



**AGENDA
CITY OF CEDAR FALLS, IOWA
CITY COUNCIL WORK SESSION
MONDAY, DECEMBER 21, 2020
5:00 PM AT CITY HALL VIA VIDEO CONFERENCE**

To protect against the spread of the COVID-19, the meeting will be held via video conference. The public may access/observe the meeting in the following ways:

- a) By dialing the phone number +13126266799 or +19292056099 or +12532158782 or +13017158592 or +13462487799 or +16699006833 and when prompted, enter the meeting ID (access code) 962 7287 1738.
- b) iPhone one-tap: +13126266799,,96272871738# or +19292056099,,96272871738#
- c) Join via smartphone or computer using this link: <https://zoom.us/j/96272871738>.
- d) View the live stream on Channel 15 YouTube using this link: <https://www.youtube.com/channel/UCCzeig5nIS-dIEYisqah1uQ> (view only).
- e) Watch on Cedar Falls Cable Channel 15 (view only).

Call to Order by the Mayor

- 1. Discussion of proposed ordinance changes for the Mayor and City Administrator duties and responsibilities.
(40 Minutes, Attorney Rogers)

- 2. Discussion of proposed ordinance change to strike "full-time" from the mayor position description and reduce compensation
(40 Minutes)



DEPARTMENT OF FINANCE AND BUSINESS OPERATIONS

CITY OF CEDAR FALLS, IOWA
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MEMORANDUM
Legal Services Division

TO: Mayor Green, City Council
FROM: Kevin Rogers, City Attorney
DATE: December 16, 2020
SUBJECT: Mayor, City Administrator Ordinance Amendments

Please find attached proposed ordinance changes relative to the offices of Mayor and City Administrator, along with corresponding Director and Manager ordinance changes. This information is being provided to you in advance as has been the practice in recent years to allow you more time to consider the information.

There are many changes involved but these changes center around three basic concepts:

- 1) Eliminating duplication (and potential inconsistency) between the duties of the Mayor and City Administrator
- 2) To the extent not duplicative, placing administrative duties under the province of the City Administrator
- 3) Clarifying which positions are city officers and clarifying appointing authority and removal authority for those positions

Regardless of what Council wishes to do with the position of Mayor, the duplication and potential inconsistency between the duties of the Mayor and City Administrator must be remedied. A clear delineation of duties and responsibilities is necessary. In addition, although I wasn't with City government when the City Administrator position was created, it is my understanding that the intent was for the City Administrator to assume administrative functions and leave executive functions with the office of Mayor. These proposed ordinance changes do that. No change to the City Charter is made with these amendments.

In addition to leaving executive functions with the Mayor, all Mayoral functions required by the Code of Iowa remain with the office of Mayor.

Mayor Green supports these changes.

As for the changes affecting Director and Manager positions, part of the concept of

consolidating administrative functions is to place the City Administrator in charge of appointment. As now proposed, the City Administrator is responsible for appointing Department Directors and Department Directors are responsible for appointment of all other positions within their respective departments. That reflects current practice for the most part. The City Administrator continues to be appointed by the City Council but a recommendation by the Mayor was added.

Removal from office would follow the same pattern, except the City Administrator must approve all removals.

Also, the Code of Iowa and the Code of Ordinances contemplate that some positions in City government are to be held by Officers. As the Code of Ordinances is currently worded, some positions considered to be a city office is not clear. These ordinance changes clarify that. The City positions specifically called out in the Code of Iowa are identified with these changes, which include City Administrator(already identified as such), City Clerk(already identified as such), City Attorney(already identified as such), City Treasurer, City Engineer, and the City Building Official. In addition, Department Directors are specifically identified as City Officers. For City Officers the removal standard in the Code of Ordinances is for just cause. That standard was retained. The same removal standard was also applied to other positions specifically identified in the Code of Ordinances (basically the rest of the Division Managers).

My understanding is that Council will also be considering full-time or part-time status of the Mayor position and also salary. Those considerations are separate from the above.

Please feel free to contact me if you have any questions.

Prepared by: Kevin Rogers, City Attorney, 220 Clay Street, Cedar Falls, IA 50613, (319)273-8600

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE III, OFFICERS AND EMPLOYEES, OF CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES OF THE CITY OF CEDAR FALLS, IOWA, BY: **(1)** REPEALING SECTION 2-159, REMOVAL OF APPOINTED OFFICERS; NONREAPPOINTMENT OF OFFICERS, OF DIVISION 1, GENERALLY, AND ENACTING A NEW SECTION 2-159, REMOVAL OF APPOINTED OFFICERS; NONREAPPOINTMENT; **(2)** AMENDING DIVISION 1, GENERALLY, BY ENACTING A NEW SECTION 2-166, REMOVAL OF OFFICERS OR EMPLOYEES NOT APPOINTED BY THE MAYOR OR COUNCIL; **(3)** REPEALING DIVISION 2, MAYOR, AND ENACTING A NEW DIVISION 2, MAYOR, CONSISTING OF SECTION 2-184, OFFICE CREATED, SECTION 2-185, LOCATION OF OFFICE, SECTION 2-186, SALARY, AND SECTION 2-187, POWERS AND DUTIES; **(4)** REPEALING DIVISION 3, CITY ADMINISTRATOR, AND ENACTING 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; **(5)** REPEALING SECTION 2-256, POWERS AND DUTIES; BOND, OF DIVISION 4, CITY INVESTMENTS, AND ENACTING A NEW SECTION 2-256, POWERS AND DUTIES; BOND; **(6)** CONFORMING TITLES TO SUBSECTIONS, SECTIONS, DIVISIONS, AND ARTICLES ACCORDINGLY.

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

Section 1. Section 2-159, Removal of Appointed Officers; Nonreappointment of Officers, of Division 1, Generally, 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 2-159, Removal of Appointed Officers; Nonreappointment is enacted in lieu thereof, as follows:

Sec. 2-159. - Removal of appointed officers; nonreappointment-~~of officers.~~

(a) *Definition of appointing authority; action of appointing authority.* For purposes of this section, the term "appointing authority" means the mayor and the city council. A determination, decision or vote

of the appointing authority as described in this section shall mean a determination, decision or vote made upon recommendation of the mayor with the approval of the city council.

- (b) *Authority to remove appointees.* All persons appointed to office in the city by the mayor or city council, other than the city administrator, may be removed for just cause prior to the end of their term of office by the ~~proper~~ appointing authority. ~~The city administrator may be removed as provided in section 2-215.~~
- (c) *Procedure.* If the appointing authority determines it should consider the removal of or not reappoint a city officer, the following procedure shall apply:
- (1) *Removal of appointed officers.* Within three days after the appointing authority has voted to consider removal of an appointed city officer, the officer shall be notified in writing by a letter personally delivered or mailed by certified mail that the appointing authority has voted to consider removal of the city officer from office. The notification shall be complete when received by the officer. The notice shall state the specific reasons to be used by the appointing authority for considering removal, which for all appointed city officers shall be for just cause. Within five days after receipt of the written notice that the appointing authority has voted to consider removal of the officer, the officer may request in writing a private hearing in executive session with the appointing authority and such other representatives as the parties deem necessary, the request to be filed with the city clerk. The appointing authority shall then hold a private hearing, unless a public hearing is required by Iowa law, within ten days of the receipt of the written request to consider the removal, at which hearing the city officer shall be afforded an opportunity to present evidence and arguments to the appointing authority prior to the rendering of a final decision on removal by the appointing authority. The city clerk shall give the requesting city officer written notice of the time, place and date of the private hearing. The private hearing shall not be subject to Iowa Code ch. 21 or any sections enacted in lieu thereof. The appointing authority shall meet within five days after the private hearing to determine the question of removal. The decision of the appointing authority shall be based solely on the evidence presented at the hearing or continuation thereof. When the appointing authority has reached a decision, it shall convene in open meeting and give the officer voted to be removed an opportunity to be heard regarding the removal prior to the taking of a roll call vote to determine the question of removal. The city clerk shall thereafter immediately, personally deliver or mail notice of the appointing authority's action to the officer in question.
 - (2) *Nonreappointment of officers.* On or before March 1 of each year, the appointing authority shall notify an appointed officer of the decision of the appointing authority to vote to consider nonreappointment. The officer shall be notified in writing by letter personally delivered or mailed by certified mail that the appointing authority has voted to consider the nonreappointment. Notification shall be complete when received by the officer in question. The notice shall state the specific reasons to be used by the appointing authority for considering nonreappointment, which for all appointed city officers shall be just cause. Within five days after receipt of the written notice that the appointing authority has voted to consider nonreappointment of the officer, the city officer may request in writing a private hearing in executive session with the appointing authority and such other representatives as the parties deem necessary, the request to be filed with the city clerk. The appointing authority shall then hold a private hearing, unless a public hearing is required by Iowa law, within ten days of receipt of the written request to consider the nonreappointment, at which hearing the officer shall be afforded an opportunity to present evidence and arguments to the appointing authority prior to the rendering of a final decision on nonreappointment by the appointing authority. The city clerk shall give the requesting city officer written notice of the time, place and date of the hearing. The private hearing shall not be subject to Iowa Code ch. 21 or any sections enacted in lieu thereof. The appointing authority shall meet within five days after the private hearing to determine the question of nonreappointment. The decision of the appointing authority shall be in writing and shall include findings of fact, which shall be based solely on the evidence presented at the hearing or any continuation thereof. When the appointing authority has reached a decision, it shall convene in open meeting and give the nonreappointed officer an opportunity to be heard regarding the nonreappointment prior to the taking of a roll call to determine the question of

nonreappointment. The city clerk shall thereafter immediately, personally deliver or mail notice of the appointing authority's action to the officer in question.

- (d) *Appeals.* A removed or nonreappointed officer may, within 30 days after notification by the appointing authority of the removal or nonreappointment, appeal to the district court in and for the county. ~~The court may affirm the appointing authority action. The court shall reverse, modify or grant any other appropriate relief from the appointing authority's action, equitable or legal, and including declaratory relief, if substantial rights of the officer have been prejudiced because the appointing authority action is:~~

- ~~(1) In violation of constitutional or statutory provisions.~~
- ~~(2) In excess of the statutory authority of the appointing authority.~~
- ~~(3) In violation of appointing authority policy or rule.~~
- ~~(4) Made upon unlawful procedure.~~
- ~~(5) Affected by other error of law.~~
- ~~(6) Unsupported by substantial evidence in the record made before the appointing authority when that record is reviewed as a whole.~~
- ~~(7) Unreasonable, arbitrary or capricious, or characterized by an abuse of discretion or clearly unwarranted exercise of discretion.~~

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(Code 2017, § 2-126; Ord. No. 2305, § 1, 7-24-2000; Ord. No. 2447, § 1, 8-25-2003; Ord. No. 2824, § 1, 6-23-2014)

Section 2. Division 1, Generally, 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 2-166, Removal of Officers or Employees Not Appointed by the Mayor or Council, as follows:

~~Sec. 2-166.- Removal of officers or employees not appointed by the mayor or council~~

~~Officers of the city not appointed by the mayor or council, and employees of the city whose standard for removal is just cause, shall be provided an opportunity to appeal peremptory removal. The procedures set forth in sec. 2-159(c)(1) and (c)(3) shall apply, except the appointing authority shall be the city administrator, and the proceedings shall be confidential.~~

Section 3. 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 Division 2, Mayor, is enacted in lieu thereof, as follows:

DIVISION 2. MAYOR

Sec. 2-184. - Office created.

The office of ~~full-time~~ mayor of the city is hereby established.

(Code 2017, § 2-151)

Sec. 2-185. - Location of office.

The office of the mayor shall be located in the city hall.

(Code 2017, § 2-153)

Sec. 2-186. - Salary.

The ~~full-time~~ mayor of the city shall receive an annual salary of \$~~45,000.00~~~~61,817.60~~ and after January 1, 20~~22~~~~00~~ an annual salary adjustment equal to the latest calendar year annual federal consumer price index rate awarded at the start of each fiscal year. In addition, the mayor shall also receive the same insurance benefits provided to all appointed officers of the city.

(Code 2017, § 2-154; Ord. No. 1957, § 1, 10-28-1991; Ord. No. 2047, § 1, 2-28-1994; Ord. No. 2250, § 2, 1-11-1999)

Sec. 2-187. - Powers and duties.

- (a) *Generally.* The mayor shall be the chief executive officer of the city. The mayor shall supervise the city administrator and give direction as necessary concerning the functions of city departments. The mayor shall have the power to examine all functions of the city departments and their records and to call for special reports from the city administrator at any time, 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 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.~~
- ~~(12) 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.~~
- ~~(23) 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.

- (34) ~~The mayor shall make appropriate provision that duties of any absentee officer be carried on during the officer's absence. 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 the powers conferred upon the sheriff to suppress disorders.~~
- (45) ~~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.~~
- (56) ~~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 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.~~
- (69) 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 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.~~
- (740) ~~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.~~
- (844) ~~—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 may appoint an administrative assistant to assist in matters of administration and supervision as budgeted by the city council.~~
- (942) ~~—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.~~
- (1043) ~~—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.~~
- (11) The mayor shall provide due oversight of the budget preparation process to ensure the budget reflects community goals and values.

- (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/him 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 4. 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.

(Code 2017, § 2-171; Ord. No. 2824, § 3, 6-23-2014)

Sec. 2-214. - Appointment.

The city administrator shall be appointed by ~~the majority vote of the~~ city council upon recommendation of the mayor for an indefinite term. The administrator shall be ~~selected~~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.

(Code 2017, § 2-172; Ord. No. 2824, § 3, 6-23-2014)

Sec. 2-215. - Removal from position.

The city council may remove the city administrator at any time ~~for just~~without cause upon the recommendation of the mayor and withby 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.

(Code 2017, § 2-173; Ord. No. 2824, § 3, 6-23-2014)

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.

(Code 2017, § 2-174; Ord. No. 2824, § 3, 6-23-2014)

Sec. 2-217. - Supervision and evaluation.

The mayor shall supervise the city administrator to ensure the proper day-to-day operation of the city. ~~and~~ The mayor shall prepare ~~an annual~~ performance evaluation of the city administrator at least biennially with input from the council. 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.

(Code 2017, § 2-175; Ord. No. 2824, § 3, 6-23-2014)

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~~ Direct and supervise the ~~performance~~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~~ 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~~ 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~~ 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 s~~Supervise 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 m~~Maintain 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 r~~Require 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 h~~Have 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 s~~Supervise 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 h~~Have 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;~~

- (146) ~~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 ~~for council approval to the mayor for review based upon approved city council goals; and shall~~ implement the final budget as specified by the council's approved annual goals and directives 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;
- (214) ~~The city council shall m~~Make recommendations to the city council concerning the affairs of the city and facilitate the work of the city council in developing policy;
- (225) ~~The city administrator shall p~~Provide staff support services for the mayor and councilmembers;
- (236) ~~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;~~
- (249) ~~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
- (2530) ~~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.

