation of the City Attorney shall be such amount as may from time to time be fixed by the Council.

(Code of Iowa, Section 372.13(4))

1-10-4 Succession Requirements. Every City officer shall transfer to his or her successor in office all books, papers, records, documents and property, in his or her custody and relating to his or her office.

**Title 1 – Administrative
Chapter 11 – City Departments**

SECTIONS:

- 1-11-1 Departments Created
- 1-11-2 Department Heads; Appointment and Removal
- 1-11-3 Duties
- 1-11-4 Other Departments
- 1-11-5 Creation of New Departments

1-11-1 Departments Created. There is hereby established the following City Departments:

- A. Community Development (Community Development Director)
- B. Finance (Finance Director-Treasurer)
- C. Fire (Fire Chief)
- D. Parks and Recreation (Parks and Recreation Director)
- E. Police (Police Chief)
- F. Public Works (Public Works Director)
- G. Water Pollution Control (Water Pollution Control Director)

1-11-2 Department Heads; Appointment and Removal. The departments shall be headed by a Department Head appointed and removed by the City Administrator, except the appointment and removal of the Police Chief, the Fire Chief, and the Finance Director-Treasurer, which shall be subject to the approval of the City Council.

All appointments shall be made to individuals with sufficient qualifications to perform the general duties of the office at a salary in accordance with the City's Pay Plan.

1-11-3 Duties. Department Heads listed in Section 1-11-1 shall be subordinate and responsible to the City Administrator and shall have such duties and functions as from time to time are assigned by the City Administrator.

1-11-4 Other Departments. The following departments are established by the City Council through Title 2, Chapters 5 and 6 of the City Code:

- A. Library (Library Director)
- B. Museum and Art Center (Museum and Art Center Director)

These Department Heads shall be appointed and removed by the Library Board and Museum and Art Center Board respectively and shall be compensated in accordance with the City's Pay Plan. The two (2) Department Heads shall perform such functions and duties as are assigned by the respective boards.

All budget, personnel, and purchasing procedures must conform to the policies and procedures established by the City Council and shall be coordinated with the City Administrator.

1-11-5 Creation of New Departments. The City Council shall have the authority to create new or consolidate existing departments by resolution as shall be deemed appropriate and after full consideration and study by the City Administrator.

Title 1 – Administrative
Chapter 12 – Fiscal Management

SECTIONS:

- 1-12-1 Purpose
- 1-12-2 Fiscal Year
- 1-12-3 Finance Director
- 1-12-4 Cash Control
- 1-12-5 Fund Control
- 1-12-6 Operating Budget Preparation
- 1-12-7 Budget Amendments
- 1-12-8 Accounting
- 1-12-9 Financial Reports
- 1-12-10 Bidding and Requests for Proposals

1-12-1 Purpose. The purpose of this Chapter is to establish policies and provide for rules and regulations governing the management of the financial affairs of the City.

1-12-2 Fiscal Year. The fiscal year for the City shall commence on the first day of July and end on the 30th day of June of each year.

(Code of Iowa, Section 24.2(3))

1-12-3 Finance Director. The Finance Director is the finance and accounting officer of the City and is responsible for the administration of the provisions of this Chapter.

1-12-4 Cash Control. To assure the proper accounting and safe custody of moneys the following shall apply:

- A. **Deposit of Funds.** All moneys or fees collected for any purpose by any City employee or City representative shall be deposited through the office of the Finance Director.
- B. **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)

- C. **Petty Cash Fund.** The Finance Director shall be custodian of a petty cash fund for the payment of small claims for minor purchases and small fees customarily paid at the time of rendering a service, for which payments the Finance Director shall obtain some form of receipt or bill acknowledged as paid by the vendor or agent. At such time as the petty cash fund is approaching depletion, the Finance Director 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.

1-12-5 Fund Control. There shall be established and maintained separate and distinct funds in accordance with the following:

- A. Revenues. All moneys received by the City shall be credited to the proper fund as required by law, ordinance or resolution.
- B. 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.
- C. Emergency Fund. No transfer may be made from any fund to the Emergency Fund.

(IAC, 545-2.5 [384,388], Sec. 2.5[2])

- D. Debt Service Fund. Except where specifically prohibited by State law, moneys 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.

(IAC, 545-2.5[384,388] Sec. 2.5[3])

- E. Capital Improvements Reserve Fund. Except where specifically prohibited by State law, moneys 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.

