

CHAPTER 3 ADMINISTRATION

Article 3-1 OFFICERS IN GENERAL

- 3-1-1 City Officers
- 3-1-2 Other Employees
- 3-1-3 Additional Offices
- 3-1-4 Bond
- 3-1-5 Vacancies; Holding More Than One Office
- 3-1-6 Additional Powers and Duties

Section 3-1-1 CITY OFFICERS^{1 2}

In accordance with state law, the following offices are hereby created: city clerk and ex officio treasurer, city attorney, chief of police, city physician, city engineer and city magistrate. The office of the city manager is hereby created and established. The city manager, ex-officio treasurer (fiscal officer), city magistrate and city attorney, shall be appointed by the council. The city manager shall appoint persons to serve in the remaining offices hereby created above, hereinafter designated in the Chapter or as hereinafter created.

Section 3-1-2 OTHER EMPLOYEES

The city council by resolution, and the city manager by administrative order, may create such other forms of employment as deemed necessary to execute the duties of the offices created in Section 3-1-1 as required by statute.

Section 3-1-3 ADDITIONAL OFFICES

The council may create such other offices as it may deem necessary and that are not provided for in this code or state statutes.

Section 3-1-4 BOND

The council shall require each officer of the city to give bond for the due discharge of his duties in such sums and with such security as it may direct and approve as determined by resolution and the city shall pay the costs of such bond.

¹ AMENDED 3-1-1

² AMENDED 3-1-1

Ordinance No. 99-08

Ordinance No. 03-05

Adopted 6/28/99

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Section 3-1-5 Vacancies; Holding More Than One Office

Any vacancy that shall occur in any city office enumerated in section 3-1-1 shall be filled by appointment of the city manager, provided that one person shall hold more than one office and that the discretion of the city manager or council the functions of a city of a city official may be validly performed and discharged by a deputy or other city official, or any otherwise qualified individual not holding office but employed at the pleasure of the council.

Section 3-1-6 Additional Powers and Duties

In addition to any powers and duties prescribed in this code, each officer shall have such further powers, perform such further duties, and hold such other offices as any be provided by the council through ordinance, resolution, or order.

Article 3-2 OFFICERS: POWERS AND DUTIES< BONDING

3-2-1	City Manager
3-2-2	City Clerk
3-2-3	Chief of police
3-2-4	Fire Chief
3-2-5	City Attorney
3-2-6	City Magistrate
3-3-7	Finance Director
3-3-8	City Engineer

Section 3-2-1 City Manager

- A. Appointment. The city manager shall be appointed by the council on basis of his administrative and executive ability and qualifications and shall hold office for and at the pleasure of the council. At the time of his appointment, the city manager need not be a resident of the city but within a reasonable time after his appointment he shall become a resident of the city.
- B. Employment Agreement. The city may enter into employment agreement with the city manager defining the terms and conditions of his employment. Said employment agreement may include the hours of work, salaries, length of term employment, method of termination, vacation and sick leave, insurance coverage, retirement benefits, fringe benefits and such other matters as may be deemed appropriate by the mayor and the council and city manager. In the absence of such an agreement defining the length or term of employment, the city manager shall serve at the pleasure of the mayor and council and may be removed by a majority vote of the council at any regular council meeting at which such removal has been placed on the council agenda as a specific agenda item for that meeting.
- C. Compensation. The city manager shall receive such compensation as the council shall fix from time to time.
- D. Powers and Duties. The city manager shall be the administrative head of the government of the city under the direction and control of the council except as otherwise provided in this chapter. He shall be responsible to the council for the proper administration of all affairs of the city. In addition to his general powers as administrative head and not as a limitation thereon, it shall be his duty and he shall have the powers set forth in the following subsections:
- 1.) Execute, on behalf of the council, general administrative supervision and control of the affairs of the city.

