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**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE **(1)** REPEALING SECTION 2-187, POWERS AND DUTIES, OF DIVISION 2, MAYOR, OF ARTICLE III, OFFICERS AND EMPLOYEES, OF CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES OF THE CITY OF CEDAR FALLS, IOWA, AND ENACTING IN LIEU THEREOF A NEW SECTION 2-187, POWERS AND DUTIES; AND **(2)** AMENDING DIVISION 2, MAYOR, OF ARTICLE III, OFFICERS AND EMPLOYEES, OF CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES OF THE CITY OF CEDAR FALLS, IOWA, BY ENACTING A NEW SECTION 2-188, EMERGENCIES; AND **(3)** REPEALING DIVISION 3, CITY ADMINISTRATOR, OF ARTICLE III, OFFICERS AND EMPLOYEES, OF CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES OF THE CITY OF CEDAR FALLS, IOWA, AND ENACTING IN LIEU THEREOF A NEW DIVISION 3, CITY ADMINISTRATOR, CONSISTING OF SECTION 2-213, CREATED, SECTION 2-214, APPOINTMENT, SECTION 2-215, REMOVAL FROM POSITION, SECTION 2-216, CITY COUNCIL POLICY GUIDANCE, SECTION 2-217, SUPERVISION AND EVALUATION, NEW SECTION 2-218, POWER AND DUTIES, SECTION 2-219, EMERGENCIES, SECTION 2-220, OATH; BOND, SECTION 2-221, COMPENSATION, SECTION 2-222, APPOINTMENTS, AND SECTION 2-223, VACANCY AND ACTING CITY ADMINISTRATOR.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR FALLS, IOWA:

*Section 1.* Section 2-187, Powers and Duties, of Division 2, Mayor, of Article III, Officers and Employees, of Chapter 2, Administration, of The Code of Ordinances of the City of Cedar Falls, Iowa, is hereby repealed in its entirety and a new Section 2-187 is enacted in lieu thereof, as follows:

Sec. 2-187. - Powers and duties.

- (a) *Generally.* The mayor shall be the chief executive officer of the city and shall have the power to oversee all functions and operations of the city. The mayor shall retain and exercise all authority over the conduct of the city government.~~a conservator of the peace, and, within the limits of the corporation, shall have all the powers conferred upon sheriffs to suppress disorders. He shall be the chief executive officer thereof, and it shall be his duty to enforce all regulations and ordinances; and he may, upon view, arrest anyone guilty of a violation thereof, or of any crime under the laws of the state. The mayor shall, upon information supported by affidavit, issue process for the arrest of any person charged with violating any ordinance of the corporation; and shall supervise the conduct of all corporate officers, examine into the grounds of complaint made against them, and cause all neglect or violation of duty to be corrected, or report the neglect or violation of duty to the proper tribunal, that it may be dealt with as provided by law.~~
- (b) *Specific powers and duties.*
- (1) The mayor shall supervise and evaluate the performance of the city administrator, with input of the council, as provided for in Sec. 2-217. The mayor shall give direction as necessary concerning the functions of city departments and may call for special reports from the city administrator at any time.~~The mayor shall supervise all departments of the~~

~~city and give direction to the department heads concerning the functions of the departments. The mayor shall have the power to examine all functions of the municipal departments and their records and to call for special reports from department heads at any time.~~

