

## ORDINANCE NO. 241

### AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SIDNEY, IOWA, BY ADDING A NEW CHAPTER

**BE IT ENACTED** by the City Council of the City of Sidney, Iowa:

The Code of Ordinances of the City of Sidney, Iowa, is amended by adding a new chapter which is hereby adopted CHAPTER 18 CITY CLERK/MANAGER.

**REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed including specifically without limitation Ordinance 240.

**SEVERABILITY CLAUSE.** If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

**WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the 9 day of October, 2023, and approved this 9 day of October, 2023.

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Mayor

ATTEST:

Elease Cowles

City Clerk

First Reading: October 9, 2023

Second Reading: Waived

Third Reading: Waived

I certify that the foregoing was published as Ordinance No. 241 on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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City Clerk

## CHAPTER 18

# CITY CLERK/CITY MANAGER

18.01 Appointment and Compensation	18.08 Certify Measures
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18.03 Powers and Duties: General	18.10 Attendance at Meetings
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18.07 Authentication	18.14 City Seal

**18.01 APPOINTMENT AND COMPENSATION.** At its first meeting in January each year the Council shall appoint by majority vote a City Clerk/Manager (hereinafter referred to as the Clerk/Manager) to serve for a term of one year. The Clerk/Manager shall receive such compensation as established by resolution of the Council.

*(Code of Iowa, Sec. 372.13[3 and 4])*

**18.02 ADMINISTRATIVE RESPONSIBILITY.** The Clerk/Manager is directly responsible to the Council for the administration of municipal affairs as directed by that body. All departmental activity requiring the attention of the Council shall be brought before the Council by the Clerk/Manager and all Council policy concerning administration shall be coordinated through the Clerk/Manager.

**18.03 POWERS AND DUTIES: GENERAL.** The Clerk/Manager has the powers and duties specifically listed in this section, and as additionally provided in this chapter, this Code of Ordinances and the law.

1. Administer Policies. The Clerk/Manager shall administer the operating policies established by the Council and make recommendations to the Council for improvements to policies and procedures when deemed appropriate.
2. Supervise Employees. The Clerk/Manager shall supervise and coordinate the activities of City employees and departments, except the Fire and Police Departments.
3. Supervise Purchases. Supervise the purchase of all supplies, materials and equipment, with authority to make such purchases without prior approval of the Council if the purchase price does not exceed \$500.00; provided, however, the price limitation shall not apply in the case of emergency repairs to buildings or equipment which must be performed before Council approval is obtained.
4. Administration of all ordinances, resolutions, Council policies, directives, and procedures.

5. Continuous study of the City government's operating procedures, organizations, and facilities and recommendation of fiscal and other policies to the Mayor and Council whenever necessary.
6. Preparation and administration of the City's annual operating budget in conjunction with the Council.
7. Keeping the Mayor and Council informed as to the progress of programs and the status of policies.
8. Coordination and direction of all City services provided through the various departments.
9. Study of possible joint arrangements with municipal boards and commissions, making recommendations for such arrangements as are mutually acceptable and coordinating these activities as agreed upon.
10. Performance of such other duties as may be directed by the Council.

**18.04 PUBLICATION OF MINUTES.** Within fifteen (15) days following a regular or special meeting shall cause the minutes of the proceedings thereof to be published. Such publication shall include a list of all claims allowed and a summary of all receipts and shall show the gross amount of the claim.

*(Code of Iowa, Sec. 372.13[6])*

**18.05 RECORDING MEASURES.** The Clerk/Manager shall promptly record each measure considered by the Council and record a statement with the measure, where applicable, indicating whether the Mayor signed, vetoed or took no action on the measure, and whether the measure was repassed after the Mayor's veto.

*(Code of Iowa, Sec. 380.7[1 & 2])*

**18.06 PUBLICATION.** The Clerk/Manager shall cause to be published all ordinances, enactments, proceedings, official notices and meeting minutes requiring publication as follows:

1. Time. If notice of an election, hearing, or other official action is required by this Code of Ordinances or law, the notice must be published at least once, not less than four (4) nor more than twenty (20) days before the date of the election, hearing or other action, unless otherwise provided by law.

*(Code of Iowa, Sec. 362.3[1])*

2. Manner of Publication. A publication required by this Code of Ordinances or law must be in a newspaper published at least once weekly and having general circulation in the City.

*(Code of Iowa, Sec. 362.3[2])*

**18.07 AUTHENTICATION.** The Clerk/Manager shall authenticate all measures except motions with the Clerk/Manager's signature, certifying the time and manner of publication when required.

