

ORDINANCE NO. 4739

AN ORDINANCE amending the City Charter by repealing the existing Charter in its entirety and adopting a new City Charter for the City of Council Bluffs, Iowa.

PREAMBLE: In December of 1985, the people of Council Bluffs, through a special election, changed the form of their city's government from Council-Manager at large to Mayor-Council effective January 1, 1988. This necessitated the amending of our City Charter so as to incorporate the Mayor-Council form. This ordinance enacts a charter which, for the most part, is the product of a 16-member committee which was appointed by the city council and reflects the wants and needs of the citizens of Council Bluffs as perceived by a majority of that committee.

B E I T O R D A I N E D

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That the 1985 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing the City Charter for the City of Council Bluffs, Iowa, in its entirety.

SECTION 2. That the 1985 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by adopting Article I of a new City Charter, to read as follows:

ARTICLE I

SECTION 1. Purpose. The purpose of this Ordinance is to provide for a charter embodying the form of government existing on January 1, 1988.

SECTION 2. Charter. This Ordinance may be cited as the City Charter for the City of Council Bluffs, Iowa.

SECTION 3. Form of Government. The form of government of the City of Council Bluffs, Iowa, is the Mayor-Council Form of Government as set out in Section 372.6, Iowa Code Annotated, 1985 edition.

SECTION 4. Copies on File. The city clerk shall keep an official copy of this charter on file with the official records of the city clerk, shall immediately file a copy with the Secretary of State of Iowa, and shall keep copies of the charter available at the city clerk's office for public inspection.

SECTION 3. That the 1985 Municipal Code of Council Bluffs, Iowa, is hereby amended by adopting Article II of a new City Charter, to read as follows:

ARTICLE II

SECTION 1. Powers and Exercise. All legislative and other powers exercisable under the Code of Iowa by the City of Council Bluffs and not given to the mayor shall be vested in the city council; the city council shall provide for the exercise of its powers and for the performance of all duties and obligations imposed on the city by law.

SECTION 2. Elections and Qualifications. The city council shall consist of five members elected at large for terms of four years each; the five individual terms shall be staggered so that three members shall be elected at one election and two members at another election.

Any candidate for the office of city council shall at the time of filing for candidacy be an eligible elector and resident of the city. No person shall be disqualified from candidacy for office of city council because such person holds public office, either elected or appointed, and no holder of any such other office shall be required to resign such other office in order to become and remain a candidate for the office of city council.

SECTION 3. City Clerk and City Attorney. The city council shall appoint a city clerk and a city attorney.

The city council shall adopt by ordinances the qualifications, powers and duties of the city clerk and city attorney.

SECTION 4. Vacancies. The city council shall adopt ordinances governing the existence of vacancies in elected and appointive offices and the replacement thereof.

SECTION 5. Departments, Boards and Commissions. The city council shall create or abolish such departments, boards and commissions and set such qualifications therefor as it deems necessary.

SECTION 6. Appropriations. The city council annually shall enact an appropriations budget in accordance with the Code of Iowa.

The city council shall have the power to enact such taxes and approve such bond issues as are permissible by the Code of Iowa.

SECTION 7. Compensation. The city council shall establish the compensation policy of all officers and employees of the city.

SECTION 8. Ordinances and Resolutions. Upon approval by a majority of the city council of an ordinance, amendment, or resolution, the mayor may sign, veto, or take no action on the measure.

If the mayor signs the measure, a resolution becomes effective immediately upon signing, and an ordinance or amendment becomes a law when published, unless a subsequent effective date is provided within the measure.

If the mayor vetoes the measure, the mayor shall explain the reasons for the veto in a message to the council at the time of the veto. With the exception of budgets, the mayor must approve or veto a measure in its entirety. The mayor may approve a budget in whole or in part and may veto any item of a budget. Within 30 days after the mayor's veto, the council may pass the measure again by a vote of not less than two-thirds 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.

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

SECTION 4. That the 1985 Municipal Code of Council Bluffs, Iowa, is hereby amended by adopting Article III of a new City Charter, to read as follows:

ARTICLE III

SECTION 1. Powers and Duties. Executive power shall be vested in the mayor. The mayor shall have such authority to act as provided in these articles and as otherwise authorized by the city council through ordinance or resolution; the mayor shall ensure that the laws are duly respected, observed, and enforced within the city, shall perform such other duties as may be prescribed by state law, charter, ordinance, or resolution and shall

supervise, coordinate and assume responsibility for the functioning of all departments of the city.

The mayor shall have the power to supervise and direct the official conduct of all officers, departments, and employees of the city, except for the city attorney and the city clerk and their staffs; furthermore, the mayor shall have the power and authority to employ such assistants and other employees of the city for which the city council has approved the position generally, and to discharge all employees of said departments, unless a city board or commission is otherwise specifically authorized by the City Code to employ and discharge its employees.

