

## TITLE 2

### ADMINISTRATION AND PERSONNEL

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#### CHAPTER 2.01

#### CITY CHARTER

#### Sections:

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2.01.040	Powers and duties of city officers.
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#### **2.01.010**      **Purpose.**

The purpose of this chapter is to provide for a charter embodying the form of government existing on September 4, 1973.

#### **2.01.020**      **Name.**

This chapter may be cited as the Charter of the city of Eldon, Iowa.

#### **2.01.030**      **Form of government.**

The form of government of the city is the mayor-council form of government.

#### **2.01.040**      **Powers and duties of city officers.**

The council and mayor and other city officers have such powers and shall perform such duties as are authorized or required by state law and by the ordinances, resolutions, rules, and regulations of the city.

#### **2.01.050**      **Councilmembers – Number – Term.**

The City Council shall consist of five councilmembers elected at large by the entire electorate, for staggered four year terms of office. At the first regular city election in November 2015, after the terms of councilmembers are changed to four years, the terms of office beginning in January 2016 shall be staggered by which the majority of the elected councilmembers who receive the highest number of votes are elected for four-year terms and the remainder are elected for two-year terms. Elections for councilmembers shall be staggered accordingly every two years following the November 2015 election.

**2.01.060**      **Mayor – Term.**

The mayor is elected for a term of two years.

**2.01.070**      **Copies on file.**

The city council shall keep an official copy of this charter on file with the official record of the city clerk, shall immediately file a copy with the Secretary of State of Iowa, and shall keep copies of the charter available at the city clerk's office for public inspection.

**CHAPTER 2.04**

**ELECTIONS**

**Sections:**

2.04.010	Purpose.
2.04.020	Nominating method to be used.
2.04.030	Nominations by Petition.
2.04.040	Adding name by Petition.
2.04.050	Preparation of Petition.
2.04.060	Filing, Presumption, Withdrawals, Objections
2.04.070	Persons Elected.
2.04.080	Conformance with State Regulations
2.04.090	City Council – Election
2.04.100	Mayor – Election
2.04.110	Term of mayor and city council members

**2.04.010      Purpose**

The purpose of this chapter is to designate the method by which candidates for elective municipal offices in the City shall be nominated and elected.

**2.04.020      Nominating Method To Be Used**

All candidates for elective municipal offices shall be nominated under the provisions of Chapter 45 of the Code of Iowa.

**2.04.030      Nominations By Petition**

Nominations for elective municipal offices of the City may be made by nomination paper or papers signed by not less than ten eligible electors, residents of the City.

**2.04.040      Adding Name By Petition**

The name of a candidate placed upon the ballot by any other method than by petition shall not be added by petition for the same office.

**2.04.050      Preparation Of Petition**

Each eligible elector shall add to the signature the elector's residence address, and date of signing. The person whose nomination is proposed by the petition may not sign it. Before filing said petition, there shall be endorsed thereon or attached thereto an affidavit executed by the candidate, which affidavit shall contain:

1.      Name and Residence. The name and residence (including street and number, if any) of said nominee, and the office to which nominated.
2.      Name on Ballot. A request that the name of the nominee be printed upon the official ballot for the election.
3.      Eligibility. A statement that the nominee is eligible to be a candidate for the office and if elected will qualify as such officer.
4.      Organization Statement. A statement, in the form required by Iowa law, concerning the organization of the candidate's committee.

Such petition when so verified shall be known as a nomination paper.

**2.04.060      Filing, Presumption, Withdrawals, Objections**

The time and place of filing nomination petitions, the presumption of validity thereof, the right of a candidate so nominated to withdraw and the effect of such withdrawal, and the right to object to the legal sufficiency of such petitions, or to the eligibility of the candidate, shall be governed by the appropriate provisions of Chapter 44 of the Code of Iowa.

**2.04.070      Persons Elected**

The candidates who receive the greatest number of votes for each office on the ballot are elected, to the extent necessary to fill the positions open.

**2.04.080      Conformance with state regulations.**

All elections, both regular and special, of the city shall be conducted in conformity with the laws of the state of Iowa and the City Code of Iowa.