*(Code of Iowa, Sec. 380.7[4])*

**18.08 CERTIFY MEASURES.** The Clerk/Manager shall certify all measures establishing any zoning district, building lines, or fire limits and a plat showing the district, lines, or limits to the recorder of the County containing the affected parts of the City.

*(Code of Iowa, Sec. 380.11)*

**18.09 RECORDS.** The Clerk/Manager shall maintain the specified City records in the following manner:

1. Ordinances and Codes. Maintain copies of all effective City ordinances and codes for public use.

*(Code of Iowa, Sec. 380.7[5])*

2. Custody. Have custody and be responsible for the safekeeping of all writings or documents in which the City is a party in interest unless otherwise specifically directed by law or ordinance.

*(Code of Iowa, Sec. 372.13[4])*

3. Maintenance. Maintain all City records and documents, or accurate reproductions, for at least five (5) years except that ordinances, resolutions, Council proceedings, records and documents, or accurate reproductions, relating to the issuance, cancellation, transfer, redemption or replacement of public bonds or obligations shall be kept for at least eleven (11) years following the final maturity of the bonds or obligations. Ordinances, resolutions, Council proceedings, records and documents, or accurate reproductions, relating to real property transactions shall be maintained permanently.

*(Code of Iowa, Sec. 372.13[3 & 5])*

4. Provide Copy. Furnish upon request to any municipal officer a copy of any record, paper or public document under the Clerk/Manager's control when it may be necessary to such officer in the discharge of such officer's duty; furnish a copy to any citizen when requested upon payment of the fee set by Council resolution; under the direction of the Mayor or other authorized officer, affix the

seal of the City to those public documents or instruments which by ordinance and Code of Ordinances are required to be attested by the affixing of the seal.

*(Code of Iowa, Sec. 372.13[4 & 5] and 380.7[5])*

5. Filing of Communications. Keep and file all communications and petitions directed to the Council or to the City generally. The Clerk shall endorse thereon the action of the Council taken upon matters considered in such communications and petitions.

*(Code of Iowa, Sec. 372.13[4])*

**18.10 ATTENDANCE AT MEETINGS.** At the direction of the Council, the Clerk/Manager shall attend meetings of committees, boards and commissions. The Clerk/Manager shall record and preserve a correct record of the proceedings of such meetings.

*(Code of Iowa, Sec. 372.13[4])*

**18.11 ISSUE LICENSES AND PERMITS.** The Clerk/Manager shall issue or revoke licenses and permits when authorized by this Code of Ordinances, and keep a record of licenses and permits issued which shall show date of issuance, license or permit number, official receipt number, name of person to whom issued, term of license or permit and purpose for which issued.

*(Code of Iowa, Sec. 372.13[4])*

**18.12 NOTIFY APPOINTEES.** The Clerk/Manager shall inform all persons appointed by the Mayor or Council to offices in the City government of their position and the time at which they shall assume the duties of their office.

*(Code of Iowa, Sec. 372.13[4])*

**18.13 ELECTIONS.** The Clerk/Manager shall perform the following duties relating to elections and nominations:

1. Certify to the County Commissioner of Elections the type of nomination process to be used by the City no later than ninety (90) days before the date of the regular City election.

*(Ord. 314-02 – Mar. 03 Supp.) (Code of Iowa, Sec. 376.6)*

2. Accept the nomination petition of a candidate for a City office for filing if on its face it appears to have the requisite number of signatures and is timely filed.

*(Code of Iowa, Sec. 376.4)*

3. Designate other employees or officials of the City who are ordinarily available to accept nomination papers if the Clerk/Manager is not readily available during normal working hours.

*(Code of Iowa, Sec. 376.4)*

4. Note upon each petition and affidavit accepted for filing the date and time that the petition was filed.

*(Code of Iowa, Sec. 376.4)*

5. Deliver all nomination petitions, together with the text of any public measure being submitted by the Council to the electorate, to the County Commissioner of Elections not later than five o'clock (5:00) p.m. on the day following the last day on which nomination petitions can be filed.

*(Code of Iowa, Sec. 376.4)*

**18.14 CITY SEAL.** The City seal is in the custody of the Clerk/Manager and shall be attached by the Clerk/Manager to all transcripts, orders and certificates which it may be necessary or proper to authenticate. The City seal is circular in form, in the center of which is the word "SEAL" and around the margin of which are the words "CITY OF SIDNEY, IOWA."