

Chapter 2: Officers of the Municipal Corporation

2.1 Municipal Officers. Each municipal officer shall exercise the powers and perform the duties prescribed by law or this Code.

2.2 Oath. The oath of office shall be required and administered in accordance with the following:

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

- 1. Mayor**
- 2. City Council**
- 3. Mayor Pro Tem**
- 4. City Attorney**
- 5. City Clerk**

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

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

- 1. Mayor.**
- 2. City Clerk.**
- 3. Members of all boards, commissions or bodies created by law.**

2.3 Bonds. The City shall provide a surety bond running to the City and covering the Mayor, Mayor Pro Tem, Clerk, Council, and such other officers and employees as may be necessary and advisable.

2.4 General Responsibility of Appointed Officials. The responsibility of appointed officers shall be as follows:

A. Attorney. The Attorney shall be directly responsible to the Council.

B. Other Staff or Appointees. All other employees of the City shall be directly responsible to the Mayor or other appointee of the Council. The Council may delegate an appointee or delegate supervisory duties by motion.

2.5 Duty to Defend. The City shall defend any of its officers, employees and agents, whether elected or appointed, and shall save harmless and indemnify the officers and employees against any tort claim or demand, whether groundless or otherwise, arising out of an alleged act or omission occurring within the scope of their employment or duties. However, the duty to save harmless and indemnify does not apply to awards of punitive damages. The duty to save harmless and indemnify does not apply and the City is entitled to restitution by an officer or employee if, in an action commenced by the City against the officer or employee, it is determined that the conduct of the officer or employee upon which the tort claim or demand was based constituted a willful and wanton act or omission. The duty to defend, save harmless and indemnify shall apply whether or not the City is a party to the action and shall include but not be limited in cases arising under 42 U.S.C. 1983. In the event the officer or employee fails to cooperate in the defense against the claim or demand, the City shall have a right of indemnification against that officer or employee.

2.6 Liability Insurance. The City shall purchase a policy of liability insurance insuring against all liability which might be incurred by the City, or its officers, employees and agents.

2.7 Mayor. The powers and duties of the Mayor shall be as follows:

A. Duties Delegable. The Mayor shall have the powers and duties provided by law and ordinance except to the extent that any of such powers or duties shall be specifically delegated to another officer of the City by ordinance or resolution.

B. Presiding Officer. The Mayor shall act as presiding officer at all regular and special Council meetings. The Mayor Pro Tem shall serve in this capacity in the Mayor's absence.

- C. Mayor's Veto.** The Mayor may sign, veto or take no action on an ordinance, amendment or resolution passed by the Council. If the Mayor exercises the veto power, the Mayor must explain the reason for such veto in a written message to the Council at the time of the veto. Within thirty (30) days after the Mayor's veto, the Council may override the Mayor's veto by a two-thirds majority of the Council members.
- D. Appointments.** The Mayor shall appoint a council member as Mayor Pro Tem, and shall appoint and dismiss the Chief of Police. However, the appointment and dismissal of the Chief of Police is subject to consent of a majority of the City Council. The Mayor shall make other such appointments as set forth in other chapters of this Code of Ordinances or State Law.
- E. Voting.** The Mayor is not a member of the Council and may not vote as a member of the Council.
- F. Compensation.** The Mayor shall be compensated \$1,500.00 per year and \$30 for each Council meeting attended.

2.8 Mayor Pro Tempore. The Mayor Pro Tempore shall be vice president of the Council.

- A. Powers and Duties.** Except for the limitations otherwise provided herein, the Mayor Pro Tempore shall perform the duties of the Mayor in cases of absence or inability of the Mayor to perform mayoral duties. In the exercise of the duties of the Mayor Pro Tempore's office, the Mayor Pro Tempore shall not have power to employ or discharge from employment, officers or employees that the Mayor has the power to appoint, employ or discharge without the approval of the Council.
- B. Voting.** The Mayor Pro Tempore shall have the right to vote as a member of the Council.
- C. Compensation.** If the Mayor Pro Tempore performs the duties of the Mayor during the Mayor's absence or disability for a continuous period of fifteen (15) days or more, the Mayor Pro Tempore may be paid for that period such compensation as determined by the Council, based upon performance of the Mayor's duties and upon the compensation of the Mayor.

- 2.9 City Council.** The Council shall possess and may exercise all executive, legislative, and judicial powers not inconsistent with statutes applicable to cities and conferred by law upon councils or cities organized under the general laws of this state. The powers and duties of the Council shall include, but are not limited to the following:
- A. General.** All municipal authority of the City is vested in Council except as expressly or impliedly delegated to another Board or Commission under this Code.
 - B. Wards.** By ordinance, the Council may divide the City into wards based upon population, change the boundaries of wards, eliminate wards or create new wards.
 - 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, improvements or repairs which may be specially assessed.
 - D. Public Improvements.** The Council shall make all orders for the doing of work, or the making or construction of any improvements, bridges, or buildings.
 - E. Contracts.** The Council may authorize the making of contracts, and no contract shall bind or be obligatory upon the City, unless the Council has delegated authority for the making of the contract to another appointed officer or board of the City. Contracts shall be approved by resolution only when State Law requires.
 - F. Employees.** The Council shall authorize, by resolution, the number, duties and compensation of employees not otherwise provided for by law or this Code.
 - G. Rules.** The Council shall determine the rules of its own proceedings by resolution and the Clerk shall keep such rules on file for public inspection.
 - H. Compensation.** The Council members shall receive \$35 per meeting attended.
- 2.10 City Attorney.** The Council shall appoint an Attorney to serve as legal counsel for the City.
- A. Term.** The term of office for the Attorney shall be established by the Council at the time the Attorney is hired.
 - B. Other Legal Counsel.** The Council may obtain the assistance of other qualified legal counsel as necessary.

C. Work Authorization. Upon authorization of the Council, the Attorney shall make a written or oral report to the Council on any legal matter requiring the attention of the City or represent the City on any legal matter.

2.11 City Clerk. The Council shall appoint a Clerk for a term not to exceed two (2) years. The minimum duties and responsibilities of the Clerk include the following:

A. Recording Measures Considered. Promptly record each measure considered by the City Council, with a statement 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.

B. Authentication of Measures. Authenticate all measures with the City Clerk signature, certifying the time and manner of publication, when required.

C. Public Records. Serve as custodian for all public records of the City.

D. City Seal. The City seal shall be in the custody of the Clerk and shall be attached by the Clerk to all transcripts, orders and certificates which it may be necessary or proper to authenticate.

2.12 Other Officers. The Council may create and authorize other official positions of the City and prescribe duties and responsibilities for such by Resolution.