

T I T L E 1

ADMINISTRATIVE

<u>SUBJECT</u>	<u>CHAPTER</u>
CITY CHARTER	1
CITY CODE	2
CITY BOUNDARIES	3
PRECINCTS AND WARDS	4
ELECTIONS	5
MAYOR AND CITY COUNCIL	6
CITY ATTORNEY	7
CITY ADMINISTRATOR	8
CITY DEPARTMENTS	9
CITY BUDGET PROCEDURES	10
PERSONNEL PROCEDURES	11
PURCHASING PROCEDURES	12
PUBLIC IMPROVEMENTS PROCEDURES	13

## TITLE 1 ADMINISTRATIVE

## CHAPTER 1

## CITY CHARTER

SECTIONS:

- 1-1-1 Purpose
- 1-1-2 Charter
- 1-1-3 Form of Government
- 1-1-4 Powers and Duties
- 1-1-5 Number and Term of Council
- 1-1-6 Term of Mayor
- 1-1-7 Copies on File

1-1-1 Purpose. The purpose of this Ordinance is to provide for a Charter embodying the form of government existing in the City of Muscatine, Iowa, on August 17, 1972, in compliance with Section 47 of House File 574, Acts of the 64th General Assembly, Second Regular Session.

1-1-2 Charter. This Ordinance may be cited as the Charter of the City of Muscatine, Iowa.

1-1-3 Form of Government. The form of government of the City of Muscatine, Iowa, is the special charter form of government.

1-1-4 Powers and Duties. The Council and Mayor and other City officers have such powers and perform such duties as are authorized or required by State law and by the ordinances, resolutions, rules, and regulations of the City of Muscatine, Iowa.

1-1-5 Number and Term of Council. The Council consists of two (2) Council members elected at large and one (1) Council member from each of five (5) wards, as established by ordinance, elected for four (4) year staggered terms.

1-1-6 Term of Mayor. The Mayor is elected for a term of two (2) years.

1-1-7 Copies on File. The City Clerk shall keep an official copy of this Charter on file with the official records of the City Clerk, shall immediately file a copy with the Secretary of State of

1-1-7

1-1-7

the State of Iowa, and shall keep copies of the Charter available at the City Clerk's Office for public inspection.

1-2-1

1-2-2 TITLE 1 ADMINISTRATIVE

CHAPTER 2

CITY CODE SECTIONS:

- 1-2-1 Title
- 1-2-2 Definitions
- 1-2-3 Rules of Construction
- 1-2-4 General Penalty
- 1-2-5 Severability
- 1-2-6 Titles or Headlines of Sections
- 1-2-7 Penalties and Procedures for Municipal Infractions

1-2-1 Title. Upon adoption by the Governing Body, this City Code is hereby declared to be and shall hereafter constitute the official City Code of the City of Muscatine. Any reference made to the number of any Section contained herein shall be understood to refer to the position of the same under its appropriate Chapter and Title heading, and to the general penalty clause relating thereto, as well as to the Section itself, when reference is made to this City Code by title in any legal document.

1-2-2 Definitions. The following definitions shall be definitions of the words so defined unless the context of the section dictates otherwise:

- (A) "City" shall mean the City of Muscatine, in the County of Muscatine, in the State of Iowa.
- (B) "City Council" shall mean the City Council of the City of Muscatine.
- (C) "Code" shall mean the City Code of Muscatine, Iowa, and all amendments thereto.
- (D) "County" shall mean Muscatine County in the State of Iowa.
- (E) "In the City" shall mean and include all territory over which the City now has or shall hereafter acquire jurisdiction for the exercise of its police powers and regulatory functions.
- (F) "Month" shall mean one calendar month.

- (G) "Oath" shall be deemed to include an affirmation. "Sworn" shall be construed to include the word "Affirmed".
- (H) "Occupant" or "Tenant". When applied to a building or land, shall mean any person who holds a written or oral lease of, or actually occupies the whole or part of said building or land, either alone or with others.
- (I) "Owner". When applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, or joint tenant of the whole or part of such building, land, or any property, either alone or with others.

1-2-3 Rules of Construction. The following rules of construction shall be used to interpret the City Code of the City of Muscatine, Iowa, unless the context dictates otherwise:

- (A) Computing Time. In computing time, the first day shall be excluded and the last day shall be included, unless the last day falls on a Sunday, in which case the time prescribed shall be extended so as to include the whole of the following Monday.
- (B) Gender. Whenever the masculine gender is used, females as well as males shall be deemed to be included.
- (C) Joint Authority. Words purporting to give joint authority to three (3) or more public officers or other persons shall be construed as giving such authority to a majority of such officers or persons, unless the context dictates otherwise.
- (D) Number. Whenever any words in any Section of this Code import the plural number, the singular shall be deemed to be included, and whenever the singular shall be used, it shall be deemed to include the plural.
- (E) And/Or. The use of the conjunctive "and" includes the disjunctive "or" and the use of the disjunctive "or" includes the conjunctive "and", unless the context clearly indicates otherwise.
- (F) Shall imposes a duty.
- (G) Must states a requirement.
- (H) May confers a power.
- (I) Tense. Words in the present tense shall include the future tense.

- (J) Other Definitions. Any words used in this Code shall have their common and ordinary meaning unless defined elsewhere, or the context indicates otherwise.

1-2-4 General Penalty. It is hereby declared to be unlawful for any person, as defined in this Code, to violate any part, provision, or section of this Code. The penalty for any violation of any part, provision, or section of this Code is hereby declared to be a simple misdemeanor, and any person convicted of any violation of this Code shall be subject to imprisonment not to exceed thirty (30) days or a fine not to exceed five hundred dollars (\$500.00). Each day that such violation is continued shall constitute a separate and distinct offense.

1-2-5 Severability. If any section, subsection, sentence, clause, or phrase of this Code for any reason is held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portions of this Code. The Council hereby declares that it would have passed this Code, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

1-2-6 Titles or Headlines of Sections. The Headlines of the several sections of this Code are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such section, nor as any part of the section, nor, unless expressly so provided, shall they be deemed when any of such sections, including the catchlines, are amended or reenacted.

1-2-7 Penalties and Procedures for Municipal Infractions.

- (A) The following definition shall be definitions of the words so defined unless the context of the Section dictates otherwise:

(1) "Repeat Offense" is a recurring violation of the same section of the City Code.

- (B) Violations, penalties, and alternative relief.

(1) Any violation of Title 6, 8, 9, 10 or Title 11, Chapter 11 of the Code, with the exception of any violation which is a felony or misdemeanor under state law, is a municipal infraction.

7/5/90 84214

5/1/97 86523 8/17/00 87718

- (2) Unless other civil penalty is provided elsewhere in this Code for a specific violation, a municipal infraction is a civil offense punishable as provided in the following schedule of civil penalties: 1<sup>st</sup> offense, \$50; 2<sup>nd</sup> offense, \$100; and third and subsequent offense (s), \$200.
- (3) Each day that a municipal infraction occurs and/or is permitted to exist constitutes a separate offense.
- (4) Seeking a civil penalty as authorized in this Section does not preclude the City from seeking alternative relief from the Court in the same action. Such alternative relief may include, but is not limited to an order for abatement, authorizing the City to abate or correct the violation providing that the City's costs for abatement or correction be entered as a personal judgment against the Defendant or assessed against the property of where the violation occurred or both, or injunctive relief.

(C) Civil Citation.

- (1) Any employee or other official authorized by the City to enforce the Code may issue a civil citation to a person who is alleged to have committed a municipal infraction.
- (2) The citation may be served by personal service, by certified mail return receipt requested, or by publication.
- (3) Two copies of the citation shall be filed with the Clerk of the District Court and one copy shall be delivered to the alleged violator.
- (4) The citation shall serve as notification of an allegation that a municipal infraction has been committed and shall contain the following information:
  - (a) The name and address of the alleged violator.
  - (b) The name or description of the alleged infraction, attested to by the officer issuing the citation.
  - (c) The location and time of the alleged infraction.
  - (d) The amount of civil penalty for the violation charged and the court costs, or the alternative relief sought, or both.

