

January 16, 1951.  
Passed on File.

**House File 52**  
By NELSON of Woodbury and CROSIER.

Passed House, Date .....  
Vote: Ayes..... Nays.....  
Passed Senate, Date .....  
Vote: Ayes..... Nays.....  
Approved .....

## A BILL FOR

An Act to provide for the government of municipal corporations under the council-manager by popular election form of municipal government, and to repeal various sections of chapter four hundred nineteen (419), Code 1950, relating thereto, and to enact substitutes therefor.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 Section 1. Council—number and election. Municipal  
2 corporations operating under the council-manager by popular  
3 election form of municipal government shall be governed by  
4 a council elected at large. In cities having a population  
5 of twenty thousand or more there shall be elected five  
6 councilmen. In cities having a population of less than twenty  
7 thousand there shall be elected three councilmen. At the first  
8 meeting after election the council shall elect one of their  
9 own number mayor, appoint a clerk, and, at said meeting or as  
10 soon thereafter as practicable, appoint an attorney and such  
11 number of assistant attorneys as are deemed necessary.  
12 (419.7, 419.8, 419.31, 419.37, C50, Revised.)

1 Sec. 2. Council—compensation. The compensation of  
2 members of the council shall be fixed by ordinance. In cities

3 having a population of less than five thousand, the annual  
4 compensation of each member of the council shall not exceed  
5 one hundred dollars. In cities having a population of at  
6 least five thousand but less than fifteen thousand, the annual  
7 compensation of each member of the council shall not exceed  
8 two hundred fifty dollars. In cities having a population of  
9 at least fifteen thousand but less than thirty thousand, the  
10 annual compensation of each member of the council shall not  
11 exceed five hundred dollars. In cities having a population  
12 of thirty thousand or more, the annual compensation of each  
13 member of the council shall not exceed one thousand dollars.  
14 (419.9, C50, Revised.)

1 Sec. 3. Manager appointed. At the first meeting after  
2 election, or as soon thereafter as practicable, the council  
3 shall appoint a competent person manager, who shall be the  
4 administrative head of the municipal government of the city  
5 in which he is appointed. (419.51, C50, Revised.)

1 Sec. 4. Qualifications of manager. The council in  
2 making the appointment of a manager, shall consider only the  
3 qualification and fitness of the person appointed, and he  
4 shall be appointed without regard to his political affiliation  
5 and need not be a resident of the city at the time of his  
6 appointment. (419.52, C50, Revised.)

1 Sec. 5. Manager pro tem. During the absence or  
2 disability of the manager, the council may designate some  
3 properly qualified person to perform and execute the duties

4 of his office. (419.53, C50, Unchanged.)

1 Sec. 6. Oath and bond of manager. Before entering  
2 upon the duties of his office, the manager shall take an  
3 official oath that he will support the constitution of the  
4 United States, the constitution of the state of Iowa, and,  
5 without fear or favor, will, to the best of his ability,  
6 faithfully and honestly perform the duties of his office,  
7 and shall execute a bond in favor of the city, for the faithful  
8 performance of his duties, in such sum as may be fixed by the  
9 council. (419.54, C50, Revised.)

1 Sec. 7. Duties of manager. The duties of the manager  
2 shall be as follows:

3 1. He shall see that the laws and ordinances of the  
4 municipal corporation are faithfully enforced and executed.

5 2. He shall attend all meetings of the council.

6 3. He shall recommend to the council such measures as  
7 he may deem necessary or expedient for the good government  
8 and welfare of the city.

9 4. He shall have the general supervision and direction  
10 of the administration of the city government.

11 5. He shall supervise and direct the official conduct  
12 of all officers of the city whom he has appointed.

13 6. He shall supervise the performance of all contracts  
14 for work to be done for the city, make all purchases of material  
15 and supplies, and see that such material and supplies are received,  
16 and are of the quality and character called for by the contract.

17 7. He shall have power to employ, reclassify, or  
18 discharge all employees of the city, as the occasion requires,  
19 and to fix the compensation to be paid to such employees,  
20 except as otherwise herein provided.

21 8. He shall have power to discharge summarily any  
22 officer, appointee, or employee that he has power to appoint  
23 or employ, subject, however, to the provisions of chapters  
24 seventy (70) and three hundred sixty-five (365).

25 9. He shall supervise and manage all public improvements,  
26 works, and undertakings of the city, and shall have  
27 charge of their construction, improvement, repair, and  
28 maintenance, except those designated in and which are covered  
29 by the provisions of chapter three hundred seventy (370), and  
30 of all public buildings. Nothing herein shall be construed  
31 so as to prevent co-operation between the manager and any  
32 commission, board, trustees, or other body.

33 10. He shall have charge of the making and preservation  
34 of all surveys, maps, plans, drawings, specifications, and  
35 estimates for public works or public improvements; the  
36 cleaning, sprinkling, and lighting of streets, alleys, and  
37 public places; the collection and disposal of waste, and the  
38 preservation of tools, equipment, vehicles, and appliances  
39 belonging to the corporation.

40 11. He shall manage all municipal parks, airports, and  
41 cemeteries, and all municipal water, lighting, heating, or  
42 power plants, and transportation enterprises, except those

43 operated under a board of trustees or commission at the time  
44 that the council-manager form of government is adopted, or  
45 placed there by a subsequent election.