- 2.) Attending meetings of the council with the duty of reporting on or discussing any matter concerning the affairs of the departments, boards, services or activities under his supervision, upon which, in his judgement, the council should be informed.
- 3.) Coordinate the administrative functions and operations of the various departments, boards, divisions and services of the city government, and on its behalf to carry out the policies, rules, regulations and ordinances adopted by it, relating to the administration of the affairs of such departments, boards, divisions or services.
- 4.) Cause to be prepared and submitted to him by each department, board, division or service of the city government, itemized annual estimates of expenditures required by them for capital outlay, salaries, wages, and miscellaneous operating costs; to tabulate the same into a preliminary consolidated municipal budget and submit the same to the council annually on the date specified by them, with his recommendations as to any increases, decreases, cancellations, transfers or changes in any of the items included in said preliminary budget.
- 5.) Supervise the expenditures of all departments, divisions or services of the city government and to act as purchasing agent for the purchase of all supplies, goods, wares, merchandise, equipment and material which may be required for any of such departments, divisions or services.
- 6.) Analyze and supervise the functions, duties and activities of the various departments, boards and services of the city government and all employees thereof, and to make such recommendations to the council with reference thereto, as in his judgement, will result, if made effective, in the highest degree of efficiency in the overall operation of the city government.
- 7.) Develop and organize necessary improvement projects and programs and to aid and assist the council and the various departments and boards in carrying the same through to a successful conclusion.
- 8.) Serve as public relations officer of the city government, and to follow through and endeavor to adjust all complaints filed against any employee, department or service thereof to the end that every effort may be made to satisfy all citizens that their city government is being operated in their behalf with the highest degree of efficiency.
- 9.) Cooperate with all community organizations whose aims and purposes it is to advance the spiritual and material interests of the city and its residences and to provide them

with a reasonable assistance obtainable through the city government within the limitations of the law.

- 10.) Make and keep up-to-date inventory of all personal property owned by the city and to recommend to the council the purchase of new machinery, equipment and supplies whenever, in his judgement, the same can be obtained at the best advantage, taking into consideration trade-in value of machinery, or equipment in use.
- 11.) ¹Make, or cause to be made, studies and surveys of the duties, responsibilities, and work of the personnel in the various departments and services of the city government and to recommend to the City Council abolition or consolidation of positions or transfers or removals of personnel in such studies and surveys, whenever, in his judgment, such action would increase efficiency in the administration of the city government.
- 12.) See that all laws ordinances of the city are duly enforced.
- 13.) Devote his entire time to the discharge of his official duties.
- 14.) Perform such other duties as may be required of him by council, not inconsistent with the laws of the state, or ordinances of the city.
- 15.) ²Appoint and, when necessary, suspend and remove all employees of the City except appointed officials pursuant to the City's personnel rules and regulations, this Code, and ordinances of the City. Notwithstanding the foregoing, the City Manager shall obtain City Council approval before implementing layoffs.
- 16.) ³Advise and consult with the City Council with respect to the appointment of all appointive officers of the City, and recommend the removal or suspension of any such officers when such removal or suspension shall be consistent with the best interest of the City.

E. Council not to Interfere with Appointments or Removals.

All officers and employees, except the city attorney and the city magistrate, shall be appointed by the manager, and neither the council nor any of its members shall direct or request the appointment of any person to, or his removal or suspension from such office by the manager or his subordinates, or in any manner take part in the appointment or removal of such officers and

¹ AMENDED 3-2-1 (D)(11)

Ordinance No. 09-06

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² ADDED 3-2-1 (D)(15)

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³ ADDED 3-2-1 (D)(16)

Ordinance No. 09-06

Adopted 1/26/09

employees in the administration services of the city. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the manager. The city attorney and the city magistrate shall be appointed or removed at the direction of the council.

- F. Public Relations. In the discharge of his duties as manager, the person holding such position shall endeavor at all times to exercise the highest degree of tact, patience and courtesy in his contacts with the public and with all city boards, departments and employees and shall use the best of his efforts to establish and maintain a harmonious relationship between all personnel employed in the government of the city to the end that the highest possible standards of public service shall be continuously maintained.