1-2-7

1-2-7

- (e) The manner, location, and time in which the penalty may be paid.
- (f) The time and place of court appearance.
- (g) A statement of the penalty for failure to appear in court.

(D) Criminal Penalties. This Section does not preclude a peace officer of the City from issuing a criminal citation for a violation of a City Code or regulation if criminal penalties are also provided for the violation. Each day that a violation occurs or is permitted to exist by the Defendant, constitutes a separate offense.



## TITLE 1 ADMINISTRATIVE

## CHAPTER 3

## CITY BOUNDARIES

SECTION:

## 1-3-1 Designation of Boundaries

1-3-1 Designation of Boundaries. The boundaries of the City of Muscatine are as follows:

Beginning at the intersection of the Steamboat Channel of the Mississippi River and the east line of Section 36 T 77N, R 2 W, of the 5th P.M. County of Muscatine, Iowa; thence north along the east line of Sections 36 and 25 to the north right-of-way line of Colorado Street; thence south 89° 49' 27" east 1071.60 feet along said line; thence south 10° 24' 32" east 45.80 feet; thence north 89° 16' 28" east 960.81 feet; thence south 17° 04' 57" east 111.33 feet; thence south 79° 40' 32" east 169.19 feet; thence south 13° 49' 33" east 280.96 feet; thence south 20° 10' 43" east 7.00 feet to the north right-of-way line of Iowa Highway #22; thence north 69° 49' 17" east 704.14 feet along said line to the westerly right-of-way line of county road; thence northwesterly along said line 1048.88 feet; thence south 89° 50' 06" west 1034.93 feet; thence north 00° 20' 38" east 1588.52 feet to the north line of Section 30; thence north 89° 33' 42" east 188.94 feet along said line; thence north 00° 14' 18" west 1323.20 feet; thence north 89° 56' 18" west 343.30 feet; thence north 00° 38' 18" west 1330.00 feet; thence south 89° 42' 42" west 545.40 feet; thence north 00° 43' 18" west 931.65 feet to the southerly right-of-way line of U.S. Highway #61; thence southwesterly along said line 1121.61 feet to the east line of Section 24; thence north along said east line of Section 24 to the northeast corner of Section 24; and the southeast corner of Section 13; thence north along the east line of Section 13, 552.39 feet; thence north 79° 15' 02" west 1364.54 feet; thence south 00° 00' 47" east 819.13 feet to the north line of Section 24; thence west along said north line of Section 24 to a line 102.00 feet east of the south 1/4 corner of Section 13; thence north 00° 19' 48" west along said line 537.97 feet; thence south 89° 30' 12" west 1139.05 feet to the east right-of-way line of relocated Highway #38; thence south along said line to the north line of Section 24; thence west along said north line of Section 24 to the northwest corner of Section 24:

Excepting all the right-of-way of Old Highway #38 and relocated Highway #38 in the north 1/2 of the north 1/2 of Section 24; also a parcel bounded by said highways and a line 562 feet south of and parallel with the north line of Section 24.

Thence south along the west line of Section 24 to the northwest corner of the southwest 1/4 of the southwest 1/4 of Section 24; thence west along the centerline of the south 1/2 of Sections 23 and 22, to the east line of Section 21; thence south along said east line to the south line of Mulberry Manor Subdivision; thence south 89° 59' 50" west along said south line to the north-south centerline of Section 21; thence south along said north-south centerline of Sections 21, 28 and 33 of T 77N, R 2 W and Sections 4 and 9, T 76N, R 2 W to the south 1/4 corner of Section 9; thence west along the north line of Sections 16 and 17, T 76N, R 2 W to the north 1/4 corner of Section 17; thence south to the center of Section 17; thence west to the west 1/4 corner of Section 17; thence south to the southwest corner of Section 17; thence west along the north line of Section 19 to the northwest corner of said Section 19; thence south to the southwest corner of the northwest 1/4 of the northwest 1/4 of Section 19; thence west along the centerline of the north 1/2 of Section 24 to the northwest corner of southwest 1/4 of the northwest 1/4 of Section 24; thence south along the west line of Sections 24 and 25 to the southwest corner of northwest 1/4 of the northwest 1/4 of Section 15; thence east along the centerline of the north 1/2 of Sections 25 and 30 the centerline of the main track of the former Chicago, Rock Island, and Pacific Railroad; thence northeasterly along the centerline of said railroad to the south line of Section 9, T 76N, R 2 W; thence east along the south line of Sections 9 and 10 to the east right-of-way line of Stewart Road; thence south 33° 20' west 514.7 feet; thence south 1° 05' 23" east 630.5 feet; thence north 88° 02' 53" east 1714 feet; thence south 0° 01' 39" east 606.7 feet; thence north 89° 58' 21" east 83.6 feet; thence south 0° 01' 39" east 583.36 feet; thence south 89° 58' 21" west 9.24 feet; thence south 0° 01' 39" east 484.76 feet; thence north 89° 55' 06" east 1247.4 feet; thence north 89° 47' 36" east 746.7 feet; thence south 0° 12' 24" east 247.9 feet; thence north 89° 47' 36" east to the Steamboat Channel of the Mississippi River; thence up said channel to the point of beginning.

TITLE 1 ADMINISTRATIVE  
 CHAPTER 4  
 PRECINCTS AND WARDS

SECTIONS:

- 1-4-1 Definitions
- 1-4-2 Precincts Established
- 1-4-3 Wards Established
- 1-4-4 Polling Places Established
- 1-4-5 Correction of Errors
- 1-4-6 Publication of Changes

1-4-1 Definitions. For the purposes of this Ordinance, unless the contest otherwise requires:

- (A) "Annexed territory" means territory annexed to the City after Census Day.
- (B) "Census Day" means April 1, 2000 the official date of the 2000 United States Decennial Census.
- (C) "City" includes all territory within the corporate limits of the City of Muscatine and all annexed territories.
- (D) "Commissioner of Elections" means the County Auditor of Muscatine County.
- (E) "Corporate limits" means the corporate limits of the City of Muscatine.
- (F) "Legislative district" means a district represented by a member of the House of Representatives of the General Assembly of the State of Iowa, as established by the Supreme Court of Iowa on March 31, 1971, in a supplemental opinion in cases numbered 55021, 55022 and 55023, particularly in Section 75 and 76 of "Appendix A" thereto, as amended.
- (G) Points of the compass are approximately unless otherwise stated.

- (H) "Street" or similar language means the centerline of the right-of-way and a straight extension of that centerline.
- (I) All names, boundaries, lines, features and fixtures are to be construed as they existed on Census Day.

1-4-2 Precincts Established. The City is hereby divided into ten (10) precincts as follows:

- (A) The First Precinct shall consist of:

That territory bounded by a line extended as follows: Beginning at a point at the center of the intersection of Mulberry Avenue and Bartlett Street, thence proceeding southwesterly along the centerline of Bartlett Street to the center of the intersection of Cedar Street, thence westerly along the centerline of Cedar Street to the center of the intersection with Fulliam Avenue, thence westerly along the centerline of Fulliam Avenue to the center of the intersection of Roscoe Avenue, thence southeasterly along the centerline of Roscoe Avenue to the center of the intersection with Lorenz Avenue, thence westerly along the centerline of Lorenz Avenue to the center of the intersection of Buell Street, thence northerly along the centerline of Buell Street to the center of the intersection of Dillaway Street, thence westerly along the centerline of Dillaway Street to the center of the intersection of Logan Street, thence northerly along the centerline of Logan Street to the center of the intersection with Cedar Street, thence westerly along the centerline of Cedar Street to the center of the intersection with Houser Street, thence southerly along the centerline of Houser Street to the center of the intersection with Lucas Street, thence westerly along the centerline of Lucas Street to the Corporate limit, thence northerly and easterly along the Corporate limit line to the center of the intersection with Tipton Road, thence southerly along the centerline of Tipton Road to the center of the intersection with Mulberry Avenue, thence along the centerline of Mulberry Avenue to the point of beginning.

