

January 22, 1951.  
Passed on File.

**Senate File 164**

By DYKHOUSE and HATTERY (Nelson of  
of Woodbury and Crosier).

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

**A BILL FOR**

An Act to define the general powers and duties of municipal  
officers and to repeal various sections of the Code relating  
thereto and to enact substitutes therefor.

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

**GENERAL POWERS AND DUTIES OF MUNICIPAL OFFICERS**

**The Administration**

- 1 Section 1. The council. In all municipal corporations,
- 2 except when otherwise provided by laws relating to a specific
- 3 form of municipal government, the council shall:
- 4 1. First meeting. After taking office, assemble, organize
- 5 and appoint a clerk.
- 6 2. Meetings. Determine the time and place of holding
- 7 their meetings, which at all times shall be open to the public,
- 8 and in the absence of the mayor or clerk appoint a temporary
- 9 chairman or clerk, as the case may be, from their own number,
- 10 which appointment shall be entered of record. A majority of
- 11 the whole number of members to which the corporation is entitled
- 12 shall be necessary to constitute a quorum.
- 13 3. Special meetings. Hold special meetings when called by

14 the mayor or a majority of the members of the council. Notice  
15 thereof shall be given personally or left at the usual place of  
16 residence of each member of the council, and a record of the  
17 services of notice made by the clerk.

18 4. Rules—journal. Determine the rules of their own  
19 proceedings, and cause to be kept a journal thereof which  
20 shall be open to public inspection.

21 5. Attendance of members. Have power to compel the attend-  
22 ance of absent members in such manner and under such penalties  
23 as they may prescribe.

24 6. Seal. Cause to be provided a seal in the center of  
25 which shall be the name of the city or town, and around the  
26 margin the words “city seal” or “town seal”, as the case may be,  
27 which shall be affixed to all transcripts, orders, or certifi-  
28 cates which it may be necessary or proper to authenticate.

29 7. Appointments. Have power to appoint an attorney,  
30 engineer, health officer, and such other officers, assistants  
31 and employees as are provided by ordinance and are necessary for  
32 the proper and efficient conduct of the affairs of the municipal  
33 corporation, and fix the terms of employment which may include  
34 vacations and sick leave.

35 8. Election for filling vacancies. Elect by ballot persons  
36 to fill vacancies in offices not filled by election by the  
37 council, and the person receiving a majority of the votes of  
38 the whole number of members shall be declared elected to fill  
39 the vacancy.

40 9. Term of officers. Fix by ordinance the terms of service,  
41 which shall not exceed two years, of all officers whose terms  
42 are not prescribed by law.

43 10. Powers of officers. Prescribe by ordinance the powers  
44 to be exercised and duties performed by officers insofar as  
45 such powers and duties are not defined by law.

46 11. Defend employees. Have power to direct the city attorney,  
47 or to employ an attorney, to defend any municipal officer or  
48 employee in any cause of action arising out of or in the course  
49 of the performance of the duties of his office or employment and  
50 to pay the costs of such defense.

51 12. Liability insurance. Have power to purchase and pay  
52 the premiums on liability and property damage insurance covering  
53 and insuring municipal employees while in the performance of  
54 their duties and operating an automobile, truck, road grader,  
55 machinery or other vehicles owned or used by the municipal  
56 corporation, which insurance shall insure, cover, and protect  
57 against any liability the municipal employee or the municipal  
58 corporation may incur.

59 13. Surety bond. Have power to purchase a surety bond  
60 running to the municipal corporation and covering all municipal  
61 officers and employees for the purpose of indemnifying the  
62 municipal corporation against any loss occasioned through em-  
63 bezzlement of municipal funds by any municipal officer or  
64 employee. (363.11, 363.12, 363.15, 363.36, 416.52, 419.37, C50,  
65 revised and combined.)

1     Sec. 2. The mayor. In all municipal corporations, the  
2 mayor shall have the following powers and perform the following  
3 duties except when otherwise provided by laws relating to  
4 specific forms of municipal government.

5     1. Executive officer—magistrate. He shall be a conserva-  
6 tor of the peace, and, within the limits of the corporation,  
7 shall have all the powers conferred upon sheriffs to suppress  
8 disorders. He shall be the chief executive officer thereof,  
9 and it shall be his duty to enforce all regulations and ordi-  
10 nances; he may, upon view, arrest anyone guilty of a violation  
11 thereof, or of any crime under the laws of the state, and  
12 shall, upon information supported by affidavit, issue process  
13 for the arrest of any person charged with violating any  
14 ordinance of the corporation; shall supervise the conduct of  
15 all corporate officers, examine into the grounds of complaint  
16 made against them, and cause all neglect or violation of duty  
17 to be corrected, or report the same to the proper tribunal, that  
18 they may be dealt with as provided by law.

19     2. Office. He shall keep an office at some convenient  
20 place in the city or town, to be provided by the council, and  
21 provide for the keeping of the corporate seal thereof.

22     3. Signature. He shall sign all commissions, licenses,  
23 and permits granted by the authority of the council, and do such  
24 other acts as by law or ordinance may require his signature or  
25 certificate.

26     4. Treasurer—appointment. He shall appoint the treasurer

27 and such appointment shall be subject to approval by the council.  
28 However, in lieu of such appointment, the council may, by ordi-  
29 nance, provide for the election at large of the treasurer at the  
30 regular municipal election.