46 12. He may, without notice, summarily cause the affairs  
47 of any department or the conduct of any officer under his  
48 supervision, or of any employee, to be investigated; and he,  
49 or any person appointed by him to examine or investigate the  
50 affairs of any department or the conduct of any officer or  
51 employee, shall have power to compel the attendance of  
52 witnesses and the production of books and papers or other  
53 evidence.

54 13. He shall provide for the issuance and revocation of  
55 such licenses and permits as are authorized by law or ordinance  
56 and shall cause a record thereof to be kept.

57 14. He shall keep the council fully advised of the  
58 financial and other conditions of the city, and of its future  
59 needs.

60 15. He shall have power to appoint or employ persons to  
61 fill all places for which no other mode of appointment is  
62 provided, and shall have power to administer oaths.

63 16. He shall prepare and submit to the council an annual  
64 budget in the manner provided by chapter twenty-four (24).

65 17. He shall, at all times, see that the business affairs  
66 of the municipal corporation of which he is manager are  
67 transacted by modern and scientific methods and in as efficient  
68 and businesslike manner, and that accurate records of all of

69 the business affairs of the city under his management are fully  
70 and accurately kept.

71 18. He shall make to the council an itemized monthly  
72 report in writing, showing the receipts and disbursements for  
73 the preceding month, and such report shall be made by him not  
74 later than the tenth day of each month. Copies of said reports  
75 shall be kept available at the clerk's office for public  
76 distribution.

77 19. He shall perform such other and further duties as  
78 the council by ordinance shall direct.

79 (419.55 to 419.58, C50, Revised.)

1 Sec. 8. Manager accountable to council. The manager  
2 shall be under the direction and supervision of the council,  
3 and shall hold office at its pleasure. (419.59, C50, Revised.)

1 Sec. 9. Compensation of manager. The salary of the  
2 manager shall be fixed by the council, and paid monthly from  
3 the treasury of the city, upon an order signed by the presiding  
4 officer of the council and by the clerk. (419.60, C50, Revised.)

1 Sec. 10. Councilmen ineligible for office. No councilman  
2 elected under the provisions of this chapter shall be appointed  
3 by the manager to any office of the city in which he is elected,  
4 or employed in any department thereof; and any councilman or  
5 manager who shall violate the provisions of this section shall  
6 be guilty of a misdemeanor. Any councilman or manager violating  
7 the provisions of this section may be removed from office, under  
8 the provisions of chapter sixty-six (66). (419.61, C50, Revised.)

1     Sec. 11. Political activity by manager. The manager shall  
2 take no part in any election held for the purpose of electing  
3 councilmen, except that he may attend at the polls and cast his  
4 vote, if he is a qualified elector of the city, and any attempt  
5 upon his part to procure the election of any person as councilman,  
6 or to induce any elector to vote for any person for the office  
7 of councilman, shall be a misdemeanor, and he may be removed  
8 from office under the provisions of chapter sixty-six (66).  
9 (419.62, C50, Revised.)

1     Sec. 12. Existing ordinances. All ordinances and  
2 resolutions lawfully passed and in force in any such municipal  
3 corporation under its former organization shall continue in  
4 force until altered or repealed by the council elected under  
5 the provisions of this chapter and departments shall continue  
6 to function during the period necessary to perfect municipal  
7 reorganization. (419.67, 419.69, C50, Revised.)

1     Sec. 13. Public emergency. The mayor may take command  
2 of the police, and govern the city by proclamation in times  
3 of public danger, or during an emergency, and shall be the  
4 judge as to what constitutes such public danger or emergency.  
5 (419.33, C50, revised.)

1     Sec. 14. Sections four hundred nineteen point seven  
2 (419.7), four hundred nineteen point eight (419.8), and four  
3 hundred nineteen point thirty-one (419.31), Code 1950, are  
4 hereby repealed.

1     Sec. 15. Section four hundred nineteen point nineteen

2 (419.19), Code 1950, is hereby repealed.

1 Sec. 16. Sections four hundred nineteen point thirty-  
2 two (419.32), four hundred nineteen point thirty-three  
3 (419.33), and four hundred nineteen point thirty-six (419.36),  
4 Code 1950, are hereby repealed.

1 Sec. 17. Section four hundred nineteen point thirty-eight  
2 (419.38), Code 1950, is hereby repealed.

1 Sec. 18. Sections four hundred nineteen point forty  
2 (419.40), four hundred nineteen point forty-one (419.41), and  
3 four hundred nineteen point forty-three (419.43) to four  
4 hundred nineteen point fifty (419.50), inclusive, Code 1950,  
5 are hereby repealed.

1 Sec. 19. Sections four hundred nineteen point fifty-one  
2 (419.51) to four hundred nineteen point sixty-two (419.62),  
3 inclusive, Code 1950, are hereby repealed.

1 Sec. 20. Section four hundred nineteen point sixty-seven  
2 (419.67), Code 1950, is hereby repealed.

1 Sec. 21. Sections four hundred nineteen point sixty-nine  
2 (419.69) to four hundred nineteen point seventy-one (419.71),  
3 inclusive, Code 1950, are hereby repealed.

1 Sec. 22. The explanatory material, notes, and historical  
2 references incorporated in this bill shall not be considered  
3 as any part of the enactment hereof and shall not be included  
4 in the enrolled Act.

#### EXPLANATION OF H. F. 52

The purpose of this bill is to revise chapter 419, Code 1950, relating to the government of municipal corporations under the council-manager by popular election form of municipal government, by eliminating duplications within chapter 419 and by eliminating sections which contain provisions which are applicable to all forms of municipal government and duplicated in chapters which have general application to all municipal corporations.