(B) The Second Precinct shall consist of:

That territory bounded by a line extended as follows: Beginning at a point at the center of the intersection of Logan Street and Dillaway Street, thence extending in the southerly direction along the centerline of Logan Street to the center of the intersection of Lucas Street, thence westerly along the centerline of Lucas Street to the center of the intersection of Houser Street, thence north along the centerline of Houser Street to the center of the intersection of Cedar Street, thence easterly along the centerline of Cedar Street to the center of the intersection of Logan Street, thence southerly along the centerline of Logan Street to the point of beginning.

(C) The Third Precinct shall consist of:

That territory bounded by a line extended as follows: Beginning at a point at the center of the intersection of Orange Street and Ninth Street, thence proceeding westerly along the centerline of Ninth Street to the center of the intersection of Cedar Street, thence northwesterly along the centerline of Cedar Street to the intersection of Tenth Street, thence westerly along the centerline of Tenth Street to the intersection of Iowa Avenue, thence northwesterly along the centerline of Iowa Avenue to the intersection of Eleventh Street, thence westerly along the centerline of Eleventh Street to the center of the intersection of Roscoe Avenue, thence northwesterly along the centerline of Roscoe Avenue to the center of the intersection with Lorenz Avenue, thence westerly along the centerline of Lorenz Avenue to the center of the intersection of Buell Street, thence northerly along the centerline of Buell Street to the center of the intersection with Dillaway Street, thence westerly along the centerline of Dillaway Street to the center of the intersection of Logan Street, thence southerly along the centerline of Logan Street to the intersection with Lucas Street, thence easterly along the centerline of Lucas Street to the center of the intersection with Eighth Street, thence easterly along the centerline of Eighth Street to the center of the intersection with Locust Street, thence southerly along the centerline of Locust Street to the intersection of Fifth Street, thence easterly along the centerline of Fifth Street to the center of the intersection with Chestnut Street, thence northwesterly along the centerline of Chestnut Street to the center of the intersection with Seventh Street, thence easterly along the centerline of Seventh Street to the center of the intersection with Orange Street, thence northwesterly along the centerline of Orange Street to the point of beginning.

(D) The Fourth Precinct shall consist of:

That territory bounded by a line extended as follows: Beginning at a point at the center of the intersection of the main channel of the Mississippi River and Orange Street extended, thence northerly along the centerline of Orange Street to the center of the intersection of Seventh Street, thence westerly along the centerline of Seventh Street to the center of the intersection with Chestnut Street, thence southeasterly along the centerline with Chestnut Street to the center of the intersection with Fifth Street, thence westerly along the centerline of Fifth Street to the center of the intersection with Whicher Street, thence southeasterly along the centerline of Cherry Street to the center of the intersection with Third Street, thence westerly along the centerline of Third Street to the center of the intersection with Green Street, thence southerly along the centerline of Green Street becoming Grandview Avenue to the intersection with Canal Street, thence southeasterly along the centerline of Canal Street extended to the intersection of the main channel of the Mississippi River and easterly along the main channel of the Mississippi River to the point of beginning.

(E) The Fifth Precinct shall consist of:

That territory bounded by a line extended as follows: Beginning at a point at the center of the intersection of Fifth Street and Cypress Street, thence northeasterly along the centerline of Cypress Street to the intersection of Isett Avenue, thence northeasterly along the centerline of Isett Avenue to the intersection of Woodlawn Avenue, thence westerly along the centerline of Woodlawn Avenue to the intersection of Mulberry Avenue, thence southerly along the centerline of Mulberry Avenue to the center of the intersection with Bartlett Street, thence westerly along the centerline of Bartlett Street to the intersection with Cedar Street, thence westerly along the centerline of Cedar Street to the intersection of Fulliam Avenue, thence westerly along the centerline of Fulliam Avenue to the center of the intersection of Roscoe Avenue, thence southeasterly along the centerline of Roscoe Avenue to the center of the intersection with Eleventh Street, thence easterly along the centerline of Eleventh Street to the center of the intersection with Iowa Avenue, thence southerly along the centerline of Iowa Avenue to the center of the intersection with Tenth Street, thence easterly along the centerline of Tenth Street to the center of the intersection with Cedar Street, thence southeasterly along the centerline of Cedar Street to the center of the intersection with Ninth Street, thence easterly along the centerline of Ninth Street to the center of the intersection with Orange Street, thence southeasterly along the centerline of Orange Street to the center of the intersection with Fifth Street, thence easterly along the centerline of Fifth Street to the point of beginning.

(F) The Sixth Precinct shall consist of:

That territory bounded by a line extended as follows: Beginning at a point at the center of the intersection of Isett Avenue and Woodlawn Avenue, thence northeasterly along the centerline of Isett Avenue to the Corporate limits of the City, thence westerly along the Corporate limit line to the center of the intersection with Tipton Road, thence southeasterly along the centerline of Tipton Road to the center of the intersection of Mulberry Avenue, thence southeasterly along the centerline of Mulberry Avenue to the center of the intersection with Woodlawn Avenue, thence easterly along the centerline of Woodlawn Avenue to the point of beginning.

(G) The Seventh Precinct shall consist of:

That territory bounded by a line extended as follows: Beginning at a point at the center of the intersection of the centerline of the main line of the railroad tracks and Canal Street, thence northwesterly along the centerline of Canal Street to the center of the intersection with Green Street-Grandview Avenue, thence northerly along the centerline of Green Street to the center of the intersection with Third Street, thence easterly along the centerline of Third Street to the center of the intersection of Cherry Street, thence northwesterly along the centerline of Cherry Street to the center of the intersection with Fifth Street, thence easterly along the centerline of Fifth Street to the center of the intersection of Locust Street, thence northwesterly along the centerline of Locust Street to the center of the intersection with Eighth Street, thence westerly along the centerline of Eighth Street to the center of the intersection with Lucas Street, thence westerly along the centerline of Lucas Street to the intersection with the Corporate limits of the City, thence southerly along the Corporate limit line of the City to the center of the Muscatine Slough, thence easterly along the centerline of the Muscatine Slough to the intersection of League Street extended, thence southerly along the centerline of League Street to the center of the intersection with Oneida Street, thence easterly along the centerline of Oneida Street to the center of the intersection with Division Street, thence southerly along the centerline of Division Street to the center of the intersection with Evans Street, thence northeasterly along the centerline of Evans Street to the center of the intersection of Bleeker Street, thence southeasterly along the centerline of Bleeker Street to the center of the intersection with Liberty Street, thence northeasterly along the centerline of Liberty Street to the center of the intersection of Franklin Street, thence southerly along the centerline of Franklin Street to the intersection with the centerline of the main line of railroad tracks, thence northeasterly along the main line of railroad tracks to the point of beginning.

(H) The Eighth Precinct shall consist of:

That territory bounded by a line extended as follows: Beginning at a point at the center of the intersection of the Muscatine Slough and the Corporate limit line of the City, which is a point on the boundary of the Seventh Precinct, thence following the Corporate limit line of the City southwesterly, thence bearing easterly and northerly along the perimeter of the Corporate limit line of the City to the intersection of the main channel of the Mississippi River, thence north and easterly along the main channel of the Mississippi River to a point which is the centerline of Canal Street extended and the boundary of the Fourth Precinct, thence westerly along the extended centerline of Canal Street to the center of the intersection with the main line of railroad tracks, thence southerly along the main line of railroad tracks to the center of the intersection with Franklin Street, thence westerly along the centerline of Franklin Street to the center of the intersection with Liberty Street, thence southerly along the centerline of Liberty Street to the center of the intersection with Bleeker Street, thence westerly along the centerline of Bleeker Street to the center of the intersection with Evans Street, thence southerly along the centerline of Evans Street to the center of the intersection with Division Street, thence northerly along the centerline of Division Street to the center of the intersection with Oneida Street, thence westerly along the centerline of Oneida Street to the center of the intersection with League Street, thence northerly along the centerline of League Street extended to the center of the Muscatine Slough, thence westerly along the centerline of Muscatine Slough to the point of beginning.