- (2) The mayor shall act as presiding officer at all regular and special council meetings, and shall approve the meeting agenda. However, all final authority over the council meeting agenda shall be retained and exercised by the council. The mayor is not a member of the council and shall not vote as a member of the council. The mayor pro tem shall preside at all regular and special council meetings ~~serve in this capacity~~ in the mayor's absence.
- (3) The mayor may sign, veto or take no action on any ordinance, amendment or resolution passed by the council. The mayor may veto an ordinance, amendment or resolution within fourteen days after passage. If the mayor vetoes a measure, the mayor must explain the reason for such veto in writing to the council at the time of the veto. The council may repass a measure over the mayor's veto within 30 days by a two-thirds majority of all members of the council~~members.~~ 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. A vetoed measure must be placed on the council agenda for consideration of repassage within 30 days of the veto, either at a regular council meeting or at a special meeting called for such purpose.
- (4) ~~The mayor shall make appropriate provision that duties of any absentee officer be carried on during the officer's absence. The mayor shall enforce all regulations and ordinances.~~
- (5) ~~The mayor shall represent the city in all negotiations properly entered into in accordance with law or ordinance. The mayor shall not represent the city where this duty is specifically delegated to another officer by law or ordinance. The mayor shall appoint all members of authorized city boards and commissions, subject to council approval.~~
- (6) The mayor shall, ~~whenever authorized by the council,~~ sign all deeds and contracts on behalf of the city which are approved by the city council, unless authority is delegated to another officer or employee by the council.
- (7) The mayor shall make such oral or written reports to the city council as required, but at least on a monthly basis ~~at the first meeting of every month as referred. These reports shall concern municipal affairs generally, the municipal departments and recommendations suitable for council action.~~
- (8) The mayor shall annually ~~prepare and~~ submit to the council an itemized budget of revenues and expenditures.
- (9) Immediately after taking office, and after the first council meeting of each calendar year thereafter, the mayor shall appoint/designate one member of the city council as mayor pro tempore who shall serve a one-year term, or until a successor is appointed. ~~The mayor pro tempore shall be vice president of the council.~~ Except for the limitations otherwise provided in this section, the mayor pro tempore shall perform the duties of the mayor in cases of absence or inability of the mayor to perform the mayor's his duties. In the exercise of the duties of the mayor's office, the mayor pro tempore shall not have power to employ or discharge from employment officers or employees that the mayor has the power to appoint, employ or discharge. The mayor pro tempore

~~retains all of the powers of a council member shall have the right to veto as a member of the council.~~

~~(10) The mayor shall, upon order of the city council, secure for the city specialized and professional services not already available to the city. In executing the order of the city council, the mayor shall conduct himself in accordance with city ordinances and the laws of the state. The mayor and city clerk shall execute general obligation bonds and revenue bonds upon the conclusion of council proceedings for issuance.~~

~~(11) The mayor may appoint an administrative assistant to assist in matters of administration and supervision as budgeted by the city council.~~

~~(1142) The mayor shall act as the ombudsman for the city, and address complaints and concerns regarding the operation and activities of the municipal government and its officers. The mayor shall sign all licenses and permits which have been granted by the council, except those designated by law or ordinance to be issued by another municipal officer.~~

~~(123) The mayor shall assist the council to develop long-term goals for the city and strategies to implement these goals. The mayor shall order, in writing, the removal, at public expense, of any nuisance for which no person can be found responsible and liable.~~

(c) *Additional duties.* In addition to the duties enumerated in this division, the mayor shall perform such other duties compatible with the nature of the mayor's office as the council may, from time to time, require, and as are required by law and conferred upon the mayor by statute.

~~(d) *Duties in connection with elections.*~~

~~(1) The mayor shall perform such duties in connection with the holding of the city or ward elections and registrations therefor as are prescribed by the laws of the state.~~

~~(2) The mayor shall cause at least ten days' notice of elections and of all questions to be submitted to the voters of the city by issuing a proclamation and stating therein the place of holding the election in each ward by the council, the questions to be submitted, and all of the officers to be elected at such election in the city or wards by the qualified voters thereof. The mayor shall cause a copy of the proclamation and notice to be published at least ten days prior to the election in one issue of a daily newspaper of general circulation published in the English language in the city.~~

~~(Code 2017, § 2-155)~~

Section 2. Division 2, Mayor, of Article III, Officers and Employees, of Chapter 2, Administration, of The Code of Ordinances of the City of Cedar Falls, Iowa, is hereby amended by enacting a new Section 2-188, Emergencies, as follows:

Sec. 2-188. - Emergencies.

(a) In the event of emergency the mayor shall exercise all powers and authorities provided for in the city's multi-hazard emergency operations plan.

(b) The mayor has authority to take command of the police and govern the city by proclamation when the mayor determines that a time of emergency or public danger exists. Within the city limits, the mayor has all powers conferred upon the sheriff to suppress disorders.

Section 3. Division 3, City Administrator, of Article III, Officers and Employees, of Chapter 2, Administration, of the Code of Ordinances of the City of Cedar Falls, Iowa, is hereby repealed in its entirety, and a new Division 3, City Administrator, is enacted in lieu thereof, as follows:

#### DIVISION 3. CITY ADMINISTRATOR

Sec. 2-213. - Created.

There is hereby established in the city the position of city administrator.

Sec. 2-214. - Appointment.