31 5. Other duties. He shall perform such other duties  
32 compatible with the nature of his office as the council may  
33 from time to time require.

34 6. Presiding officer—vote. He shall be the presiding  
35 officer of the council with the right to vote only in case of  
36 a tie. (363.18, C50, revised.)

37 (Mayor's court, see ch. 367 as amended.)

1 Sec. 3. The clerk. In all municipal corporations the  
2 clerk shall perform the following duties:

3 1. Attend all meetings of the council, but in no event  
4 have the right to vote on any question before it.

5 2. Make an accurate record of and have custody of all  
6 proceedings had, rules and ordinances adopted by the council,  
7 and the same shall at all times be open to the public.

8 3. Immediately following a regular or special meeting of  
9 the city or town council, the clerk shall prepare a condensed  
10 statement of the proceedings of said council, including the  
11 total expenditure from each municipal fund, and  
12 cause the same to be published in a newspaper of general  
13 circulation in the city or town. Failure by the clerk to make  
14 such publication shall constitute a misdemeanor.

15 4. Supply the treasurer with a statement of all warrants

16 issued after each meeting, giving the number and amounts of  
17 each.

18 5. Upon order of the council, destroy all records and  
19 papers, other than proceedings, ordinances, and instruments  
20 having to do with real estate and bond issues, which are more  
21 than ten years old, or offer such of same as may be of historical  
22 interest to a historical society or public library.

23 6. Perform such duties as may be required by the council.

24 7. Perform such duties in respect to elections and other  
25 matters as are required by law. (363.19, 366.10, C50, revised.)

1 Sec. 4. The treasurer. In all municipal corporations the  
2 treasurer shall perform the following duties:

3 1. He shall receive all money payable to the corporation,  
4 and disburse same only on warrants drawn and signed by the  
5 proper officer.

6 2. He shall make returns monthly, or oftener if required  
7 by the council, to the officer drawing such warrants, showing  
8 the warrants paid and the amount of principal and interest paid.

9 3. He shall make a written report under oath to the council  
10 at its first regular meeting in each month, showing the balance  
11 in each fund of the corporation at the end of the preceding  
12 month.

13 4. He shall not loan or in any manner use for private  
14 purposes any funds coming into his hands as treasurer.

15 5. He shall give bond in such sum as is fixed by the  
16 council and the cost of said bond, not to exceed one per cent

17 per annum, shall be paid by the municipal corporation. (363.23-  
18 363.28, C50, revised.)

19 (Appointment or election, see sec. 2, subsection 4 of  
20 this bill.)

#### Accounts and Accounting Officers.

1 Sec. 5. Accounts. All cities and towns shall establish  
2 and keep their accounts so the same shall exhibit a true and  
3 detailed statement of all public funds collected, received,  
4 and expended on account of such municipal corporation for any  
5 purpose whatever, by any and all public officers, employees  
6 or other persons. Such accounts shall show the receipt, use,  
7 and disposition of all public property, and the income, if any,  
8 derived therefrom, and of all sources of public income and the  
9 amount due and received from each source. All receipts, vouchers,  
10 and other documents kept, or that may be required to be kept,  
11 necessary to prove the validity of every transaction and the  
12 identity of every person having any beneficial relation thereto,  
13 shall be filed and preserved in the office of the clerk or  
14 recorder as the case may be. (363.49, 420.40, unchanged.)

15 (Destruction of old records, see sec. 3(6) of this bill.)

1 Sec. 6. Separate accounts. Separate accounts shall be  
2 kept for every appropriation, showing date and manner of each  
3 payment made out of the funds provided by such appropriation,  
4 the name and address of each person or corporation to whom paid,  
5 and for what purpose paid.

6 Separate accounts shall be kept for each department, public

7 improvement, or undertaking, and for each public utility owned  
8 or operated by the said municipality.

9 Said separate accounts for each public utility shall show  
10 the true and entire cost of the said utility and the operation  
11 thereof, the amount collected annually by general or special  
12 taxation for the services rendered to the public, and the  
13 amount and character of the services rendered therefor, and the  
14 amount collected annually from private users, if any, for the  
15 services rendered to them, and the amount and character of the  
16 services rendered therefor. (363.50, 420.30, unchanged.)

17 (Annual examination, see sec. 11.18, C50.)

1 Sec. 7. Accounting officers—reports. All accounting  
2 officers of all boards, commissions, departments, and offices  
3 within the municipal corporation receiving or disbursing public  
4 funds shall file with the auditor or clerk within thirty days  
5 from the expiration of the municipal fiscal year, a detailed  
6 report in writing showing the receipts and disbursements of  
7 all funds in the department, board, or commission in question  
8 for said fiscal year. (363.53, 420.29, C50, unchanged.)

1 Sec. 8. Penalty. The failure to make the said report shall  
2 constitute a misdemeanor. (363.53, 420.29, unchanged.)

3 (Punishment, 687.7, C50.)

1 Sec. 9. Annual reports. Each city or town shall, through  
2 its chief accounting and warrant issuing officer, make an annual  
3 public report which shall contain an accurate statement in  
4 summarized form of all collections made or receipts of the

5 municipal corporation from all sources, all accounts due the  
6 public but not collected, and all expenditures for every purpose,  
7 and, except as otherwise provided by law, a statement in detail  
8 of the cost of operation and income of each public utility  
9 operated or owned by the municipality. It shall show in detail  
10 the entire public debt of the municipality and the amount of  
11 debt which it may under the law contract for the year in which  
12 the report is made. (363.54, 420.29, C50, unchanged.)