SECTION 2. Elections and Qualifications. The mayor shall be elected at large for a term of two years which shall begin and end at noon on the first day in January which is not a Sunday or legal holiday following a regular city election.

A candidate for the office of mayor shall, at the time of filing for the office, be an eligible elector and resident of the city. No person shall be disqualified from candidacy for office of mayor because such person holds public office, either elected or appointed, and no holder of any such other office shall be required to resign such other office in order to become and remain a candidate for the office of mayor.

SECTION 3. MAYOR PRO TEMPORE. Immediately after taking office, the mayor shall designate one member of the city council as mayor pro tempore. The mayor pro tempore shall be vice president of the council. Except for the limitations otherwise provided herein, the mayor pro tempore shall perform the duties of the mayor in cases of absence or inability of the mayor to perform his/her duties. In the exercise of the duties of his/her 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 without council approval. The mayor pro tempore shall have the right to vote as a member of the council.

SECTION 4. Presiding Officer of City Council. The mayor shall act as presiding officer at all regular and special meetings of the city council. The mayor pro tempore shall serve as presiding officer in the mayor's absence.

SECTION 5. Department Heads, Boards and Commissions. The mayor shall have the authority to appoint all heads of departments, except the city attorney and the city clerk, and members of the boards and commissions with the concurrence of a simple majority of the city council.

The mayor shall have the power to remove all heads of departments, except the city attorney and the city clerk; however, any such removal may be overridden by a resolution adopted and approved by a two-thirds majority of the council.

SECTION 6. Administrative Assistant. The mayor may appoint a mayoral administrative assistant to assist in matters of administration and supervision.

The appointment and removal of the mayoral administrative assistant shall be at the sole discretion of the mayor.

SECTION 7. Budget and Ordinances. The mayor shall prepare and submit to the city council an itemized budget of revenues and expenditures on or before the second Monday of each February.

The mayor may introduce ordinances and resolutions to the city council and may consult with the city attorney in the drafting thereof.

SECTION 8. Reports to City Council. The mayor shall make such oral or written reports to the city council as appropriate or required by the city council.

SECTION 9. Special Meetings. The mayor, with the concurrence of a simple majority of the council, may call such special meetings of the city council as the mayor deems necessary to the interests of the city.

SECTION 5. That the 1985 Municipal Code of Council Bluffs, Iowa, is hereby amended by adopting Article IV of a new City Charter, to read as follows:

ARTICLE IV

SECTION 1. Amendments to the Charter. The City Charter for the City of Council Bluffs, Iowa, may be amended by one of the following methods:

- a. The council, by resolution, may submit a proposed amendment to the voters at a special or general city election, and the proposed amendment becomes effective if approved by a majority of those voting.
- b. The council, by ordinance, may amend the charter. However, within 45 days of publication of the ordinance, if a petition signed by eligible electors of the city equal in number to 25% of the persons who voted at the last preceding regular city election is filed with the council, the council must submit the ordinance amendment to the voters at a special city election, and the amendment does not become effective until approved by a majority of those voting.
- c. If a petition signed by eligible electors of the city equal in number to 25% of the persons who voted at the last preceding regular city election is filed with the council posing an amendment to the Charter, the council must submit the proposed amendment to the voters at a special or general city election, and the amendment becomes effective if approved by a majority of those voting.

SECTION 6. That the 1985 Municipal Code of Council Bluffs, Iowa, is hereby amended by adopting Article V of a new City Charter, to read as follows:

ARTICLE V

SECTION 1. Recall of Mayor. In addition to the removal process outlined in the State Code of Iowa, the mayor may be removed by vote of the electors at any regular election or special election called for that purpose.

SECTION 2. Petition; Requirement; Duties. (a) A petition demanding that the question of removing the mayor be submitted to the registered voters shall be signed by eligible electors equal in number to at least 25 percent of the total registered voters at the time of the last general election.

(b) The signatures shall be affixed to petition papers which shall be considered part of the petition filed under this section. The petition papers shall be procured from the city clerk, who shall keep a sufficient number of such blank petition papers on file for distribution. Prior to the issuance of such petition papers, an affidavit shall be signed and filed with the city clerk by at least one registered voter. Such voter or voters shall be deemed to be the principal circulator or circulators of the recall petition. The affidavit shall state the name of the mayor sought to be removed and shall request that the city clerk issue petition papers to the circulator for circulation. The city clerk, upon issuing any petition papers, shall enter in a record, to be kept in his or her office, the name of the registered voter or voters to whom issued, the date of such issuance, and the number of papers issued and shall certify on the papers the name of the registered voter or voters to whom the papers were issued and the date they were issued. No petition paper shall be accepted as part of the petition unless it bears such certificate and unless it is filed as provided in this section.