(Code 2017, § 2-176; Ord. No. 2824, § 3, 6-23-2014; Ord. No. 2941, § 1, 6-3-2019)

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.

(Code 2017, § 2-177; Ord. No. 2824, § 3, 6-23-2014)

Sec. 2-220. ~~— Oath~~; Bond.

The city administrator shall ~~prior to entering the duties of the office, take the oath or affirmation, and shall~~ furnish a surety bond to be approved by the council, said bond to be conditioned on the faithful performance of all the administrator's duties. The premium of the bond shall be paid by the city.

(Code 2017, § 2-178; Ord. No. 2824, § 3, 6-23-2014)

Sec. 2-221. - Compensation.

The city administrator shall receive such compensation as the council shall fix from time to time within the city's annual payroll resolution.

(Code 2017, § 2-179; Ord. No. 2824, § 3, 6-23-2014)

Sec. 2-222. - Appointments.

The city administrator shall ~~recommend the appointment of~~ all department directors ~~to the mayor for city council approval~~. The city administrator shall participate in making recommendations to the mayor, for appointment of the police chief, as provided in sections 2-948 and 2-949, for appointment of the fire chief, as provided in sections 2-978 and 2-979, and for appointment of the city clerk, as provided in section 2-308(b)(2).

(Code 2017, § 2-180; Ord. No. 2824, § 3, 6-23-2014)

Sec. 2-223. - Vacancy and acting city administrator.

In the event of the absence or inability of the city administrator to perform the duties of the city administrator's office, ~~the city administrator shall appoint a department director shall be designated by the city administrator as an~~ acting city administrator, or if ~~the city administrator is~~ unable to do so or for any reason, ~~including those periods of time when the council has not appointed a city administrator, by the mayor shall appoint one of the department directors as the acting city administrator~~. This ~~designee appointee~~ shall have and exercise all the powers and duties of the city administrator.

(Code 2017, § 2-181; Ord. No. 2824, § 3, 6-23-2014)

Section 5. Section 2-256, Powers and Duties; Bond, of Division 4, City Investments, 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 2-256, Powers and Duties; Bond, is enacted in lieu thereof, as follows:

Sec. 2-256. - Powers and duties; bond.

Investment and depository functions shall be performed in conformance with the laws of the state. Before entering into the duties, in addition to the oath or affirmation, each officer shall execute a bond in the form and conditions prescribed by state law and by ordinance of the council. Such bond shall be filed with the director of finance and business operations. Upon execution of the bond, the investment and depository duties shall be assigned as follows:

- (1) The controller/city treasurer shall collect, receive and safely keep all money due and belonging to the city, and for any sum of money so received shall execute duplicate receipts, one of which shall be delivered to the person from whom such sum may be received, and the other kept by the finance division. The controller/city treasurer shall keep true and correct accounts with each fund established by the council, of all receipts into and disbursements from the treasury.
- (2) The controller/city treasurer shall, with the approval of the council as to the place and amount of deposit, by resolution entered on record, deposit all city funds, in any bank in the city to which the funds belong.
- (3) The controller/city treasurer shall draw from the county treasurer all funds belonging to the city.
- (4) The controller/city treasurer shall make reports to the council monthly, or more often if required, giving a full and detailed statement under oath of all the receipts and expenditures during the preceding month. Annually the controller/city treasurer shall make a report of the entire year's proceedings, including the state of the treasury.
- (5) The controller/city treasurer shall keep a full and complete record of all outstanding bonds, and their numbers, denominations, dates, rates of interest and maturity, and report the record to the mayor and council annually.
- (6) The controller/city treasurer shall keep a record of the indebtedness of the city, showing the liens, assessments and judgments outstanding against the city, and report the record to the council annually. At the request of the council ~~or mayor~~, the controller/city treasurer shall communicate to the council any notice of pending assessments, judgments or claims of which the controller/city treasurer is advised.
- (7) The controller/city treasurer shall keep a computerized register with a description of all checks written.
- (8) The controller/city treasurer shall pay money from the treasury only on checks drawn ~~on him by~~, and signed by, the controller/city treasurer, countersigned by the city administrator ~~mayor~~ and director of finance and business operations and sealed with the city seal.
- (9) At the expiration of the controller/city treasurer's term of office, he shall deliver all official papers, books, monies and property belonging to the city to his successors.
- (10) The information services manager shall be responsible for the electronic communications with the banking system on a daily basis and internal computer security of access to investment data.
- (11) When there is an accumulation in the treasury and there are no outstanding checks, the controller/city treasurer shall invest the funds in compliance with the city's investment policy.
- (12) The controller/city treasurer shall safely keep all invested funds.
- (13) When the controller/city treasurer determines that there are not or will not be sufficient funds on hand to pay legal obligations of a fund, the controller/city treasurer may request to the city council a short term loan payable to a bank or other business entity authorized by law to loan

money in an amount legally available and believed to be sufficient to cover the anticipated deficiency.

(Code 2017, § 2-192; Ord. No. 2728, § 2, 2-14-2011).

INTRODUCED: _____

PASSED 1ST CONSIDERATION: _____

PASSED 2ND CONSIDERATION: _____

PASSED 3RD CONSIDERATION: _____

ADOPTED: _____

Robert M. Green, Mayor

ATTEST:

Jacqueline Daniels, MMC, City Clerk

Prepared by: Kevin Rogers, City Attorney, 220 Clay Street, Cedar Falls, IA 50613, (319)273-8600

ORDINANCE NO. _____

AN ORDINANCE REPEALING THE FOLLOWING SECTIONS OF CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES OF THE CITY OF CEDAR FALLS, IOWA, AND ENACTING IN LIEU THEREOF, NEW SECTIONS WITH THE SAME NUMERICAL DESIGNATION AS THOSE REPEALED: **(1)**. SECTION 2-474, DUTIES, SECTION 2-475, DIRECTOR OF FINANCE AND BUSINESS OPERATIONS--- GENERALLY, SECTION 2-476, DIRECTOR OF FINANCE AND BUSINESS OPERATIONS---DUTIES RELATIVE TO BOARDS, COMMISSIONS AAND COMMITTEES, AND SECTION 2-477, ACTING DIRECTOR OF FINANCE AND BUSINESS OPERATIONS, ALL OF DIVISION 1, GENERALLY, OF ARTICLE V, DEPARTMENT OF FINANCE AND BUSINESS OPERATIONS; **(2)**. SECTION 2-512, CONTROLLER/CITY TREASURER, OF DIVISION 2, FINANCIAL SERVICES DIVISION; SECTION 2-537, INFORMATION SERVICES MANAGER, OF DIVISION 3, INFORMATION SYSTEMS DIVISION; SECTION 2-572, CITY CLERK, OF DIVISION 4, PUBLIC RECORDS DIVISION; SECTION 2-599, APPOINTMENT, POWERS AND DUTIES OF CITY ATTORNEY, OF DIVISION 5, LEGAL SERVICES DIVISION; AND SECTION 2-613, APPOINTMENT, POWERS AND DUTIES OF HUMAN RESOURCES MANAGER, ALL OF DIVISION 6, HUMAN RESOURCES DIVISION, OF ARTICLE V, DEPARTMENT OF FINANCE AND BUSINESS OPERATIONS; **(3)**. SECTION 2-653, DUTIES, SECTION 2-654, DIRECTOR OF COMMUNITY DEVELOPMENT---GENERALLY, AND SECTION 2-656, ACTING DIRECTOR OF COMMUNITY DEVELOPMENT, ALL OF DIVISION 1, GENERALLY; SECTION 2-690, PLANNING AND COMMUNITY SERVICES MANAGER, OF DIVISION 2, PLANNING AND COMMUNITY SERVICES DIVISION; SECTION 2-717, MANAGER, OF DIVISION 3, VISITORS AND TOURISM/CULTURAL PROGRAMS DIVISION; SECTION 2-744, BUILDING OFFICIAL, OF DIVISION 4, INSPECTION SERVICES DIVISION; AND SECTION 2-780, MANAGER, OF DIVISION 5, RECREATION AND COMMUNITY PROGRAMS DIVISION, ALL OF ARTICLE VI, DEPARTMENT OF COMMUNITY DEVELOPMENT; **(4)**. SECTION 2-809, DUTIES, SECTION 2-810, DIRECTOR OF PUBLIC WORKS---GENERALLY, AND SECTION 2-812, ACTING DIRECTOR OF PUBLIC WORKS, ALL OF DIVISION 1, GENERALLY; SECTION

2-837, MANAGER OF OPERATIONS AND MAINTENANCE, OF DIVISION 2, OPERATIONS AND MAINTENANCE DIVISION; SECTION 2-865, CITY ENGINEER, OF DIVISION 3, ENGINEERING SERVICES DIVISION; AND SECTION 2-876, WATER RECLAMATION MANAGER, OF DIVISION 4, WATER RECLAMATION DIVISION, ALL OF ARTICLE VII, DEPARTMENT OF PUBLIC WORKS; **(5)**. SECTION 2-918, DIRECTOR OF PUBLIC SAFETY SERVICES---GENERALLY, AND SECTION 2-920, ACTING DIRECTOR OF PUBLIC SAFETY SERVICES, OF DIVISION 1, GENERALLY; SECTION 2-948, POLICE CHIEF, AND SECTION 2-949, POLICE DEPARTMENT; ACTING CHIEF IN ABSENCE OF THE POLICE CHIEF, OF DIVISION 2, POLICE OPERATIONS DIVISION; AND SECTION 2-978, FIRE CHIEF, AND SECTION 2-979, FIRE DEPARTMENT; ACTING CHIEF IN ABSENCE OF THE FIRE CHIEF, OF DIVISION 3, FIRE OPERATIONS DIVISION, ALL OF ARTICLE VIII, DEPARTMENT OF PUBLIC SAFETY SERVICES; **(6)**. CONFORMING TITLES TO SUBSECTIONS, SECTIONS, DIVISIONS, AND ARTICLES ACCORDINGLY.

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

Section 1. Section 2-474, Duties, Section 2-475, Director of Finance and Business Operations---Generally, Section 2-476, Director of Finance and Business Operations---Duties Relative to Boards, Commissions and Committees, and Section 2-477, Acting Director of Finance and Business Operations, all of Division 1, Generally, of Article V, Department Of Finance And Business Operations, of Chapter 2, Administration, of the Code of Ordinances of the City of Cedar Falls, Iowa, are hereby repealed in their entirety and new Sections 2-474, 2-475, 2-476 and 2-477, with the same titles, are enacted in lieu thereof, as follows:

Sec. 2-474. - Duties.

It shall be the duty of the finance and business operations department to provide a full range of support services for all city departments, the city administrator, the mayor and the city council. These services shall include:

- (1) Financial management encompassing accounting, budgeting, payroll, debt management, check issuance, auditing, investment, capital asset management, and completion of required financial reports and records.
- (2) Public records management encompassing the maintenance of official city council minutes, ordinances, resolutions, contracts, deeds, licenses, permits, registry books, assessments, elections, appointments of city officers and public notices.
- (3) Personnel management encompassing the maintenance of employee records, employee salary and benefit administration, employee relations programs, personnel policies, personnel task management accounting, labor relations and the administration of civil service, civil rights and equal opportunity regulations and standards.
- (4) Risk management encompassing the securing of adequate insurance coverage and the provision of safety programs, and workers' compensation administration.
- (5) Information systems encompassing the operation and maintenance of the city's communications systems and mainframe computer, file servers, network infrastructure, personal computers and all related peripheral equipment provided to individual departments.

- (6) Acting as legal counsel to all city offices, boards and commissions, exclusive of autonomous administrative agencies and boards established by the city council with the authority to retain legal counsel. It is the duty of legal counsel to prepare all ordinances, prosecute all actions which are violations of city ordinances, defend or prosecute all suits and actions brought and pending in any court in the state or United States to which the city is a party, prepare all city contracts, and act as the city legal agent for any bonds or legal instruments when directed by the city council.
- (7) Cable television system encompassing the production of video programming for city government, educational and local origination channels and facilitating playback of video programs on the public access channel.
- (8) Performing as the city purchasing agent.
- (9) Administrative management encompassing the development, coordination and implementation of administrative policies and procedures prescribed by the city administrator, ~~mayor and city council~~ to ensure that all legislative actions are completed by the appropriate department.

(Ord. No. 2968, § 1, 8-3-2020)

Sec. 2-475. - Director of finance and business operations—Generally.

(a) *Appointment.* The director of finance and business operations shall be ~~recommended for appointment~~ by the city administrator who shall also have removal authority. ~~The city administrator shall recommend this appointment to the mayor for city council approval.~~

(b) *Powers and duties.*

~~(1) The director of finance and business operations shall serve as the chief financial officer ("CFO") of the city and shall serve for an indefinite term. Before entering into the duties, in addition to the oath or affirmation, the director of finance and business operations shall execute a bond in the form and conditions prescribed by state law and by ordinance of council. The director of finance and business operations may be removed for just cause.~~

(24) The director of finance and business operations shall be the chief finance officer (CFO) of the city and shall supervise, direct and manage the conduct of the following divisions:

- a. Public records.
- b. Financial services.
- c. Legal services.
- d. Information systems.
- e. Human resources.

The director of finance and business operations shall also supervise, direct, manage and act as liaison to, the library and community center/senior services division.

(32) The director is empowered to exert supervisory and management control over each division and is empowered to appoint a controller/city treasurer, and information systems manager, and a city attorney, and a human resources manager, and to recommend to the city administrator, city council, and mayor a city clerk as division heads, and is empowered to appoint all employees in the department of finance and business operations. Each division head is individually charged by the director to carry out all of the statutory duties mandated by federal, state and local regulations of his or her division. The director is responsible for the establishment of broad policies related to departmental conduct, procedures and operations, and the formation of programs which provide the citizens of the city, the city administrator, the mayor, the city council and each department with a full range of support services. With approval of the city administrator, ~~t~~The director peremptorily may suspend, demote or discharge any

subordinate for any lawful reason other than division managers who may be removed for just cause, and other than the city clerk who may be removed under the provisions of section 2-159.

- (43) The director shall be responsible for the preparation and administration of the departmental work program and budgets to ensure that all statutory and subsidiary programs are implemented by the division responsible.
- (54) The director shall perform all other duties assigned by the city administrator, ~~mayor, and city council~~ and shall be under the direct administrative supervision of the city administrator.
- (65) The director shall prepare for the city administrator's consideration a preliminary budget by January 1 of each year for the coming fiscal year.
- (76) The director shall prepare and monitor the city's capital improvements program to ensure that the program offers long-term financial stability, including the issuance of long-term debt.

(Ord. No. 2968, § 1, 8-3-2020)

Sec. 2-476. - Director of finance and business operations—Duties relative to boards, commissions and committees.

