

CITY OF AVOCA

TITLE II: OFFICERS, ADMINISTRATION, AND PERSONNEL
CHAPTER 4: CITY COUNCIL

4.01 POWERS AND DUTIES. 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:

1. General. All powers of the City are vested in the Council except as otherwise provided by law or ordinance.
(Code of Iowa, Chapter 364.2 [1])
2. 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.
(Code of Iowa, Chapter 372.13 [7])
3. 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.
(Code of Iowa, Chapter 364.2 [1], Chapter 384.16 and Chapter 384.38 [1])
4. Public Improvements. The Council shall make all orders for the doing of work, or the making or construction of any improvements, bridges or buildings.
(Code of Iowa, Chapter 364.2 [1])
5. Contracts. The Council shall make or authorize the making of all contracts, and no contract shall bind or be obligatory upon the City unless either made by ordinance or resolution adopted by the Council, or reduced to writing and approved by the Council, or expressly authorized by ordinance or resolution adopted by the Council.
(Code of Iowa, Chapter 364.2 [1] and 384.95 through 384.102)
6. Employees. The Council shall authorize, by resolution, the number, duties and compensation of employees not otherwise provided for by law or this Code.
(Code of Iowa, Chapter 372.13 [4])
7. Records. The Council shall maintain records of its proceedings.
(Code of Iowa, Chapter 372.13 [5])

8. Setting Compensation for Elected Officers. By ordinance, the Council shall prescribe the compensation of the Mayor, Council members, and other elected City officers, but a change in the compensation of the Mayor shall not become effective during the term in which the change is adopted, and the Council shall not adopt such an ordinance changing the compensation of any elected officer during the months of November and December immediately following a regular City election. A change in the compensation of Council members shall become effective for all Council members at the beginning of the term of the Council members elected at the election next following the adoption of the increase in compensation.

(Code of Iowa, Chapter 372.13 [8])

4.02 EXERCISE OF POWER. Pursuant to Chapter 364.3 [1] of the Code of Iowa, the City Council shall exercise a power only by the passage of a motion, a resolution, an amendment, or an ordinance in the following manner:

1. Approved Action by Council. Passage of an ordinance, amendment, or resolution requires an affirmative vote of not less than a majority of the Council members. A motion to spend public funds in excess of one hundred thousand (100,000) dollars on any one project, or a motion to accept public improvements and facilities upon their completion, also requires an affirmative vote of not less than a majority of the Council members. Each Council member's vote on an ordinance, amendment or resolution must be recorded.

(Code of Iowa, Chapter 380.4)
2. Overriding Mayor's Veto. Within thirty (30) days after the Mayor's veto, the Council may repass the ordinance or resolution by a vote of not less than two-thirds of the Council members, and the ordinance or resolution becomes effective upon repassage and publication.

(Code of Iowa, Chapter 380.6 [2])
3. Measures Become Effective. Measures passed by the Council, other than motions, become effective in one of the following ways:
 - A. If the Mayor signs the measure, a resolution becomes effective immediately upon signing and an ordinance or amendment becomes a law when published, unless a subsequent effective date is provided within the measure.

(Code of Iowa, Chapter 380.6 [1])

B. If the Mayor vetoes a measure and the Council repasses the measure after the Mayor's veto, a resolution becomes effective immediately upon repassage, and an ordinance or amendment becomes a law when published, unless a subsequent effective date is provided within the measure.

(Code of Iowa, Chapter 380.6 [2])

C. If the Mayor takes no action on the measure, a resolution becomes effective fourteen (14) days after the date of passage and an ordinance or amendment becomes law when published, but not sooner than fourteen (14) days after the day of passage, unless a subsequent effective date is provided within the measure.

(Code of Iowa, Chapter 380.6 [3])

4.03 MEETINGS. Meetings of the Council shall be as follows:

1. Regular Meetings. The regular meetings of the Council shall be held at such time as may be established by resolution of the Council.
2. Special Meetings. Special meetings shall be held upon call of the Mayor or upon the written request of a majority of the members of the Council submitted to the Clerk. Notice of a special meeting shall specify the date, time, place and subject of the meeting and such notice shall be given personally or left at the usual place of residence of each member of the Council.
3. Quorum. A majority of all Council members is a quorum.
4. Rules of Procedure. The Council shall determine the rules of its own proceedings by resolution and the Clerk shall keep such rules on file for public inspection.

(Code of Iowa, Chapter 372.13 [5])
5. Compelling Attendance. Any three (3) members of the Council can compel the attendance of the absent members at any regular, adjourned or duly called meeting, by serving a written notice upon the absent members to attend at once.
6. Notice of Meetings. The Council shall give reasonable notice of the time, date and place of each meeting, and its tentative agenda.

(Code of Iowa, Chapter 21.4)
7. Meetings Open. All meetings shall be held in open session unless closed sessions are held as expressly permitted by law.

(Code of Iowa, Chapter 21.3)

8. Minutes. Minutes shall be kept of all meetings showing the date, time and place, the members present, and the action taken at each meeting. The minutes shall show the results of each vote taken and the vote of each member present shall be made public.
(Code of Iowa, Chapter 21.3)
9. Closed Session. A closed session may be held only by affirmative public vote of either two-thirds of the Council or all of the members present at the meeting and in accordance with Code of Iowa, Chapter 21.
10. Cameras and Recorders. The public may use cameras or recording devices at any open session.
(Code of Iowa, Chapter 21.7)
11. Electronic Meetings. A meeting may be conducted by electronic means only in circumstances where such a meeting in person is impossible or impractical and then only in compliance with the provisions of Code of Iowa, Chapter 21.
12. Rules of Conduct. The following rules are hereby adopted for the conduct of those attending regular and special meetings of the City Council in the council chamber in the City Hall: The Chief of Police shall enforce the provisions of this section and upon request shall provide sufficient officers therefore.
(Code of Iowa, Chapter 21.7)

4.04 APPOINTMENTS. The City Council shall appoint the following officials and prescribe their powers, duties, compensation and term of office:

1. City Manager
2. City Clerk.
3. City Treasurer.
4. City Attorney.
5. City Engineer.
6. Fire Chief.
7. Superintendent of Public Works.