(c) Each petition paper presented to an eligible elector for his or her signature shall indicate clearly at the top that the signatories support the holding of a recall election and shall indicate the name of the mayor sought to be recalled.

(d) Each signer of a recall petition shall sign and print his or her given name and surname and list his or her place of residence by street and number or by mailing address. To each petition paper there shall be attached an affidavit of the circulator stating the number of signers to such part of the petition, that each signature appended to the paper was made in his or her presence and is the genuine signature of the person whose name it purports to be, and that the circulator has not received and will not receive, either directly or indirectly, any compensation for circulating the petition or for procuring the signatures on it.

(e) No person shall be presented with a petition or asked to sign a petition by a circulator thereof within 300 feet of any outside door of any building affording access to any room where the polls are held or of any outside door of any building affording access to any hallway, corridor, stairway, or other means of reaching the room where the polls are held on any election day, except this section shall not apply to the posting of signs on private property not a polling place. The effect of such an act will be to invalidate the entire petition.

SECTION 3. Petition; Filing; Signatures; Requirements. (a) All papers comprising a recall petition shall be filed for signature verification with the city clerk as one instrument within sixty days after the city clerk issues the initial petition papers to the principal circulator or to a person who provides written documentation, signed by the principal circulator, that he or she is the principal circulator's designee. The petition shall be filed with the city clerk by the principal circulator or circulators as defined in Section 2 above.

(b) Within ten days after the filing of the petition, the city clerk shall ascertain whether or not the petition is signed by the requisite number of eligible electors and shall attach to the petition a certificate showing whether any signatures need to be corrected in order to comply with this article. If the city clerk finds incorrect signatures, he or she shall promptly notify the person filing the petition that the petition may be cured at any time within ten days after the giving of such notice by the filing of a supplementary petition, with the corrected signatures, on additional petition papers issued and filed as provided for the original petition. No new signatures may be added after the initial filing of the petition, and no signatures may be removed unless the city clerk receives an affidavit signed by the person requesting his or her signature be removed. The clerk shall, within five days after any correction, examine the corrected petition and attach a certificate as in the case of the original petition. If the certificate shows the corrected petition to be insufficient or if no correction was made, the city clerk shall file the petition in his or her office without prejudice to the filing of a new petition for the same purpose.

SECTION 4. Recall Election; When Held; Requirements. (a) If the petition or corrected petition is found to be sufficient, the city clerk shall attach to the petition a certificate showing the result of such examination and shall notify the mayor whose removal is sought. If the mayor does not resign within five days after the notice, the city clerk shall submit, within ten days after the five-day period has elapsed, the original petition and supplement, together with his or her certificates, to the city council. Upon

receipt of such petition and certificate, the city council shall order an election to be held not less than thirty nor more than forty-five days after the five-day period, except that if any other election is to be held in the city within ninety days of the five-day period, the council may provide for the holding of the removal election on the same day.

(b) The ballots used at a recall election shall conform to the following requirements: With respect to the mayor whose removal is sought, the question shall be submitted: Shall (name of person) be removed from the office of mayor by recall? Immediately following each such question, there shall be printed on the ballots the two propositions, in the order set forth: For the recall of (name of person) and Against the recall of (name of person). Immediately to the left of each proposition shall be placed a square in which the registered voters, by making a cross (X) mark, may vote for one of the propositions.

SECTION 5. Election Results; Effect; Filling of Vacancies. (a) If a majority of the votes cast at a recall election are against the removal of the mayor or the election results in a tie, the mayor shall continue in office for the remainder of his or her term. If a majority of the votes cast at a recall election are for the removal of the mayor named on the ballot, he or she shall, regardless of any technical defects in the recall petition, be deemed removed from office unless a recount is ordered.

If the election results show a margin of votes equal to two percent or less between the recall or retention of the mayor, the election commissioner shall order a recount of the votes cast in the recall election unless the mayor files a written statement with the city clerk that he or she does not want a recount.

(b) If the mayor is deemed removed, the removal shall result in a vacancy in the office.

(c) Vacancies resulting from recall elections shall be filled as provided under State law.

SECTION 6. Petition; Prohibited; When; Costs. (a) No recall petition shall be filed against a mayor within twelve months after a recall election has failed to remove him or her from office or within six months from the end of his or her term of office.

(b) Costs of any recall or special election shall be borne by the city.

SECTION 7. Severability Clause. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 8. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. This is:

Ordinance No. 4295 (1979)

SECTION 9. Effective Date. This ordinance shall be in full force and effect from and after January 1, 1988.