The director of finance and business operations or designee shall meet with and furnish assistance and information to the following commissions, boards, committees and other organizations when necessary:

- ~~(1) — Mayor's budget review committee.~~
- (12) Utilities board of trustees.
- (23) Health trust fund board of trustees.
- (34) Civil service commission.
- (45) Human rights commission.
- (56) Library board of trustees.
- (67) Community center and senior services board.
- (78) Sartori Memorial Hospital, Inc., board of directors.
- ~~(9) — County attorney.~~
- (810) Northeast Iowa Area Agency on Aging.
- (914) Any applicable federal and state agencies, including, but not limited to, the state civil rights commission, the state department of management, the state auditor, state attorney general, the state public employment relations board, the state public employment retirement system board, the municipal fire and police retirement system board, the state department of revenue, Internal Revenue Service, U.S. Occupational Safety and Health Administration, and the United States Equal Employment Opportunity Commission.

(Ord. No. 2968, § 1, 8-3-2020)

Sec. 2-477. - Acting director of finance and business operations.

Whenever the director of finance and business operations is absent out of the city, or unable to act ~~on account of sickness or for any other reason, including those periods of time when the city administrator has not appointed a director of finance and business operations~~, the director of finance and business operations or city administrator shall designate~~appoint~~ one of the division managers~~heads~~ as the acting

director ~~of finance and business operations~~. This designee shall have and exercise all the powers and duties of the director.

(Ord. No. 2968, § 1, 8-3-2020)

Section 2. Section 2-512, Controller/City Treasurer, of Division 2, Financial Services Division; Section 2-537, Information Services Manager, of Division 3, Information Systems Division; Section 2-572, City Clerk, of Division 4, Public Records Division; Section 2-599, Appointment, Powers and Duties of City Attorney, of Division 5, Legal Services Division; and Section 2-613, Appointment, Powers and Duties of Human Resources Manager, of Division 6, Human Resources Division, all of Article V, Department Of Finance And Business Operations, of Chapter 2, Administration, of the Code of Ordinances of the City of Cedar Falls, Iowa, are hereby repealed in their entirety and new Sections 2-512, 2-537, 2-572, 2-599, and 2-613 with the same titles are enacted in lieu thereof, as follows:

Sec. 2-512. - Controller/city treasurer.

- (a) *Appointment.* A controller/city treasurer, who shall be an officer of the city, shall be appointed for an indefinite term by the director of finance and business operations and shall be directly responsible to the director of finance and business operations who shall also have removal authority. Such appointment shall be in accordance with all statutory civil service procedures. Before entering into the duties, in addition to the oath or affirmation, the controller/city treasurer shall execute a bond in the form and conditions prescribed by state law and by ordinance of council. The controller/city treasurer may be removed for just cause.
- (b) *Duties.* The controller/city treasurer shall supervise, direct and manage the financial services division. The controller/city treasurer's duties shall be as follows:
- (1) Promulgating orders, rules and regulations for the conduct and guidance of the members of the financial services division within the parameters of departmental policy.
 - (2) Making an annual report of the activities of the division for each fiscal year, the report to be filed with the finance and business operations director.
 - (3) Assigning the personnel of the financial services division as deemed necessary to carry out the functions of the financial services division, and prescribing rules and regulations for the conduct and management of the division consistent with the department's policies.
 - (4) Performing or causing to be performed any other duties as directed by the director of finance and business operations.
 - (5) Providing, in conjunction with the human resources division, a comprehensive personnel management and relations program which has direct correlation to payroll administration.
 - (6) Issuing payment on the treasury for all money duly ordered paid therefrom by the council, but the controller/city treasurer shall not draw any such payments except upon the vote of the council. Such payments shall be attested by the required three signatures. The controller/city treasurer shall maintain financial records that account for the check number, date, amount, and payee for each payment issued. The controller/city treasurer shall provide a listing of payments to be approved by the city council ~~to the council committee prior to the council meeting~~. The controller/city treasurer shall also provide a listing of payments made prior to the council meeting as allowed for under the city's purchasing manual.
 - (7) Managing the purchasing program for the city, including administering the accounting policies and procedures manual as approved by city council. The controller/city treasurer or designee shall function as the purchasing agent for all purchases made by the city. All city departments

shall furnish the agent with purchase specifications and may attach to their purchase request bids and such other information as they may deem helpful to the purchasing agent. The purchasing agent shall:

- a. Make no purchases where the amount involved does not exceed \$200.00 without having first secured the approval of the chargeable department head to the proposed purchase. If the approval of a department head cannot be secured, authorization by any two members of the city council shall be sufficient to authorize the proposed purchase by such agent.
- b. Make an emergency purchase, if deemed necessary by the purchasing agent and the purchase exceeds the sum of \$200.00, however, the agent may make such purchase provided the agent first obtains the approval of any two members of the city council.
- c. Ensure that all bills covering purchases made by the purchasing agent be subject to final approval or disapproval by the council when submitted for payment.
- d. Require and file bids on all purchases made for the city by the agent, except in special cases where authorization by the council to purchase without bids has first been secured or where small purchases or emergency purchases are involved.
- e. Generally award purchases to the lowest responsible bidder. When the lowest bid is not used, the reason therefor shall be plainly noted in detail on the requisition. Purchases shall be consolidated whenever possible in order to foster favorable bids.
- f. Make a careful check of all bills covering purchases to ascertain that the written approval of the director of the department chargeable with the purchase, and two councilmembers when required, has been duly endorsed thereon, and that the bill has been duly approved by the council.
- g. Coordinate the investment of idle funds to ensure that the city obtains the most attractive yet financially sound investment benefits available.
- h. Coordinate with director on the issuance of long-term debt.

(Ord. No. 2968, § 1, 8-3-2020)

Sec. 2-537. - Information systems manager.

- (a) *Appointment.* An information systems manager shall be appointed by the director of finance and business operations for an indefinite term and shall be directly responsible to the director of finance and business operations, who shall also have removal authority. Such appointment shall be in accordance with all statutory civil service procedures. The information systems manager may be removed for just cause.
- (b) *Duties.* The information systems manager shall supervise, direct and manage the information systems division. The information systems manager's duties shall be as follows:
 - (1) Promulgating orders, rules and regulations for the conduct and guidance of the members of the information systems division within the parameters of departmental policy.
 - (2) Making an annual report of the activities of the division for each fiscal year, the report to be filed with the finance and business operations director.
 - (3) Assigning the personnel of the information systems division as deemed necessary to carry out the functions of the information systems division, and prescribing rules and regulations for the conduct and management of the division consistent with the department's policies.
 - (4) Providing computer maintenance and operations support to all departments through the city mainframe computer, fileservers, network infrastructure, personal computers and all related peripheral equipment.
 - (5) Coordinating the purchase and usage of all computer hardware and software in compliance with administrative policy to ensure system integrity.

- (6) Managing the city's communications system, including voice mail system, telecommunications and computer communications.
- (7) Coordinating a training program which provides employees with the type of education necessary for the functions performed.
- (8) Coordinating the purchase and usage of video production equipment.
- (9) Managing the city's government, educational, local origination and public access channels.
- (10) Coordinating the production of video programs for the government access channel with all city departments.
- (11) Coordinating the production of video programs for the government and educational access channels with institutions and community organizations outside of the city's operation.
- (12) Performing or causing to be performed any other duties as directed by the director of finance and business operations.
- (13) Maintaining and operating police computer and video systems.
- (14) Maintaining official city maps and keeping the maps in a correct and up-to-date fashion showing new additions, streets, alleys, avenues, public squares, public buildings, bridges, streams and other pertinent objects. The collection of maps shall include, but not be limited to, the city street, plat, zoning, thoroughfare, sewer and ward and precinct maps.
- (15) Coordinating the monitoring of computer networks for security issues, fixing detected vulnerabilities and installing security measures and software to protect systems information infrastructure.

(Ord. No. 2968, § 1, 8-3-2020)

Sec. 2-572. - City clerk.

- (a) *Appointment.* A city clerk shall be appointed for an indefinite term by the city council upon recommendation of the director of finance and business operations. The finance and business operations director shall be responsible for the daily supervision of the city clerk and annual review of the city clerk's performance. Such appointment shall be in accordance with all statutory civil service procedures ~~and section 2-159~~. Upon entering the duties of city clerk, the oath or affirmation of public office shall be administered and the city clerk shall execute a bond in the form and conditions prescribed by state law and by ordinance of council. The city clerk may be removed for just cause under the provisions of section 2-159.
- (b) *Duties.* The city clerk shall supervise, direct and manage the public records division. The city clerk's duties shall be as follows:
 - (1) Promulgating orders, rules and regulations for the conduct and guidance of the members of the public records division within the parameters of the departmental policy.
 - (2) Making an annual report of the activities of the division to the finance and business operations director.
 - (3) Assigning the personnel of the public records division as deemed necessary to carry out the functions of the public records division, and prescribing rules and regulations for the conduct and management of the division consistent with the department's policies.
 - (4) Performing or causing to be performed any other duties as directed by the director of finance and business operations.
 - (5) Functioning as the city clerk for all public records management for the city. The duties of the city clerk and designee shall include:

- a. Attending all meetings of the council and furnishing the mayor with an abstract of all unfinished business; making an accurate record of the proceedings, rules and ordinances adopted by the council, which shall at all reasonable times be open to the public; issuing all notices of special meetings of the council when called, as provided by law; notifying all committees of their appointment and of the business referred to them; notifying all officers of their election; and performing such other duties required as may be by law, ordinance or resolution.
- b. Preparing, following a regular or special meeting of the council, a condensed statement of the proceedings of the council, including the total expenditure from each municipal fund, and causing the statement to be published in a newspaper of general circulation in the city. The statement shall include a list of all claims allowed and a summary of all receipts, and the statement shall show the gross amount of the claim.
- c. Maintaining custody of, and keeping in the office, all bylaws, ordinances, records, papers and official documents belonging to the city, proceedings of the council and all returns of assessments and elections and appointments of city officers. The city clerk shall not allow any papers or documents to be taken from the office without consent.
- d. Keeping all ordinances passed by the council. It shall be the special duty of the clerk to see that all ordinances are properly and correctly published in the official paper of the city. Immediately following the record of each ordinance, the clerk shall append a certificate stating therein the time and manner of the publication thereof.
- e. Keeping records of deeds and contracts executed by or in favor of the city.
- f. Keeping a register of all licenses and permits granted by the city as required by law, and filing and preserving in his office all petitions, remonstrances and other papers presented to the council.
- g. Furnishing to any officer or other person requiring the record, paper or document a certified copy of any record, paper or document on file. When such copy is furnished to any person other than a city officer, the clerk shall be entitled to receive the fees as adopted in the annual fee resolution.
- h. Preparing all certificates of assessments for sidewalks, sewers and other public improvements. The clerk shall promptly certify to the county auditor, as provided by law, all assessments and taxes of every kind and nature levied by the council which are required to be so certified.
- i. Procuring all necessary supplies for the use of the council and city officers.
- j. Being clerk of the civil service commission for the city or appointing a designee, and performing such duties as are required of the commission's clerk by law.
- k. Maintaining the official seal of the city.
- l. Being responsible for administration and enforcement of parking regulations.
- m. Supervising the administrative support pool.

(Ord. No. 2968, § 1, 8-3-2020)

Sec. 2-599. - Appointment, powers and duties of city attorney.

- (a) *Appointment; supervision.* A city attorney, who shall be an officer of the city, shall be appointed for an indefinite term by the director of finance and business operations and shall be responsible to such director, who shall also have removal authority. The finance and business operations director shall be responsible for the daily supervision of the city attorney and file an annual evaluation of the city attorney's performance. Such appointment shall be in accordance with all statutory civil service procedures ~~and section 2-159.~~ Before entering into the duties, in addition to the oath or affirmation,

the city attorney shall execute a bond in the form and conditions prescribed by state law and by ordinance of council. The city attorney may be removed for just cause.

- (b) *Duties.* The city attorney shall supervise, direct and manage the legal services division. The city attorney's duties shall be as follows:
- (1) Promulgating orders, rules and regulations for the conduct and guidance of the members of the legal services division within the parameters of the departmental policy.
 - (2) Making an annual report of the activities of the division to the finance and business operations director.
 - (3) Assigning the personnel of the legal services division as deemed necessary to carry out the functions of the legal services division, and prescribing rules and regulations for the conduct and management of the division consistent with the departmental policy.
 - (4) Performing or causing to be performed any other duties as directed by the director of finance and business operations.
 - (5) Providing, in conjunction with the human resources division, a comprehensive personnel management and relations program which includes:
 - a. Coordinating with the human resources division regarding all labor relations, civil service, human rights, equal employment opportunity and workers' compensation hearings, meetings or bargaining sessions.
 - b. Coordinating with the human resources division regarding the city's risk management program by evaluating the city's risk and loss exposure and recommending treatment of such exposure, including, but not limited to, recommending the purchase of insurance to the city council and implementing safety programs and loss control programs which reduce the risk exposures for all municipal operations.
 - c. Maintaining and updating annually the city's statement of policy on personnel and procedures in compliance with city council action.
 - d. Coordinating with the human resources division regarding all employee grievances through the prescribed procedures in the city's statement of policy on personnel and procedures or labor agreements.
 - e. Coordinating with the human resources division regarding the administration of city administrative policies, risk management policies, and personnel policies.
 - (6) On or before January 1, after the adjournment of any general assembly, preparing and presenting to the council for passage such ordinances as may be required to amend existing ordinances or to repeal existing ordinances on account of laws enacted by the general assembly, or such ordinances as may be necessary or which the city attorney shall think proper in view of the laws enacted by the general assembly amending existing statutes or creating new statutes applicable to cities.
 - (7) Acting as legal advisor and counsel for the city and all officers of the city, including all boards and commissions of the city, except autonomous administrative boards of trustees; giving his opinion upon questions of law arising out of any matters pertaining to the interests of the city whenever requested by the mayor or council or other officers of the city; giving legal advice to any of the city officers concerning their official duties when required to do so; and giving legal advice and assistance, as may be required, to all committees of the council and, when requested, giving his opinion in writing, which shall be filed and preserved among the records.
 - (8) Prosecuting all suits for violation of the city ordinances, except as otherwise provided.
 - (9) Prosecuting or defending all suits and actions to be brought and pending in any court in the state or United States to which the city is a party or in which, in the opinion of the council, the interests of the city are brought into controversy, or in which the official acts of any of its officers,

servants or agents are involved, and taking appeals in such cases as the interests of the city require or whenever directed by the council to do so.

- (10) When directed to do so by the council or proper officers of the city, including all boards and commissions of the city except the various utility boards of trustees, preparing drafts for contracts, ordinances, condemnation proceedings and forms of any other legal papers which may be required for the use of the city or its officers in the discharge of their duties.
- (11) Signing the name of the city to papers of whatever kind necessary in legal proceedings for the prosecution of any suit in court, when directed to do so by the council.
- (12) Attending all regular meetings of the council and special meetings thereof when notified to do so; attending meetings of the committees of the council when notified by the chairman to do so; and attending meetings of all boards and commissions of the city, except autonomous administrative boards of trustees, when notified by such boards and commissions.