**2.04.090      City council – Election.**

The city council shall consist of five city council members elected at large by the entire electorate.

**2.04.100      Mayor – Election.**

The mayor shall be elected at large by the entire electorate.

**2.04.100      Terms of mayor and councilmen.**

The term of office of mayor shall be two years. The term of office of councilmen shall be four years.

**CHAPTER 2.08**

**APPOINTIVE OFFICES**

**Sections:**

- 2.08.010      Creation of Appointive Officers
- 2.08.020      Appointment procedure of Officers
- 2.08.030      Terms of appointive officers.
- 2.08.040      Vacancies in Office

**2.08.010      Creation of Appointive Officers.**

There are created the following appointive offices: City clerk, deputy city clerk, city treasurer, marshal, deputy marshal, attorney, fire chief and superintendent of public works.

**2.08.020      Appointment procedure of Officers.**

The mayor shall appoint the marshal and deputy marshals, superintendent of public works, and city treasurer with approval of the city council. The fire chief shall be elected for a term of two years by members of the volunteer fire department, with approval of the city council. All other officers, including the city clerk, deputy city clerk, city attorney and any other appointed city officer shall be appointed and selected by the council unless otherwise provided by law or ordinance.

**2.08.030      Terms of appointive officers.**

The terms of all appointive offices not otherwise fixed by law or by ordinance shall be for a term of two years, except the positions of the city clerk, superintendent of public works, and all supervisory employees of the city, shall be continuous appointments, and such appointments may only be terminated by fourth-fifths vote of the city council

**2.08.040      Vacancies in Office.**

A vacancy in an appointive office shall be filled in the same manner as original appointment, and a vacancy in an elective office shall be filled in accordance with state law.

**CHAPTER 2.12**

**OFFICER BONDS**

**Sections:**

2.12.010      Officers – Designated.

**2.12.010      Officers – Designated.**

Each officer must give bond in favor of the city in the following amounts for the following positions:

Mayor	\$10,000.00
Clerk	\$85,000.00

Deputy Clerk	-	\$10,000.00
Treasurer	-	\$10,000.00

## CHAPTER 2.16

### CITY COUNCIL

#### Sections:

2.16.010	Rules of order.
2.16.020	Compensation.

#### **2.16.010      Rules of order.**

The following rules of order are adopted to govern business and meetings of the council:

Rule 1.      Regular meetings of the council shall be held on the second Tuesday of each month at six-thirty p.m. Special meetings may be held at any time upon the written notice of any three members of the council, or on the written order of the mayor, stating the object of the meeting, but no business shall be entertained or transacted at such special meeting unless so stated in the notice;

Rule 2.      A majority of the members of the council, including the mayor, shall constitute a quorum;

Rule 3.      On convening, the mayor or president pro tem, in the absence of the mayor, shall call the council to order, whereon the clerk, or one appointed in his absence, shall call the roll and announce whether there is a quorum present, if so, the council shall proceed to business in the following order:

- (1) Reading of minutes of last meeting, amendment and approval of same,
- (2) Presentation of petitions and communications,
- (3) Report of officers,
- (4) Auditing bills,
- (5) Reports of committees,
- (6) Unfinished business,
- (7) Resolutions,
- (8) New and miscellaneous business;

Rule 4.      All questions of priority of business shall be decided by the mayor;

Rule 5.      The mayor shall decide questions of order, subject to appeal to the council;

Rule 6.      The usual parliamentary rules shall govern throughout the meetings of the council;

Rule 7.      All committees shall be appointed by the mayor subject to the approval of the council. Standing committees, consisting of not fewer than two members each, shall be appointed at the first meeting in January for one year. The following shall be the standing committees:

- (1) Ways, means and supplies,
- (2) Streets, alleys and sewers,
- (3) Buildings, grounds, claims and parks,
- (4) Judiciary, officers and accounts,
- (5) Health and sanity,
- (6) Waterworks, fire departments;

Rule 8.      On acceptance of final report from a special committee it shall be considered discharged;

Rule 9. No bills or claims against the city shall be allowed until approved by the city council.

Rule 10. No committee shall arrange for expenditure without council approval.