ORDINANCE NO. 4739

PAGE SEVEN

PASSED
AND February 23, 1987
APPROVED

Samuel F. Irwin
SAMUEL F. IRWIN Mayor

Attest: Olga Arellano
OLGA ARELLANO City Clerk

FIRST CONSIDERATION: January 26, 1987
SECOND CONSIDERATION: February 9, 1987
PUBLIC HEARING: February 9, 1987
THIRD CONSIDERATION: February 23, 1987

INTER-OFFICE MEMO

TO: The Honorable Samuel F. Irwin, Mayor
and Members of City Council

FROM: Dick Wade, City Attorney

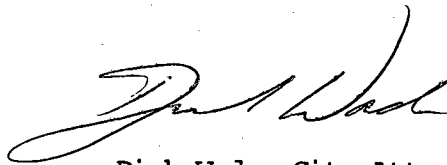
DATE: January 21, 1987

RE: City Charter

In December of 1985, the people of Council Bluffs, through a special election, changed the form of their city government from Council-Manager-at-Large to Mayor-Council, effective January 1, 1988. This necessitated the amending of our City Charter so as to incorporate the Mayor-Council form. This ordinance and active charter, which for the most part is the product of a 16 member committee which was appointed by the City Council, and reflects the wants and the needs of the citizens of Council Bluffs as perceived by a majority of that committee.

If you have any questions concerning this document, please do not hesitate to call or ask at the meeting.

Respectfully submitted,



Dick Wade, City Attorney

DW:kp

cc: Shirley Runte, City Manager
Olga Arellano, City Clerk

INTER-OFFICE MEMO

TO: The Honorable Samuel F. Irwin, Mayor
and Members of City Council

FROM: Dick Wade, City Attorney

DATE: February 23, 1987

RE: State Law Concerning Removal From Office And Filling of Vacancies.

In connection with the recall provision of the new City Charter, I have been asked to provide the Council with information regarding the state law on the removal from office and the filling of vacancies. What follows is a summary of existing state law:

Removal from office, pursuant to Chapter 66 of the Iowa Code. The mayor or a council member could be removed from office for:

- 1) willful or habitual neglect, or refusal to perform the duties of the office.
- 2) willful misconduct or maladministration in office.
- 3) for corruption.
- 4) for extortion.
- 5) upon conviction of a felony.
- 6) for intoxication or upon conviction of being intoxicated.
- 7) upon conviction of violating the provisions of Chapter 56 (campaign finance disclosure).

The state law provides two means for removal, and they are as follows:

Removal From Office

I. District Court Order

A) Filing of petition

1. by the Attorney General;
2. by the County Attorney; or
3. by five qualified electors (bond required to cover cost).

B) It shall then be the responsibility of the County Attorney to prosecute the matter.

II. By Order of Council

A) After written charges have been received by the Council alleging an act which would be the basis for an equitable action for removal in the District Court (see above); and

B) After conducting a hearing on the matter;

C) Such a removal can only be made by a two-thirds vote of the entire Council.

Filling of Vacancies

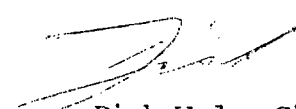
If a vacancy occurs in an elective city office, the Council generally has two options for filling such a vacancy; one being by appointment, and the other by special election.

If the Council elects to fill the vacancy by appointment, the term of the appointment shall be for the period until the next pending election, and it shall be made within 40 days after the vacancy occurs. Even if the Council elects to fill the vacancy by appointment, the people, via a petition, could force a special election to fill the vacancy.

If the Council elects to fill the vacancy by special election, the term shall be the balance of the unexpired term. The special election could be held concurrently with any pending election if by so doing the vacancy will be filled not more than 90 days after it occurs.

If you have any further questions concerning this matter, please do not hesitate to call.

Respectfully submitted,



Dick Wade, City Attorney

PROOF OF PUBLICATION

STATE OF IOWA
POTTAWATTAMIE COUNTY

ss.

I, Carolyn Bell on my oath

do solemnly swear that I am the accountant
of the COUNCIL BLUFFS NONPAREIL, a newspaper issued DAILY,
and printed in said county;

that the annexed notice was published in said newspaper for one

consecutive time as follows: The first publication thereof

being on the 2 day of February 19 87,

the second on the day of 19 ,

the third on the day of 19 ,

the fourth on the day of 19 ,

the fifth on the day of 19 ,

the sixth on the day of 19 ,

the

Carolyn Bell

Signed in my presence by the said Carolyn Bell

and by him sworn to before me this 5 day of February

A.D. 19 87.

NOTICE OF PUBLIC HEARING TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing on a proposed ordinance

to enact a new City Charter to incorporate the Mayor-Council form of government which takes effect January 1, 1988.

You are further notified that a public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting to be held at 8:00 o'clock p.m. on the 9th day of February, 1987, in the City Council Chambers in the City Hall Building, 209 Pearl Street, Council Bluffs, Iowa. At such time and place all persons interested in said matter will be given an opportunity to be heard.

OLGA ARELLANO, City Clerk
1987(2) 2-1 Monday



TONYA M. BARKER

Witness my hand and Notarial Seal.