(Ord. No. 2968, § 1, 8-3-2020)

Sec. 2-613. - Appointment, powers and duties of human resources manager.

- (a) *Appointment; supervision.* A human resources manager shall be appointed for an indefinite term by the director of finance and business operations and shall be responsible to such director, who shall also have removal authority. Such appointment shall be in accordance with all statutory civil service procedures. The human resources manager may be removed for just cause.
- (b) *Duties.* The human resources manager shall supervise, direct and manage the human resources division. The human resources manager's duties shall be as follows:
 - (1) Promulgating orders, rules and regulations for the conduct and guidance of the members of the human resources division within the parameters of the departmental policy.
 - (2) Making an annual report of the activities of the division to the finance and business operations director.
 - (3) Assigning the personnel of the human resources division as deemed necessary to carry out the functions of the human resources division, and prescribing rules and regulations for the conduct and management of the division consistent with the departmental policy.
 - (4) Performing or causing to be performed any other duties as directed by the director of finance and business operations.
 - (5) Providing a comprehensive personnel management and relations program which includes:
 - a. Maintaining official employee evaluation, discipline and employment records.
 - b. Administering employee benefit programs, including, but not limited to, IPERS, FICA, sick leave, vacation, savings program, life insurance, and health insurance benefits.
 - c. Coordinating all employment application procedures, including advertising, screening, civil service testing, interviews, department selection and employee orientation.
 - d. Coordinating all employee training and education assistance requests.
 - e. Maintaining and updating annually the city's official job description and pay plan in compliance with city council action.
 - f. Coordinating with legal services division all labor relations, civil service, human rights, equal employment opportunity and workers' compensation hearings, meetings or bargaining sessions.
 - g. Administering the city's risk management program by evaluating the city's risk and loss exposure and recommending treatment of such exposure, including, but not limited to,

recommending the purchase of insurance to the city council and implementing safety programs and loss control programs which reduce the risk exposures for all municipal operations in coordination with the legal services division.

- h. Administering unemployment insurance benefits.
- i. Serving as the administrator of the city personnel policy and collective bargaining agreements.
- j. Managing city employment programs endorsed by the city council, including workfare, work release and work restitution programs.
- k. Maintaining and updating annually the city's statement of policy on personnel and procedures in compliance with city council action.
- l. In conjunction with the legal services division, processing all employee grievances through the prescribed procedures in the city's statement of policy on personnel and procedures or labor agreements.

(Ord. No. 2968, § 1, 8-3-2020)

Section 3. Section 2-653, Duties, Section 2-654, Director of Community Development---Generally, and Section 2-656, Acting Director of Community Development, all of Division 1, Generally; and Section 2-690, Planning and Community Services Manager of Division 2, Planning and Community Services Division; and Section 2-717, Manager, of Division 3, Visitors and Tourism/Cultural Programs Division; and Section 2-744, Building Official, of Division 4, Inspection Services Division; and Section 2-780, Manager, of Division 5, Recreation and Community Programs Division, all of Article VI, Department of Community Development, of Chapter 2, Administration, of the Code of Ordinances of the City of Cedar Falls, Iowa, are hereby repealed in their entirety and new Sections 2-653, 2-654, 2-656, 2-690, 2-717, 2-744 and 2-780, with the same titles, are enacted in lieu thereof, as follows:

Sec. 2-653. - Duties.

It shall be the duty of the community development department to plan, coordinate and assist in the safe and efficient development of the city by the public and private sectors. Duties shall include:

- (1) Professional planning services encompassing supervision of planning, architectural and landscape architectural consultants; zoning administration; capital improvements programming; subdivision design; and comprehensive planning including population projections, economic forecasts, land use planning and other special long range studies.
- (2) Building, plumbing, electrical and mechanical inspection services for all construction types.
- (3) Economic development coordination and assistance which expands the city's employment and tax base in a safe and efficient manner.
- (4) Grantsmanship activities for all city departments and programs, including interstate substitution, community development block grants, federal or state rent assistance programs, federal or state rehabilitation programs and federal or state conservation programs.
- (5) Operation and maintenance of public drainageways, storm sewers, catchbasins, dams, flood control properties and stormwater detention facilities.
- (6) Operation and maintenance of other public structures, programs or facilities—~~specifically assigned by the city administrator, mayor or city council.~~

- (7) Adherence to the city's landlord accountability code (chapter 11, article II, division 5), maintenance and nuisance codes, and all other code-related enforcement.

(Code 2017, § 2-437; Ord. No. 2825, § 2, 6-23-2014; Ord. No. 2940, § 1, 6-3-2019)

Sec. 2-654. - Director of community development—Generally.

- (a) *Appointment.* The director of community development shall be ~~recommended for~~ appointed ~~edment~~ by the city administrator who shall also have removal authority. ~~The city administrator shall recommend this appointment to the mayor for city council approval.~~

- (b) *Powers and duties.*

(1) The director of community development shall serve as the chief development officer of the city and shall serve for an indefinite term. Before entering into the duties, in addition to the oath or affirmation, the director of community development shall execute a bond in the form and conditions prescribed by state law and by ordinance of council. The director of community development may be removed for just cause.

(24) The director of community development shall supervise, direct and manage the conduct of the following divisions:

- a. Planning and community services.
- b. Visitors and tourism/cultural programs.
- c. Inspection services.
- d. Recreation and community programs.

(32) The director is empowered to exert supervisory and management control over each division and is empowered to appoint a planning and community services manager, building official, visitors and tourism/cultural programs manager and recreation and community programs manager to serve as division heads, and is empowered to appoint all employees in the department of community development. The division heads are individually charged by the director to carry out all of the statutory duties mandated by federal, state and local regulations of their respective divisions. The director is responsible for the establishment of broad policies related to departmental conduct, procedures and operations, and the formation of programs which provide the citizens of the city with a full range of developmental services. With approval of the city administrator, ~~the~~ director may peremptorily suspend, demote or discharge any subordinate under his or her direction for any lawful reason other than division heads who may be removed for just cause.

(43) The director shall be responsible for the preparation and administration of the departmental work program and budgets to ensure that all statutory and subsidiary programs are implemented by the division responsible. All purchases initiated by any division for any operation or program shall be approved by the director prior to submission to the city council for payment.

(54) The director shall perform all duties assigned by the city administrator, ~~mayor and city council~~ and shall be under the direct administrative supervision of the city administrator.

(Code 2017, § 2-438; Ord. No. 2825, § 2, 6-23-2014; Ord. No. 2940, § 1. 6-3-2019)

Sec. 2-656. - Acting director of community development.

Whenever the director of community development is ~~absent out of the city~~ or unable to act ~~on account of sickness or for any other reason, including those periods of time when the city administrator has not appointed a director of community development,~~ the director of community development or city administrator shall ~~designate~~ appoint one of the division ~~managers~~ heads as the acting director ~~of community development.~~ This designee shall have and exercise all the powers and duties of the director.

(Code 2017, § 2-440; Ord. No. 2825, § 2, 6-23-2014; Ord. No. 2940, § 1, 6-3-2019)

Sec. 2-690. - Planning and community services manager.

- (a) *Appointment.* A planning and community services manager shall be appointed for an indefinite term by the director of community development and shall be directly responsible to the director of community development, who shall also have removal authority. The planning and community services manager shall act as the city planner and the city zoning administrator. Such appointment shall be in accordance with all statutory civil service procedures. The planning and community services manager may be removed for just cause.
- (b) *Duties.* The planning and community services manager shall supervise, direct and manage the planning and community services division, composed of the planning, economic development, and community development sections. The manager's duties shall be as follows:
- (1) Promulgating orders, rules and regulations for the conduct and guidance of the members of the planning and community services division within the parameters of departmental policy.
 - (2) Making an annual report of the activities of the division for each year, the report to be filed with the community development director.
 - (3) Assigning the personnel of the planning and community services division as deemed necessary to carry out the functions of the planning and community services division, and prescribing rules and regulations for the conduct and management of the division consistent with the department's policies.
 - (4) Performing or causing to be performed any other duties as directed by the director of community development.
 - (5) Working with federal, state and adjoining local governments in implementing the city's economic development and community development programs.
 - (6) Supervising and coordinating development and implementation of the city's comprehensive plan, subdivision and zoning ordinances, including the necessary research, analysis, plan preparation, design, program development and writing and editing of reports; supervising and coordinating development and implementation of the city's community development, economic development and redevelopment plans, including marketing, business development and financial assistance, and coordinating with other departments and agencies regarding the city's housing programs.
 - (7) Preparing and administering the division's work program and budget after consultation with the planning and zoning commission, assigning staff, determining schedules and reviewing progress on the work program.
 - (8) Working on economic development matters in cooperation with the city administrator, mayor, city council and metropolitan economic development committees, and appearing, either in person or by agent, before the council and committees.
 - (9) Administering the community development block grant program, including serving as contract compliance officer, monitoring outside contracted services to other departments and agencies and procuring and managing all necessary state and federal grants.
 - (10) Supervising, coordinating and reviewing work performed by professional consulting firms retained for planning, development and redevelopment studies.
 - (11) Supervising and coordinating analysis of the city's physical and socioeconomic characteristics and direct land use, population and economic forecasts.
 - (12) Acting as technical advisor on planning and development matters to the city administrator, mayor, city council and planning and zoning commission, and appealing, either in person or by agent before the council and commission to report or advise on major planning and community

development projects, significant economic, housing, land use and population study findings, and new planning and development techniques being utilized in other communities.

- (13) Working with all city departments in matters relating to planning and community development programs.
- (14) Reviewing all public projects undertaken by city departments, special districts, the county and other governmental agencies to ensure they are compatible with city plans.
- (15) Aiding the planning and zoning commission and city council in the development of the capital improvements program and other long-term financial plans.
- (16) Preparing educational and informational materials; consulting with developers, public officials and citizens on planning and development matters; and coordinating and reviewing work performed by professional consulting firms retained for planning and development studies.
- (17) Supervising and having jurisdiction over the conduct of the zoning administrator and the enforcement of all zoning regulations enacted by the city.
- (18) Coordinating metropolitan planning efforts related to transportation, economic development and other related activities with all other affected entities.
- (19) Serving as the city representative on the metropolitan transportation board.
- (20) Providing staff support to the city board of adjustment, city planning and zoning commission, housing commission and board of rental housing appeals.
- (21) Supervising and managing the city's housing programs, including rental assistance, rental rehabilitation, moderate rehabilitation, emergency repairs, housing rehabilitation, housing vouchers and others as these become available.

(Code 2017, § 2-463; Ord. No. 2825, § 2, 6-23-2014; Ord. No. 2940, § 1, 6-3-2019)

Sec. 2-717. - Manager.

- (a) *Appointment.* A visitors and tourism/cultural programs division manager shall be appointed for an indefinite term by the director of community development and shall be directly responsible to the director of community development, who shall also have removal authority. Such appointment shall be in accordance with all statutory civil service procedures. The visitors and tourism/cultural programs manager may be removed for just cause.
- (b) *Powers and duties.* The visitors and tourism/cultural programs division manager shall supervise, direct and manage the visitors and tourism/cultural programs division. The manager's powers and duties shall be as follows:
 - (1) To promulgate orders, rules and regulations for the conduct and guidance of the members of the visitors and tourism/cultural programs division within the parameters of city, departmental, visitors and tourism board policies, and art and culture board policies.
 - (2) To make an annual report of the activities of the division for each fiscal year, to be filed with the community development director, the visitors and tourism board, the art and culture board, and the city council.
 - (3) To assign the personnel of the visitors and tourism/cultural programs division as deemed necessary to carry out the functions of the visitors and tourism/cultural programs division, and to prescribe rules and regulations for the conduct and management of the division consistent with city and departmental policies, visitors and tourism board policies, and art and culture board policies.
 - (4) To perform or cause to be performed any other duties as directed by the director of community development.

- (5) To manage the visitors and tourism offices, programs and projects in accord with operations and programming policies established by the city visitors and tourism board, the director of community development, and the city council; and to manage the James and Meryl Hearst Art and Culture Center, in compliance with operations and programming policies established by the city art and culture board, the director of community development, and the city council.
- (6) To implement a full range of visitors and tourism programs for the city within the financial constraints and program offerings recommended by the visitors and tourism board and authorized by the city council.
- (7) To implement a full range of art and cultural programs for the city within the financial constraints and program offerings recommended by the art and culture board and authorized by the city council.
- (8) To maintain for the city visitors and tourism board and for the art and culture board:
 - a. Full and complete records of all proceedings.
 - b. Full and complete records of all receipts and disbursements in conjunction with the financial services division.
 - c. Full and complete records of all donations, devices and bequests received and disbursed, or placed in special accounts in conjunction with the financial services division.
 - d. An inventory of all pictures, paintings, statues, relics, books, papers, journals, supplies, equipment, and other property held by the division in the city's name in conjunction with the financial services division.

(Code 2017, § 2-583; Ord. No. 2825, § 3, 6-23-2014; Ord. No. 2940, § 1, 6-3-2019)

Sec. 2-744. - Building official.

- (a) *Appointment.* A building official, who shall be a city officer, shall be appointed for an indefinite term by the director of community development and shall be directly responsible to the director of community development, who shall also have removal authority. Such appointment shall be in accordance with all statutory civil service procedures. Before entering into the duties, in addition to the oath or affirmation, the building official shall execute a bond in the form and conditions prescribed by state law and by ordinance of council. The building official may be removed for just cause.
- (b) *Duties.* The building official shall supervise, direct and manage the inspection services division. The building official's duties shall be as follows:
 - (1) Promulgating orders, rules and regulations for the conduct and guidance of the members of the inspection services division within the parameters of departmental policy.
 - (2) Making an annual report of the activities of the division for each year, the report to be filed with the community development director.
 - (3) Assigning the personnel of the inspection services division as deemed necessary to carry out the functions of the inspection services division, and prescribing rules and regulations for the conduct and management of the division consistent with the department's policies.
 - (4) Supervising and having jurisdiction over the conduct of the plumbing inspector, electrical inspector, building inspector and mechanical inspector of the city.
 - (5) Enforcing the International Residential Code, the International Building Code, Uniform Plumbing Code, National Electrical Code, and Uniform Mechanical Code in the form adopted by the city council as they relate to construction activity within the city.
 - (6) Coordinating enforcement activities with the department of public safety for all construction affected by the housing code, life safety code and minimum housing quality standards.

- (7) Supervising the city's code enforcement program.
- (8) Supervising the design and construction of all city buildings and other structures.
- (9) Managing and supervising the city's stormwater management program in conjunction with the city engineer.