(I) The Ninth Precinct shall consist of:

That territory bounded by a line extended as follows: Beginning at a point at the center of the intersection of the main channel of the Mississippi River and the extension of Orange Street, thence northwesterly along the centerline of Orange Street to the center of the intersection with Fifth Street, thence easterly along Fifth Street to the center of the intersection with Cypress Street, thence northwesterly along the centerline of Cypress Street to the center of the intersection with Isett Avenue, thence northerly along the centerline of Isett Avenue to the center of the intersection with Dale Street, thence easterly along the centerline of Dale Street to the center of the intersection with Walters Street, thence southerly along the centerline of Walters Street to the center of the intersection with Washington Street, thence easterly along the centerline of Washington Street to the center of the intersections with Fillmore Street, thence northerly along the centerline of Fillmore Street to the center of the intersection with Jefferson Street, thence easterly along the centerline of Jefferson Street to the center of the intersection with Lincoln Boulevard, thence northerly along the centerline of Lincoln Boulevard to the center of the intersection with Jefferson Street, thence easterly along the centerline of Jefferson Street to the center of the intersection with Park Avenue, thence northerly along the centerline of Park Avenue to the center of the intersection with Colorado Street, thence easterly along the centerline of Colorado Street to the center of the intersection with the Corporate limit line of the City, thence southerly along the Corporate limit line to the intersection with the Mississippi River, thence westerly along the main channel of the Mississippi River to the point of beginning.

## (J) The Tenth Precinct shall consist of:

That territory bounded by a line extended as follows: Beginning at a point at the center of the intersection of the Corporate limit line and Colorado Street, which is on the boundary of the Ninth Precinct, thence following the Corporate limit line easterly and northerly, westerly, and southerly to the center of the intersection with Isett Avenue, thence southerly along the centerline of Isett Avenue to the center of the intersection with Dale Street, thence easterly along the centerline of Dale Street to the center of the intersection with Walters Street, thence southerly along the centerline of Walters Street to the center of the intersection with Washington Street, thence easterly along the centerline of Washington Street to the center of the intersection with Fillmore Street, thence northerly along the centerline of Fillmore Street to the center of the intersection with Jefferson Street, thence easterly along the centerline of Jefferson Street to the center of the intersection with Lincoln Boulevard, thence northerly along the centerline of Lincoln Boulevard to the center of the intersection with Jefferson Street, thence easterly along the centerline of Jefferson Street to the center of the intersection with Park Avenue, thence northerly along the centerline of Park Avenue to the center of the intersection with Colorado Street, thence easterly along the centerline of Colorado Street to the center of the intersection with the Corporate limit line of the City and the point of beginning.

1-4-3 Wards Established. The City is hereby divided into five (5) wards as follows:

- (A) The First Ward shall consist of the First and Second Precincts.
- (B) The Second Ward shall consist of the Third and Fourth Precincts.
- (C) The Third Ward shall consist of the Fifth and Sixth Precincts.
- (D) The Fourth Ward shall consist of the Seventh and Eighth Precincts.
- (E) The Fifth Ward shall consist of the Ninth and Tenth Precincts.

1-4-4 Polling Places Designated. The polling places for each of the precincts established by Section 1-4-1 of this City Code of Muscatine, Iowa, shall be designated by the Commissioner of Elections as provided by the Iowa Code.

- (A) The polling place for the First Precinct shall be at Mulberry Elementary School.
- (B) The polling place for the Second Precinct shall be at West Middle School.
- (C) The polling place for the Third Precinct shall be at Washington School.
- (D) The polling place for the Forth Precinct shall be at the Clark House.
- (E) The polling place for the Fifth Precinct shall be at the Central Middle School.
- (F) The polling place for the Sixth Precinct shall be at Grant School.
- (G) The polling place for the Seventh Precinct shall be at Franklin School.
- (H) The polling place for the Eighth Precinct shall be at Garfield School.
- (I) The polling place for the Ninth Precinct shall be at the former Lincoln School.
- (J) The polling place for the Tenth Precinct shall be at Madison School.

1-4-5 Correction of Errors. If this Ordinance fails to place any part of the City within a precinct established by this Ordinance, the Commissioner of Elections shall assign the omitted area to an adjacent precinct with the same legislative district. If this Ordinance places any part of the City in more than one precinct established by this Ordinance, the Commissioner of Elections shall assign that territory to an adjacent precinct within the proper legislative district. The Commissioner of Elections may also correct obvious clerical errors in this Ordinance.

1-4-6 Publication of Changes. The Commissioner of Elections is hereby directed to publish notice of the boundaries and polling places for the precincts and wards established by this Ordinance pursuant to law. He or she shall also certify a copy of this Ordinance and a map drawn in conformance thereto to the Secretary of State within ten (10) days.

1-5-1

1-5-4 TITLE 1 ADMINISTRATIVE

CHAPTER 5

ELECTIONS

SECTIONS:

- 1-5-1 Municipal Elections
- 1-5-2 Terms
- 1-5-3 Offices to be Filled
- 1-5-4 Nomination by Petition
- 1-5-5 Permanent Registration

1-5-1 Municipal Elections. All municipal elections shall be conducted as provided by the Code of Iowa, and shall be held on the Tuesday following the first Monday in November of odd numbered years.

1-5-2 Terms. All elected Municipal officers shall take office before noon of the second secular day of January following their election.

1-5-3 Offices to be Filled. There shall be elected every two (2) years, a Mayor; in 1983, one (1) Council member from each of Wards two (2) and four (4) and one (1) Council member at large shall be elected for two (2) years and in 1985, and thereafter, these Council members shall be elected for four (4) year terms; in 1983 and thereafter, one (1) Council member from each of Wards One (1), Three (3), and Five (5) and one Council member at large shall be elected for four (4) year terms. In 1983, the Council member at large who is elected with the highest number of votes shall be elected for a four (4) year term and the other Council member at large elected shall be elected for a two (2) year term. Thereafter, each Council member at large shall be elected for a four (4) year term.

1-5-4 Nomination by Petition. The City of Muscatine hereby chooses to have nominations made in the manner provided by Chapter 45 of the Code of Iowa, in lieu of a primary election or run-off election system.

(A) Nominations for candidates for the office of Mayor and Council Members may be made by nomination papers signed by not less than 25 eligible electors, residents of the City or Ward.

1-5-5

1-5-5

1-5-5 Permanent Registration. There is hereby adopted the plan of permanent voter registration as provided by the Code of Iowa.

## TITLE 1 ADMINISTRATIVE

## CHAPTER 6

## MAYOR AND CITY COUNCIL

SECTIONS:

- 1-6-1 Powers and Duties of the Mayor
- 1-6-2 Salary of the Mayor
- 1-6-3 Mayor Pro Tern
- 1-6-4 Council and Council Members
- 1-6-5 Salary of Council Members
- 1-6-6 Meetings of the City Council
- 1-6-7 Qualifications of the Mayor and Council Members
- 1-6-8 Vacancies
- 1-6-9 Removal of the Mayor or Council member

1-6-1 Powers and Duties of the Mayor. The Mayor shall be the chief executive officer of the City; shall take care that the laws of the State of Iowa and the provisions of this City Code are duly respected, observed, and enforced within the City; shall preside at all council meetings, preserve order and decorum and shall decide all questions of order, subject to an appeal from the Council; shall from time to time give the Council information for its consideration on such measures as may be in the interest of the City; shall be the conservator of the peace and may call for the assistance of the police and, if necessary, any citizen of the City to aid in quelling or preventing any riot or unlawful assembly, or in preventing or restraining any breach of the peace and any such police officer or citizen, when so called upon, who shall refuse to obey the orders of the Mayor shall be deemed guilty of a misdemeanor; shall sign on behalf of the City all contracts between the City and any other party; and shall perform all duties required by the Charter, the provisions of this Code, resolutions of the City Council and all other acts which the good of the City may require.

1-6-2 Salary of the Mayor. The Mayor shall receive, in full compensation for his or her services, a salary of Five Thousand Five Hundred Dollars (\$5,500) per year effective January 1, 2000.

1-6-3 Mayor Pro Tem. Immediately upon taking office, the Mayor shall designate one member of the City Council as Mayor Pro Tern, who shall perform the Mayor's duties when the Mayor is absent or unable to act, except that the Mayor Pro Tem may not appoint, employ, or discharge officers or employees without the approval of the Council. The Mayor Pro Tern retains all of the powers of a Council member.