Tonya M Barker

Notary Public.

PROOF OF PUBLICATION

Filed this..... day

of A. D. 19

.....

.....

Publication fee, \$.....

.....

.....

STATE OF IOWA
WATAMIE COUNTY

do solemnly swear that I am the accountant
of the COUNCIL BLUFFS NONPAREIL, a newspaper issued DAILY,
and printed in said county;

consecutive time as follows: The first publication thereof

the second on the _____ day of _____ 19____,

the third on the _____ day of _____ 19_____,

the fourth on the _____ day of _____ 19____,

the fifth on the _____ day of _____ 19_____,

the sixth on the _____ day of _____ 19_____,

the the

and by him sworn to before me this 16 day of March
A.D. 1937.

Witness my hand and Notarial Seal.

 TONYA M. BARKER Tonya M Barker
Notary Public.

TRU-TEST
Latex Ceiling Paint
7.98
Gallon
White Ceiling Latex, non-yellowing, easy clean, washable, excellent formula for interior ceilings and trim.

TRU-TEST
Waterproofing Masonry Paint
10.98
Gallon
Waterproofing masonry, concrete and brick walls.

TRU-TEST
Tru-Seal
7.98
Gallon
Waterproofing, coating, sealing, caulking, caulking, caulking.

TRU-TEST
Latex Redwood Stain
2.98
Gallon
Latex Redwood Stain, natural, natural, natural.

TRU-TEST
Flat Latex Wall Paint
4.99
Gallon
Flat Latex Wall Paint, has a built-in primer, easy to apply, easy to clean, easy to clean.

TRU-TEST
Weather All
8.98
Gallon
Weather All, weather all, weather all.

TRU-TEST
Latex House Paint
9.98
Gallon
Latex House Paint, latex house paint, latex house paint.

TRU-TEST
Latex House Paint
10.98
Gallon
Latex House Paint, latex house paint, latex house paint.

TRU-TEST
H-O Spray Enamel
1.69
Gallon
H-O Spray Enamel, H-O Spray Enamel, H-O Spray Enamel.

TRU-TEST
XO Stain Primer, Sealer & Stain Killer
2.48
Gallon
XO Stain Primer, Sealer & Stain Killer, XO Stain Primer, Sealer & Stain Killer.

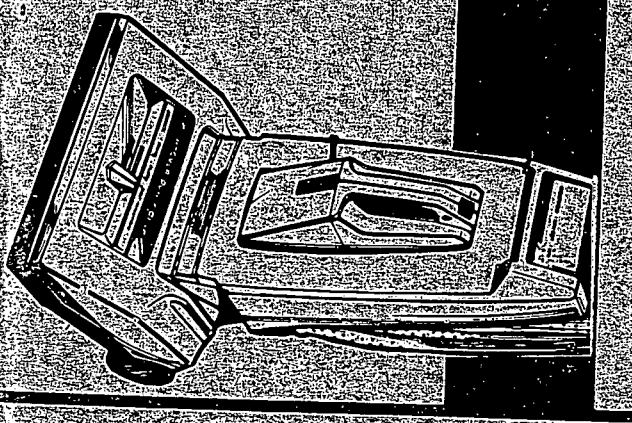
PAINT FACTORY TO YOU SAVINGS!
Over 6,000 True Value Hardware Stores & Home Centers Own 31 Efficient, True-Test Paint, Stain & Aerosol Facilities. 75,000 Gallon Daily Capacity.

True Value
HARDWARE STORES
presents

es is "Hoover Sale Time"
During the month of March all Hoover vacuums in stock are being reduced
Save \$20 to \$100

HOVER® Concert 110
with Detachable Head-Mat
• Power Drive
• Quotient - Agitation
• Quick and clean dog change
• Quick cord release
• Brushed edge cleaning
• Dual headlight

\$279.95



ORDINANCE NO. 473
AN ORDINANCE amending the City Charter by repealing the existing Charter in its entirety and adopting a new City Charter for the City of Council Bluffs, Iowa.
PREAMBLE In December of 1985, the people of Council Bluffs, Iowa, through a special election, changed the form of their city's government from Council Manager at large to Mayor-Council. This necessitated the amending of the City Charter, so as to incorporate the Mayor-Council form. This ordinance enacts a charter which, for the most part, is the product of a 16 member committee which was appointed by the city council and reflects the wants and needs of the citizens of Council Bluffs as perceived by a majority of that committee.

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BY THE CITY COUNCIL
OF THE
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SECTION 3. Form of Government. The form of government of the City of Council Bluffs, Iowa, is the Mayor-Council Form of Government as set out in Section 372.6, Iowa Code Annotated, 1985 edition.

SECTION 4. Copies on File. The city clerk shall keep an official copy of this charter on file with the official records of the city clerk. The city clerk shall immediately file a copy with the Secretary of State of Iowa and shall keep copies of the charter available at the city clerk's office for public inspection.