**2.16.020 Compensation.**

The compensation of each city council member is fixed at sixty dollars per month, payable monthly, effective January 1, 1992.

**CHAPTER 2.20**

**MAYOR**

**Sections:**

2.20.010 Duties.

2.20.020 Presiding officer in mayor's absence.

2.20.030 Compensation.

**2.20.010 Duties.**

The duties of the mayor shall be:

- A. Those provided by law;
  - B. To preside at all meetings of the council;
  - C. To sign all ordinances and contracts to which the city may be a party and to cause the same to be faithfully performed;
  - D. To make a monthly report of all moneys received and expended, if any, by him to the council;
  - E. To authorize expenditures of up to five hundred dollars;
  - F. To appoint all committees unless otherwise ordered;
  - G. To perform all duties now or hereafter by ordinances or by resolution of the council
1. The Mayor may veto an ordinance, amendment, or resolution within fourteen days after passage. The Mayor shall explain the reasons for the veto in a written message to the City Council at the time of the veto. Within thirty days after the mayor's veto, the City Council may pass the measure again by a vote to not less than two-thirds of all of the members of the City Council. If the Mayor vetoes an ordinance, amendment, or resolution and the City 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 the Ordinance or a summary of the ordinance is published, unless a subsequent effective date is provided within the Ordinance or amendment.

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

**2.20.020 Presiding officer in mayor's absence.**

In the absence of the mayor of his inability to perform all duties of his office, the president pro tem of the council shall preside and perform all duties of the mayor.

**2.20.030      Compensation.**

The monthly compensation payable to the mayor of the city is fixed at one hundred fifty dollars per month, payable monthly, effective January 1, 1992.

**CHAPTER 2.24**

**CITY CLERK<sup>14</sup>**

**Sections:**

- 2.24.010      Duties.
- 2.24.020      Compensation.

**2.24.010      Duties.**

It shall be the duty of the clerk:

- A.            To keep separate account of all revenues, funds and incomes payable to the city, also of all moneys received as shown by duplicate receipt of treasurer filed in clerk's office;
- B.            To keep separate and accurate account of the city with any and all persons, including its officers;
- C.            To be present at all meetings of the city council and keep a correct journal of its proceedings;
- D.            To keep in proper file all communications, petitions and other instruments in writing, and to preserve and safely keep all public documents ordered filed in his office;
- E.            To keep a record of all ordinances, rules, resolutions and bylaws passed by the council, designating the date of their passage and publication, and to attest and authenticate the same with his signature;
- F.            To keep all contracts filed with him to which the city is a party;
- G.            To preserve public copies of all ordinances, bylaws, resolutions, orders and notices, filing the same in proper manner;
- H.            To properly index all records kept by him;
- I.            To keep a full and complete record of the election of all officer of the city;
- J.            To be the clerk of the board of health and of the board of equalization, attend all sessions of both bodies and keep a record of their proceedings;
- K.            At the expiration of his term of office, to make a report of his doings during the year, showing the amount of money coming into his hands belonging to the city and the manner of disposal of same, the whole amount of warrants issued, on what funds the same were drawn and for what purpose, the whole amount of warrants outstanding and unpaid, and the whole amount of fines and fees collected and paid into the city treasury;
- L.            To keep a record of all warrants drawn upon a stub from which said warrants were drawn;
- M.            When withdrawing from his office for any reason whatever, he shall account for all books, papers and property of the city in his possession, and transmit the same to his successor in office. (Ord. 8 §3 (part)).<sup>15</sup>

4 <sup>14</sup>For statutory provisions regarding the duties of the clerk, see ICA §368A.3. As to appointment of the clerk, see ICA §368A.1(7).

5 <sup>15</sup>Revised ordinances of 1922, passed January 3, 1922.

**2.24.020      Compensation.**

The compensation the city clerk shall receive shall be fixed by the city council from time to time by resolution.