13 (Debt limit, ch. 407, C50; Const. Iowa II,3.)

1 Sec. 10. Enforcement of duty. The auditor or clerk may  
2 institute legal proceedings to enforce the making of said  
3 reports. (363.55, 420.29, C50, unchanged.)

1 Sec. 11. Publication. The annual report shall be published  
2 in a newspaper of general circulation in the city or town.  
3 (363.56, 420.29, C50, revised.)

4 (Cost of publication, 618.11, C50.)

1 Sec. 12. Report to state auditor. On or before the first  
2 secular day in February of each year, the official making the  
3 report for each city or town shall forward to the auditor of  
4 state a certified copy of the annual report. If such official  
5 fails to file his report with the auditor of state within the  
6 time prescribed, the auditor may send an examiner or examiners  
7 to make the report and the expenses thereof shall be charged  
8 against the delinquent city or town. (363.57, 420.29, C50,  
9 revised.)

1 Sec. 13. Report—by whom made. It shall be the duty of

2 the auditor or clerk who served in the capacity during the time  
3 covered by the report, to prepare and file the same, and if  
4 said official has retired from office, the council shall allow  
5 him such compensation for preparing the report as may be deemed  
6 proper. (363.58, 420.29, C50, revised.)

1 Sec. 14. Warrants—how drawn. The auditor, clerk, or other  
2 officer of cities and towns whose duty it is to draw the warrants  
3 thereof, shall not draw any such warrant except upon the vote  
4 of the council. (363.20, C50, unchanged.)

1 Sec. 15. List of warrants. The officer drawing such war-  
2 rants shall, on or before the tenth day of each month, furnish the  
3 council a sworn and complete list of all warrants, and the amount  
4 thereof, drawn by him during the preceding month, which list  
5 shall state on whose account and the object and purpose for  
6 which each warrant was drawn. (363.21, 420.28, C50, unchanged.)

1 Sec. 16. Prohibitions as to warrants. All the provisions  
2 of sections three hundred thirty-four point three (334.3),  
3 three hundred thirty-four point four (334.4), three hundred  
4 forty-three point seven (343.7) to three hundred forty-three  
5 point nine (343.9), inclusive, Code 1950, shall be applicable  
6 to cities and towns, their officers and employees, subject  
7 only to such modifications as may be necessary therefor.  
8 (363.22, C50, unchanged.)

#### Police Department

1 Sec. 17. The marshal. The marshal shall be ex officio  
2 chief of police and may appoint one or more deputy marshals,

3 who may perform his duties, and who, in cities of fifteen  
4 thousand or more population shall be members of the police  
5 force. He shall have the supervision and general direction of  
6 the police force, and shall be the ministerial officer of the  
7 corporation. He shall suppress all riots, disturbances, and  
8 breaches of the peace, arrest all disorderly persons in the city  
9 or town and all persons committing any offense against the  
10 ordinances thereof, and forthwith bring such persons before the  
11 proper court for examination or trial. He shall pursue and  
12 arrest any person fleeing from justice, and shall diligently  
13 enforce all laws, ordinances, and regulations for the preservation  
14 of the public welfare and good order, and shall have the same  
15 powers and duties as constables in similar cases. He shall  
16 attend upon the sittings of the mayor's and police court, and  
17 execute within the county and return all writs and other  
18 processes directed to him therefrom. (363.30, C50, revised.)

19 (Duty to enforce vehicle law, 321.6, C50.)

20 (Duty to enforce liquor law, 126.1-126.3, C50.)

21 (Constables, 601.121, 601.122, 748.4, C50.)

1 Sec. 18. Policemen. The officers and members of the police  
2 force shall have such powers and perform such duties as may be  
3 provided by law or ordinance, and shall have the same powers  
4 as marshals to make arrests and suppress riots, disturbances,  
5 and breaches of the peace. (363.31, C50, unchanged.)

1 Sec. 19. Police matrons. Police matrons shall have charge  
2 of all the women and children under arrest, accompanying to

3 court such as may require such aid. They shall be subject to  
4 the authority of the marshal and the rules and regulations  
5 prescribed by his authority, and in stations, when on duty,  
6 shall be subject to the authority of the officers in command.  
7 In cities where workhouses are established for the detention  
8 of women, or where there are houses of detention, they shall  
9 have at all times the right of entering such establishments,  
10 and shall visit them whenever in their judgment such visits  
11 may be necessary. A suitable place shall be provided for the  
12 police matrons, when not on duty, for rest and refreshment.  
13 (363.32, C50, unchanged.)

#### Other Officers

1 Sec. 20. Other officers. The city attorney, engineer,  
2 auditor, physician, and such additional officers as may be  
3 provided for, shall have such powers and perform such duties  
4 as are prescribed by law or ordinance. (363.33, C50, revised.)

#### General Restrictions on Municipal Officers

1 Sec. 21. Ineligibility—change of compensation. No member  
2 of any city or town council shall, during the time for which  
3 he has been elected, be appointed to any municipal office which  
4 has been created or the emoluments of which have been increased  
5 during the term for which he was elected, nor shall the emol-  
6 uments of any city or town officer be changed during the term  
7 for which he has been elected. No person who shall resign or  
8 vacate any office shall be eligible to the same during the time  
9 for which he was elected, when, during the time, the emoluments

10 of the office have been increased. (363.46, C50, unchanged.)