(IAC, 545-2.5[384,388] Sec. 2.5[4])

- F. Utility and Enterprise Funds. Utility and Enterprise funds shall be transferred in accordance with state law.
- G. Balancing of Funds. Fund accounts shall be reconciled at the close of each month and a report thereof submitted to the Council.

1-12-6 Operating Budget Preparation. The annual operating budget of the City shall be prepared in accordance with the following:

- A. Proposal Prepared. The City Administrator 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.
- B. 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 Finance Director for inclusion in the proposed City budget at such time and in such form as required by the Council.
- C. Submission to Council. The City Administrator shall submit the completed budget proposal to the Council no later than the first Monday in February of each year.
- D. 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.
- E. 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])

- F. 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, Administrator and Clerk and at the City library.

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

- G. Adoption and Certification. After the hearing, the Council shall adopt, by resolution, a budget for the next fiscal year and the Clerk shall certify the necessary tax levy for the next fiscal year to the County. The tax levy certified may be less than, but not more than, the amount estimated in the proposed budget. Two copies shall be submitted in accordance with the Iowa Code.

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

1-12-7 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, Sec. 384.18)

- A. 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])

- B. 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])

- C. 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])

1-12-8 Accounting. The accounting records of the City shall consist of not less than the following:

- A. Books of Original Entry. There shall be established and maintained books of original entry to provide a chronological record of cash received and disbursed.
- B. General Ledger. There shall be established and maintained a general ledger controlling all cash transactions, budgetary accounts and for recording unappropriated surpluses.

- C. Checks. Checks shall be signed by the City Clerk and Mayor following Council approval, except as provided by Subsection E hereof. Notwithstanding anything contained herein, no City employee or official shall sign any check which authorizes payment to the person signing the check.
- D. Budget Accounts. There shall be established such individual accounts to record receipts by source and expenditures by 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.
- E. Immediate Payment Authorized. The Council may authorize the Finance Director or 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.

1-12-9 Financial Reports. The Finance Director shall prepare and file the following financial reports:

- A. 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.
- B. Annual Report. Not later than December first of each year there shall be published an annual report containing a summary for the preceding fiscal year of all collections and receipts, 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 filed with the Auditor of State not later than December 1 of each year.

(Code of Iowa, Sec. 384.22)

1-12-10 Bidding; Public Improvements, Purchases, and Requests for Proposals.

- A. Public Improvements. All City Public Improvement Projects shall be awarded in accordance with Iowa Code, Chapter 26.
- B. Purchases and Requests for Proposals. Unless otherwise specified or required by law, all other purchases and requests for proposals shall be approved or awarded in accordance with guidelines established by Council.

Title 1 – Administrative
Chapter 13 – Personnel Procedures

SECTIONS:

- 1-13-1 Declaration of Policy
- 1-13-2 Applicability
- 1-13-3 Civil Service Provisions
- 1-13-4 Union Contracts
- 1-13-5 Prohibitive Activities
- 1-13-6 Permitted Activities
- 1-13-7 Personnel Records
- 1-13-8 Rules and Regulations - Employee Benefits
- 1-13-9 Department Regulations
- 1-13-10 Classification Plan
- 1-13-11 Pay Plan
- 1-13-12 Grievance Procedures
- 1-13-13 Civil Service Residency ^{vi}

1-13-1 Declaration of Policy. It is hereby declared the policy of the City that:

- A. Employment and promotions in the Municipal Government shall be based on merit and fitness and predicated on the premise that qualified personnel are best able to render effective and efficient service.
- B. Administration of all personnel policies established by this Chapter shall be the responsibility of the City Administrator.
- C. Appointments shall be free of personal and political considerations.
- D. Incentives and conditions of employment consistent with those employed by business firms and governmental units in the community shall be practiced in order to maintain a confident, loyal work force interested in performing efficiently and in the interest of governmental economy.
- E. A current position classification system shall be maintained and current Pay Plans providing for fair compensation of City employees shall be in effect.
- F. Positions in the City service shall be classified and compensated on a uniform basis and keeping with the policy of "equal pay for equal work".
- G. The City of Muscatine will not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, ancestry, religion, age, sexual orientation, or disability. Affirmative actions will be taken to implement this policy and assure non-discrimination in recruiting, training, placement, advancement, compensation, working conditions, demotions, layoffs, and termination.