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mayor shall designate one member of the city council as mayor pro tempore. The mayor pro tempore shall be vice president of the council. Except for the limitations otherwise provided herein, the mayor pro tempore shall perform the duties of the mayor in cases of absence or inability of the mayor to perform his/her duties. In the exercise of the duties of his/her 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 without council approval. The mayor pro tempore shall have the right to vote as a member of the council.

SECTION 2. Presiding Officer of City Council. The mayor shall act as presiding officer at all regular and special meetings of the city council. The mayor pro tempore shall serve as presiding officer in the mayor's absence.

SECTION 3. Department Heads, Boards and Commissions. The mayor shall have the authority to appoint all heads of departments, except the city attorney, and the city clerk, and members of the boards and commissions with the concurrence of a simple majority of the city council.

The mayor shall have the power to remove all heads of departments, except the city attorney, and the city clerk, however many such removal may be overridden by a resolution adopted and approved by a two-thirds majority of the council.

SECTION 4. Administration Assistant. The mayor may appoint a mayoral administrative assistant to assist in matters of administration and supervision.

The appointment and removal of the mayoral administrative assistant shall be at the sole discretion of the mayor.

SECTION 5. Budget and Ordinances. The mayor shall prepare and submit to the city council an itemized budget of revenues and expenditures on or before the second Monday of each February.

The mayor may introduce ordinances and resolutions to the city council and may consult with the city attorney in the drafting thereof.

SECTION 6. Reports to City Council. The mayor shall make such oral or written reports to the city council as appropriate or required by the city council.

SECTION 7. Special Meetings. The mayor, with the concurrence of a simple majority of the council may call such special meetings of the city council as the mayor deems necessary to the interests of the city.

SECTION 8. That the 1985 Municipal Code of Council Bluffs, Iowa, is hereby amended by adopting Article IV of a new City Charter, to read as follows:

ARTICLE IV

SECTION 1. Amendments to the Charter. The City Charter for the City of Council Bluffs, Iowa, may be amended by one of the following methods:

a. The council, by resolution, may submit a proposed amendment to the voters at a special or general city election, and the proposed amendment becomes effective if approved by a majority of those voting.

b. The council, by ordinance, may amend the charter. However, within 45 days of publication of the ordinance, if a petition signed by eligible electors of the city equal in number to 25% of the persons who voted at the last preceding regular city election is filed with the council, the council must submit the ordinance amendment to the voters at a special city election, and the amendment does not become effective until approved by a majority of those voting.

c. If a petition signed by eligible electors of the city equal in number to 25% of the persons who voted at the last preceding regular city election is filed with the council, the council must submit the proposed amendment to the voters at a special or general city election, and the amendment becomes effective if approved by a majority of those voting.

SECTION 2. That the 1985 Municipal Code of Council Bluffs, Iowa, is hereby amended by adopting Article V of a new City Charter, to read as follows:

ARTICLE V

SECTION 1. Recall of Mayor. In addition to the removal process outlined in the State Code of Iowa, the mayor may be removed by vote of the electors at any regular election or special election called for that purpose.

SECTION 2. Petition Requirement. Duties: (a) A petition demanding that the question of removing the mayor be submitted to the registered voters shall be signed by eligible electors equal in number to at least 25 percent of the total registered voters at the time of the last general election.

(b) The signatures shall be affixed to petition papers which shall be considered part of the petition filed under this section. The petition papers shall be procured from the city clerk who shall keep a sufficient number of such blank petition papers on file for distribution. Prior to the issuance of such petition papers, an affidavit shall be signed and filed with the city clerk by at least one registered voter. Such voter or voters shall be deemed to be the principal circulator or circulators of the recall petition. The affidavit shall state the name of the mayor sought to be removed and shall request that the city clerk issue petition papers to the circulator for circulation. The city clerk upon issuing any petition papers shall enter in a record to be kept in his or her office, the name of the registered voter or voters to whom issued, the date of such issuance, and the number of papers issued, and shall certify on the papers the name of the registered voter or voters to whom the papers were issued and the date they were issued. No petition paper shall be accepted as part of the petition unless it bears such certificate and unless it is filed as provided in this section.

(c) Each petition paper presented to an eligible elector for his or her signature shall indicate clearly at the top that the signatories support the holding of a recall election and shall indicate the name of the mayor sought to be recalled.