1     **Sec. 22. Interest in contracts.** No officer, including  
2 members of the city council, shall be interested, directly or  
3 indirectly, in any contract or job of work or material or  
4 the profits thereof or services to be furnished or performed  
5 for the city or town. (363.47, unchanged, 416.58, 419.42, C50.)

1     **Sec. 23. Free passes.** No such officer shall accept or  
2 receive, directly or indirectly, from any person, firm, or  
3 corporation operating within the said city or town any railway,  
4 interurban railway, street railway, gasworks, waterworks,  
5 electric light or power plants, telegraph line, or telephone  
6 exchange, or other business using a public franchise, any  
7 frank, free pass, or ticket, or other service upon terms more  
8 favorable than is granted to the public generally, except  
9 where, by franchise granted by the municipal corporation to  
10 any such person or corporation, any officers of said municipal  
11 corporation are granted such privileges as part of such franchise,  
12 and except that members of the police and fire departments of  
13 any city or town shall be carried without charge. Any violation  
14 of the provisions of this section or section twenty-four of  
15 this chapter shall be a misdemeanor. The provisions of this  
16 section shall not prohibit the acceptance and use of free  
17 passes under the provisions of section four hundred seventy-  
18 nine point ninety-four (479.94). (363.48, C50, revised to apply  
19 to all municipal corporations.)

1     **Sec. 24. Publication by state auditor.** Chapter eleven (11)

2 of the Code is amended by adding the following section:

3 “The auditor of state shall prepare the annual reports  
4 certified to him under the provisions of the Chapter on the  
5 powers and duties of municipal officers for publication in a  
6 separate volume. Said reports shall show under appropriate  
7 schedules the total receipts and expenditures, assets and  
8 indebtedness, and related data of all cities and towns in the  
9 state, together with comments and recommendations respecting  
10 desirable changes in the law governing financial administration  
11 in municipal corporations.” (363.59, C50, substance unchanged.)

1 Sec. 25. Section three hundred sixty-three point eleven  
2 (363.11), Code 1950, is hereby repealed.

3 (Appointment of clerk, see sec. 1(1) of this bill.)

4 (Other appointments, see secs. 1(7) and 2(4) of this bill.)

1 Sec. 26. Section three hundred sixty-three point eighteen  
2 (363.18), Code 1950, is hereby repealed.

3 (Powers and duties of mayor, see sec. 2 of this bill.)

1 Sec. 27. Section three hundred sixty-three point nineteen  
2 (363.19), Code 1950, is hereby repealed.)

3 (Powers and duties of clerk, see sec. 3 of this bill.)

1 Sec. 28. Sections three hundred sixty-three point twenty  
2 (363.20), to three hundred sixty-three point twenty-two (363.22),  
3 inclusive, Code 1950, are hereby repealed.

4 (Warrants, see secs. 14 to 16 of this bill.)

1 Sec. 29. Sections three hundred sixty-three point twenty-  
2 three (363.23) to three hundred sixty-three point twenty-eight

3 (363.28), inclusive, Code 1950, are hereby repealed.

4 (Treasurer, see sec. 4 of this bill.)

1 Sec. 30. Sections three hundred sixty-three point thirty

2 (363.30) to three hundred sixty-three point thirty-three (363.33),

3 inclusive, Code 1950, are hereby repealed.

4 (Marshal, see sec. 17 of this bill.)

5 (Policemen, see sec. 18 of this bill.)

6 (Matrons, see sec. 19 of this bill.)

7 (Other officers, see sec. 20 of this bill.)

1 Sec. 31. Section three hundred sixty-three point thirty-

2 six (363.36), Code 1950, is hereby repealed.

3 (Powers and duties of council, see sec. 1 of this bill.)

1 Sec. 32. Sections three hundred sixty-three point forty-

2 six (363.46) to three hundred sixty-three point forty-eight

3 (363.48), inclusive, Code 1950, are hereby repealed.

4 (Restrictions on municipal officials, see secs. 21 to 23

5 of this bill.)

1 Sec. 33. Sections three hundred sixty-three point forty-

2 nine (363.49) to three hundred sixty-three point fifty-nine

3 (363.59), inclusive, Code 1950, are hereby repealed.

4 (Accounts and accounting officers, see secs. 5 to 16 of

5 this bill.)

1 Sec. 34. Section three hundred sixty-six point ten (366.10),

2 Code 1950, is hereby repealed.

3 (Publication of council proceedings, see sec. 3(3) of this

4 bill.)

1     Sec. 35. Section four hundred sixteen point ninety-five  
2     (416.95), Code 1950, is hereby repealed.

1     Sec. 36. Section four hundred sixteen point one hundred  
2     nine (416.109), Code 1950, is hereby repealed.

1     Sec. 37. Section four hundred sixteen point one hundred ten  
2     (416.110), Code 1950, is hereby repealed.

3     (Annual examination, see 11.18, C50.)

4     Sec. 38. Sections four hundred sixteen point fifty-eight  
2     (416.58) to four hundred sixteen point sixty-one (416.61),  
3     inclusive, and four hundred nineteen point forty-two (419.42),  
4     Code 1950, are hereby repealed.