1-13-2 Applicability. This Chapter shall apply to all employees in the service of the City except those offices which are elective.

1-13-3 Civil Service Provisions. The City of Muscatine shall operate its Personnel Program in accordance with the provisions of the State of Iowa Civil Service Code and the local Civil Service regulations, and the Civil Service requirements shall take precedence over this Ordinance.

1-13-4 Union Contracts. All City employees covered by Union Contracts shall perform in accordance with such contracts in respect to wages, hours, and such conditions of employment which are included in the contract. If this Ordinance is in conflict with the Union Contract, the Union Contract shall take precedence over this Ordinance. Where Union Contracts are in conflict with State or local Civil Service Laws, the Civil Service Law shall take precedence over the Union Contract.

1-13-5 Prohibitive Activities. All employees shall be hired without regard to political considerations. In accordance with this policy, City employees shall:

- A. Refrain from seeking or accepting to use any political endorsement or support in connection with appointment to a Civil Service or municipal position.
- B. Refrain from using their influence publicly in any way for or against any candidate for elective office in the municipal government.
- C. Not circulate petitions or publicly campaign on behalf of any local municipal elective official.
- D. Not engage in nor permit activity prohibited by Section 68A and 68B of the Code of Iowa.

A Civil Service or municipal employee who becomes a candidate for any elective public office shall, upon request of the employee and commencing thirty (30) days prior to any election and continuing until after the election, automatically be given a leave of absence without pay. An employee who is a candidate for an elective public office shall not campaign while on duty as a municipal employee. If elected, such employee is eligible to serve as a Civil Service or municipal employee only until qualification for the elective office, at which time the common law rule of conflict of interest would apply.

1-13-6 Permitted Activities. Nothing in Section 5 of this Chapter shall prevent employees from belonging to any political party, club, or organization; from attending political meetings; from expressing their political views in private or outside of working hours and off City premises; or from voting with complete freedom in any election.

1-13-7 Personnel Records. The Human Resources Manager or his or her designee, shall maintain the official Civil Service - Personnel Records for each employee. Such records shall include, but not be limited to, dates of initial appointments, promotions, job titles, salaries, evaluations, disciplinary actions, merit increases, leaves of any type taken, longevity, and employee adjustments according to pay and classification plans.

1-13-8 Rules and Regulations - Employee Benefits. The City Administrator shall develop rules and regulations on employee benefits and on working conditions, when required, in order to uniformly, effectively, and efficiently operate the City.

1-13-9 Department Regulations. Nothing in this Ordinance shall prohibit the establishment and administration of departmental regulations not in conflict with this Ordinance.

1-13-10 Classification Plan. The City shall establish a classification plan which shall consist of a list of titles, descriptions of the nature and requirements of work in each class, and the official allocations of positions to appropriate classes. The titles in the classification plan are to be used as exclusive means of reference for all official records and personnel transactions.

- A. Maintenance of Plan. The City Administrator shall maintain the classification plan.
- B. Change in the Plan. The classification plan may be amended and positions reclassified by the City Administrator in accordance with the following procedures, and subject to Council approval:
 - 1. All requests for creation of new positions, abolishment or consolidation of present positions, reclassification of existing positions, and reallocation of classifications to new salary ranges shall be submitted to the City Administrator.
 - 2. Department Heads shall report organizational changes and requests for change in duty assignments to the City Administrator.
 - 3. An employee may submit a written request to the City Administrator for review of the duties and responsibilities of the employee's position. All requests shall be submitted through the Department Heads and shall include the employee's description of the duties and responsibilities of the position.
- C. Abolishment of a Position. A position may be abolished by the City Administrator, with the approval of the City Council, and in accordance with the Civil Service Code of Iowa if applicable.

1-13-11 Pay Plan. It shall be the responsibility of the City Administrator to develop a compensation plan which will reflect fairly the differences in duties and responsibilities of the classifications established and which will assure, to the extent practicable, equal pay for equal work; which will reflect salary and wage rates which compare favorably with those in the area for comparable positions; and which provides a means of rewarding employees for continued good or outstanding service. The Pay Plan of the City shall be adopted annually by resolution of the City Council and shall coincide with the City's fiscal year. Any changes in the Plan shall be by recommendation of the City Administrator with approval of Council by resolution.

