

3. 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:
 - A. Mayor
 - B. City Clerk.
 - C. Members of all boards, commissions or bodies created by law.
(Code of Iowa, Chapter 63A.2)

1.03 BONDS. The Council shall provide by resolution for a surety bond running to the City and covering the Mayor, Mayor Pro Tem, City Manager, City Clerk and such other officers and employees as may be necessary and advisable.
(Code of Iowa, Chapter 64.13)

1.04 GENERAL RESPONSIBILITY OF APPOINTED OFFICERS. The responsibility of appointed officers shall be as follows:

1. Council. The Mayor Pro Tem, City Manager, City Attorney and City Engineer shall be directly responsible to the Council.
2. City Manager. All other appointed officers shall be directly responsible to the City Manager.
3. Appointed Officers. All appointed officers shall be directly responsible for employees of the City under their direct control and supervision.

1.05 BOOKS AND RECORDS. All books and records required to be kept by law or this Code shall be open to inspection by the public upon request.
(Code of Iowa, Chapter 22.2)

1.06 TRANSFER TO SUCCESSOR. Each officer shall transfer to his successor in office all books, papers, records, documents and property in his custody and appertaining to his office.
(Code of Iowa, Chapter 372.13 [4])

1.07 OPEN MEETINGS. All meetings of the Council, any board or commission, or any multi-member body formally and directly created by any of the foregoing bodies shall be held in open session unless closed sessions are expressly permitted by law.
(Code of Iowa, Chapter 21.3)

1.08 CONFLICT OF INTEREST. A City officer or employee shall not have an interest, direct or indirect, in any contract or job of work or material or the profits thereof or services to be furnished or performed for the City. A contract entered into in violation of this section is void. When used in this section, "contract" means any claim, account, or demand against or agreement with the City, express or implied. Pursuant to Chapter 362.5 of the Code of Iowa, the provisions of this section do not apply to:

- A. The payment of lawful compensation of a City officer or employee holding more than one City office or position, the holding of which is not prohibited by law.
- B. The designation of a bank or trust company as a depository, paying agent, or for investment of funds.
- C. Contracts made by the City, upon competitive bid in writing, publicly invited and opened.
- D. Contracts in which a City officer or employee has an interest solely by reason of employment, or a stock interest of the kind described in 2.08 [, or both, if the contracts are made by competitive bid, publicly invited and opened, and if the remuneration of employment will not be directly affected as a result of the contract and the duties of employment do not directly involve the procurement or preparation of any part of the contract. The competitive bid requirement of this subsection shall not be required for any contract for professional services not customarily awarded by competitive bid.
- E. The designation of an official newspaper.
- F. A contract in which a City officer or employee has an interest if the contract was made before the time the officer or employee was elected or appointed, but the contract may not be renewed.
- G. Contracts with volunteer firefighters or civil defense volunteers.
- H. A contract with a corporation in which a City officer or employee has an interest by reason of stockholdings when less than five (5) percent of the outstanding stock of the corporation is owned or controlled directly or indirectly by the officer or employee or the spouse or immediate family of such officer or employee.

- I. Contracts not otherwise permitted by this section, for the purchase of goods or services by the City, which benefit a City officer or employee, if the purchases benefitting that officer or employee do not exceed a cumulative total purchase price of one thousand five hundred dollars in a fiscal year.
- J. Franchise agreements between the City and a utility and contracts entered into by the City for the provision of essential City utility services.

1.09 TERMS OF APPOINTED OFFICERS. Appointed officers shall serve at the pleasure of the appointing authority unless terms are otherwise fixed by law or this Code.
(Code of Iowa, 372.13 [4])

1.10 RESIGNATIONS. An elected officer, who wishes to resign may do so by submitting the resignation in writing to the City Clerk so that it shall be properly recorded and considered. A person who resigns from an elective office during the term for which that person is elected, is not eligible for appointment to any city office if the office has been created or the compensation of the office has been increased during the term for which that member is elected. A person who resigns from an elective office is not eligible for appointment to the same office during the time for which that person was elected if during that time, the compensation of the office has been increased.
(Code of Iowa, Chapter 372.13 [9])

1.11 REMOVAL OF ELECTED OFFICERS. Elected officers may be removed from office in the manner provided in Code of Iowa Chapter 66.29 and Chapter 66.30, and the provisions of Code of Iowa Chapter 17A relating to contested cases shall apply to such proceedings insofar as the same are applicable.

1.12 REMOVAL OF APPOINTED OFFICERS. Appointed officers may be removed from office in the manner provided in Code of Iowa 372.15 and the provisions of Code of Iowa Chapter 17A relating to contested cases shall apply to such proceeding insofar as the same are applicable.
(Code of Iowa, Chapter 372.15)

1.13 VACANCIES. A vacancy in an elective City office shall be filled in accordance with the provisions of Chapter 372.13[2] of the Code of Iowa.

1.14 COMPENSATION OF APPOINTED OFFICERS. Compensation of appointed officers shall be in such amount as is fixed by the Council by motion or resolution.

1.15 UNLAWFUL USE OF CITY PROPERTY. No person shall use or permit any other person to use the property owned by the City for any private purpose, for personal gain or to the detriment of the City.

(Code of Iowa, 721.2 [5])

1.16 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.

(Code of Iowa, Chapter 670.8)

1.17 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, under the provisions of Code of Iowa, 670.2, 670.4 and 670.8.

(Code of Iowa, Chapter 670.7)

1.18 WORKERS' COMPENSATION AND HOSPITALIZATION INSURANCE. The City shall purchase a policy of insurance insuring against all liability for workers' compensation and against statutory liability for costs of hospitalization, nursing and medical attention for all City officers, employees and agents injured in the performance of their duties on behalf of the City.