**CHAPTER 2.28**

**CITY TREASURER<sup>16</sup>**

**Sections:**

2.28.010      Duties – Compensation.

**2.28.010      Duties – Compensation.**

It shall be the duties of the treasurer:

- A.            To receive and safely keep all moneys of the city that may, in any manner, come into his hands by virtue of his office;
- B.            To receipt all persons for moneys, securities or other things of value received by him as treasurer, specifying date and amount, a duplicate of which shall be filed with the clerk;
- C.            To pay no money out of treasury excepting upon the warrant of the clerk properly authenticated;
- D.            To keep a full and accurate account of all moneys and other things received by him on behalf of the city, specifying from whom, when and upon what account received, and also a full and true account of all disbursements, specifying when, to whom, from what fund and upon what account paid, the same to be kept in books provided for that purpose by the city;
- E.            To keep a separate account of each fund belonging to said city and the debits and credits thereto belonging;
- F.            To take a receipt for any amount of interest paid on any warrant, and when the warrant is paid, to write the word “cancelled” upon the face thereof, and file and preserve the same until reported to the city council for their action thereon;
- G.            To cancel in like manner all warrants, bonds, coupons, orders or evidence of debt due by the city whenever paid by him;
- H.            To draw from the county treasurer all funds belonging to the city at least once in each quarter, giving his

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6    <sup>16</sup>For statutory provisions regarding the duties of the treasurer, see ICA §368A.4. For the provisions regarding municipal accounting and issuance of warrants generally, and the duties of the officers connected therewith, see ICA §§368A.5 — 368A.16.

duplicate therefore;

I. To make a report to the city council at the last regular meeting thereof in each year and prior to the expiration of his term of office showing the amount of all warrants cancelled, the whole amount of certificates issued for unpaid balances on warrants cancelled, the whole amount of money received by him, designating the fund or appropriation upon which the same was received, the whole number of warrants cancelled by him, the lowest and highest number of such warrants, the whole amount of money received during the year, the whole amount of money paid out during the year, designating on what fund or appropriation the same was paid out, and the state of the treasury;

J. To make a complete settlement with the council at the expiration of his term of office, to record such settlement in his books and to deliver all books, papers and records belonging to the city, to his successor in office;

K. He shall receive a full compensation for his services such as the council may fix by resolution.

## CHAPTER 2.32

### CITY ATTORNEY<sup>18</sup>

#### Sections:

2.32.010 Duties.

#### **2.32.010** Duties.

It shall be the duty of the city attorney:

- A. To attend all the legal business of Eldon, prosecuting or defending all suits, both civil and criminal, in all courts in which the city is a party;
- B. To give advice to city officers on legal questions relative to the city's business;
- C. To draw all contracts, ordinances or other documents for the city as requested by the council or the mayor;
- D. To perform all other duties pertaining to his profession necessary to the interest of the city;
- E. To manage and conduct all condemnation proceedings on behalf of the city;
- F. To attend all regular and special meetings of the council when notified so to do;
- G. To sign the name of the city to all papers of whatever kind necessary in legal proceedings, the same when so signed shall be binding upon the city.

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8 <sup>18</sup>For statutory provisions authorizing the council to appoint an attorney, see ICA §368A.1(7); for the provisions stating that the attorney shall have such powers and perform such duties as are prescribed by law, see ICA §368A.20.

## CHAPTER 2.36

### Law Enforcement

#### Sections:

- |          |                            |
|----------|----------------------------|
| 2.36.010 | Duties – Compensation.     |
| 2.36.020 | Law Enforcement - Defined. |

#### **2.36.010**      **Duties – Compensation.**

It shall be the duty of the law enforcement to,

- A.            To diligently inquire into and report to the proper authority all violations of any city ordinances and of the criminal laws of the state, and to prosecute all persons guilty thereof;
- B.            To abate or cause to be abated all nuisances within the city;
- C.            To serve by himself or deputy all legal process to him directed by the mayor or other competent authority and to attend all sessions of the police court;
- D.            To suppress all riots, disturbances and breaches of the peace and apprehend all persons violating any of the laws of the state or ordinances of the city and to bring such persons violating any of the laws of the state or ordinances of the city, before the proper authority for the detention of criminals fleeing from justice from any other place or state;
- E.            To keep a correct account of all moneys belonging to the city and all fees by him collected by virtue of his office, and to pay the same over to the city treasurer in the manner provided for other officers of the city and to make a correct sworn statement thereof as by the ordinances of the city provided;
- F.            To tax and collect fees in all cases for all services performed by him as the sheriff of the county is entitled to receive for like services, and to pay the same over when collected, to the treasurer as by ordinances provided;
- G.            To make a monthly report of the doings of his office to the council and for its action thereon at their first regular meeting in each month;
- H.            To receive such compensation for his services as the city council may direct by resolution. (Ord. 8 §6).<sup>21</sup>

#### **2.36.020**      **Law enforcement - Defined.**

Any references in the Eldon Municipal Code to “law enforcement” shall mean the chief of law enforcement officer, also known as chief of police, and his or her designee.