1-6-4 Council and Council Members. The Council shall be the governing body of the City and is comprised of the aldermen as provided for in the City Charter. The City Council shall exercise a power by the passage of a motion, resolution, amendment, or an ordinance as prescribed by the laws of the State of Iowa.

1-6-5 Salary of Council Members. Each Council member shall receive, in full compensation for his or her services, a salary of Four Thousand Dollars (\$4,000) per year effective January 1, 2000.

1-6-6 Meetings of the City Council. The City Council shall hold regular meetings, as may be designated by the Council, and special meetings called by the Mayor, City Administrator, or a majority of the Council members. A quorum of the Council shall be a majority of the members and no action may be taken by the Council unless a quorum is present. The Council shall prescribe its own rules of procedure by resolution which shall be in conformance with the provisions of the laws of the State of Iowa.

1-6-7 Qualifications of the Mayor and Council Members. The Mayor shall be a resident of the City and the Council members shall be residents of the City and of the Ward which they are elected to represent at the time a petition for election is filed, at the time of election, and continuing throughout the term of office.

1-6-8 Vacancies. A vacancy in the office of the Mayor and the Council shall be filled in accordance with the provisions of the laws of the State of Iowa and all officers appointed or elected to fill such vacancies shall qualify within three (3) days.

1-6-9 Removal of the Mayor or Council Member. The Mayor or any Council Member may be removed from office by action of the City Council for any of the following reasons:

- (A) For willful or habitual neglect or refusal to perform the duties of his or her office.
- (B) For willful misconduct or maladministration in office.

- (C) For corruption.
- (D) For extortion.
- (E) Upon conviction of a felony.
- (F) For intoxication, or upon conviction of being intoxicated.
- (G) Upon conviction of violating the provisions of Chapter 56, Campaign Finance Disclosure, Code of Iowa.

Such removal shall be only after a hearing before the City Council based on written charges prepared and filed by the City Attorney, which removal can only be made by a two-thirds vote of the entire Council. Notice of such hearing shall be by personal service on the Mayor or City Council Member whose removal is being sought not less than ten (10) days before the date of such hearing.



TITLE 1 ADMINISTRATIVE

CHAPTER 7

CITY ATTORNEY

SECTIONS:

1-7-1 City Attorney

1-7-2 Powers, Duties, and Compensation

1-7-1 City Attorney. There is hereby established the office of City Attorney, who shall be appointed by and hold office during the pleasure of the Council and shall be subject to removal of a majority vote of the Council.

1-7-2 Powers, Duties, and Compensation. The City Attorney shall not be an employee of the City but shall be under the administrative direction of the City Administrator. The City Attorney shall be a graduate of a college of law and shall be a licensed Attorney authorized to practice in the State of Iowa upon employment. The City Attorney performs legal services for and on behalf of the City, its officers, boards, commissions, and departments; attends meetings of various official bodies and gives oral advice and opinions in writing when requested; performs the preparation and review of ordinances, resolutions, contracts, and other legal documents; tries cases and appears in other legal matters before courts, including district and appellate courts, boards, and commissions; confers with City officials on legal problems; performs research in connection with constitution, statutes, ordinances, decisions, rules, and regulations; prepares complaints, answers, and briefs for court cases; and performs additional administrative duties as assigned. The compensation of the City Attorney shall be such amount as may from time to time be fixed by the Council.

TITLE 1 ADMINISTRATIVE  
CHAPTER 8  
CITY ADMINISTRATOR

SECTIONS:

- 1-8-1 City Administrator; Clerk
- 1-8-2 Record of Appointments on Boards
- 1-8-3 Issuance of Licenses
- 1-8-4 Powers and Duties Generally
- 1-8-5 Compensation
- 1-8-6 Excepted Appointment
- 1-8-7 Deputy City Clerk.
- 1-8-8 Other Duties

1-8-1 City Administrator; Clerk. The office of the City Administrator is hereby created, which office shall be filled by a majority vote of the Council. The appointee shall hold office during the pleasure of the Council, and shall be subject to removal by a majority vote of the Council. He or she shall also be the City Clerk.

1-8-2 Record of Appointments on Boards. It shall be the duty of the Clerk to keep a record of all appointments to all City Advisory Commissions and Boards. Such record must show the name, the period of the appointment, the date of its commencement and ending, by whom appointed, and the name of the board to which the appointment is made.

1-8-3 Issuance of Licenses. Except as otherwise provided, any person desiring a license for any purpose from the City shall pay the requisite license fee to the Clerk, who shall thereupon issue the proper license.

1-8-4 Powers and Duties Generally.

(A) The powers and duties of the City Administrator shall include:

1. Enforcement of all City laws and regulations as directed by the Council.
2. Administration of Council policies and directives.

3. Continuous study of the City government's operating procedures, organization, and facilities and to recommend fiscal and other policies to the Council whenever necessary.
4. Preparation and administration of the City's annual operating budget.
5. Supervision of the City's administrative policies and procedures, including personnel and purchasing.
6. Keeping the Council informed on the progress of its programs and the status of its policies.
7. Coordinating and directing all City services provided through the various departments.
8. Appointment and removal of City employees in accordance with City policies regarding this activity.
9. Study possible joint arrangements with City boards such as, but not limited to, Power and Water or any other independent board and make recommendations for such arrangements as are mutually acceptable.
10. Assist the Mayor in any of his or her duties, as requested by him or her and approved by the Council.

(B) Any members of the City Council shall deal with City Department Heads and employees, who are subject to the direction and supervision of the City Administrator solely, through the City Administrator, and Council members shall not give orders to any such Department Heads or employees either publicly or privately. All departmental activity requiring the attention of the Council shall be brought before that body by the City Administrator.

1-8-5 Compensation. The compensation of the City Administrator shall be such amount as from time to time shall be fixed by the Council.

1-8-6 Excepted Appointment. The City Administrator shall not be considered to be a Department Head and shall continue to be appointed by the Council.

1-8-7 Deputy City Clerk. The City Administrator shall nominate, for Council appointment, a Deputy City Clerk to perform the duties of the City Clerk in the Administrator's absence and to perform other duties as assigned to him or her.

1-8-8

1-8-8

1-8-8 Other Duties. The City Administrator shall perform such other duties as may be directed by the Council.

1-9-1

1-9-2

TITLE 1 ADMINISTRATIVE

CHAPTER 9

CITY DEPARTMENTS

SECTIONS:

- 1-9-1 Departments Created
- 1-9-2 Department Heads
- 1-9-3 Duties
- 1-9-4 Other Departments
- 1-9-5 Creation of New Departments

1-9-1 Departments Created. There is hereby established the following City Departments:

- Community Development (Community Development Director)
- Finance (Finance Director-Treasurer)
- Fire (Fire Chief)
- Parks and Recreation (Parks and Recreation Director)
- Police (Police Chief)
- Public Works (Public Works Director)
- Water Pollution Control (Water Pollution Control Director)

1-9-2 Department Heads. The departments shall be headed by a Department Head appointed and removed by the City Administrator, except the appointment and removal of the Finance Director-Treasurer shall be subject to the approval of the City Council and the appointment and removal of the Fire Chief and Police Chief shall be by the Mayor, subject to the approval of the City Council.

All appointments shall be made to individuals with sufficient qualifications to perform the general duties of the office at a salary in accordance with the City's Pay Plan.

1-9-3

1-9-5

1-9-3 Duties. Department Heads listed in Section 1-9-1 shall be subordinate and responsible to the City Administrator and shall have such duties and functions as from time to time are assigned by the City Administrator.

1-9-4 Other Departments. The following departments are established by the City Council through Title 2, Chapters 12 and 13 of the City Code:

- Library (Library Director)
- Museum and Art Center (Museum and Art Center Director)

These Department Heads shall be appointed and removed by the Library Board and Museum and Art Center Board respectively and shall be compensated in accordance with the City's Pay Plan. The two (2) Department Heads shall perform such functions and duties as are assigned by the respective boards.

All budget, personnel, and purchasing procedures must conform to the policies and procedures established by the City Council and shall be coordinated with the City Administrator.

1-9-5 Creation of New Departments. The City Council shall have the authority to create new or consolidate existing departments by resolution as shall be deemed appropriate and after full consideration and study by the City Administrator.