5     (Restrictions on municipal officials, see secs. 2 to 23  
6     of this bill.)

1     Sec. 39. Sections four hundred twenty point twenty-six  
2     (420.26) to four hundred twenty point thirty (420.30), inclusive,  
3     Code 1950, are hereby repealed.

1     Sec. 40. 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.

**Senate File 164**

By DYKHOUSE and HATTERY (Nelson of  
of Woodbury and Crosier).  
**(AS PASSED BY THE SENATE)**

Passed Senate, Date .....

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

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32 the proper and efficient conduct of the affairs of the municipal  
33 corporation, and fix the terms of employment which may include  
34 vacations, retirement plans and sick leave.

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36 to fill vacancies in offices not filled by election by the  
37 council, and the person receiving a majority of the votes of  
38 the whole number of members shall be declared elected to fill  
39 the vacancy.

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41 which shall not exceed two years, of all officers whose terms  
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47 or to employ an attorney, to defend any municipal officer or  
48 employee in any cause of action arising out of or in the course  
49 of the performance of the duties of his office or employment and  
50 to pay the costs of such defense.

51 12. Liability insurance. Have power to purchase and pay  
52 the premiums on liability and property damage insurance covering  
53 and insuring municipal employees while in the performance of  
54 their duties and operating an automobile, truck, road grader,  
55 machinery or other vehicles owned or used by the municipal  
56 corporation, which insurance shall insure, cover, and protect  
57 against any liability the municipal employee or the municipal  
58 corporation may incur.

59 13. Surety bond. Have power to purchase a surety bond  
60 running to the municipal corporation and covering all municipal  
61 officers and employees for the purpose of indemnifying the  
62 municipal corporation against any loss occasioned through em-  
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64 employee. (363.11, 363.12, 363.15, 363.36, 416.52, 419.37, C50,  
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6 tor of the peace, and, within the limits of the corporation,  
7 shall have all the powers conferred upon sheriffs to suppress  
8 disorders. He shall be the chief executive officer thereof,  
9 and it shall be his duty to enforce all regulations and ordi-  
10 nances; he may, upon view, arrest anyone guilty of a violation  
11 thereof, or of any crime under the laws of the state, and  
12 shall, upon information supported by affidavit, issue process  
13 for the arrest of any person charged with violating any  
14 ordinance of the corporation; shall supervise the conduct of  
15 all corporate officers, examine into the grounds of complaint  
16 made against them, and cause all neglect or violation of duty  
17 to be corrected, or report the same to the proper tribunal, that  
18 they may be dealt with as provided by law.

19     2. Office. He shall keep an office at some convenient  
20 place in the city or town, to be provided by the council, and  
21 provide for the keeping of the corporate seal thereof.

22     3. Signature. He shall sign all commissions, licenses,  
23 and permits granted by the authority of the council, and do such  
24 other acts as by law or ordinance may require his signature or  
25 certificate.

26     4. Treasurer—appointment. He shall appoint the treasurer

27 and such appointment shall be subject to approval by the council.  
28 However, in lieu of such appointment, the council may, by ordi-  
29 nance, provide for the election at large of the treasurer at the  
30 regular municipal election.

31 5. Other duties. He shall perform such other duties  
32 compatible with the nature of his office as the council may  
33 from time to time require.

34 6. Presiding officer—vote. He shall be the presiding  
35 officer of the council with the right to vote only in case of  
36 a tie. (363.18, C50, revised.)

37 (Mayor's court, see ch. 367 as amended.)

1 Sec. 3. The clerk. In all municipal corporations the  
2 clerk shall perform the following duties:

3 1. Attend all meetings of the council, but in no event  
4 have the right to vote on any question before it.

5 2. Make an accurate record of and have custody of all  
6 proceedings had, rules and ordinances adopted by the council,  
7 and the same shall at all times be open to the public.

8 3. Immediately following a regular or special meeting of  
9 the city or town council, the clerk shall prepare a condensed  
10 statement of the proceedings of said council, including the  
11 total expenditure from each municipal fund, and  
12 cause the same to be published in a newspaper of general  
13 circulation in the city or town. Said statement shall include a list of  
14 claims allowed, providing however that in cities having more than one  
15 hundred fifty thousand (150,000) population the council shall each  
month

16 print in pamphlet form a detailed itemized statement of all receipts  
17 and disbursements of the city, and a summary of its proceedings  
18 during the preceding month, and furnish copies thereof to the state  
19 library, the city library, the daily newspapers of the city and to  
20 persons who shall apply therefor at the office of the city clerk, and  
21 such pamphlet shall constitute publication as required herein.  
22 Failure by the clerk to make  
23 such publication shall constitute a misdemeanor.

24 4. Supply the treasurer with a statement of all warrants  
25 issued after each meeting, giving the number and amounts of  
26 each.

27 5. Upon order of the council, destroy all records and  
28 papers, other than proceedings, ordinances, and instruments  
29 having to do with real estate and bond issues, which are more  
30 than ten years old, or offer such of same as may be of historical  
31 interest to a historical society or public library.

32 6. Perform such duties as may be required by the council.

33 7. Perform such duties in respect to elections and other  
34 matters as are required by law. (363.19, 366.10, C50, revised.)