The city administrator shall be appointed by majority vote of the city council for an indefinite term. The administrator shall be chosen by the council solely on the basis of executive and administrative qualifications with special reference to actual experience in or knowledge of accepted practice in respect to the duties of the office hereinafter set forth. At the time of this appointment, the appointee need not be a resident of the city or state, but during the administrator's tenure of office, shall reside within the city.

Sec. 2-215. - Removal from position.

The city council may remove the city administrator at any time without cause by a majority vote of its members. If requested by the city administrator, a name clearing public hearing shall be granted by the council within 30 days following notice of removal, as provided by Iowa Code § 372.15. During the interim, the council may suspend the administrator from duty, but shall continue the administrator's salary and, if the removal becomes final, shall pay the respective severance benefit negotiated within the administrator's contract or the severance granted to other city employees under city council adopted personnel policies.

Sec. 2-216. - City council policy guidance.

The city council shall annually adopt broad goals, objectives and program performance measures to guide the city administrator in the development of an annual operating budget, capital improvements program and administration of city projects and programs.

Sec. 2-217. - Supervision and evaluation.

The mayor shall supervise and evaluate the performance of the city administrator, with input of the council ~~and the mayor shall prepare an annual performance evaluation of the city administrator~~. Said evaluation shall be available for review by the council. The city administrator may request a closed meeting with the city council to discuss performance annually, as provided by state statute.

## Sec. 2-218. - Power and duties.

The city administrator shall be the chief administrative officer (CAO) of the city, responsible to the mayor and city council for the management of all city affairs placed in the administrator's charge by city ordinance. ~~The city administrator shall:~~

- (1) ~~The city administrator shall d~~Direct and supervise ~~the administration of~~ all departments, offices and agencies of the city, except as otherwise provided by this Code or by law.;
- (2) ~~Appoint and suspend or remove all city employees and appointive administrative officers provided for by or under this Code, except as otherwise provided by law, this Code or personnel policies adopted by the city council. The city administrator may authorize any administrative officer subject to the administrator's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;~~
- (23) ~~The city administrator shall a~~Attend ~~all~~ city council meetings. The city administrator shall have the right to take part in discussion but shall not vote.;
- (34) ~~The city administrator shall s~~See that all laws, provisions of this Code, resolutions, ordinances and acts of the city council, subject to enforcement by the city administrator or by officers subject to the administrator's direction and supervision, are faithfully executed.;
- (45) ~~The city administrator shall r~~Recommend to the ~~mayor and~~ council such measures as the administrator may deem necessary for good efficient government and the general welfare of the city.;
- (56) ~~The city administrator shall be directly responsible to the mayor and council for the development, administration, enforcement and proper functioning of policies, contracts and agreements approved by council, including but not limited to:~~
  - (a) ~~labor agreements;~~
  - (b) ~~personnel policies;~~
  - (c) ~~administrative policies and procedures;~~
  - (d) ~~risk management policies, procedures and claims resolution;~~
  - (e) ~~purchasing agreements.~~

~~Have general supervision and direction of the administration of the following departments, offices, classifications, and services and be directly responsible to the mayor and council for the proper function of same:~~

- a. ~~Department of finance and business operations;~~
- b. ~~Department of public works;~~
- c. ~~Department of community development;~~
- d. ~~Department of public safety services;~~
- e. ~~Budget and capital improvements preparation and operation;~~
- f. ~~Purchasing, contracts and agreements as approved by council;~~
- g. ~~Administrative policies and procedures;~~
- h. ~~Personnel policies and procedures;~~
- i. ~~Labor agreements;~~