## CHAPTER 2.40

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1    <sup>21</sup>Revised ordinances of 1922, passed January 3, 1922.

## FIRE DEPARTMENT<sup>22</sup>

### Sections:

2.40.010	Establishment and Purpose
2.40.020	Appointment – Officers – Meetings – Members Dropped.
2.40.030	Annual report.
2.40.040	Under direction of council.
2.40.050	Chief’s Duties.
2.40.060	Fire Fighters and Emergency Responder Duties.
2.40.070	Worker’s Compensation and Hospitalization Insurance.
2.40.080	Liability Insurance.
2.40.090	Fires, medical and other emergencies outside city limits
2.40.100	Volunteers Association

### **2.40.010      Establishment and Purpose.**

The Eldon Fire and Rescue Department is established to prevent and extinguish fire and to protect lives and property against fires, to promote fire prevention and fire safety, and to respond to rescue, medical and other emergencies by providing emergency medical non- transport service up to the Emergency Medical Technician level.

### **2.40.020      Appointment – Officers – Meetings – Members Dropped.**

The fire department shall consist of not more than twenty-five persons appointed by the council. The fire department shall elect a fire chief, secretary and treasurer and shall meet at least once a month at the fire department, and it shall report to the council the names of such members as have been dropped from the fire department during the month preceding, if any. The council may remove, suspend or demote the chief for neglect of duty, disobedience, misconduct or failure to properly perform the duties of chief by written order setting out the reasons for removal which shall be filed with the city clerk, and shall, upon request in writing filed with the clerk by the chief, hold a public hearing on the proposed action.

### **2.40.030      Annual report.**

The chief of the department shall report the financial condition of the department to the city council in January of each year by filing a written report of the financial condition, expenses, disbursement of funds on hand at December 31<sup>st</sup> of the previous year.

### **2.40.040      Under direction of council.**

The fire department, including its members severally shall be at all times under the direction and control of the council and shall in every respect comply with the law regarding such organizations, together with such conditions and by-laws as may be adopted by the fire department and approved by the council.

### **2.40.050      Chief’s Duties.**

The chief shall manage the Eldon Fire and Rescue department. The chief shall command all operations of the department, ensure training and be responsible for the care, maintenance and use of all vehicles and equipment of the department. Subject to council approval, the chief shall establish and maintain departmental personnel standards and standard operating procedures to carry out the requirements of this ordinance. The chief shall provide all personnel with a written copy of these standards and procedures. With the approval of the council, the chief shall appoint officers and other

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2    <sup>22</sup>For statutory provisions authorizing municipalities to provide for protection against fire, see ICA §§364.16 and 384.24; for provisions concerning the duties of the fire chief, see ICA §100.2.

personnel, fill vacancies among them, and may discharge them. The chief shall keep a record of the names, ages and residences of personnel and be responsible for their training and supervision and shall maintain attendance records for activities. Prior to appointment and each year, firefighters and emergency responders must pass a medical physical examination. The chief shall investigate the cause, origin and circumstances of each fire by which property has been destroyed or damaged or which results in bodily injury or death to any person. Whenever death, serious bodily injury or property damage in excess of two hundred thousand dollars (\$200,000) has occurred as a result of fire, or if arson is suspected, the chief shall notify the state fire marshal's division immediately. The chief shall report other fire incidents within ten (10) days following each month to the state fire marshal in accordance with law. The chief has the authority to enter and inspect any building or premises in the performance of duties and shall make written orders to correct any conditions that are likely to cause fire or endanger other buildings and property.