(Code 2017, § 2-503; Ord. No. 2825, § 2, 6-23-2014; Ord. No. 2940, § 1, 6-3-2019)

Sec. 2-780. - Manager.

- (a) *Appointment.* A recreation and community programs division manager shall be appointed for an indefinite term by the director of community development and shall be directly responsible to the director of community development, who shall also have removal authority. Such appointment shall be in accordance with all statutory civil service procedures. The recreation and community programs manager may be removed for just cause.
- (b) *Powers and duties.* The recreation and community programs division manager shall supervise, direct and manage the recreation and community programs division, which is composed of the aquatic, golf, and recreation sections. The manager's powers and duties shall be as follows:
 - (1) To promulgate orders, rules and regulations for the conduct and guidance of the members of the recreation and community programs division within the parameters of departmental policy.
 - (2) To make an annual report of the activities of the division for each year, to be filed with the community development director.
 - (3) To assign the personnel of the recreation and community programs division as deemed necessary to carry out the functions of the recreation and community programs division, and to prescribe rules and regulations for the conduct and management of the division consistent with the department's policies.
 - (4) To oversee the contract with the golf pro in conjunction with the operations and maintenance manager.
 - (5) To provide a full range of active and passive recreational programs, available to all age groups, which provides social, educational and competitive enrichment to the participants.
 - (6) To maintain and operate the city's recreational center and public swimming pools.
 - (7) To provide a full range of aquatic programs, available to all age groups, which are coordinated with the public school system and private clubs to provide social, educational and competitive enrichment to all participants.
 - (8) To perform or cause to be performed any other duties as directed by the director of community development.
 - (9) To supervise the work and performance of all private concessionaires or private recreation service contractors authorized by the city council to have operation rights to city recreational facilities.

(Code 2017, § 2-603; Ord. No. 2825, § 3, 6-23-2014; Ord. No. 2940, § 1, 6-3-2019)

Section 4. Section 2-809, Duties, Section 2-810, Director of Public Works---Generally, and Section 2-812, Acting Director of Public Works, all of Division 1, Generally; and Section 2-837, Manager of Operations and Maintenance, of Division 2, Operations and Maintenance Division; and Section 2-865, City Engineer, of Division 3, Engineering Services Division; and Section 2-876, Water Reclamation Manager, of Division 4, Water Reclamation Division, all of Article VII, Department of Public Works, of Chapter 2, Administration, of the Code of Ordinances of the City of Cedar Falls, Iowa, are hereby repealed in their entirety and new Sections 2-809, 2-810, 2-812, 2-837, 2-865, and 2-876 are enacted in lieu thereof, as follows:

Sec. 2-809. - Duties.

It shall be the duty of the public works department to provide, operate and maintain:

- (1) Public streets, bridges, parking lots, sidewalks and rights-of-way, exclusive of class I medians and sidewalks, including those maintained by private property owners in accordance with city ordinance.
- (2) Collection and disposal of residentially generated refuse, commercial refuse collection and disposal specifically contracted by a commercial establishment and the city, and the operation of the city's refuse transfer station.
- (3) City motor pool operations for all departments, including maintenance, purchase or lease of all motorized licensed vehicles and special equipment not specifically assigned to a department.
- (4) All public buildings under city ownership except those controlled by Sartori Hospital or the city utilities.
- (5) Traffic signs, signals and pavement markings.
- (6) Other public structures, programs or facilities ~~specifically assigned by the mayor or city council.~~
- (7) Professional civil engineering services encompassing supervision of engineering consultants; establishment of street grades and benchmarks; maintenance of field notes for all improvements installed; design of public improvements including the preparation of costs, plans and specifications; inspection of all public improvements constructed; and maintenance of official city maps, profiles, papers, books and surveys.
- (8) Public grounds maintenance in city parks, city golf courses, riverfront land, street medians and any other public lands ~~assigned by the mayor and city council.~~
- (9) All trees and shrubs in public places, and enforce all city regulations related to vegetation control within the city.
- (10) Cemeteries, including interments and the keeping of all pertinent records.
- (11) Water reclamation.
- (12) Operation and maintenance of public sanitary sewage collection and disposal facilities, including lift stations, force mains, treatment plants, sewer lines, manholes, detention basins and public septic tanks.

(Code 2017, § 2-542; Ord. No. 2825, § 3, 6-23-2014; Ord. No. 2940, § 2, 6-3-2019)

Sec. 2-810. - Director of public works—Generally.

- (a) *Appointment.* The director of public works shall be ~~recommended for~~ appointed ~~by the city administrator who shall also have removal authority.~~ ~~The city administrator shall recommend this appointment to the mayor for city council approval.~~
- (b) *Powers and duties.*
 - (1) ~~The director of public works shall serve as the chief public works officer of the city and shall serve for an indefinite term. Before entering into the duties, in addition to the oath or affirmation, the director of public works shall execute a bond in the form and conditions prescribed by state law and by ordinance of council. The director of public works may be removed for just cause.~~
 - (24) The director of public works shall supervise, direct and manage the conduct of the following divisions and sections:
 - a. Operations and maintenance.

- b. Engineering services.
- c. Water reclamation.

- (32) The director is empowered to exert supervisory and management control over each division and is empowered to appoint a city engineer, operations and maintenance manager, and a water reclamation manager, and is empowered to appoint all employees in the public works department. The managers are individually charged by the director to carry out all of the statutory duties mandated by federal, state and local regulations affecting their respective divisions. The director is responsible for the establishment of broad policies related to departmental employee conduct, procedures, operations and the formation of programs which maintain and operate public facilities and structures assigned to the department. With approval of the city administrator, ~~t~~The director may peremptorily suspend, demote or discharge any subordinate under his or her direction for any lawful reason, other than division managers who may be removed for just cause.
- (43) The director shall be responsible for the preparation and administration of the departmental work program and budgets to ensure that all statutory and subsidiary programs are implemented by the division responsible. All purchases initiated by any division for any operation or program shall be approved by the director prior to submission to the city council for payment.
- (54) The director shall perform all other duties assigned by the city administrator, ~~m~~ayor and city council and shall be under the direct administrative supervision of the city administrator.

(Code 2017, § 2-543; Ord. No. 2825, § 3, 6-23-2014; Ord. No. 2940, § 2, 6-3-2019)

Sec. 2-812. - Acting director of public works.

Whenever the director of public works is absent out of the city, or is unable to act ~~for any reason, including those periods of time when the city administrator has not appointed a director of public works,~~ the director of public works or city administrator shall designate one of the division managers as an acting director. The designee acting director shall have and exercise all the powers and duties of the director.

(Code 2017, § 2-545; Ord. No. 2825, § 3, 6-23-2014; Ord. No. 2940, § 2, 6-3-2019)

Sec. 2-837. - Manager of operations and maintenance.

- (a) *Appointment.* The manager of operations and maintenance shall be appointed for an indefinite term by and shall be directly responsible to the director of public works, who shall also have removal authority. Such appointment shall be in accordance with all statutory civil service procedures. The operations and maintenance manager may be removed for just cause.
- (b) *Duties.* The manager of operations and maintenance shall supervise, direct and manage the operations and maintenance division, composed of the refuse, street, traffic operations, public buildings, vehicle maintenance, parks, cemetery, and golf course maintenance sections. The manager's duties shall be as follows:
- (1) Providing for the repair of all streets, sidewalks, bridges and parking lots to ensure that they are kept in a reasonably safe condition.
 - (2) Inspecting all sewers in operation in the city at frequent and regular intervals in a systematic manner to ensure that all parts of the system and its appurtenances are kept in working order. In case of any defect in the operation of any sewer due to stoppage or break, repairs shall be made without delay.

- (3) Providing for the safe and sanitary collection and disposal of all residentially generated refuse and for the disposal of all refuse generated by private individuals or commercial enterprises who contract with the city for disposal.
- (4) Maintaining all designated city vehicles and equipment through a central vehicle and equipment pool.
- (5) Providing for snow removal, ice control and leaf collection on public streets.
- (6) Operating and maintaining all public traffic signals.
- (7) Providing and maintaining, in conformance with city ordinances and chapter 23, all traffic signs and pavement markings.
- (8) Maintaining all public buildings assigned to the division, including janitorial activity.
- (9) Designing all city parks and public landscaping in association with the needs of the director of public works and other public entities.
- (10) Coordinating the city pesticide application program in conformance with state and federal regulations.
- (11) Supervising the maintenance, compilation and preservation of accurate cemetery interment and lot sales records through supervision of the cemetery section.
- (12) Coordinating the care and maintenance of all city arboricultural needs in conformance to city ordinance by serving as the city arborist, delegating specific duties to the arborist section.
- (13) Managing all public grounds, including parks, cemeteries, golf courses, class I street rights-of-way and medians, public driveways, storm sewers, catchbasins, dams, flood control properties, and stormwater detention basins, riverfront lands and other city property assigned by the mayor and city council.
- (14) Promulgating orders, rules and regulations for the conduct and guidance of the members of the operations and maintenance division within the parameters of departmental policy.
- (15) Making an annual report of the activities of the division to the public works director.
- (16) Assigning the personnel of the operations and maintenance division as deemed necessary to carry out the functions of the division, and prescribing rules and regulations for the conduct and management of the division consistent with the department's policies.
- (17) Performing or causing to be performed any other duties as directed by the director of public works.

~~(c) Powers. The manager of operations and maintenance shall have power to appoint, if necessary, supervisors for the following sections: streets, traffic, refuse, cemetery, parks, golf, and buildings.~~

(Code 2017, § 2-568; Ord. No. 2825, § 3, 6-23-2014; Ord. No. 2940, § 2, 6-3-2019)

Sec. 2-865. - City engineer.

- (a) *Appointment.* A city engineer, who shall be an officer of the city, shall be appointed for an indefinite term by the public works director and shall be directly responsible to the director of public works, who shall also have removal authority. Such appointment shall be in accordance with all statutory civil service procedures. Before entering into the duties, in addition to the oath or affirmation, the city engineer shall execute a bond in the form and conditions prescribed by state law and by ordinance of council. The city engineer may be removed for just cause.
- (b) *Qualifications.* The person appointed to the office of city engineer shall be a professional civil engineer licensed by the state and fully qualified to practice within the state. One hundred and eighty days shall be provided from the date of appointment to qualify as provided by law.

- (c) *Duties.* The city engineer shall supervise, direct and manage the engineering services division. The city engineer's duties shall be as follows:
- (1) Promulgating orders, rules and regulations for the conduct and guidance of the members of the engineering services division within the parameters of departmental policy.
 - (2) Making an annual report of the activities of the division to the public works director.
 - (3) Assigning the personnel of the engineering services division as deemed necessary to carry out the functions of the engineering services division, and prescribing rules and regulations for the conduct and management of the division consistent with the department's policies.
 - (4) Performing or causing to be performed any other duties as directed by the director of public works.
 - (5) Being in full charge of all public improvements ordered by the city council and preparing estimates of costs, plans and specifications and presenting such information to the council for approval, and supervising the construction of such improvements in accordance with the plans and specifications and, upon completion, preparing a final report for the council giving in detail the itemized final costs and other pertinent facts of such improvements.
 - (6) Making all necessary surveys of streets, alleys, avenues and public squares, and other surveys when required by the council, showing the lines, dimensions, names of streets, lots and blocks and other pertinent facts.
 - (7) Taking the necessary levels and measurements of all streets, alleys or avenues where the measurements have not already been done, for the purpose of establishing street grades, and preparing the necessary profiles and drawings showing the existing surface and the grades proposed and submitting the proposed grades to the council for approval and proper establishment of the grades by ordinance.
 - (8) Creating a system so that notes of all surveys, levels, grades and other field work are kept in field notebooks. The notebooks shall be numbered in regular order and the notes entered in them in a manner which ensures that the work can be readily made out, and which shows in which part of the city the work has been done, giving the name of the street, number of the lot and block and exact location of lines or grades or whatever else pertains to the field work, that they may be clearly located on the ground. All calculations relating to the notes and surveys shall appear on the pages of the field books.
 - (9) Requiring that benchmarks are to be placed upon some solid and secure point readily reached from the adjoining streets which identify the levels and grades. These reference marks shall preserve the survey of the streets, blocks and lots, in a clear description made in field books.
 - (10) Assist with maintaining official city maps and keeping the maps in a correct and up-to-date fashion showing new additions, streets, alleys, avenues, public squares, public buildings, bridges, streams and other pertinent objects.
 - (11) Preserving in the office all field notes, maps, plans, profiles, papers, books, writings, and records, and arranging and indexing the records in a manner which allows ready reference. All field books kept by the engineer and all necessary blanks for records, maps and plans used by the city engineer in the discharge of the official duties shall be furnished at the expense of the city, and such books, records and files shall be the exclusive property of the city, and at the expiration of the term of office or the resignation or removal of the city engineer he shall turn over the books, records and files to his successor, or to some person duly authorized to receive the books, records and files for the city.
 - (12) Carefully entering all construction data of all public improvements into the permanent office records. Such records shall include the location of extensions of sewer lines, streets and other public improvements.
 - (13) Reviewing all proposed subdivisions submitted for approval to the city planning and zoning commission and the council and examining such subdivisions carefully as to their compliance

with good engineering practices and to the subdivision regulations, and informing the commission and the council in writing as to the findings and compliance with the subdivision regulations.

- (14) Coordinating the design, inspection and construction of all road and street projects with the state, federal and local government authorities and the respective professional design and inspection consultants and contractors.
- (15) Managing and supervising the city's stormwater management program in conjunction with inspection services.
- (16) Supervising the design and construction of all city infrastructure, including wastewater treatment facilities, force mains, levees, and lift stations.

(Code 2017, § 2-483; Ord. No. 2825, § 2, 6-23-2014; Ord. No. 2940, § 2, 6-3-2019)

Sec. 2-876. - Water reclamation manager.

- (a) *Appointment.* A manager of water reclamation shall be appointed for an indefinite term by and shall be directly responsible to the director of public works, who shall also have removal authority. Such appointment shall be in accordance with all statutory civil service procedures. The manager ~~shall~~ also serve as the superintendent of water reclamation. The water reclamation manager may be removed for just cause.
- (b) *Duties.* The manager of water reclamation shall supervise, direct and manage the water reclamation division. The manager's duties shall be as follows:
 - (1) Promulgating orders, rules and regulations for the conduct and guidance of the members of the water reclamation division within the parameters of departmental policy.
 - (2) Making an annual report of the activities of the division to the public works director.
 - (3) Assigning the personnel of the water reclamation division as deemed necessary to carry out the functions of the water reclamation division, and prescribing rules and regulations for the conduct and management of the division consistent with the department's policies.
 - (4) Operating and maintaining all public sewage treatment and pumping facilities, including septic tanks, lift stations, detention basins and the main plant, in conformance with state discharge permits and federal regulations.
 - (5) Performing or causing to be performed any other duties as directed by the director of public works.