The City Administrator shall establish rules and regulations for administering the Pay Plans for Supervisory - Management employees, Confidential and Library employees, Non-Union Permanent Part Time employees, Temporary employees, Blue and White Collar Union employees, Police Officers - Union employees, and Firefighters - Union employees. In such case where there is a conflict between the rules and regulations and the Union Contract, the Union Contract shall take precedence. The City Council, upon the recommendation of the City Administrator, may establish such other employee group Pay Plans as may be required.

1-13-12 Grievance Procedures. An employee of the City of Muscatine has the right to grieve matters in regard to the interpretation, application, or violation of the personnel system of the City. For all employees covered under Union Contracts, the grievance procedures set forth in such contract shall be adhered to. For all non-union employees, the following grievance procedures shall be followed:

- A. **Step 1.** The grievance shall be discussed informally between the employee involved and the employee's immediate supervisor within three (3) working days after knowledge of the event giving rise to the grievance. The supervisor shall either adjust the grievance or deliver a written answer to the grieving employee within three (3) working days after such discussion. Failure of the supervisor to reply within set three (3) day period shall be deemed a denial of the grievance and may be appealed to the next step.
- B. **Step 2.** If such grievance is not resolved by Step 1, the grieved employee may appeal. The employee shall within three (3) working days following completion of Step 1, present the grievance in writing to the Department Head, or his or her designated representative. The grievance shall contain a statement from the employee specifying what relief or remedy is desired. The Department Head, or his or her designated representative, shall investigate the grievance and issue a decision in writing thereon within a period of five (5) working days. Failure of the Department Head, or his or her designated representative, to issue a written statement within five (5) working days shall be deemed a denial of the grievance and may be appealed to the next Step.
- C. **Step 3.** If such grievance is not resolved in Step 2, the grieved employee may appeal. The employee shall within three (3) working days following completion of Step 2 present the grievance in writing to the City Administrator, or his or her designated representative. The grievance shall contain a statement from the employee specifying what relief or remedy is desired. The City Administrator, or his or her designated representative, shall investigate the grievance and issue a decision in writing thereon within a period of five (5) working days. The City Administrator's decision on these matters shall be final.

For issues within the jurisdiction of the Civil Service Commission, the grievance procedure as established by the Civil Service Commission and the Code of Iowa shall prevail.

1-13-13 Civil Service Residency Muscatine Civil Service employees are not required to reside in the State of Iowa. The City Administrator shall assess the needs and demands of the organization and establish a time and distance policy for civil service employees.

Title 1 – Administrative
Chapter 14 – Adjudicative Appeals and Hearings

SECTIONS:

- 1-14-1 Statement of Purpose
- 1-14-2 Definitions
- 1-14-3 Scheduling and Notice of Hearing
- 1-14-4 Hearing Procedures
- 1-14-5 Supplementation by Resolution

1-14-1 Statement of Purpose. This Chapter is intended to establish fair, consistent and uniform procedures for adjudicative appeals and hearings before the Muscatine City Council. Adjudicative hearings are quasi-judicial hearings involving named parties. Testimony during adjudicative hearings is limited to that offered as evidence by the parties involved in the hearing. Public testimony is not accepted in adjudicative hearings. Where procedures for appeals and hearings have been established by ordinance or state law for a specific matter, the Council shall follow those procedures for that matter. When there are no established procedures for an adjudicative appeal or hearing, the Council shall preside over the hearing according to the terms of this Chapter.

1-14-2 Definitions. The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

“Days after” or “days before” when used in the computation of the time between a triggering event and some required action shall be calculated by not counting the day of the triggering event and by counting each day before or after the triggering event, as appropriate until and including the date the required action is taken.

1-14-3 Scheduling and Notice of Hearing. Upon receipt of a notice of appeal or written charges filed with the City Clerk, the City Clerk shall promptly notify the named city official(s) or department(s) that an appeal or action has been filed with the City Council. In the case of actions or appeals concerning specific departments, the affected department shall be responsible for investigating the nature and merit of the appeal, and shall promptly contact the City Clerk to schedule a date and time for consideration of the appeal by City Council. In the case of actions or charges filed against named city officials, the City Clerk shall serve on the respondent a written notice, together with a copy of the complaint or charge as it may have been amended, requiring the respondent to answer the allegations of the complaint at a hearing before City Council at a time and place specified in the notice.

A. Contents of Notice. The notice shall include:

1. A statement of the time, place, and nature of the hearing;
2. A statement of the legal authority and jurisdiction under which the hearing is to be held;
3. A copy of the appeal, action, or charge filed against the department or city official.