**2.40.060      Fire Fighters and Emergency Responder Duties.**

When called by the chief, personnel shall report for duty immediately in the manner directed by the chief. They shall be subject to call at any time. They shall obey strictly the commands of others who have been appointed by the chief to be in command temporarily. Personnel shall report to the chief in advance if they expect to be absent from the city for twelve (12) hours or more. Personnel shall report for training as ordered by the chief.

**2.40.070      Worker's Compensation and Hospitalization Insurance.**

The council shall contract to insure the city against liability for worker's compensation and against statutory liability for the costs of hospitalization, nursing, and medical attention for firefighters injured in the performance of their duties as firefighters. All department personnel shall be covered by the contract.

**2.40.080      Liability Insurance.**

The council shall contract to insure against liability of the personnel of the department for injuries, death, or property damage arising out of and resulting from the performance of departmental duties.

**2.40.090      Fires, medical and other emergencies outside city limits.**

The department shall answer calls to fires, medical emergencies and other emergencies outside the city limits per the department's standard operating procedures, contracts, mutual aid and other written agreements.

**2.40.100      Volunteers Association.**

The non-profit corporation previously organized as Eldon Fire & Rescue, Inc. shall be formally dissolved, and any remaining funds, together with an accounting will be delivered to the City of Eldon for the benefit of the department. No volunteers' association or related non-profit corporation shall be organized by the firefighters and emergency response volunteers who are department personnel.

**CHAPTER 2.44**

**LIBRARY TRUSTEES<sup>24</sup>**

**Sections:**

- |          |   |
|----------|---|
| 2.44.010 | Purpose.  |
| 2.44.020 | Public library.   |
| 2.44.030 | Library trustees.   |
| 2.44.040 | Qualifications of trustees.                               |
| 2.44.050 | Organization of the board.                                |
| 2.44.060 | Powers and duties.  |
| 2.44.070 | Power to contract with others for the use of the library. |

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4    <sup>24</sup>For statutory provisions relating to the establishment of public libraries and the management of such libraries by boards of library trustees, see ICA §392.5.

2.44.080	Nonresident use of the library.
2.44.090	Library account.
2.44.100	Annual Report.

**2.44.010      Purpose.**

The purpose of this ordinance is to provide for the establishment of a free public library for the city and for the creation and appointment of a city library board of trustees, and to specify that board's powers and duties.

**2.44.020      Public library.**

There is hereby established a free public library for the city, to be known as the Eldon Public Library.

**2.44.030      Library trustees.**

The board of trustees of the Eldon Public Library, hereinafter referred to as the board, consists of five members. All board members are to be appointed by the mayor with the approval of the city council. A single member shall be appointed by the mayor with approval of the Eldon City Council.

**2.44.040      Qualifications of trustees.**

All of the members of the board shall be bona fide citizens and residents of the city except the nonresident member, and all shall be over the age of eighteen.

**2.44.050      Organization of the board.**

A.            Terms of office. All appointments to the board shall be for six years, except to fill vacancies. Each term shall commence on July 1<sup>st</sup>. Appointments shall be made every two years of one-third the total number as near as possible, to stagger the terms. The present incumbents are confirmed in their appointments and terms.

B.            Vacancies. The position of any trustee shall be vacant if they move permanently from the city or county in the case of a nonresident county member; or if they are absent for six consecutive regular meeting of the board, except in the case of sickness or temporary absence from the city. Vacancies in the board shall be filled by appointment of the mayor, with approval of the council or the Board of Supervisors in the case of the nonresident member, and the new trustee shall fill out the unexpired term for which the appointment is made.

C.            Compensation. Trustees shall receive no compensation for their services.

**2.44.060      Powers and duties.**

The board shall have and exercise the following powers and duties:

A.            To meet and elect from its members a president, a secretary, and a treasurer and such other officer as it

deems necessary. The board treasurer shall not be a member of the board.

B. To have charge, control and supervision of the public library, its appurtenances, fixtures and rooms containing the same.

C. To direct and control all the affairs of the library.

D. To employ a librarian, and authorize the librarian to employ such assistants and employees as may be necessary for the proper management of the library, and fix their compensation; provided, however, that prior to such employment, the compensation of the librarian, assistants and employees shall have been fixed and approved by a majority of the members of the board voting in favor thereof.