(Code 2017, § 2-523; Ord. No. 2825, § 2, 6-23-2014; Ord. No. 2940, § 2, 6-3-2019)

Section 5. Section 2-918, Director of Public Safety Services---Generally, and Section 2-920, Acting Director of Public Safety Services, of Division 1, Generally; and Section 2-948, Police Chief, and Section 2-949, Police Department; Acting Chief in Absence of the Police Chief, of Division 2, Police Operations Division; and Section 2-978, Fire Chief, and Section 2-979, Fire Department; Acting Chief in Absence of the Fire Chief, of Division 3, Fire Operations Division, all of Article VIII, Department of Public Safety Services, of Chapter 2, Administration, of the Code of Ordinances of the City of Cedar Falls, Iowa, are hereby repealed in their entirety and new Sections 2-918, 2-920, 2-948, 2-949, 2-978 and 2-979 are enacted in lieu thereof, as follows:

Sec. 2-918. - Director of public safety services—Generally.

- (a) *Appointment.* The director of public safety services shall be ~~recommended for appointment~~ by the city administrator who shall also have removal authority. ~~The city administrator shall recommend this appointment to the mayor for city council approval. Such appointment shall be in accordance with all applicable statutory civil service procedures.~~
- (b) *Powers and duties.*
- (1) The director of public safety services shall serve as the chief public safety officer of the city and shall serve for an indefinite term. Before entering into the duties, in addition to the oath or affirmation, the director of public safety services shall execute a bond in the form and conditions prescribed by state law and by ordinance of council. The director of public safety services may be removed for just cause.
- (24) The director of public safety services shall supervise, direct and manage the conduct of the following divisions:
- a. Police operations.
 - b. Fire operations.
- (32) The director is empowered to exert supervisory and management control over each division. The director may also serve as either the police chief or the fire chief. The director is empowered to recommend for appointment to the city administrator, and by the city administrator to the mayor, for city council approval, either a deputy director of police operations (police chief) or a deputy director of fire operations (fire chief), who are individually charged by the director to carry out all of the statutory duties mandated by federal, state and local regulations of his or her respective division. The director is also empowered to appoint all other employees in the public safety department.
- (43) The director is responsible for the establishment of broad policies related to departmental conduct, procedures and operations, and the formation of programs which provide the citizens of the city with police and fire protection. Said policies and programs shall provide the latitude for each division chief to respond rapidly and effectively during emergencies within the scope of federal, state and local regulations.
- (54) It shall be the duty of the director to cause the enforcement of the laws of the state and the ordinances of the city of which the department takes cognizance. The director shall also be responsible for the control, direction, efficiency, and internal affairs of the department of public safety services and shall have the power and authority to establish and assign programs within the department as is deemed necessary to carry out the functions, objectives and goals of said department mandated by the city council, state or federal government of said department and to proscribe rules, regulations, policies and procedures for the conduct and management of that department as deemed necessary to implement said programs. With approval of the city administrator, ~~t~~he director may peremptorily suspend, demote, or discharge any subordinate appointed by the director for any lawful reason other than police chief or fire chief who may be removed under the provisions of section 2-159.
- (65) The director shall perform all other duties assigned by the city administrator, ~~mayor, and city council~~ and shall be under the direct administrative supervision of the city administrator.

(Code 2017, § 2-628; Ord. No. 2825, § 4, 6-23-2014; Ord. No. 2943, § 1, 6-3-2019)

Sec. 2-920. - Acting director of public safety services.

Whenever the director of public safety services is absent out of the city, or unable to act ~~on account of sickness or for any other reason, including those periods of time when the city administrator has not appointed a director of public safety services,~~ the director of public safety services or city administrator shall ~~designate~~ appoint one of the division ~~managers~~ heads as the acting director ~~of public safety services.~~ This designee shall have and exercise all the powers and duties of the director.

(Code 2017, § 2-630; Ord. No. 2825, § 4, 6-23-2014)

Sec. 2-948. - Police chief.

- (a) *Appointment.* ~~If the director of the public safety services department is not the appointed police chief, a deputy director of police operations, also known as T~~ the police chief, shall be recommended for appointment by the director of public safety services to the city administrator, and by the city administrator to the mayor, for city council approval. ~~Said deputy director of police operations~~ The police chief shall be directly responsible to the director of public safety services. ~~If the director of the public safety services department is the appointed police chief, said director shall manage the police operations division, and shall be directly responsible to the city administrator. The~~ All appointments of ~~police chief~~ deputy directors shall be in accordance with all applicable statutory civil service procedures.
- (b) *Powers and duties.* The police chief shall supervise, direct and manage the police operations division. The duties shall be as follows:
- (1) To manage and direct uniform patrol, investigation and police support service functions to cause the enforcement of all the laws of this state and all ordinances of this city of which the public safety services department must take cognizance within the purview of the division's responsibilities.
 - (2) To promulgate orders, rules and regulations for the conduct and guidance of the members of the police operations division within the parameters of that department's policy.
 - (3) To make an annual report of the activities of the division which shall be filed with the director.
 - (4) To assign the personnel of the police operations division as deemed necessary to carry out the functions of the police operations division, and to prescribe rules and regulations for the conduct and management of the division consistent with the department's policies.
 - (5) To provide and coordinate training programs for the police operations division related to the division's specialized functions.
 - (6) To maintain accurate and complete records for the police operations division in accordance with federal, state and local regulations.
 - (7) To provide a coordinated community relations program which educates the general public with regard to crime prevention.
 - (8) To prepare a police operations division budget for the public safety services director's review and approval for the city administrator's, ~~mayor's~~ and city council's consideration.
 - (9) To provide for enforcement of all parking metered locations and repair of equipment.
 - (10) To peremptorily suspend, demote, remove or discharge any subordinate for any act or failure to act that is in contravention of law, city policies, or standard operating procedures, or that in the judgment of the chief is sufficient to show unsuitability or unfitness for employment ~~neglect of duty, disobedience, misconduct, or failure to properly perform the person's duty in accordance with law and the department's policy.~~
 - (11) To perform or cause to be performed any other duties as directed by the director of public safety services.
 - (12) To make all appointments or promotions for positions in the police operations division as provided by state statute.

(Code 2017, § 2-643; Ord. No. 2825, § 4, 6-23-2014)

Sec. 2-949. - Police department; acting chief in absence of the police chief.

- (a) *Temporary absence of police chief.* Whenever the chief shall be ~~absent or out of the city or otherwise temporarily~~ unable to act for any reason, the chief shall designate an acting chief. In the event of the death or incapacity of the chief, the director of public safety services, or if said director is also the police chief, then the city administrator, shall designate an acting chief. Any such ~~designation~~ appointment under this subsection shall be for a period not to exceed 30 days, until the chief returns or is again able to act, or until appointment of an acting chief under subsection (b) of this section, whichever occurs first.
- (b) *Vacancy in position of police chief.* Whenever there is a vacancy in the position of police chief due to the death, resignation or removal of the police chief, an acting chief shall be recommended for appointment by the director of public safety services to the city administrator (or if said director is also the police chief, then shall be recommended for appointment by the city administrator), and by the city administrator to the mayor, for the city council approval, to serve until a new police chief is appointed as provided in this Code. Such appointment shall be for a period not to exceed 180 days, or until a new police chief is appointed, whichever occurs first. If a new chief has not been appointed as provided in this Code by the expiration of said 180 day period, the same or a different person shall be recommended for appointment as acting chief by the director of public safety services to the city administrator, or if said director is also the police chief, then by the city administrator, and by the city administrator to the mayor, for city council approval, which appointment shall also be for a period not to exceed 180 days, or until a new police chief is appointed, whichever occurs first.
- (c) *Powers of acting police chief.* The acting chief appointed under this section shall have and exercise all of the powers and duties of the police chief.

(Code 2017, § 2-644; Ord. No. 2825, § 4, 6-23-2014)

Sec. 2-978. - Fire chief.

- (a) *Appointment.* ~~If the director of the public safety services department is not the appointed fire chief, a deputy director of fire operations, also known as~~ The fire chief, shall be recommended for appointment by the director of public safety services to the city administrator, and by the city administrator to the mayor, for city council approval. ~~Said deputy director of fire operations~~ The fire chief shall be directly responsible to the director of public safety services. ~~If the director of the public safety services department is the appointed fire chief, said director shall manage the fire operations division, and shall be directly responsible to the city administrator. The~~ All appointments of fire chief ~~deputy directors~~ shall be in accordance with all applicable statutory civil service procedures.
- (b) *Powers and duties.* The fire chief shall supervise, direct and manage the fire operations division. The duties shall be as follows:
- (1) To promulgate orders, rules and regulations for the conduct and guidance of the members of the fire operations division within the parameters of that department's policy.
 - (2) To keep a record of all fires, emergency responses or disaster assistance calls that occur during the fiscal year and file the same with the public safety services director.
 - (3) To maintain records of all hazardous materials stored, processed and utilized by private and public entities in accordance with federal and state regulations.
 - (4) To assign the personnel of the fire operations division, as deemed necessary to carry out its functions; and to prescribe rules and regulations for the conduct and management of the division consistent with the department's policies.
 - (5) To peremptorily suspend, demote, remove or discharge any subordinate for any act or failure to act that is in contravention of law, city policies, or standard operating procedures, or that in the judgment of the chief is sufficient to show unsuitability or unfitness for employment ~~neglect of duty, disobedience, misconduct, or failure to properly perform the person's duty in accordance with law and the department's policy.~~

- (6) To provide and coordinate training programs for the fire operations division related to the division's specialized functions.
- (7) To maintain accurate and complete records for the fire operations division in accordance with federal, state and local regulations.
- (8) To provide a coordinated community relations program which educates the general public with regard to fire prevention and hazardous materials storage, handling and disposal.
- (9) To provide inspection and prevention programs which enforce the International Fire Code and Minimum Rental Housing Code.
- (10) To prepare a fire operations division budget for the public safety services director's review and approval for the city administrator's, ~~mayor's~~ and city council's annual consideration.
- (11) To perform or cause to be performed any other duties as directed by the director of public safety services.
- (12) To make all appointments or promotions for positions in the fire operations division as provided by state statute.
- (13) To administer the city's rental housing inspections program, including the Section 8 housing program, and commercial property inspections program.

(Code 2017, § 2-653; Ord. No. 2825, § 4, 6-23-2014; Ord. No. 2943, § 1, 6-3-2019)

Sec. 2-979. - Fire department; acting chief in absence of the fire chief.

- (a) *Temporary absence of fire chief.* Whenever the chief shall be ~~absent or out of the city or otherwise temporarily~~ unable to act for any reason, the chief shall designate an acting chief. In the event of the death or incapacity of the chief, the director of public safety services, or if said director is also the fire chief, then the city administrator, shall designate an acting chief. Any such ~~designation appointment~~ under this subsection shall be for a period not to exceed 30 days, until the chief returns or is again able to act, or until appointment of an acting chief under subsection (b) of this section, whichever occurs first.
- (b) *Vacancy in position of fire chief.* Whenever there is a vacancy in the position of fire chief due to the death, resignation or removal of the fire chief, an acting chief shall be recommended for appointment by the director of public safety services to the city administrator (or if said director is also the fire chief, then shall be recommended for appointment by the city administrator), and by the city administrator to the mayor, for city council approval, to serve until a new fire chief is appointed as provided in this Code. Such appointment shall be for a period not to exceed 180 days, or until a new fire chief is appointed, whichever occurs first. If a new chief has not been appointed as provided in this Code by the expiration of said 180 day period, the same or a different person shall be recommended for appointment by the director of public safety services to the city administrator, or if said director is also the fire chief, then by the city administrator, and by the city administrator to the mayor, for city council approval, which appointment shall also be for a period not to exceed 180 days, or until a new fire chief is appointed, whichever occurs first.
- (c) *Powers of acting fire chief.* The acting chief appointed under this section shall have and exercise all of the powers and duties of the fire chief.

(Code 2017, § 2-654; Ord. No. 2825, § 4, 6-23-2014)

INTRODUCED: _____

PASSED 1ST CONSIDERATION: _____

PASSED 2ND CONSIDERATION: _____

PASSED 3RD CONSIDERATION: _____

ADOPTED: _____

Robert M. Green, Mayor

ATTEST:

Jacqueline Danielsen, MMC, City Clerk

Prepared by: Kevin Rogers, City Attorney, 220 Clay Street, Cedar Falls, IA 50613, (319)273-8600

ORDINANCE NO. _____

AN ORDINANCE REPEALING THE FOLLOWING SECTIONS OF THE CODE OF ORDINANCES OF THE CITY OF CEDAR FALLS, IOWA, AND ENACTING IN LIEU THEREOF, NEW SECTIONS WITH THE SAME NUMERICAL DESIGNATION AS THOSE REPEALED: **(1)**. SECTION 6-7, IMPOUNDMENT OF LIVESTOCK RUNNING AT LARGE, OF ARTICLE 1, IN GENERAL, OF CHAPTER 6, ANIMALS ; **(2)**. SECTION 10-4, DISPOSAL BY BUSINESS ESTABLISHMENTS; SPECIAL FEE FOR UNIVERSITY OF NORTHERN IOWA, OF ARTICLE I, IN GENERAL, OF CHAPTER 10, GARBAGE AND REFUSE; **(3)**. SECTION 11-51, AUTHORITY OF INSPECTOR AND CODE ENFORCEMENT OFFICER, OF DIVISION 2, ENFORCEMENT, OF ARTICLE II, MINIMUM RENTAL HOUSING CODE, OF CHAPTER 11, HOUSING; **(4)**. SECTION 13-1, PENALTY FOR VIOLATION OF CHAPTER, OF ARTICLE I, IN GENERAL, OF CHAPTER 13, LICENSES AND BUSINESS REGULATIONS; **(5)**. SECTION 15-1, PUBLIC NUISANCES PROHIBITED; AUTHORITY TO ABATE, SECTION 15-5, ABATEMENT BY CITY AFTER NOTICE; PROCEDURE; PAYMENT OF COSTS, AND SECTION 15-7, RESISTING, OBSTRUCTING OR INTERFERING WITH CITY OFFICER, ALL OF ARTICLE I, IN GENERAL, OF CHAPTER 15, NUISANCES; **(6)**. SECTION 16-99, CLEANUP OF SPILLS REQUIRED, OF ARTICLE III, HAZARDOUS SUBSTANCES, OF CHAPTER 16, OFFENSES AND MISCELLANEOUS PROVISIONS; **(7)**. SECTION 17-87, REMOVAL OF REMAINS FROM CEMETERIES, OF DIVISION 3, CEMETERY SECTION, OF ARTICLE II, ARBORIST AND CEMETERY SECTIONS, OF CHAPTER 17, PARKS AND RECREATION; **(8)**. SECTION 21-2, SALES AND SERVICE TAX, OF ARTICLE I, IN GENERAL, OF CHAPTER 21, TAXATION; **(9)**. SECTION 23-386, PROHIBITED PARKING DURING SNOW REMOVAL, OF DIVISION 1, GENERALLY, OF ARTICLE IV, STOPPING, STANDING AND PARKING, OF CHAPTER 23, TRAFFIC AND MOTOR VEHICLES; **(10)**. SECTION 24-226, DUTIES AND AUTHORITY OF THE CITY ENGINEER IN GENERAL, OF DIVISION 5, NORTHWEST SANITARY SEWER EXTENSION, OF ARTICLE III, STORMWATER MANAGEMENT PROGRAM, OF CHAPTER 24, UTILITIES; **(11)**. CONFORMING TITLES TO SUBSECTIONS, SECTIONS, DIVISIONS, AND ARTICLES ACCORDINGLY.