1 Sec. 4. The treasurer. In all municipal corporations the  
2 treasurer shall perform the following duties:

3 1. He shall receive all money payable to the corporation,  
4 and disburse same only on warrants drawn and signed by the  
5 proper officer.

6 2. He shall make returns monthly, or oftener if required  
7 by the council, to the officer drawing such warrants, showing

8 the warrants paid and the amount of principal and interest paid.

9 3. He shall make a written report under oath to the council  
10 at its first regular meeting in each month, showing the balance  
11 in each fund of the corporation at the end of the preceding  
12 month.

13 4. He shall not loan or in any manner use for private  
14 purposes any funds coming into his hands as treasurer.

15 5. He shall give bond in such sum as is fixed by the  
16 council and the cost of said bond, not to exceed one per cent  
17 per annum, shall be paid by the municipal corporation. (363.23-  
18 363.28, C50, revised.)

19 (Appointment or election, see sec. 2, subsection 4 of  
20 this bill.)

#### Accounts and Accounting Officers.

1 Sec. 5. Accounts. All cities and towns shall establish  
2 and keep their accounts so the same shall exhibit a true and  
3 detailed statement of all public funds collected, received,  
4 and expended on account of such municipal corporation for any  
5 purpose whatever, by any and all public officers, employees  
6 or other persons. Such accounts shall show the receipt, use,  
7 and disposition of all public property, and the income, if any,  
8 derived therefrom, and of all sources of public income and the  
9 amount due and received from each source. All receipts, vouchers,  
10 and other documents kept, or that may be required to be kept,  
11 necessary to prove the validity of every transaction and the  
12 identity of every person having any beneficial relation thereto,

13 shall be filed and preserved in the office of the clerk or  
14 recorder as the case may be. (363.49, 420.30, unchanged.)  
15 (Destruction of old records, see sec. 3(6) of this bill.)

1 Sec. 6. Separate accounts. Separate accounts shall be  
2 kept for every appropriation, showing date and manner of each  
3 payment made out of the funds provided by such appropriation,  
4 the name and address of each person or corporation to whom paid,  
5 and for what purpose paid.

6 Separate accounts shall be kept for each department, public  
7 improvement, or undertaking, and for each public utility owned  
8 or operated by the said municipality.

9 Said separate accounts for each public utility shall show  
10 the true and entire cost of the said utility and the operation  
11 thereof, the amount collected annually by general or special  
12 taxation for the services rendered to the public, and the  
13 amount and character of the services rendered therefor, and the  
14 amount collected annually from private users, if any, for the  
15 services rendered to them, and the amount and character of the  
16 services rendered therefor. (363.50, 420.30, unchanged.)

17 (Annual examination, see sec. 11.18, C50.)

1 Sec. 7. Accounting officers—reports. All accounting  
2 officers of all boards, commissions, departments, and offices  
3 within the municipal corporation receiving or disbursing public  
4 funds shall file with the auditor or clerk within thirty days  
5 from the expiration of the municipal fiscal year, a detailed  
6 report in writing showing the receipts and disbursements of

7 all funds in the department, board, or commission in question  
8 for said fiscal year. (363.53, 420.29, C50, unchanged.)

1 Sec. 8. Penalty. The failure to make the said report shall  
2 constitute a misdemeanor. (363.53, 420.29, unchanged.)

3 (Punishment, 687.7, C50.)

1 Sec. 9. Annual reports. Each city or town shall, through  
2 its chief accounting and warrant issuing officer, make an annual  
3 public report which shall contain an accurate statement in  
4 summarized form of all collections made or receipts of the  
5 municipal corporation from all sources, all accounts due the  
6 public but not collected, and all expenditures for every purpose,  
7 and, except as otherwise provided by law, a statement in detail  
8 of the cost of operation and income of each public utility  
9 operated or owned by the municipality. It shall show in detail  
10 the entire public debt of the municipality and the amount of  
11 debt which it may under the law contract for the year in which  
12 the report is made. (363.54, 420.29, C50, unchanged.)

13 (Debt limit, ch. 407, C50; Const. Iowa II,3.)

1 Sec. 10. Enforcement of duty. The auditor or clerk may  
2 institute legal proceedings to enforce the making of said  
3 reports. (363.55, 420.29, C50, unchanged.)

1 Sec. 11. Publication. The annual report shall be published  
2 in a newspaper of general circulation in the city or town except  
3 where there is no Iowa newspaper of general circulation in the town,  
4 said annual report may be posted in three (3) public places.  
5 (363.56, 420.29, C50, revised.)

6 (Cost of publication, 618.11, C50.)

1 Sec. 12. Report to state auditor. On or before the first  
2 secular day in February of each year, the official making the  
3 report for each city or town shall forward to the auditor of  
4 state a certified copy of the annual report. If such official  
5 fails to file his report with the auditor of state within the  
6 time prescribed, the auditor may send an examiner or examiners  
7 to make the report and the expenses thereof shall be charged  
8 against the delinquent city or town. (363.59, 420.29, C50,  
9 revised.)

1 Sec. 13. Report—by whom made. It shall be the duty of  
2 the auditor or clerk who served in the capacity during the time  
3 covered by the report, to prepare and file the same, and if  
4 said official has retired from office, the council shall allow  
5 him such compensation for preparing the report as may be deemed  
6 proper. (363.58, 420.29, C50, revised.)