E. To remove by a two-thirds vote of the board the librarian and provide procedures for the removal of assistants or employees for misdemeanor, incompetency or inattention to duty.

F. To authorize the librarian to select and make purchases of book, pamphlets, magazines, periodicals, papers, maps, journals, other library materials, furniture, fixtures, stationery and supplies for the library within budgetary limits set by the board.

G. To authorize the use of the library by nonresidents of the city and to fix charges therefor.

H. To make and adopt, amend, modify and repeal rules and regulations, not inconsistent with ordinances and the law, for the care, use, government and management of the library and the business of the board, fixing and enforcing penalties for violations.

I. To have exclusive control of the expenditure of all funds allocated for library purposes by the council, and of all money available by gift or otherwise for the erection of library buildings, and of all other moneys belonging to the library including fines and rentals collected, under the rules of the board.

J. To accept gifts of real property, personal property, or mixed property, and devises and bequests, including trust funds; to take the title to said property in the name of the library; to execute deeds and bills of sale for the conveyance of said property; and to expend the funds received by them for such gifts, for the improvement of the library.

K. To keep a record of its proceedings.

L. To enforce the performance of conditions on gifts, devises and bequests accepted by the city by action against the city council.

M. To have authority to make agreements with the local county historical associations, where such exist, and to set apart the necessary room and to care for such articles as may come into the possession of the association. The trustees are further authorized to purchase necessary receptacles and materials for the preservation and protection of such articles as are in their judgment of a historical and educational nature and pay of the same out of funds allocated for library purposes.

**2.44.070 Power to contract with others for the use of the library.**

A. Contracting. The board may contract with any other board of trustee of free public libraries of any other city, school organization, institution of higher learning, township, or county, or with the trustees of any county library district for the use of the library by their respective residents.

B. Termination. Such a contract may be terminated at any time by a mutual consent of the contracting parties. It also may be terminated by a majority vote of the electors represented by either of the contracting parties. Such a termination proposition shall be submitted to the electors by the governing body of a contracting party on a written petition of the party at the last general election. The petition must be presented to the governing body not less than forty days before the election. The proposition may be submitted at any election provided by law that is held in the territory of

the party who is seeking to terminate the contract.

**2.44.080      Nonresident use of the library.**

The board may authorize the use of the library by nonresidents in any one or more of the following ways:

- A.            By lending books or other materials of the library to nonresidents on the same terms and conditions as to residents of the city, or upon payment of a special nonresident library fee.
- B.            By establishing depositories of library books or other materials to be loaned to nonresidents.
- C.            By establishing bookmobiles or a traveling library so that books or other library materials may be loaned to nonresidents.
- D.            By establishing branch libraries for lending books or other library materials to nonresidents.

**2.44.090      Library account.**

All money appropriated by the council from the general fund for the operation and maintenance of the library shall be set aside in an account for the library. Expenditures shall be paid for only on orders of the board, signed by its president and secretary. The warrant officer is the library treasurer.

**2.44.100      Annual Report.**

The board shall make a report to the city council immediately after the close of the municipal fiscal year. This report shall contain statements of the condition of the library, the number of books added thereto, the number circulated, the amount of fines collected, and the amount of money expended in the maintenance of the library during the year, together with such further information required by the council.

**CHAPTER 2.48**

**HISTORIC PRESERVATION COMMISSION**

**Sections:**

2.48.010	Purpose and intent.
2.48.020	Definitions.
2.48.030	Membership – Appointment – Term – Quorum.
2.48.040	Powers of the commission.

**2.48.010      Purpose and intent.**

The purpose of this chapter is to:

- A. Promote the educational, cultural, economic and general welfare of the public through the recognition, enhancement and perpetuation of sites and districts of historical and cultural significance;
- B. Safeguard the city’s historic, aesthetic and cultural heritage by preserving sites and districts of historic and cultural significance;
- C. Stabilize and improve property values;
- D. Foster pride in the legacy of beauty and achievements of the past;
- E. Protect and enhance the city’s attractions to tourists and visitors and the support and stimulus to business thereby provided;
- F. Strengthen the economy of the city;
- G. Promote the use of sites and districts of historic and cultural significance as places for the education, pleasure, and welfare of the people of the city.