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

Section 1. Section 6-7, Impoundment of Livestock Running At Large, of Article 1, In General, of Chapter 6, Animals, of the Code of Ordinances of the City of Cedar Falls, Iowa, is hereby repealed in its entirety, and new Section 6-7 is enacted in lieu thereof, as follows:

Sec. 6-7. - Impoundment of livestock running at-large.

- (a) *Authority of police officers.* It shall be the duty of any member of the police operations division, when on duty, to take up, distraint and impound any animal or fowl found running at-large contrary to the provisions of section 6-6, and care for the animal until the animal's sale or release as provided in this section. Such stock shall be impounded in the city pound, or in such other suitable place as may be designated by the ~~city administrator~~mayer in case the council fails to provide a city pound.
- (b) *Confinement by private persons.* Any person may take upon his own premises and distraint any animal or fowl running at-large contrary to the provisions of section 6-6 and endangering such person's or another's safety or property. Such person shall give notice forthwith to the police operations division, or he may deliver such animal or fowl immediately to the police operations division. In either case, the police operations division shall impound the animal as authorized in subsection (a) of this section.
- (c) *Notice of impoundment.* Within 24 hours after the impoundment of any animal or fowl pursuant to this section, the chief of police shall post on the door of the city hall or council chamber, in some conspicuous place in the city pound or place of impounding and at some public place in the city, a notice particularly describing the animal or fowl impounded and calling on the owner thereof to identify and take charge of the animal after paying the fees and expenses incurred in the taking, impounding and keeping of such animal or fowl. The chief of police shall serve such notice personally on the owner if known.
- (d) *Sale of unredeemed animals.*
 - (1) If a distrainted animal or fowl has not been redeemed pursuant to the notice of distraint required by this section, the chief of police shall give notice of the sale of such animal or fowl after the expiration of two days from the time of impoundment. Such sale shall be at a public auction in front of the city pound or other place of impoundment, and it shall be held between the hours of 1:00 p.m. and 4:00 p.m. on a day not less than three days nor more than ten days from the date of posting notices. The day of posting shall be counted as the first day.
 - (2) The notice of distraint required by subsection (c) of this section shall contain a description of the animal or fowl and shall state the time and place of sale.
 - (3) At the time and place fixed for the sale in the notice, the chief of police shall proceed to sell such animal or fowl for cash at such public auction to the highest and best bidder therefor. In case no bid is received, or if in the opinion of the chief it is impossible to sell such animal or fowl, he shall humanely dispose of the animal. Within three days after the sale, the chief shall pay to the finance officer the proceeds of such sale.
- (e) *Redemption by owner.* The owner of any animal or fowl impounded in accordance with the provisions of this section may redeem the animal at any time before the sale thereof upon the payment to the chief of police of all costs and expenses, including the costs of advertising, and after having first furnished to the chief satisfactory proof of ownership.
- (f) *Disposition of proceeds of sale.* After the sale authorized in subsection (d) of this section, the treasurer shall pay the balance, if any, remaining from the sale of the stock to the owner thereof, upon the written order of the ~~city administrator or designee~~mayer, provided such owner shall establish his claim thereto before the ~~city administrator~~mayer within one year from the date of the sale. After the expiration of one year, the money shall be declared forfeited to the city.
- (g) *Redemption fees.* Any person claiming any animal or fowl impounded in accordance with this section shall pay the chief of police such amounts as established by the council resolution from time to time for each animal of every kind and for each fowl, for the discharge of such stock. The chief

shall charge a further sum per head for each day's keeping of swine and sheep, for each day's keeping of any other animal and for each fowl, and for the cost of advertising if the animal has been advertised.

(Code 2017, § 6-7; Ord. No. 2028, § 2, 8-23-1993)

Section 2. Section 10-4, Disposal By Business Establishments; Special Fee For University Of Northern Iowa, Of Article I, In General, Of Chapter 10, Garbage And Refuse, of the Code of Ordinances of the City of Cedar Falls, Iowa, is hereby repealed in its entirety, and a new Section 10-4 is enacted in lieu thereof, as follows:

Sec. 10-4. - Disposal by business establishments; special fee for University of Northern Iowa.

Any place of business may, in lieu of having the city collect its garbage and refuse, have the garbage and refuse collected by a private licensed collector, or it may apply to the ~~mayer or~~ director of public workssanitation for a special permit to haul its own garbage and refuse to the city disposal area; provided, however, that no person conducting a business and holding such a permit shall haul any garbage and refuse for any other person, nor from the residence of such permit holder or the residence of any officer, member, employee or agent of such permit holder. A holder of such permit shall pay the fee or charge for depositing garbage and refuse in the place provided therefor in accordance with the fee established by the city, except that the fee for the University of Northern Iowa for depositing its solid waste at the city transfer station shall be \$42.25 per ton, rather than \$57.50 per ton as provided in section 10-5(g).

(Code 2017, § 12-4; Ord. No. 2656, § 2, 5-27-2008)

Section 3. Section 11-51, Authority of Inspector and Code Enforcement Officer, of Division 2, Enforcement, of Article II, Minimum Rental Housing Code, of Chapter 11, Housing, of the Code of Ordinances of the City of Cedar Falls, Iowa, is hereby repealed in its entirety, and new Section 11-51 is enacted in lieu thereof, as follows:

Sec. 11-51. - Authority of inspector and code enforcement officer.

The inspector is hereby authorized and directed to enforce all of the provisions of this division. For such purposes, the inspector shall have the authority of the law enforcement officer. Any code enforcement officer or other officer or employee of the city ~~appointed by the mayor or by the mayor's designee~~, including the chief of police and the fire chief, is also authorized and directed to enforce all of the provisions of this division.

(Code 2017, § 14-51; Ord. No. 2643, § 6, 1-14-2008)

Section 4. Section 13-1, Penalty for Violation of Chapter, of Article I, In General, of Chapter 13, Licenses and Business Regulations of the Code of Ordinances of the City of Cedar Falls, Iowa, is hereby repealed in its entirety, and a new Section 13-1 is enacted in lieu thereof, as follows:

Sec. 13-1. - Penalty for violation of chapter.

Any person violating any of the provisions of this chapter or proceeding in a manner different from or contrary to the mode and procedure stated in this chapter, or failing or refusing to procure a license when required to do so by the provisions of this chapter, or doing any of the acts for which a license is required in this chapter without such license, shall be deemed guilty of a municipal infraction, and upon conviction thereof shall be punished in accordance with section 1-9. The violation of any of the provisions of this chapter on separate and distinct days shall each be considered a separate and distinct offense. The violation by the licensee or his employees of any of the provisions of this chapter may be sufficient cause, upon conviction, for revocation of the license by the ~~mayor or~~ council. The penalties provided in this section are in addition to any fees, charges, forfeitures or liabilities otherwise imposed.

(Code 2017, § 16-1)

Section 5. Section 15-1, Public Nuisances Prohibited; Authority To Abate, and Section 15-5, Abatement by City After Notice; Procedure; Payment of Costs, and Section 15-7, Resisting, Obstructing or Interfering With City Officer, all of Article I, In General, of Chapter 15, Nuisances, of the Code of Ordinances of the City of Cedar Falls, Iowa, are hereby repealed in their entirety, and new Sections 15-1, 15-5 and 15-7 are enacted in lieu thereof, as follows:

Sec. 15-1. - Public nuisances prohibited; authority to abate.

The creation or maintenance of a nuisance is unlawful and is prohibited. The city administrator ~~or mayor or the mayor's~~ designee is authorized to abate nuisances either by issuance of a municipal infraction punishable as provided in section 1-9(c)(10), or by administrative abatement procedures set forth in this article.

(Code 2017, § 18-1; Ord. No. 2625, § 1, 5-29-2007)

Sec. 15-5. - Abatement by city after notice; procedure; payment of costs.

- (a) In case of the failure of any person to correct, remove or abate a nuisance on written notice issued by the ~~city administrator or mayor or the mayor's~~ designee, served in the manner of an original notice, or by certified mail to the last known address of the owner, agent, lessee, occupant or other person in charge of the building or premises where the nuisance exists, and designating the time allowed for such removal, correction or abatement, the time thus allowed depending on the urgency of the case, then and at once upon such failure the ~~city administrator or mayor or the mayor's~~ designee shall cause the nuisance to be summarily removed, corrected or abated, and the ~~city administrator or mayor or the mayor's~~ designee, chief of police and such other officers as may be directed by the city council or ~~city administrator or mayor or the mayor's~~ designee therefor shall have the power at all times during the daytime to enter into and upon the premises and make thorough examination thereof for the purpose of ascertaining its sanitary conditions or the existence of nuisances therein, and to do whatever may be necessary to remove, correct or abate such nuisances.
- (b) Whenever the owner, occupant or agent of any premises upon which any nuisance is found is unknown or cannot be found, then the nuisance may be abated without notice.
- (c) Emergency abatement procedure. When the ~~city administrator or mayor or the mayor's~~ designee determines that a nuisance exists on a property and constitutes an imminent and compelling danger to health, safety, or welfare of persons or property, the ~~city administrator or mayor or the mayor's~~ designee is authorized to abate or have abated the nuisance without prior notice and opportunity of hearing. The cost of any such emergency abatement procedure may be assessed against the property for collection in the same manner as property taxes as set forth in subsection (d) of this section. However, prior to such assessment, the city shall first provide the property owner or other responsible person an opportunity to appear and be heard as provided in section 15-6.
- (d) Whenever any nuisance is found on any premises and is abated under the provisions of this chapter or any other ordinance, the city officers shall report to the council a detailed statement of the costs thereof, which shall be paid in the first instance by the city, together with a description of the premises in or upon which the nuisance was found and the name of the owner or occupant of such premises, if known. The city shall either institute an action in the name of the city against the owner, tenant or other occupant of the premises for the recovery of the expenses incurred in abating such nuisance, or, if the city council so directs, the expense of abatement shall be assessed upon the premises chargeable therewith and become a lien thereon, or the city may both institute such an action and assess a lien against the property. The city clerk shall thereupon certify for taxation purposes and for purposes of the establishment of a property lien to the county treasurer all such abatement costs, together with an administrative expense of \$5.00, to be collected in the same manner as a property tax.
- (e) Costs of abatement. Abatement costs shall include, but shall not be limited to, the cost of removing or eliminating the nuisance, the cost of investigation, such as title searches, inspection and testing, the costs of notification, filing costs and other related administrative costs and any other costs or expenses incurred by the city in the abatement of the nuisance.

(Code 2017, § 18-5; Ord. No. 2625, § 1, 5-29-2007)

Sec. 15-7. - Resisting, obstructing or interfering with city officer.

Any person who resists, obstructs, or otherwise interferes with any city officer who has been designated by the ~~city administrator or mayor or the mayor's~~ designee to enter upon and inspect any premises, or to correct or abate any nuisance on such premises, shall be guilty of a municipal infraction and shall be punished as provided in section 1-9.

(Code 2017, § 18-7; Ord. No. 2625, § 1, 5-29-200)

Section 6. Section 16-99, Cleanup of Spills Required, of Article III, Hazardous Substances, of Chapter 16, Offenses and Miscellaneous Provisions, of the Code of Ordinances of the City of Cedar Falls, Iowa, is hereby repealed in its entirety, and new Section 16-99 is enacted in lieu thereof, as follows:

Sec. 16-99. - Cleanup of spills required.

Whenever a hazardous condition is created by the deposit, injection, dumping, spilling, leaking or placing of a hazardous waste or substance, so that the hazardous substance or waste or a constituent of the hazardous waste or substance may enter the environment or be emitted into the air or discharged into any waters, including groundwater, the responsible person shall cause the condition to be remedied by a cleanup, as rapidly as feasible, to an acceptable, safe condition. The costs of cleanup shall be borne by the responsible person. If the responsible person does not cause the cleanup to begin in a reasonable time in relation to the hazard and circumstances of the incident, the city may, by the ~~city administrator~~ ~~mayor~~ or other authorized officer, give reasonable notice, based on the character of the hazardous condition, the notice setting a deadline for accomplishing the cleanup and stating that the city will proceed to procure cleanup services and bill the responsible person if the deadline is not met. If the bill for those services is not paid within 30 days, the city attorney shall proceed to obtain payment by all legal means. If the cost of the cleanup is beyond the capacity of the city to finance it, the authorized officer shall report to the council and immediately seek any state or federal funds available for the cleanup.

(Code 2017, § 19-68)

Section 7. Section 17-87, Removal of Remains From Cemeteries, of Division 3, Cemetery Section, of Article II, Arborist and Cemetery Sections, of Chapter 17, Parks and Recreation, of the Code of Ordinances of the City of Cedar Falls, Iowa, is hereby repealed in its entirety, and new Section 17-87 is enacted in lieu thereof, as follows:

Sec. 17-87. - Removal of remains from cemeteries.

Remains may be removed from cemeteries upon the issuance of a permit therefor by the city clerk, or, in ~~the city clerk's~~ absence, by the ~~city administrator~~mayer, and the fee required by the council shall be charged therefor as in the case of interments. The application for and the record of such removal shall be made and kept in the same manner as for interments.

(Code 2017, § 20-118; Ord. No. 2823, § 1, 6-23-2020)

Section 8. Section 21-2, Sales and Service Tax, of Article I, In General, of Chapter 21, Taxation, of the Code of Ordinances of the City of Cedar Falls, Iowa, is hereby repealed in its entirety, and new Section 21-2 is enacted in lieu thereof, as follows:

Sec. 21-2. - Sales and services tax.