1 Sec. 14. Warrants—how drawn. The auditor, clerk, or other  
2 officer of cities and towns whose duty it is to draw the warrants  
3 thereof, shall not draw any such warrant except upon the vote  
4 of the council. (363.20, C50, unchanged.)

1 Sec. 15. List of warrants. The officer drawing such war-  
2 rants shall, on or before the tenth day of each month, furnish the  
3 council a sworn and complete list of all warrants, and the amount  
4 thereof, drawn by him during the preceding month, which list  
5 shall state on whose account and the object and purpose for  
6 which each warrant was drawn. (363.21, 420.28, C50, unchanged.)

1     Sec. 16. Prohibitions as to warrants. All the provisions  
2 of sections three hundred thirty-four point three (334.3),  
3 three hundred thirty-four point four (334.4), three hundred  
4 rorty-three point seven (343.7) to three hundred forty-three  
5 point nine (343.9), inclusive, shall be applicable  
6 to cities and towns, their officers and employees, subject  
7 only to such modifications as may be necessary therefor.  
8 (363.22, C50, unchanged.)

Police Department

1     Sec. 17. The marshal. The marshal shall be ex officio  
2 chief of police and may appoint one or more deputy marshals,  
3 who may perform his duties, and who, in cities of fifteen  
4 thousand or more population shall be members of the police  
5 force. He shall have the supervision and general direction of  
6 the police force, and shall be the ministerial officer of the  
7 corporation. He shall suppress all riots, disturbances, and  
8 breaches of the peace, arrest all disorderly persons in the city  
9 or town and all persons committing any offense against the  
10 ordinances thereof, and forthwith bring such persons before the  
11 proper court for examination or trial. He shall pursue and  
12 arrest any person fleeing from justice, and shall diligently  
13 enforce all laws, ordinances, and regulations for the preservation  
14 of the public welfare and good order, and shall have the same  
15 powers and duties as constables in similar cases. He shall  
16 attend upon the sittings of the mayor's and police court, and  
17 execute within the county and return all writs and other

18 processes directed to him therefrom. (363.30, C50, revised.)

19 (Duty to enforce vehicle law, 321.6, C50.)

20 (Duty to enforce liquor law, 126.1-126.3, C50.)

21 (Constables, 601.121, 601.122, 748.4, C50.)

1 Sec. 18. Policemen. The officers and members of the police  
2 force shall have such powers and perform such duties as may be  
3 provided by law or ordinance, and shall have the same powers  
4 as marshals to make arrests and suppress riots, disturbances,  
5 and breaches of the peace. (363.31, C50, unchanged.)

1 Sec. 19. Police matrons. Police matrons shall have charge  
2 of all the women and children under arrest, accompanying to  
3 court such as may require such aid. They shall be subject to  
4 the authority of the marshal and the rules and regulations  
5 prescribed by his authority, and in stations, when on duty,  
6 shall be subject to the authority of the officers in command.  
7 In cities where workhouses are established for the detention  
8 of women, or where there are houses of detention, they shall  
9 have at all times the right of entering such establishments,  
10 and shall visit them whenever in their judgment such visits  
11 may be necessary. A suitable place shall be provided for the  
12 police matrons, when not on duty, for rest and refreshment.  
13 (363.32, C50, unchanged.)

#### Other Officers

1 Sec. 20. Other officers. The city attorney, engineer,  
2 auditor, physician, and such additional officers as may be  
3 provided for, shall have such powers and perform such duties

4 as are prescribed by law or ordinance. (363.33, C50, revised.)

General Restrictions on Municipal Officers

1 Sec. 21. Ineligibility—change of compensation. No member  
2 of any city or town council shall, during the time for which  
3 he has been elected, be appointed to any municipal office which  
4 has been created or the emoluments of which have been increased  
5 during the term for which he was elected, nor shall the emol-  
6 uments of any city or town officer be changed during the term  
7 for which he has been elected. No person who shall resign or  
8 vacate any office shall be eligible to the same during the time  
9 for which he was elected, when, during the time, the emoluments  
10 of the office have been increased. (363.46, C50, unchanged.)

1 Sec. 22. Interest in contracts. No officer, including  
2 members of the city council, shall be interested, directly or  
3 indirectly, in any contract or job of work or material or  
4 the profits thereof or services to be furnished or performed  
5 for the city or town. (363.47, unchanged, 416.58, 419.42, C50.)

1 Sec. 23. Free passes. No such officer shall accept or  
2 receive, directly or indirectly, from any person, firm, or  
3 corporation operating within the said city or town any railway,  
4 interurban railway, street railway, gasworks, waterworks,  
5 electric light or power plants, telegraph line, or telephone  
6 exchange, or other business using a public franchise, any  
7 frank, free pass, or ticket, or other service upon terms more  
8 favorable than is granted to the public generally, except  
9 where, by franchise granted by the municipal corporation to

10 any such person or corporation, any officers of said municipal  
11 corporation are granted such privileges as part of such franchise,  
12 and except that members of the police and fire departments of  
13 any city or town shall be carried without charge. Any violation  
14 of the provisions of this section or section twenty-two of  
15 this Act shall be a misdemeanor. The provisions of this  
16 section shall not prohibit the acceptance and use of free  
17 passes under the provisions of section four hundred seventy-  
18 nine point ninety-four (479.94). (363.48, C50, revised to apply  
19 to all municipal corporations.)