TITLE 1 ADMINISTRATIVE  
CHAPTER 10  
CITY BUDGET PROCEDURES

SECTIONS:

1-10-1	Fiscal Year
1-10-2	Budget Procedures
1-10-3	Content of Budget Document
1-10-4	Budget Hearing
1-10-5	Budget Adoption
1-10-6	Budget Transfers - Amendments
1-10-7	City Depositories
1-10-8	Independent Audit
1-10-9	City Finance Director-Treasurer
1-10-10	Borrowing and Bonds Generally
1-10-11	Property Assessments
1-10-12	Warrants

1-10-1 Fiscal Year. The fiscal year for the City shall commence on the first day of July and end on the 30th day of June of each year.

1-10-2 Budget Procedures. Each City officer and Department Head shall submit to the City Administrator an itemized estimate of the expenditures for the next fiscal year for the department or activities under his or her control. The information shall be submitted in the format and on the schedule as established by the City Administrator. The City Administrator shall prepare a complete itemized budget proposal for the next fiscal year of the City and shall submit it to the Council on or before the first Monday of February.

1-10-3 Content of Budget Document. The budget proposal shall present a complete financial plan for the ensuing fiscal year. It shall include at least the following information:

- (A) Detailed estimates of all proposed expenditures for each department and office of the City, showing the expenditures for the corresponding items for the current and the last preceding fiscal year with reasons for increases and decreases recommended.

- (B) Statements of the bonded and other indebtedness of the City, showing the debt redemption and interest requirements, debt authorized and issued, and the conditions of sinking funds, if any.
- (C) Detailed estimates of all anticipated income of the City from sources, including taxes and borrowing, with a comparative statement of the amounts received by the City from each of the same or similar sources for the last preceding and current fiscal year.
- (D) A statement of the estimated balance or deficit, as the case may be, for the end of the current fiscal year.
- (E) An estimate of the amount of money to be raised from current and delinquent taxes and the amount to be raised for debt retirement, together with income from other sources which would be necessary to meet the proposed expenditures.
- (F) Such other supporting schedules and information as the Council may deem necessary.

1-10-4 Budget Hearing. Public hearing on the budget shall be held before its final adoption, at such time and place as the Council shall direct, and notice of such public hearing shall be published in accordance with the State Code of Iowa. A copy of the proposed budget shall be on file and available to the public for inspection during office hours at the Office of the Clerk for a period of not less than ten (10) days prior to such public hearing, and not less than twenty (20) days before the budget is certified by the County Auditor.

1-10-5 Budget Adoption. Not later than the fifteenth (15th) day of March, in accordance with the Code of Iowa, the Council shall, by resolution, adopt the budget for the next fiscal year and shall, in such resolution, provide a tax levy of the amount necessary to be raised by taxes upon real and personal properties from municipal purposes, provided such tax levy shall not exceed the limits as established by the Iowa Code. The tax levy shall be certified to the County Auditor and collected by the County Treasurer as provided by the Iowa Code.

1-10-6 Budget Transfers - Amendments. The City budget, as finally adopted, shall constitute the City appropriation for each program and purpose specified therein until amended as provided as follows:

- (B) To permit the appropriation and expenditure of unexpended, unencumbered cash balances on hand at the end of the preceding



fiscal year which had not been anticipated in the budget.

- (C) To permit the appropriation and expenditure of amounts anticipated to be available from sources other than property taxation and which had not been anticipated in the budget.
- (D) To permit transfers from the Debt Service Fund, the Capital Improvement and Reserve Fund, the Emergency Fund, or other funds established by the State Law to any other City fund, unless specifically prohibited by State Law, and to permit transfers between programs within the General Fund as follows:
  1. Council Transfers. When the City Administrator determines that one or more appropriation accounts need added authorizations to meet required expenditures, he or she shall inform the Council or if the Council, upon its own investigation, so determines a need for additional appropriations, and another account within the same program area (i.e., community protection) has an appropriation in excess of foreseeable needs, or, in the case of a clear emergency or unforeseeable need, the contingency account has an unexpected appropriation which alone or with other accounts can provide the needed appropriations, the City Council shall set forth by resolution the reductions and increases in appropriations and the reason for such transfers. Upon passage of the resolution and approval by the Mayor, as provided by law for resolutions, the City Administrator shall cause the transfers to be set out in full in the minutes and be included in the published proceedings of the Council. Thereupon the City Administrator shall cause the appropriations to be revised upon the appropriation expenditure ledgers of the City, but in no case shall the total of the appropriation to the program be increased except for transfers from the contingency account nor shall the total appropriation for all purposes be increased in a program except by a budget amendment made after notice and hearing as required by law for such amendments.
  2. Administrative Transfers. The City Administrator shall have the power to make transfers within a single activity (i.e., police operations) between objects of expenditures within activities without prior Council approval. The City Administrator shall have the power to make transfers between activities (i.e., police and fire operations) without prior Council approval to meet expenditures which exceed estimates or are unforeseen but necessary to carry out Council directives or to maintain a necessary service

and provide the required appropriation balance. Such transfers shall not exceed the total appropriation to the program (i.e., community protection), except by budget amendment made after notice and hearing, as required by law for such amendments. Administrative transfers shall be presented to the Council as a resolution for their consideration and passage as presented or as amended by the Council.

1-10-7 City Depositories. The Council shall designate the depository or depositories for the City and shall provide for the regular deposit of all City monies in accordance with the Iowa Code.

1-10-8 Independent Audit. An independent audit shall be made of all accounts of the City at least annually or more frequently if deemed necessary by the Council. Such audit shall be made by certified public accountants experienced in municipal accounting and shall be completed in a timely manner following the close of the fiscal year. As provided by the State Code of Iowa, the State Auditor shall be notified by the City within sixty (60) days after the close of the fiscal year by the filing of a resolution of the Council stating the engagement of independent certified public accountants to perform the audit.

The audit and the results of such audit shall be made public in accordance with the Code of Iowa by October 1st following the close of the fiscal year.

1-10-9 City Finance Director-Treasurer. The City Finance Director-Treasurer shall keep and shall be the custodian of all the books of accounts of the assets, receipts, and expenditures of all departments and boards of the City, except for the Power and Water Board of Trustees. It shall be the duty of all City officials and officers to pay directly to the City Treasurer all monies and fees collected through their offices. It shall be the duty of the Finance Director-Treasurer to keep a record of such monies and fees collected by such officials. Further, the Finance Director-Treasurer shall prescribe a method of keeping accounts for all departments and offices of the City, which method shall be uniform and shall conform to the laws of the State of Iowa.

1-10-10 Borrowing and Bonds Generally. Subject to the applicable provisions of the State Law of Iowa, the Council, by proper Ordinance or resolution, may authorize the borrowing of money on the credit of the City and the issuing of Bonds thereof for any purpose within the scope of it's powers.

1-10-11 Property Assessments. The assessments of property

1-10-11

1-10-12

in the City of Muscatine shall be performed by the County Assessor in accordance with the provisions of the Code of Iowa.

1-10-12 Warrants. All claims approved and ordered paid by the Council shall be paid by a warrant signed by the Mayor and attested by the City Clerk.

## TITLE 1 ADMINISTRATIVE

## CHAPTER 11

## PERSONNEL PROCEDURES

SECTIONS:

1-11-1	Declaration of Policy
1-11-2	Applicability
1-11-3	Civil Service Provisions
1-11-4	Union Contracts
1-11-5	Prohibitive Activities
1-11-6	Permitted Activities
1-11-7	Personnel Records
1-11-8	Rules and Regulations - Employee Benefits
1-11-9	Department Regulations
1-11-10	Classification Plan
1-11-11	Pay Plan
1-11-12	Grievance Procedures

1-11-1 Declaration of Policy. It is hereby declared the policy of the City that:

- (A) Employment and promotions in the Municipal Government shall be based on merit and fitness and predicated on the premise that qualified personnel are best able to render effective and efficient service.
- (B) Administration of all personnel policies established by this chapter shall be the responsibility of the City Administrator.
- (C) Appointments shall be free of personal and political considerations.
- (D) Incentives and conditions of employment consistent with those employed by business firms and governmental units in the community shall be practiced in order to maintain a confident, loyal work force interested in performing efficiently and in the interest of governmental economy.
- (E) A current position classification system shall be maintained

and current Pay Plans providing for fair compensation of City employees shall be in effect.