- (a) *Tax imposed.* A tax at the rate of one percent shall be imposed in accordance with Iowa Code ch. 423B, as amended, on the local sales and services in the city to be effective on January 1, 2016, and ending December 31, 2025.
- (b) *Distribution.* The revenue generated by the imposition of the local sales and services tax shall be allocated by the city as follows:
 - (1) 100 percent of the revenue generated in the city during each fiscal year from said local sales and services tax is to be allocated for reconstruction/repair/replacement of existing streets, curbs, structures, storm sewers and sanitary sewers as they relate to streets within the corporate limits of the city.
 - (2) The funds received from the local sales and services tax shall be considered additional funds which are allocated only for reconstruction/repair/replacement of existing streets, curbs, structures, storm sewers and sanitary sewers as they relate to streets and not as replacement funds for the present funding levels as authorized by the city council nor for widening of or creation of new streets.
 - (3) The funds received from the local sales and services tax shall be placed in a separate account solely devoted to street repair and replacement and have all interest income generated by the temporary investment of tax proceeds credited to this special account.
 - (4) The funds generated by the local sales and services tax during the ten-year taxing period are intended to replace the need for special assessments against real estate for local street repair. The street repair program proposed for funding by special assessment will be replaced with funding generated by the local sales and services tax proceeds generated during the ten year taxing period.
- (c) *Long-term planning.* The city's street repair program requires a long-term and ongoing commitment. The ten-year imposition of the local option sales and services tax will not solve all of the street repair problems in the city. In an effort to ensure that all streets are properly repaired and maintained, the ~~city administrator~~mayer is directed to submit to the city council prior to October 1, 2024, a report and recommendation relative to the ongoing maintenance of the city street repair program with financing alternatives, in view of the upcoming December 31, 2025, sales tax sunset date.

(Code 2017, § 25-2; Ord. No. 1928, §§ 1, 2, 1-2-1991; Ord. No. 2089, §§ 1—3, 3-27-1995; Ord. No. 2297, §§ 1—3, 4-10-2000; Ord. No. 2520, §§ 1—3, 6-13-2005; Ord. No. 2723, §§ 1—3, 12-13-2010; Ord. No. 2804, §§ 1—3, 1-13-2014)

Section 9. Section 23-386, Prohibited Parking During Snow Removal, of Division 1, Generally, of Article IV, Stopping, Standing and Parking, of Chapter 23, Traffic and Motor Vehicles, of the Code of Ordinances of the City of Cedar Falls, Iowa, is hereby repealed in its entirety, and new Section 23-386 is enacted in lieu thereof, as follows:

Sec. 23-386. - Prohibited parking during snow removal.

- (a) Whenever the ~~city administrator~~mayer or director of ~~public works~~municipal operations and programs or the director's designee finds on the basis of excess accumulation of snow, that weather conditions have created or are likely to create hazardous road and driving conditions which will impede or are likely to impede movement of fire, health, police, emergency or other vital vehicular traffic, the ~~city administrator~~mayer or director of ~~public works~~municipal operations and programs or the director's designee may declare a snow emergency, and declare that snow removal from priority streets shall begin and shall prohibit parking or stopping of vehicles on designated snow removal routes. While the snow emergency is in effect, no person shall park, abandon or leave unattended any vehicle upon any snow removal route or portion of such route, as designated as such by subsection (d) of this section. Each street designated as a snow removal route shall be marked with signs displaying the words, "Emergency Snow Route." A snow removal parking ban shall continue from its declaration through the duration of the snow storm, and until the ~~city administrator~~mayer or director of ~~public works~~municipal operations and programs or the director's designee issues notice that the snow emergency is at an end. The public will be notified via local radio, television and newspaper when the snow emergency begins and is concluded. The parking prohibition on snow removal routes shall not go into effect until two hours after the snow emergency has been declared in accordance with this section. Termination of the parking prohibition shall be effective immediately upon the announcement that the snow emergency is at an end.
- (b) When it is declared that snow removal operations are to begin, it shall be unlawful for the driver of any vehicle to impede or block traffic on designated snow removal routes.
- (c) Any ~~police~~ officer of the city police operations division, including duly authorized volunteer officers, or the director of ~~public works~~municipal operations and programs or the director's designee shall be authorized to cause the towing of vehicles blocking traffic or parking on designated snow removal routes during snow removal operations in violation of this section. The owner of the vehicle shall pay the costs of towing and storage occasioned by the removal of the vehicle as provided herein. In addition any ~~police~~ officer of the city police operations division, including duly authorized volunteer officers, the director of ~~public works~~municipal operations and programs or the director's designee shall be authorized to issue parking tickets for violations of this section, parking on designated snow removal routes during snow removal operations.
- (d) Priority snow removal routes are designated as follows:

Street	Portion Where Parking Prohibited
Second Street	From State Street to Franklin Street
Third Street	From State Street to Franklin Street
Fourth Street	From State Street to Washington Street
Fifth Street	From State Street to Washington Street
Sixth Street	From State Street to Clay Street

18th Street (West)	From College Street to Hudson Road
23rd Street	From College Street to Merner Avenue
Clay Street	From First Street to Sixth Street
College Street	From University Avenue to 18th Street
Division Street	From Eighth Street to 12th Street
Franklin Street	From Sixth Street to First Street
Main Street	From First Street to Sixth Street
Orchard Drive	From South Main Street to Cedar Heights Drive
State Street	From First Street to Sixth Street
Walnut Street	From First Street to 18th Street
Washington Street	From First Street to Sixth Street

- (e) Special penalty. Any person violating this parking ban shall be fined \$25.00 for each offense, in addition to the costs of towing and storage.
- (f) In any proceeding for violation of this section, the registration plates displayed on a motor vehicle involved in such violation shall constitute in evidence a prima facie presumption that the registered owner of such motor vehicle was the person who parked or placed such motor vehicle at the point where such violation occurred.

(Ord. No. 2945, § 2, 6-17-2019)

Section 10. Section 24-226, Duties and Authority of the City Engineer, of Division 5, Northwest Sanitary Sewer Extension, of Article III, Stormwater Management Program, of Chapter 24, Utilities, of the Code of Ordinances of the City of Cedar Falls, Iowa, is hereby repealed in its entirety, and new Section 24-226 is enacted in lieu thereof, as follows:

Sec. 24-226. - Duties and authority of the city engineer in general.

- (a) The city engineer, or designated representative, shall exercise all lawful powers necessary and appropriate to administer the stormwater management program. The duties and authority herein

described are in addition to other applicable legal duties and authority. The duties and authority of the city engineer, or designated representative, shall include, but are not limited to:

- (1) Administration of the regulations contained in the NPDES permit and in this article;
- (2) Development and administration of all phases of a comprehensive stormwater management program, including, establishing, studying, planning, designing, developing, acquiring land for, constructing, administering, operating, improving, maintaining, and reconstructing the city's storm sewer system as necessary;
- (3) Administration of the accounting, budgeting, recordkeeping and support personnel necessary for the efficient operation of the stormwater management program;
- (4) Development of educational materials to increase public awareness that would improve the public's knowledge and reduce the introduction of pollution to the stormwater drainage system by the general public;
- (5) Coordinate enforcement of the regulations contained in this article and other ordinances adopted under this chapter with other city departments;
- (6) Seek the cooperation of counties and municipalities in communities adjacent to the city with the goal of reducing stormwater drainage system flooding;
- (7) Cooperate with other affected political jurisdictions in preparing and implementing master drainage plans;
- (8) Provide an exchange of information between the public and city employees on flooding areas and stormwater drainage problems within the city;
- (9) Perform studies and evaluation required to establish, maintain and/or modify the stormwater management program;
- (10) Require the preservation and enhancement of certain natural environmental features;
- (11) Require submittal of appropriate federal, state and local permitting to perform work within the city limits;
- (12) Review the installation of drainage improvements in new developments and in redevelopments;
- (13) Administration of a program to periodically review erosion control features placed within new construction sites;
- (14) Administration of a program to periodically review erosion control features placed during initial construction to ensure that they remain in good condition and are not removed without proper authorization;
- (15) Recommend to the city council the establishment, and periodic adjustment of, stormwater management fees;
- (16) Review and recommend modification to the collection procedure for stormwater management fees;
- (17) Hear and consider challenges to the application of this article, the application of other ordinances adopted under this chapter, and the calculation of stormwater management fees; and
- (18) Recommend to the ~~city administrator~~mayer and the city council policies for establishing additional stormwater drainage services, preserving or expanding existing services and making changes in service for the benefit of the city.

(Ord. No. 2925, § 27-116, 6-4-2018)

INTRODUCED: _____

PASSED 1ST CONSIDERATION: _____

PASSED 2ND CONSIDERATION: _____

PASSED 3RD CONSIDERATION: _____

ADOPTED: _____

Robert M. Green, Mayor

ATTEST:

Jacqueline Danielsen, MMC, City Clerk



ROBERT M. GREEN

CITY OF CEDAR FALLS, IOWA
220 CLAY STREET
CEDAR FALLS, IOWA 50613
319-273-8600
FAX 319-268-5126

MEMORANDUM
Office of the Mayor

TO: City Council
FROM: Mayor Robert M. Green *Zornblow*
DATE: December 18, 2020
SUBJECT: Notional 1000 Hour Annual Time Budget for the Cedar Falls Mayor
REF: (a) Code of Ordinances, City of Cedar Falls, Article 3 Division II: Mayor

1. As the City Council considers transitioning the Mayor position away from “full-time” status, I thought it would be helpful to create a notional plan for what a Mayor schedule might look like using an average twenty hours per week.
2. I have carefully reviewed reference (a), engaged with community stakeholders and staff, spoken with other part-time city mayors, and monitored my own time schedule to create what I believe is a reasonable time budget. It separates 1000 hours per year in various appropriate mayoral tasks, which would equate to 20 hours per week annually (calculated using 50 work weeks and two “time-off” weeks).
3. The listed actions and assigned times are only estimates; I understand that unusual circumstances will require adjusting the amount time spent on various tasks. This emergent need is no different from the situation faced by nearly all other Iowa mayors (and mayors nationwide) who do not serve in a full-time capacity. Fortunately, employers are required by Iowa Code 55.1 to grant elected officials the time necessary to carry out elected duties, making ‘emergency added service’ less of a concern for Iowa mayors than those in other states.
4. I provide this document as a conversation starter, to help reconcile the council’s expectations and my own for the mayor role itself, regardless of the personality or priorities of the person who fills that position. It is important to note that reducing the annual hours of active work does not reduce the relative strength of the Mayor position. Such authority is defined by Iowa Code and City Code, rather than in the amount of time spent at City Hall.
5. Having served as a Council Member and Mayor, I am confident that this notional time budget, would allow the mayor to fulfill legal responsibilities of the position as well as meet the expectations of the public while allowing a greater diversity of residents who can run for, and serve, as the Mayor of our great city.

XC: City Administrator

Encl (1): Cedar Falls Mayor 1000 Hour Notional Budget Sheet

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Cedar Falls Elected Official Notional Time Budgets

Item 1.

1000 HOUR MAYOR Task/Event	Notes	Hours	Frequency	Times/Year	Total Hrs
REQUIRED/EXPECTED EXTERNAL MEETINGS					
Metropolitan Planning Organization Board Meetings	<i>Occurs during the noon hour</i>	1.00	Monthly	12	12.0
INRCOG Executive Committee Board Meetings	<i>Occurs during the noon hour</i>	1.00	Monthly	12	12.0
Grow Cedar Valley Board of Directors Meetings	<i>Occurs before the workday</i>	1.00	Monthly	12	12.0
One Cedar Valley Steering Committee	<i>Occurs during the workday</i>	2.50	Monthly	12	30.0
Emergency Management Commission Meetings	<i>Occurs after the workday</i>	1.25	Monthly	12	15.0
County Consolidated Comms Center Board	<i>Occurs during the workday, would need to take time off work</i>	2.00	Annually	1	2.0
REQUIRED/EXPECTED EXTERNAL EVENTS					
Good Morning Cedar Valley	<i>Before work; may need to leave early</i>	1.25	Quarterly	4	5.0
Media On-Air Interviews	<i>KWWL and Jeff Stein Show; can do during the noon hour</i>	1.00	Monthly	12	12.0
Annual Washington D.C. Trip	<i>Counting work hours only; would need to take time off work</i>	16.00	Annually	1	16.0
Cedar Falls Business and Industry Awards	<i>Includes Prep Time; occurs during the lunch hour</i>	2.00	Annually	1	2.0
Economic Inclusion Summit	<i>Local event, includes travel time</i>	16.00	Annually	1	16.0
REQUIRED COUNCIL ENGAGEMENT					
Meetings/Calls with council members	<i>Average 1 hour per council member</i>	7.00	Twice Monthly	24	168.0
Review Council Packets & Approve Agendas	<i>Will need draft by Thursday PM to approve by Friday AM</i>	3.00	Twice Monthly	24	72.0
Pre-Council Staff Coordination Meeting	<i>Will change the format to ONLY discuss concerns</i>	0.50	Twice Monthly	24	12.0
Preside over Council Meetings	<i>Includes special meetings & committee of the whole</i>	4.00	Twice Monthly	24	96.0
Council Goal Setting Preparation	<i>Includes surveys and setting the agenda</i>	8.00	Annually	1	8.0
Annual Council Goal Setting Work Sessions	<i>Expected to continue with four hours / night over two nights</i>	8.00	Annually	1	8.0
Solicit Input on Administrator Performance Evaluation	<i>Prep & carry out survey with Council Members</i>	2.00	Annually	1	2.0
REQUIRED/EXPECTED INTERNAL ACTIVITIES					
1-on-1 Meetings w/ City Administrator	<i>Regular dialogue on city activities, questions and concerns</i>	0.80	Weekly	50	40.0
Prepare Administrator Performance Evaluation	<i>Includes obtaining council input</i>	5.00	Annually	1	5.0
Review Departmental Monthly Report	<i>Administrator prepares and submits as part of council packet</i>	0.75	Monthly	12	9.0
Review Annual City Budget	<i>General oversight of the budget's preparation and submission</i>	10.00	Annually	1	10.0
Signatures, correspondence, and phone calls	<i>Includes contracts, e-mail replies, and proclamations</i>	2.50	Weekly	50	125.0
OTHER ACTIVITIES AND EVENTS					
Ceremonial events	<i>Ribbon cuttings, awards, banquets, parades as schedule allows</i>	2.50	Weekly	50	125.0
Reading, research, and special projects	<i>Includes Community-Wide Strategic Plan, Special After-Action Reviews</i>	3.00	Weekly	50	150.0
Zoom check-in with Cedar Falls Utilities General Manager		0.50	Monthly	12	6.0
Zoom check-in with CHP & CMS Executive Directors	<i>Combined meeting</i>	0.50	Monthly	12	6.0
Zoom check-in with Community Foundation Exec Directors	<i>Alternating meetings</i>	0.50	Monthly	12	6.0
Zoom check-in with Grow Cedar Valley Executive Director		0.50	Monthly	12	6.0
Zoom check-in with Waterloo Mayor	<i>As schedule permits</i>	0.50	Monthly	12	6.0
Zoom check-in with UNI Leadership	<i>As UNI Leadership schedule permits</i>	0.50	Monthly	12	6.0

Subtotal **1000.0**

Average MAYOR hours / week 20.0

Note: Weekly totals incorporate 50 weeks instead of 52 to account for two weeks of annual anticipated time off.