(d) Each signer of a recall petition shall sign and print his or her given name and surname and list his or her place of residence by street and number or by mailing address to each petition paper. There shall be attached an affidavit of the circulator stating the number of signers to such part of the petition, that each signature appended to the paper was made in his or her presence and is the genuine signature of the person whose name it purports to be, and that the circulator has not received and will not receive, either directly or

she shall promptly notify the person filing the petition that the petition may be cured at any time within ten days after the giving of such notice by the filing of a supplementary petition with the corrected signatures on additional petition papers issued and filed as provided for the original petition. No new signatures may be added after the initial filing of the petition and no signatures may be removed unless the city clerk receives an affidavit signed by the person requesting his or her signature be removed. The clerk shall, within five days after any correction, examine the corrected petition and attach a certificate as in the case of the original petition. If the certificate shows the corrected petition to be insufficient or if no correction was made, the city clerk shall the petition in his or her office without prejudice to the filing of a new petition for the same purpose.

SECTION 3. Recall Election. When Held. Requirements: (a) If the petition or corrected petition is found to be sufficient, the city clerk shall attach to the petition a certificate showing the result of such examination and shall notify the mayor whose removal is sought. If the mayor does not resign within five days after the notice, the city clerk shall submit, within ten days after the five day period has elapsed, the original petition and supplement together with his or her certificates, to the city council. Upon receipt of such petition and certificate, the city council shall order an election to be held not less than thirty nor more than forty five days after the five day period, except that if any other election is to be held in the city within ninety days of the five day period, the council may provide for the holding of their removal election on the same day.

(b) The ballots used at a recall election shall conform to the following requirements. With respect to the mayor whose removal is sought, the question shall be submitted: Shall (name of person) be removed from the office of mayor by recall? Immediately following each such question there shall be printed on the ballots the two propositions in the order set forth: For the recall of (name of person) and Against the recall of (name of person). Immediately to the left of each proposition shall be placed a square in which the registered voters by making a cross (X) mark may vote for one of the propositions.

SECTION 4. Election Results. Effect. Filling of Vacancies: (a) If a majority of the votes cast at a recall election are against the removal of the mayor or the election results in a tie, the mayor shall continue in office for the remainder of his or her term. If a majority of the votes cast at a recall election are for the removal of the mayor, named on the ballot, he or she shall, regardless of any technical defects in the recall petition, be deemed removed from office unless a recount is ordered.

If the election results show a margin of votes equal to two percent or less between the recall or retention of the mayor, the election commissioner shall order a recount of the votes cast in the recall election unless the mayor files a written statement with the city clerk that he or she does not want a recount.

(b) If the mayor is deemed removed, the removal shall result in a vacancy in the office.

(c) Vacancies resulting from recall elections shall be filled as provided under State law.

SECTION 5. Petition Prohibited. When Costs: (a) No recall petition shall be filed against a mayor within twelve months after a recall election has failed to remove him or her from office or within six months from the end of his or her term of office.

(b) Costs of any recall or special election shall be borne by the city.

SECTION 6. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect the same as if the ordinance contained no illegal or void provisions.

SECTION 7. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. This is Ordinance No. 473 (1987).

SECTION 8. Effective Date. This ordinance shall be in full force and effect from and after January 1, 1988.

PASSED AND APPROVED

February 23, 1987
SAMUEL E. IRWIN, Mayor
Attest: OLGA ARELLANO,
City Clerk

1987 (3) 13, 11 Friday

Council Bluffs, Iowa, is hereby amended by adopting Article II of a new City Charter, to read as follows:

SECTION 4. Copies on File. The city clerk shall keep an official copy of this charter on file with the official records of the city clerk, shall immediately file a copy with the Secretary of State of Iowa, and shall keep copies of the charter available at the city clerk's office for public inspection.

SECTION 3. That the 1985 Municipal Code of Council Bluffs, Iowa, is hereby amended by adopting Article II of a new City Charter, to read as follows:

ARTICLE II

SECTION 1. Powers and Exercise. All legislative and other powers exercisable under the Code of Iowa by the City of Council Bluffs and not given to the mayor shall be vested in the city council; the city council shall provide for the exercise of its powers and for the performance of all duties and obligations imposed on the city by law.

SECTION 2. Elections and Qualifications. The city council shall consist of five members elected at large for terms of four years each; the five individual terms shall be staggered so that three members shall be elected at one election and two members at another election.

Any candidate for the office of city council shall at the time of filing for candidacy be an eligible elector and resident of the city. No person shall be disqualified from candidacy for office of city council because such person holds public office, either elected or appointed, and no holder of any such other office shall be required to resign such other office in order to become and remain a candidate for the office of city council.

SECTION 3. City Clerk and City Attorney. The city council shall appoint a city clerk and a city attorney.

The city council shall adopt by ordinance the qualifications, powers and duties of the city clerk and city attorney.

SECTION 4. Vacancies. The city council shall adopt ordinances governing the existence of vacancies in elected and appointive offices and the replacement thereof.

SECTION 5. Departments, Boards and Commissions. The city council shall create or abolish such departments, boards and commissions and set such qualifications therefor as it deems necessary.

SECTION 6. Appropriations. The city council annually shall enact an appropriations budget in accordance with the Code of Iowa.