1 Sec. 24. Publication by state auditor. Chapter eleven (11)  
2 of the Code is amended by adding the following section:

3 "The auditor of state shall prepare the annual reports  
4 certified to him under the provisions of the Chapter on the  
5 powers and duties of municipal officers for publication in a  
6 separate volume. Said reports shall show under appropriate  
7 schedules the total receipts and expenditures, assets and  
8 indebtedness, and related date of all cities and towns in the  
9 state, together with comments and recommendations respecting  
10 desirable changes in the law governing financial administration  
11 in municipal corporations." (363.59, C50, substance unchanged.)

1 Sec. 25. Utilities boards—proceedings. Immediately  
2 following each meeting of the trustees or governing board of  
3 each municipally owned public utility, the trustees or board  
4 members shall publish by one insertion in at least one newspaper  
5 a summary of the proceedings together with a list of warrants

6 drawn, the names of persons, firms, or corporations to whom  
7 drawn, the amount thereof, and the reason therefor. Publication  
8 shall be made in the manner provided by section six hundred eighteen  
9 point fourteen (618.14). Failure to make such publication shall  
10 constitute a misdemeanor.

1 Sec. 26. Section three hundred sixty-three point eleven

2 (363.11), Code 1950, is hereby repealed.

3 (Appointment of clerk, see sec. 1(1) of this bill.)

4 (Other appointments, see secs. 1(7) and 2(4) of this bill.)

1 Sec. 27. Section three hundred sixty-three point eighteen

2 (363.18), Code 1950, is hereby repealed.

3 (Powers and duties of mayor, see sec. 2 of this bill.)

1 Sec. 28. Section three hundred sixty-three point nineteen

2 (363.19), Code 1950, is hereby repealed.)

3 (Powers and duties of clerk, see sec. 3 of this bill.)

1 Sec. 29. Sections three hundred sixty-three point twenty

2 (363.20), to three hundred sixty-three point twenty-two (363.22),

3 inclusive, and three hundred sixty-three point thirty-seven

4 (363.37), Code 1950, are hereby repealed.

5 (Warrants, see secs. 14 to 16 of this bill.)

1 Sec. 30. Sections three hundred sixty-three point twenty-

2 three (363.23) to three hundred sixty-three point twenty-eight

3 (363.28), inclusive, Code 1950, are hereby repealed.

4 (Treasurer, see sec. 4 of this bill.)

1 Sec. 31. Sections three hundred sixty-three point thirty

2 (363.30) to three hundred sixty-three point thirty-three (363.33),

3 inclusive, Code 1950, are hereby repealed.

4 (Marshal, see sec. 17 of this bill.)

5 (Policemen, see sec. 18 of this bill.)

6 (Matrons, see sec. 19 of this bill.)

7 (Other officers, see sec. 20 of this bill.)

1 Sec. 32. Sections three hundred sixty-three point thirty-  
2 six (363.36), Code 1950, is hereby repealed.

3 (Powers and duties of council, see sec. 1 of this bill.)

1 Sec. 33. Sections three hundred sixty-three point forty-  
2 six (363.46) to three hundred sixty-three point forty-eight  
3 (363.48), inclusive, Code 1950, are hereby repealed.

4 (Restrictions on municipal officials, see secs. 21 to 23  
5 of this bill.)

1 Sec. 34. Sections three hundred sixty-three point forty-  
2 nine (363.49) to three hundred sixty-three point fifty-nine  
3 (363.59), inclusive, Code 1950, are hereby repealed.

4 (Accounts and accounting officers, see secs. 5 to 16 of  
5 this bill.)

1 Sec. 35. Section three hundred sixty-six point ten (366.10),  
2 Code 1950, is hereby repealed.

3 (Publication of council proceedings, see sec. 3(3) of this  
4 bill.)

1 Sec. 36. Sections four hundred sixteen point fourteen  
2 (416.14), four hundred sixteen point forty-five (416.45), four  
3 hundred sixteen point forty-nine (416.49), four hundred sixteen  
4 point fifty-three (416.53), four hundred sixteen point ninety-

5 five (416.95), and four hundred sixteen point ninety-six (416.96),  
6 Code 1950, are hereby repealed.

1 Sec. 37. Section four hundred sixteen point one hundred  
2 nine (416.109), Code 1950, is hereby repealed.

1 Sec. 38. Section four hundred sixteen point one hundred ten  
2 (416.110), Code 1950, is hereby repealed.

3 (Annual examination, see 11.18, C50.)

1 Sec. 39. Sections four hundred sixteen point fifty-eight  
2 (416.58) to four hundred sixteen point sixty-one (416.61),  
3 inclusive, and four hundred nineteen point forty-two (419.42),  
4 Code 1950, are hereby repealed.

5 (Restrictions on municipal officials, see secs. 21 to 23  
6 of this bill.)

1 Sec. 40. Sections four hundred twenty point twenty-six  
2 (420.26) to four hundred twenty point thirty (420.30), inclusive,  
3 Code 1950, are hereby repealed.

1 Sec. 41. Sections four hundred nineteen point sixteen (419.16)  
2 to four hundred nineteen point eighteen (419.18), inclusive, four  
3 hundred nineteen point thirty-four (419.34), and four hundred nine-  
4 point thirty-five (419.35), Code 1950, are hereby repealed. teen

1 Sec. 42. 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.

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