- (F) Positions in the City service shall be classified and compensated on a uniform basis and keeping with the policy of "equal pay for equal work".
- (G) The City of Muscatine will not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, ancestry, religion, age, or disability. Affirmative action's will be taken to implement this policy and assure non-discrimination in recruiting, training, placement, advancement, compensation, working conditions, demotions, layoffs, and termination.

1-11-2 Applicability. This chapter shall apply to all employees in the service of the City except those offices which are elective.

1-11-3 Civil Service Provisions. The City of Muscatine Shall operate its Personnel Program in accordance with the provisions of the State of Iowa Civil Service Code and the local Civil Service regulations, and the Civil Service requirements shall take precedence over this Ordinance.

1-11-4 Union Contracts. All City employees covered by Union Contracts shall perform in accordance with such contracts in respect to wages, hours, and such conditions of employment which are included in the contract. If this Ordinance is in conflict with the Union Contract, the Union Contract shall take precedence over this Ordinance. Where Union Contracts are in conflict with State or local Civil Service Laws, the Civil Service Law shall take precedence over the Union Contract.

1-11-5 Prohibitive Activities. All employees shall be hired without regard to political considerations. In accordance with this policy, City employees shall:

- (A) Refrain from seeking or accepting to use any political endorsement or support in connection with appointment to a Civil Service or municipal position.
- (B) Refrain from using their influence publicly in any way for or against any candidate for elective office in the municipal government.
- (C) Not circulate petitions or publicly campaign on behalf of any local municipal elective official.

A Civil Service or municipal employee who becomes a candidate for any elective public office shall, upon request of the employee and commencing thirty (30) days prior to any election and continuing until after the election, automatically be given a leave of absence without pay. An employee who is a candidate for an elective public office shall not campaign while on duty as a municipal employee. If elected, such employee is eligible to serve as a Civil Service or municipal employee only until qualification for the elective office, at which time the common law rule of conflict of interest would apply.

1-11-6 Permitted Activities. Nothing in Section 5 of this Chapter shall prevent employees from belonging to any political party, club, or organization; from attending political meetings; from expressing their political views in private or outside of working hours and off City premises; or from voting with complete freedom in any election.

1-11-7 Personnel Records. The City Administrator - City Clerk shall maintain the official Civil Service - Personnel Records for each employee. Such records shall include, but not be limited to, dates of initial appointments, promotions, job titles, salaries, evaluations, disciplinary actions, merit increases, leaves of any type taken, longevity, and employee adjustments according to pay and classification plans.

1-11-8 Rules and Regulations - Employee Benefits. The City Administrator shall develop rules and regulations on employee benefits and on working conditions, when required, in order to uniformly, effectively, and efficiently operate the City. The following rules, regulations, and employee benefits shall be approved by resolution of the City Council and any changes thereto shall be approved by resolution of the Council upon recommendation of the City Administrator:

- Residency Requirement
- Outside Employment
- Relative Hiring
- Physical Examination
- Probationary Period
- Transfers, Promotions, Demotions
- Hours of Work

- Overtime - Compensatory Time
- Temporary Assignments
- Stand-by
- Jury Duty
- Holidays
- Vacation
- Bereavement Leave
- Personal Leave
- Maternity Leave
- Absence Without Leave
- Voting Leave
- Military Leave
- Sick Leave
- Leave of Absence Without Pay
- Workers Compensation
- Health Insurance
- Dental Insurance
- Life Insurance
- Education
- Program
- Longevity
- Retirement Benefits

1-11-9 Department Regulations. Nothing in this Ordinance shall prohibit the establishment and administration of departmental regulations not in conflict with this Ordinance.

1-11-10 Classification Plan. The City shall establish a classification plan which shall consist of a list of titles,

descriptions of the nature and requirements of work in each class, and the official allocations of positions to appropriate classes. The titles in the classification plan are to be used as exclusive means of reference for all official records and personnel transactions.

- (A) Maintenance of Plan. The City Administrator shall maintain the classification plan.
- (B) Change in the Plan. The classification plan may be amended and positions reclassified by the City Administrator in accordance with the following procedures, and subject to Council approval:
1. All requests for creation of new positions, abolishment or consolidation of present positions, reclassification of existing positions, and reallocation of classifications to new salary ranges shall be submitted to the City Administrator.
  2. Department Heads shall report organizational changes and requests for change in duty assignments to the City Administrator.
  3. An employee may submit a written request to the City Administrator for review of the duties and responsibilities of the employee's position. All requests shall be submitted through the Department Heads and shall include the employee's description of the duties and responsibilities of the position.
- (C) Abolishment of a Position. A position may be abolished by the City Administrator, with the approval of the City Council, and in accordance with the Civil Service Code of Iowa if applicable.

1-11-11 Pay Plan. It shall be the responsibility of the City Administrator to develop a compensation plan which will reflect fairly the differences in duties and responsibilities of the classifications established and which will assure, to the extent practicable, equal pay for equal work; which will reflect salary and wage rates which compare favorably with those in the area for comparable positions; and which provides a means of rewarding employees for continued good or outstanding service. The Pay Plan of the City shall be adopted annually by resolution of the City Council and shall coincide with the City's fiscal year. Any changes in the Plan shall be by recommendation of the City Administrator with approval of Council by resolution.



The City Administrator shall establish rules and regulations for administering the Pay Plans for Supervisory - Management employees, Confidential and Library employees, Non-Union Permanent Part Time employees, Temporary employees, Blue and White Collar Union employees, Police Officers - Union employees, and Firefighters - Union employees. In such case where there is a conflict between the rules and regulations and the Union Contract, the Union Contract shall take precedence. The City Council, upon the recommendation of the City Administrator, may establish such other employee group Pay Plans as may be required.

1-11-12 Grievance Procedures. An employee of the City of Muscatine has the right to grieve matters in regard to the interpretation, application, or violation of the personnel system of the City. For all employees covered under Union Contracts, the grievance procedures set forth in such contract shall be adhered to. For all non-union employees, the following grievance procedures shall be followed:

Step (1). The grievance shall be discussed informally between the employee involved and the employee's immediate supervisor within three (3) working days after knowledge of the event giving rise to the grievance. The supervisor shall either adjust the grievance or deliver a written answer to the grieving employee within three (3) working days after such discussion. Failure of the supervisor to reply within set three (3) day period shall be deemed a denial of the grievance and may be appealed to the next step.

Step (2). If such grievance is not resolved by Step 1, the grieved employee may appeal. The employee shall within three (3) working days follow completion of Step 1, present the grievance in writing to the Department Head, or his or her designated representative. The grievance shall contain a statement from the employee specifying what relief or remedy is desired. The Department Head, or his or her designated representative, shall investigate the grievance and issue a decision in writing thereon within a period of five (5) working days. Failure of the Department Head, or his or her designated representative, to issue a written statement within five (5) working days shall be deemed a denial of the grievance and may be appealed to the next Step.

Step (3). If such grievance is not resolved in Step 2, the grieved employee may appeal. The employee shall within three (3) working days following completion of Step 2 present the grievance in writing to the City Administrator, or his or her designated representative. The grievance shall contain a statement from the employee specifying what relief or remedy is desired. The City Administrator, or his or her designated representative, shall

investigate the grievance and issue a decision in writing thereon within a period of five (5) working days. The City Administrator's decision on these matters shall be final.

For issues within the jurisdiction of the Civil Service Commission, the grievance procedure as established by the Civil Service Commission and the Code of Iowa shall prevail.

1-12-2

TITLE 1 ADMINISTRATIVE

CHAPTER 12

PURCHASING PROCEDURES

SECTIONS:

1-12-1	Creation
1-12-2	Organization - Purchasing Agent Purchases by Department
1-12-3	Heads Quotations and Bids Awarding of Bids
1-12-4	Contracts
1-12-5	Emergency Purchases
1-12-6	Surplus Equipment and Materials Joint Purchases
1-12-7	Rules and Regulations
1-12-8	
1-12-9	
1-12-10	

1-12-1 Creation. There is hereby created a department of purchasing for the control of purchasing activities and the making of contracts. The responsibility of purchases of the City shall fall within the duty of the Purchasing Agent, who is appointed by the City Administrator. Nothing herein shall preclude the City Administrator from assigning the purchasing function to an existing department of the City. The purchasing requirements, rules and regulations established as a result of this Ordinance shall be adhered to by all City departments and boards, including the Library and Art Center Board, but excluding the Board of Water and Light Trustees.

