

February 21, 1951.

Senate File 18

By DYKHOUSE and HATTERY.
(AS PASSED BY THE SENATE).

Passed Senate, Date.....

Vote: Ayes..... Nays.....

Passed House, 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 and to amend various other sections of the Code relating thereto.

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 of
5 twenty thousand or more there shall be elected five councilmen.
6 In cities having a population of less than twenty thousand there
7 shall be elected three councilmen. At the first meeting after
8 election the council shall elect one of their own number mayor,
9 appoint a clerk, and, at said meeting or as soon thereafter
10 as practicable, appoint an attorney and such number of
11 assistant attorneys as are deemed necessary. (419.7, 419.8,
12 419.31, 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 two hundred fifty 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 five hundred dollars.
14 (419.19, 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. Qualification 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, C.50, 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 and may appoint
11 with approval of the council such administrative assistants as
12 shall be deemed advisable.

13 5. He shall supervise and direct the official conduct of
14 all officers of the city whom he has appointed and shall take
15 active control of the police, fire, and engineering departments

16 of the city.

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

21 7. He shall have power to employ, reclassify, or
22 discharge all employees of the city, as the occasion requires,
23 and to fix the compensation to be paid to such employees,
24 except as otherwise herein provided, subject, however, to
25 the provisions of chapters seventy (70) and three hundred
26 sixty-five (365).

27 8. He shall have power to discharge summarily any
28 officer, appointee, or employee that he has power to appoint
29 or employ, subject, however, to the provisions of chapters
30 seventy (70) and three hundred sixty-five (365), except that
31 any administrative assistants to the manager shall hold office
32 at his pleasure.

33 9. He shall supervise and manage all public improvements,
34 works, and undertakings of the city, and all public buildings, and
35 shall have charge of their construction, improvement, repair,
36 and maintenance, except those designated in and which are
37 covered by the provisions of chapters three hundred seventy (370),
38 three hundred seventy-one (371), sections three hundred ninety-seven
39 point twenty-nine (397.29), three hundred ninety-seven point thirty
40 (397.30), three hundred ninety-seven point thirty-one (397.31),
41 three hundred ninety-seven point thirty-two (397.32), three hundred

42 ninety-seven point thirty-three (397.33), three hundred ninety-seven
43 point thirty-four (397.34), three hundred ninety-seven point thirty-
44 five (397.35), and chapter three hundred ninety-nine (399). Nothing
45 herein shall be construed so as to prevent cooperation between the
46 manager and any commission, board, trustees, or other body.

47 10. He shall have charge of the making and preservation
48 of all surveys, maps, plans, drawings, specifications, and
49 estimates for public works or public improvements except those
50 designated in and which are covered by the provisions of
51 chapters three hundred seventy (370), three hundred seventy-one
52 (371), sections three hundred ninety-seven point twenty-nine
53 (397.29), three hundred ninety-seven point thirty (397.30), three
54 hundred ninety-seven point thirty-one (397.31), three hundred
55 ninety-seven point thirty-two (397.32), three hundred ninety-seven
56 point thirty-three (397.33), three hundred ninety-seven point
57 thirty-four (397.34), three hundred ninety-seven point thirty-five
58 (397.35), and chapter three hundred ninety-nine (399); the cleaning
59 sprinkling, and lighting of streets, alleys, and public places;
60 the collection and disposal of waste, and the preservation of
61 tools, equipment, vehicles, and appliances belonging to the
62 corporation.

63 11. He shall manage all municipal parks, airports, and
64 cemeteries, and all municipal water, lighting, heating, or
65 power plants, and transportation enterprises, except those
66 operated under a board or commission at the time that the
67 council-manager form of government is adopted, or placed there

68 by a subsequent election. If a board or commission is abolished
69 or ceases to exist, management thereof exercised by such
70 board or commission shall thereupon vest in the manager.

71 12. He may, without notice, summarily cause the affairs
72 of any department or the conduct of any officer under his
73 supervision, or of any employee, to be investigated; and he,
74 or any person appointed by him to examine or investigate the
75 affairs of any department or the conduct of any officer or
76 employee, shall have power to compel the attendance of
77 witnesses and the production of books and papers or other
78 evidence.

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

82 14. He shall keep the council fully advised of the
83 financial and other conditions of the city, and of its future
84 needs.

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

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

90 17. He shall, at all times, see that the business affairs
91 of the municipal corporations of which he is manager are
92 transacted by modern and scientific methods and in an efficient
93 and businesslike manner, and that accurate records of all of

94 the business affairs of the city under his management are fully
95 and accurately kept.

96 18. He shall make to the council an itemized monthly
97 report in writing, showing the receipts and disbursements for
98 the preceding month, and such report shall be made by him not
99 later than the tenth day of each month. Copies of said reports
100 shall be kept available at the clerk's office for public
101 distribution.

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

104 (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 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. (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 of
3 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. Applicable statutes. Unless otherwise specifically
2 provided by statute, all laws which are applicable by their terms
3 to all cities and towns shall be applicable to cities under the
4 city manager plan by popular election, and all laws applicable
5 by their terms to cities of a certain population shall be applicable
6 to cities of like population under the city manager plan by popular

7 election. (419.70, 419.71, C50 Revised.)

1 Sec. 15. 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. 16. Section four hundred nineteen point nineteen
2 (419.19), Code 1950, is hereby repealed.

1 Sec. 17. 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. 18. Sections four hundred nineteen point thirty-seven
2 (419.37) and four hundred nineteen point thirty-eight (419.38),
3 Code 1950, are hereby repealed.

1 Sec. 19. 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. 20. 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. 21. Section four hundred nineteen point sixty-seven
2 (419.67), Code 1950, is hereby repealed.

1 Sec. 22. 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. 23. 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.

1 Sec. 24. Section three hundred sixty-five point six (365.6),
2 subsection one (1), Code 1950, is hereby amended by inserting
3 in line four (4) of paragraph (a) thereof, after the words,
4 “market master”, the words “city manager and administrative
5 assistants to the manager”.