B. Manner of Service of Notice. Service of the notice shall be by registered or certified mail, unless City Code or state law requires another method of service.

- C. Timing of hearing. A hearing shall be scheduled within the time frame provided for by City Code or state law. If no time frame is provided for by City Code or state law, the hearing shall be scheduled as promptly as is reasonably possible, but no less than ten (10) days after the date of service of notice on the respondent.

1-14-4 Hearing Procedures.

- A. Hearing Before City Council. For hearings conducted by the City Council, the Mayor shall preside over the hearing and preserve order thereat. If the Mayor is unavailable due to conflict or otherwise, the Mayor Pro Tem shall preside at the hearing. In the event of unavailability of both the Mayor and Mayor Pro Tem, the hearing shall be called to order by the Clerk, and the Council shall immediately select one of its members to serve as Acting Mayor Pro Tem, and he or she shall have the same rights and privileges as other members of the Council.
- B. City Council's Powers. The City Council shall have the power necessary to conduct fair and impartial hearings including but not limited to, the power to administer oaths and affirmations, to hear testimony, and to rule upon motions, objections, and the admissibility of evidence. In addition, Council shall have the power, at the request of the complainant, the department head or the respondent, to issue subpoenas to compel the attendance of witnesses at such hearing and to compel any person to produce any books or papers involved in the complaint. If a witness fails or refuses to obey a subpoena issued by the hearing officer, the hearing officer may petition the district court having jurisdiction for issuance of a subpoena and the court shall issue the subpoena as by law provided. Refusal to obey such subpoena shall be subject to punishment or contempt.
- C. Opportunity to Present Argument and Evidence. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved and to be represented by counsel at their own expense. The case of the City department may be presented by any member of the City staff, by the City Attorney or, if the City Attorney is unavailable due to conflict or otherwise, an attorney appointed by the Council. The hearing need not be bound by the strict rules of procedure or evidence, but the admission of evidence should be based on sound discretion.
- D. Consequences of Failure to Appear. If a party fails to appear in a contested case proceeding after proper service of notice, the Council may proceed and make a decision in the absence of the party.
- E. Content of the Record.
 - 1. The record in a case shall include:
 - a. All pleadings, motions, and intermediate rulings;
 - b. All evidence received or considered and all other submissions;
 - c. A statement of all matters officially notified;
 - d. All questions and offers of proof, objections, and rulings thereon;
 - e. All findings, orders and exceptions.
- F. Public Hearing. The hearing shall be open to the public unless closed session is permitted by Iowa Code Section 21.5 or the hearing is otherwise exempted from the provisions of Iowa Code Section 21. The hearing shall be recorded either by mechanized means or by certified shorthand reporters. Oral

proceedings or any part thereof shall be transcribed at the request of any party with the expense of the transcription charged to the requesting party.

- G. Findings of Fact. Findings of fact shall be based solely on the evidence in the record and on matters officially noticed in the record.

- H. Final Determination. Upon conclusion of the hearing, the Council shall allow the parties to submit written briefs and proposed decisions. Upon receipt, if any, of these briefs and decisions, the Council shall make written findings of fact and conclusions of law establishing the basis for its final determination. Any party claiming to be aggrieved by a final determination made by City Council pursuant to this Chapter may challenge whether the Council exceeded proper jurisdiction or otherwise acted illegally by commencing an action in the appropriate court within thirty (30) days after the entry of the final determination.

1-14-5 Supplementation by Resolution. The City Council may supplement these rules in a case-by-case situation in order to provide due process to all participants in a hearing.

ⁱ 2-1-2018 [Ordinance 94151-0218](#) adopted amending Title 1, Chapter 2, Section 14

ⁱⁱ 3-17-22 [Ordinance 2022-0063](#) adopted revising Title 1, Chapter 2, Section 14

ⁱⁱⁱ 12-16-2021 [Ordinance 2021-0427](#) adopted amending Title 1, Chapter 5 Precincts and Wards

^{iv} 10-3-2019 [Ordinance 2019-0279](#) adopted amending Title 1, Chapter 10, Section 2(E)(1)(b)

^v 8-2-2016 [Ordinance 93568-0816](#) adopted amending Title 1, Chapter 11, Section 2

^{vi} 4-21-2002 [Ordinance 2022-0132](#) adopted eliminating the Iowa Residency Requirement for Civil Service Employees.