**2.48.020      Definitions.**

For use in this chapter, the words set out in this section are defined as follows:

- A. “*Commission*” means the Eldon Historic Preservation Commission, as established by this chapter.
- B. “*Historic district*” means an area which contains a significant portion of buildings, structures or other improvements which, considered as a whole, possess integrity of location, design, setting, materials, workmanship, feeling and association, and:

1. Embodies the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possess high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or
2. Is associated with events that have made significant contributions to the broad patterns of our local, state or national history; or
3. Possesses a coherent and distinctive visual character or integrity based upon similarity of scale, design, color, setting, workmanship, materials, or combinations thereof, which is deemed to add significantly to the value of attractiveness of properties within such area;
4. Is associated with the lives or persons significant in our past; or
5. Has yielded, or may be likely to yield, information important in prehistory or history.

C. *“Historic site”* means a structure of building which:

1. Is associated with events that have made a significant contribution to the broad patterns of our history; or
2. Is associated with the lives of persons significant in our past; or
3. Embodies the distinctive characteristics of a type, period, or method of construction, or that represents a work of a master, or that possesses thig artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or
4. Has yielded, or may be likely to yield, information important in prehistory or history.

**2.48.030 Membership – Appointment – Term – Quorum.**

- A. The commission shall initially consist of five members who may be residents of the city.
- B. Members of the commission shall be appointed by the mayor with the advice and consent of the city council. Members should demonstrate a positive interest in historic preservation, possessing interest in historic preservation, possessing interest or expertise in architecture, architectural history, historic preservation, city planning, building rehabilitation, conservation in general or real estate.
- C. The original appointment of the members of the commission shall be, three for two years, and two for three years, from January 1<sup>st</sup> following the year of such appointment or until their successor is appointed to serve for the term of three years.
- D. Vacancies occurring in the commission, other than expiration of term of office, shall be only for the unexpired portion of the term of the member replaced.
- E. Members may serve for more than one term and each member shall serve until the appointment of a successor.
- F. Vacancies shall be filled by the city according to the original selection as aforesaid.
- G. Members shall serve without compensation.
- H. A simple majority of the commission shall constitute a quorum for the transaction of business.
- I. The commission shall elect a chairman who shall preside over all commission meetings and elect a secretary who shall be responsible for maintaining written records of the commission’s proceedings.

J. The commission shall meet at least three times a year.

K. Gender Balance: Boards and commissions shall be gender balanced in accordance with Section 69.16A of the Iowa Code.

**2.48.040 Power of the commission.**

A. The commission may conduct inventory studies for the identification and designation of historic districts and sites meeting the definitions established by this chapter. The necessary inventory forms and procedures for their completion are available from the State Office of Historic Preservation. The commission may proceed at its own initiative or upon a petition from any person, group, or association. The commission shall maintain records of all studies and inventories for public use.

B. The commission may make a recommendation to the State Office of Historic Preservation for the listing of a historical district or site in the National Register of Historic Places and may conduct a public hearing thereon.

C. The commission may investigate and recommend to the city council the adoption of ordinances designating historic sites and historic districts if they qualify as defined herein.

D. Other Powers. In addition to those duties and powers specified above, the commission may, with city approval:

1. Accept unconditional gifts and donations of real and personal property, including money, for the purpose of historic preservation;

2. Acquire by purchase, bequest, or donation, fee and lesser interests in historic properties, including properties adjacent to or associated with historic preservation;

3. Preserve, restore, maintain and operate in historic properties, under the ownership or control of the commission;

4. Lease, sell and otherwise transfer or dispose of historic properties subject to rights of public access and other covenants and in a manner that will preserve the property;

5. Contract, with the approval of the governing body, with the state or the federal government or other organizations;

6. Cooperate with the federal, state and local governments in the pursuance of the objectives of historic preservation;

7. Provide information for the purpose of historic preservation to the governing body;

8. Promote and conduct an educational and interpretive program on historic properties within its jurisdiction.