- ~~j. City legal representation and the prosecution of all code violations;~~
  - ~~k. Risk management policies, procedures and claims resolution;~~
  - ~~l. Economic development policies and procedures;~~
  - ~~m. All others as directed by council.~~
- (67) ~~The city administrator shall~~ sSupervise the performance of all contracts for work and services to be done for the city except as specified otherwise in said construction or service program involved; ~~;~~ ;
- (78) ~~The city administrator shall~~ mMaintain an accounting of all obligations, agreements, commitments, and contractual franchises involving the city and report to the mayor and council any deviations from the exact terms as specified; ~~;~~ ;
- (89) ~~The city administrator shall~~ Be authorized to direct the purchasing of all commodities, materials, supplies, capital outlay, and services for all departments of the city that have been budgeted and appropriated by a resolution of the council and enforce a program to determine that such purchases are received and are of the quality and character called for in the order; ~~;~~ ;
- (940) ~~The city administrator shall~~ rRequire the taking of bids on all matters deemed advisable as required by law, or as directed by the council; ~~;~~ ;
- (104) ~~The city administrator shall oversee the city's legal representation and the prosecution of all code violations~~ Have the power to hire, suspend, or discharge any employee over which the manager has, by this article, authority to appoint or employ, subject to civil service provisions and Iowa Code ch. 20 and city council concurrence where necessary;
- (112) ~~The city administrator shall~~ hHave the authority to employ any person for emergency purposes as deemed necessary for the welfare of the city, but in no case shall said employment be extended after the first council meeting following the date of employment, unless otherwise approved by vote of the council; ~~;~~ ;
- (123) ~~The city administrator shall~~ sSupervise and manage all buildings, structures, and land under the jurisdiction of the council and shall also be charged with the care and preservation of all city-owned equipment, tools, machinery, appliances, supplies, and commodities under the control of employees or departments over which the city administrator has, by this division, specific authority; ~~;~~ ;
- (134) ~~The city administrator shall~~ hHave the power to appoint, employ, transfer, promote, reclassify, recommend a rate of pay, discipline, or discharge all persons to city service, subject to civil service provisions and Iowa Code ch. 20 unless such power is specifically assigned by law to another appointing authority. The city administrator may authorize any officer or employee subject to the administrator's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency; ~~;~~ ;
- (145) ~~The city administrator shall oversee development and execution of the city's economic development program in accordance with council's established economic development policies and priorities.~~ Review and comment on personnel actions made by the police and fire chiefs to the mayor and city council;
- (16) ~~Develop, administer, and enforce personnel rules and regulations for employees under the authority delegated to the office of city administrator;~~

- (157) ~~The city administrator shall a~~At all times, ~~maintain~~ ~~be responsible for the maintenance of~~ accurate and current records of all affairs of the departments under the administrator's jurisdiction, and in a form acceptable by the council. Copies of such reports shall be available for public inspection; ~~;~~
- (168) ~~The city administrator shall a~~Assist the council committees in the execution of their reviews, investigations, reports and assignments, and perform in compliance with their directives; provided, same is not in conflict with established procedure governed by this division or not in conflict with existing city ordinances; ~~;~~
- ~~(19) Perform duties and have direct authority on all matters delegated by council action;~~
- (1720) ~~The city administrator shall p~~Prepare and submit the annual budget and capital improvements program to the mayor for review based upon approved city council goals; ~~and shall~~ implement the final budget as approved by city council;
- (1824) ~~The city administrator shall s~~Submit to the city council ~~and make available to the public~~ a complete report on the finances and administrative activities of the city as of the end of each fiscal year; ~~;~~
- (1922) ~~The city administrator shall m~~Make such other reports as the city council may require ~~concerning operations;~~
- (203) ~~The city administrator shall k~~Keep the city council fully advised as to the financial condition and future needs of the city; ~~;~~
- ~~(24) Make recommendations to the city council concerning the affairs of the city and facilitate the work of the city council in developing policy;~~
- (215) ~~The city administrator shall p~~Provide staff support services for the mayor and councilmembers; ~~;~~
- (226) ~~The city administrator shall a~~Assist the council to develop long-term goals for the city and strategies to implement these goals; ~~;~~
- ~~(27) Encourage and provide staff support for regional and intergovernmental cooperation;~~
- ~~(28) Implement partnerships endorsed by the mayor and council that develop good public policy and the building of a sense of community;~~
- (239) ~~The city administrator shall p~~Perform such other duties as are specified in this Code, state statute or may be required by the city council ~~or mayor and are compatible with the office;~~ and
- (2430) ~~The city administrator shall c~~Cooperate with, and ~~render~~give assistance requested by, ~~the Sartori Memorial Hospital, Inc., board of directors, the board of trustees of the city public library, the city utilities board of trustees, or any other administrative~~ by the city's authorized agencies, boards, commissions or committees of the city.

#### Sec. 2-219. - Emergencies.

- (a) The administrator shall exercise all powers and authorities granted and outlined by the city's multi-hazard emergency operations plan.
- (b) In case of accident, disaster, or other circumstance creating a public emergency, the city administrator may make purchases for the purpose of meeting said emergency; but the administrator shall file promptly with council a certificate showing such emergency and the necessity for such action, together with an itemized account of all expenditures.