1-12-2 Organization - Purchasing Agent. The Purchasing Agent shall have such experience and capabilities as shall be required by the City Administrator. The City Administrator may appoint a Deputy Purchasing Agent who shall possess all the powers and authorities of the Purchasing Agent, except as such may be from time to time limited by the City Administrator.

The Purchasing Agent shall have the power and it shall be his or her duty to purchase or contract for all supplies, materials, equipment, and contractual services needed by all the departments of the City.

The Purchasing Agent shall have the following functions and responsibilities:

- (A) Develop city-wide purchasing objectives, policies, programs, and procedures for the negotiation and acquisition of materials, equipment, and supplies.
- (B) Coordinate purchasing procedures throughout the City.
- (C) Act as the City's spokesperson on matters pertaining to purchasing.
- (D) Institute the reports necessary to permit analysis of the performance of centralized purchasing.
- (E) Disseminate to other departments information necessary to promote efficient operation of their purchasing activities.
- (F) Consolidate purchases of like or common items to obtain the maximum economical benefits.
- (G) Purchase equipment and supplies for City use in such a manner that the maximum value will be obtained for the money expended. Purchases shall be made from qualified manufacturers whose reputations, financial positions, and price structures are sufficiently adequate for consideration as logical sources of supply.
- (H) Study markets to analyze prices paid for materials and equipment, generally define how to obtain savings through improved specifications and supervision of supply sources, and recommend changes in quantities to be ordered when conditions warrant.
- (I) Utilize known contracts and sources to expedite deliveries of needed materials and equipment.
- (J) Work with other departments of the City to promote better customer and supplier relations.
- (K) Work towards standardization of materials and supplies used throughout the City.
- (L) Purchase or assist in the purchase of specialized materials, equipment, supplies, and services for departments when requested to do so.
- (M) Such other functions and responsibilities which may be assigned by the City Administrator.

1-12-3 Purchases by Department Heads. Department Heads may make purchases directly only in accordance with the rules and

regulations as established in Section 1-12-10 of this Chapter.

1-12-4 Quotations and Bids. The Purchasing Agent, subject to budgetary appropriations, is authorized to make purchases for supplies, materials, equipment, or services in accordance with the following provisions:

- (A) Purchases between the amounts of \$500.00 and \$10,000.00 shall be made only after obtaining a minimum of two quotations, except in the case where only one supplier is available. Purchases under \$500.00 may be made without quotations.
- (B) On all items in excess of \$10,000.00, formal bids are required.
- (C) No bids shall be required for professional services.
- (D) Sealed bids shall be opened and read by the Purchasing Agent in public, at the time and place stated in the public notice, and thereafter tabulated. Sealed bids received after the established deadline shall be returned unopened to the bidder submitting the same.
- (E) All public improvement projects of \$25,000.00 or more must be bid in accordance with the provisions of the Code of Iowa.

1-12-5 Awarding of Bids. The City Council shall approve bids or quotations over \$5,000.00 for capital improvements or equipment; however, Council approval is not required for budgeted purchases involving routine repairs and maintenance and normal operating expenditures.

1-12-6 Contracts. When it is determined that it is in the best interest of the City to enter into contracts for purchases involving capital improvements or equipment, such contracts shall be approved by the City Council, however, Council approval is not required for budgeted routine repairs and maintenance contracts and normal budgeted operating expenditures. Council approval of contracts shall authorize the Mayor and Clerk to execute the contract on behalf of the City.

1-12-7 Emergency Purchases. An emergency purchase can be made where due to unforeseen circumstances or to protect public health, as a result of accidents or mechanical failure of equipment which occur, or when supplies, materials, equipment, and/or contractual services are essential. This type of purchase may involve an item or items not budgeted for. The City Administrator shall establish rules and regulations for emergency purchases.

1-12-8 Surplus Equipment and Materials. Any City equipment or other property, other than real property, or any abandoned property in the custody of the City that cannot be utilized by the City, must be declared surplus property by the City Administrator, or his or her designee, and disposed of at public auction or by sealed bid. Any public auction or sealed bid must first be preceded by advertising in a newspaper of general circulation in the City of Muscatine by at least one (1) publication in such newspaper not less than four (4) days nor more than twenty (20) days prior to such sale. Any material of no useful value to the City may be declared junk and sold to a scrap dealer for the scrap value without notice.

1-12-9 Joint Purchases. Whenever feasible to do so, the City will encourage joint purchases with other governmental entities, such as other Cities, Counties, Schools, utilities, etc.

1-12-10 Rules and Regulations. The City Administrator shall prescribe rules and regulations, not inconsistent with this City Ordinance, to implement and carry out the intent and purposes of this Article. The Purchasing Agent shall be responsible for the implementation of such rules and regulations.

## TITLE 1 ADMINISTRATIVE

## CHAPTER 13

## PUBLIC IMPROVEMENTS PROCEDURES

SECTIONS:

- 1-13-1 Capital Improvements Plan
- 1-13-2 Financing of Public Improvements
- 1-13-3 Special Assessment Procedures
- 1-13-4 Initiation of Projects
- 1-13-5 Contract Letting Procedures
- 1-13-6 Annual Report

1-13-1 Capital Improvements Plan. The City shall annually prepare and adopt a five (5) year Capital Improvements Plan with the first year of such plan to cover the same period as the City's annual fiscal year. The City Council shall hold a public hearing on the Capital Improvements Plan before adopting, by resolution, the plan.

The Capital Improvements Plan shall include projects of a major non-recurring expenditure, or any expenditure for physical facilities, in excess of \$10,000.00. The Capital Improvements Plan shall include, but not be limited to, the following: construction, reconstruction, improvement, or rehabilitation of public facilities, public parks, on site, or other improvements such as streets and alleys, sidewalks, sewers, airports, and flood and drainage facilities. Routine replacement of vehicles or equipment is not considered a capital improvement project for the purposes of the Capital Improvements Program.

The Capital Improvements Plan shall be a guide which systematically develops the public improvement needs of the City of Muscatine.

1-13-2 Financing of Public Improvements. The City Council shall have the power to authorize any public works project or any public improvements by the employment of the necessary labor and the purchase of the necessary supplies and materials with separate accounting as to each improvement so made, or to authorize such work by contract duly let in accordance with the bidding procedures as prescribed by the Code of Iowa. The Council shall also have

the power to authorize any public works project or any public improvements project under any legally constituted plan under which labor is furnished by any other government unit, department, or agency of the United States, of the State of Iowa, or which is wholly or in part financed by any other government unit.

The City Council shall determine the necessity of any local public works or public improvement projects and shall determine that the whole or any part of the expense shall be defrayed by special assessment, general obligation bonds, or revenue bonds in accordance with the provisions of the Code of Iowa. The City Council may establish a Capital Improvement Reserve fund as provided by the Code of Iowa.

1-13-3 Special Assessment Procedures. The City Council may special assess, in accordance with the procedures outlined in the Code of Iowa, any private property owner for public improvements as authorized by the Code of Iowa. The City Council shall adopt, by resolution, special assessment formulas to be utilized for streets, curbs and gutters, sidewalks, sanitary sewers, and for such other improvements for which the City Council decides to special assess the private property owners.

1-13-4 Initiation of Projects. The City Council may, by majority of vote of Council, initiate a public works or public improvements project or property owners may initiate such projects for a public improvement by petition in accordance with the Code of Iowa.

1-13-5 Contract Letting Procedures. All public improvement projects to be performed by contract shall be awarded in accordance with the provisions of the Code of Iowa.

1-13-6 Annual Report. Annually the City Administrator shall provide the City Council an update on the status and accomplishment of various public improvement projects, as outlined in the five (5) year Public Improvements Plan.