

**CITY OF AVOCA
ORDINANCE 2022-03
AN ORDINANCE AMENDING CHAPTER 6 OF THE AVOCA CITY CODE
PERTAINING TO THE ADDING THE AVOCA LEGION BUILDING COMMISSION**

BE IT ENACTED by the City Council of the City of Avoca, Pottawattamie County, Iowa:

SECTION 1. Amended. Chapter 6 will be amended with adding the following:

6.13 Avoca Legion Building Commission, the Avoca Veterans Community Center at 112 N. Elm St., Avoca, IA shall be under the management and control of a commission consisting of five (5) members which shall be known as the Avoca Legion Building Commission.

A. Qualification, Appointment and Limitation of Service. Four (4) Commissioners shall be a Soldier, Sailor, Marine, Airman, Guardian, or Coast Guard veteran, with at least three (3) of these members being current members in good standing with Avoca American Legion Post #227, until such time when that Legion entity no longer exists. The current elected City of Avoca Mayor shall represent Commissioner Five (5) as ex-facto, voting member. All other Commissioners shall be appointed by said mayor with the approval of the Avoca City Council and the current Commander of the Avoca American Legion Post #227, and shall serve for staggered three-year terms. In order to obtain a reasonable turnover in the personnel of the Commission, as well as to promote fresh ideas and general new innovative approaches to the various problems facing the Commission, any person who has served two consecutive Commission terms shall not be eligible for reappointment to the Commission for a period of one (1) year after the expiration of his or her final term. However, notwithstanding the foregoing limitation, a former Commission member may be reappointed to fill a vacancy if the vacancy cannot be filled by appointment of a qualified and appropriate person within forty (40) days after the date the vacancy occurs. Any former commission member who would otherwise be ineligible because he or she served two consecutive terms may serve by emergency appointment, only until a qualified and appropriate replacement can be appointed.

B. Vacancies. A vacancy on the Commission shall be filled in the same manner as the original appointment for the balance of the unexpired term.

C. Powers and Duties, The Commission shall manage and control the Avoca Veterans Community Center by making and establishing rules and regulations for its use and management. In its management capacity, the Commission shall:

1. **Officers.** Meet at least quarterly. The positions of President, Secretary, and such other officers as it deemed necessary shall be elected annually. All elected officials shall be ready to assume assigned positions by the first of October.
2. **Record of Proceedings.** Keep a full and complete record of all its proceedings and abide by Chapter 32 of the Iowa Code regarding open meetings.
3. **Building.** Have charge, control and supervision of the Avoca Veterans Community Center, its parking lot, appurtenances, fixtures, rooms, and any additions thereof.

- 4. Activities and Affairs.** Direct and control the activities and affairs of the Avoca Veterans Community Center, and set the rental fee with approval from the Avoca City Council. All events should be scheduled through the Commission by an appointed Commission booking agent and the City Administrator, who also collects, records and stores all public rental contracts. The Commission is also responsible for the directing and controlling of the activities and affairs of the Avoca Veterans Community Center. The Commission shall avail itself of the expertise of the City Administrator by consulting with said City Administrator on matters of policy, function and supervision of the building functions. The Commission shall cooperate with the Avoca City Council, the City Administrator, and the City's Parks and Recreation Board to provide the citizens of Avoca and surrounding areas with a place to maintain and conduct recreational activities at no cost to the City. As a part of this cooperation effort which also includes all the Legion's sponsored organizations and their activities, the Avoca American Legion Post 227 will be given first priority, with second priority given to the City of Avoca recreational programs. Outside revenue generated (rented) events will have third priority. However, when a revenue generated (rented) event overlaps with a Legion, Legion sponsored, or City event, the Commission shall discuss the overlapping date, and the succession of priority may be dismissed, if a majority of the Commission agrees.
- 5. Personal Rules and Regulations.** A Commission member may be removed from the Commission by the elected City of Avoca Mayor with the approval of the Avoca City Council and the current Commander of the Avoca American Legion Post #227. Also, a Commission member may be removed from the Commission if that member attends less than half of the scheduled Commission meetings in a year.
- 6. Purchases.** Purchase equipment, supplies, and other items, for the Avoca Veterans Community Center within the budgetary limits set by the Avoca City Council.
- 7. Rules and Regulations.** To adhere to the ordinances of the City of Avoca and to abide by all laws written by the State of Iowa. To make and adopt, amend, modify or repeal rules and regulations that are not consistent with the Code of Ordinances and the law, for the care, use, government and management of the Avoca Community Center.
- 8. Expenditures.** The Avoca American Legion Post #227 shall solely be responsible for the licensing, expenses and revenues obtained thru services provided by the bar including but not limited to Dram Shop insurance, located within the Avoca Veterans Community Center. For budgeting purposes, the Commission must submit a proposed budget of all other expenses to the Avoca City Council by the 15th of each January for the following fiscal year.
- 9. Gifts.** Accept gifts of real property, personal property, or mixed property, and devices and bequests, including trust funds; take the title to said property in the name of the City and the Commission; execute deeds and bills of sale for the conveyance of Commission property; and expend the funds received by those gifts for payment of Avoca Veterans Community Center expenses and for the improvement of the Avoca Veterans Community Center.

D. Intent. In setting forth the powers and duties of the Commission, it is the express intent of the Council to give meaning and interpretation to Chapter 37 of the Code of Iowa as amended and it is not intended to usurp the authority of the Commission to “manage and control” the Avoca Community Center.


SECTION 2. Severability. If any section, provision or part of this ordinance shall be adjudged to be unconstitutional or invalid, such adjudication shall not affect the validity of this ordinance as a whole, or any section, provision or part thereof not adjudged unconstitutional or invalid.

SECTION 3. Effective Date. This ordinance shall be effective from and after its final passage, approval and publication as provided by law.

First Reading Passed: April 19, 2022

Second Reading Passed: April 27, 2022

Third Reading Passed: waived on April 27, 2022



Aaron Long, Mayor

ATTEST:



Teresa M Hoepner, City Clerk

CLERK'S CERTIFICATE

I, Teresa Hoepner, do hereby certify that I am the duly appointed, qualified and acting City Clerk of the City of Avoca, Iowa, and that the above and foregoing is a true and correct copy of an ordinance passed by the City Council of the City of Avoca, Iowa, as provided by law on the 27th day of April, 2022, approved as provided by law on the 27th day of April, 2022, and published as provided by law on the 5th day of May, 2022 at 8:00 a.m.



Teresa Hoepner, City Clerk