Section 3-2-2 City Clerk

- A. Records. The clerk shall attest to and keep a true and correct record of all business transacted by the council and any other records that either pertain to the business of the city or that the council directs. The clerk shall number, plainly label, and file separately in a suitable cabinet all resolutions, notices, deeds, surveys, leases, paid and unpaid vouchers, inventories, letters, orders, and other documents of whatever nature.
- B. Public Inspection of Records. The clerk shall keep convenient for public inspection all public records and public documents under his control, as provided by state statutes.
- C. Minutes. The clerk shall prepare or cause to be prepared all minutes of council proceedings and insure their correctness and accuracy.
- D. Ordinances, Resolutions, Budgets and Notices. The clerk shall attest to, process, record, file, publish, and if required by state statute, post all ordinances, resolutions, budgets and notices that may be passed by the council.
- E. Duties as Ex Officio Treasure. The clerk may hold the office of city treasure. In said capacity, he shall receive and safely keep all monies that shall come to the city and pay out the same when authorized by the council. He shall keep a separate record and account for each different fund provided by the council, apportion the monies received among the different funds as prescribed by the council, and keep a complete set of books showing: every money transaction of the city, the state of each fund, from what source the money in each fund was derived and for what purpose expended, and shall make monthly reports to the council of all receipts and disbursements and the balance of each fund. At the end of the fiscal year, he shall make a full and

detailed statement of the receipts and expenditures of the city during the year, specifying the different sources of revenue and the amount received for each, all appropriations made by the mayor and council, and the object for which they were made, and the amount of money expended under each, the evidences of indebtedness issued, and what portion remains thereof outstanding, with the rate and amount of interest due thereon, and the amount of cash on hand. The city manager may, however, appoint a finance director who shall perform these duties and those set forth in section 3-2-7 of this article.

- F. Election Official. The clerk shall be the city election official and perform those duties required by state statute.
- G. Licenses. The clerk shall issue or cause to be issued all licenses that may be prescribed by state statute or this code.
- H. Administrative Duties. The clerk shall perform those administrative responsibilities and duties that are conferred upon him by the manager in addition to those specified in this code.

Section 3-2-3 Chief of Police

The chief of police shall perform such duties as may be required of him by law and as the manager may deem necessary.

Section 3-2-4 Fire Chief

The fire chief shall direct the operations of the fire department of the city and personally be present, if possible, at all fires occurring within the city and direct the fire fighting operations; conduct training instruction in the fire fighting techniques and perform all other duties as may be assigned him by the city manager and the ordinances of the city and the laws of the state and the United States.

Section 3-2-5 City Attorney

The attorney shall act as the legal counselor and advisor of the council and other city officials, and as such shall give his opinion in writing when requested. He shall draft all deeds, contracts, conveyances, ordinances, resolutions, and other legal instruments when required by the council. He shall approve as to form of writing, all drafts of contracts and all bonds before final approval or acceptance thereof by the council. He shall return, within ten days, all ordinances and resolutions submitted to him for consideration by the council with his approval or disapproval as to form noted thereon, together with his reasons therefor. He shall prosecute and defend all suits, actions or causes where the city is a party, and shall report to the council, when required, the condition of any suit or action to which the city is a party.

Section 3-2-6 City Magistrate¹

The city magistrate shall be presiding officer of the magistrate's court, shall be selected by the council, and shall perform those functions necessary to the maintenance of a magistrate's court as provided by state statute. The city magistrate shall serve a one-year term of office, at which time his term shall expire. The city council may, as its sole discretion, choose to reappoint the person to serve another one-year term by providing written notice of its election to do so, or appoint a new person to serve as city magistrate. The city magistrate may be removed for cause during his term of office after hearing before the city council, providing due process.

Section 3-2-7 Finance Director

The finance director shall receive and safely keep all monies that shall be due to the city. He shall keep a separate record and account of each different fund provided by the council, or otherwise, keep a record of warrants paid and of warrants presented but not paid for want of funds, apportion the monies received among the different funds as prescribed by the council and keep a complete set of books showing every money transaction of the city and the state of each fund, from what source of money each fund was derived and for what purpose was expended, and he shall make monthly reports to the council of all receipts and disbursements and the balance in each fund. At the end of the fiscal year he shall make a full and detailed statement of the receipts and expenditures of the city during the year. He shall perform such other duties as are vested in him by the statutes of the state, the ordinances of the city and assigned to him by the council.

Section 3-2-8 City Engineer

The City Engineer shall perform professional civil engineering work relating to the planning, limited design, construction and inspection of a variety of public works projects; furnish technical engineering advice to the City manager and other city officials; act in a project manager capacity for various city-funded projects; confer with engineers, architects, developers, and a variety of agencies and the general public in acquiring information and coordinating engineering matters. The position of City Engineer may be filled by the Public Works Director, another member of the city staff, or a contract consulting engineer (firm), if professional engineering requirements are met.

¹AMENDED 3-2-6