The city council shall have the power to enact such taxes and approve such bond issues as are permissible by the Code of Iowa.

SECTION 7. Compensation. The city council shall establish the compensation policy of all officers and employees of the city.

SECTION 8. Ordinances and Resolutions. Upon approval by a majority of the city council of an ordinance, amendment, or resolution, the mayor may sign, veto, or take no action on the measure.

If the mayor signs the measure, a resolution becomes effective immediately upon signing, and an ordinance or amendment becomes a law when published, unless a subsequent effective date is provided within the measure.

If the mayor vetoes the measure, the mayor shall explain the reasons for the veto in a message to the council at the time of the veto. With the exception of budgets, the mayor must approve or veto a measure in its entirety. The mayor may approve a budget in whole or in part and may veto any item of a budget. Within 30 days after the mayor's veto, the council may pass the measure again by a vote of not less than two-thirds 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.

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

SECTION 4. That the 1985 Municipal Code of Council Bluffs, Iowa, is hereby amended by adopting Article III of a new City Charter, to read as follows:

ARTICLE III

SECTION 1. Powers and Duties. Executive power shall be vested in the mayor. The mayor shall have such authority to act as provided in these articles and as otherwise authorized by the city council through ordinance or resolution; the mayor shall ensure that the laws are duly respected, observed, and enforced within the city, shall perform such other duties as may be prescribed by state law, charter, ordinance, or resolution and shall supervise, coordinate and assume responsibility for the functioning of all departments of the city.

The mayor shall have the power to supervise and direct the official conduct of all officers, departments, and employees of the city, except for the city attorney and the city clerk and their staffs; furthermore, the mayor shall have the power and authority to employ such assistants and other employees of the city for which the council has approved the position generally, and to discharge all employees of said departments, unless a city board or commission is otherwise specifically authorized by the City Code to employ and discharge its employees.

SECTION 2. Elections and Qualifications. The mayor shall be elected at large for a term of two years which shall begin and end at noon on the first day in January which is not a Sunday or legal holiday following a regular city election.

A candidate for the office of mayor shall, at the time of filing for the office, be an eligible elector and resident of the city. No person shall be disqualified from candidacy for office of mayor because such person holds public office, either elected or appointed, and no holder of any such other office shall be required to resign such other office in order to become and remain a candidate for the office of mayor.

SECTION 3. MAYOR PRO TEMPORE. Immediately after taking office, the

The mayor shall prepare and submit to the city council an itemized budget of revenues and expenditures on or before the second Monday of each February.

The mayor may introduce ordinances and resolutions to the city council and may consult with the city attorney in the drafting thereof.

SECTION 8. Reports to City Council. The mayor shall make such oral or written reports to the city council as appropriate or required by the city council.

SECTION 9. Special Meetings. The mayor, with the concurrence of a simple majority of the council, may call such special meetings of the city council as the mayor deems necessary to the interests of the city.

SECTION 5. That the 1985 Municipal Code of Council Bluffs, Iowa, is hereby amended by adopting Article IV of a new City Charter, to read as follows:

ARTICLE IV

SECTION 1. Amendments to the Charter. The City Charter for the City of Council Bluffs, Iowa, may be amended by one of the following methods:

a. The council, by resolution, may submit a proposed amendment to the voters at a special or general city election, and the proposed amendment becomes effective if approved by a majority of those voting.

b. The council, by ordinance, may amend the charter. However, within 45 days of publication of the ordinance, if a petition signed by eligible electors of the city equal in number to 25% of the persons who voted at the last preceding regular city election is filed with the council, the council must submit the ordinance amendment to the voters at a special city election, and the amendment does not become effective until approved by a majority of those voting.

c. If a petition signed by eligible electors of the city equal in number to 25% of the persons who voted at the last preceding regular city election is filed with the council posing an amendment to the Charter, the council must submit the proposed amendment to the voters at a special or general city election, and the amendment becomes effective if approved by a majority of those voting.

SECTION 6. That the 1985 Municipal Code of Council Bluffs, Iowa, is hereby amended by adopting Article V of a new City Charter, to read as follows:

ARTICLE V

SECTION 1. Recall of Mayor. In addition to the removal process outlined in the State Code of Iowa, the mayor may be removed by vote of the electors at any regular election or special election called for that purpose.

SECTION 2. Petition; Requirement; Duties. (a) A petition demanding that the question of removing the mayor be submitted to the registered voters shall be signed by eligible electors equal in number to at least 25 percent of the total registered voters at the time of the last general election.

(b) The signatures shall be affixed to petition papers which shall be considered part of the petition filed under this section. The petition papers shall be procured from the city clerk, who shall keep a sufficient number of such blank petition papers on file for distribution. Prior to the issuance of such petition papers, an affidavit shall be signed and filed with the city clerk by at least one registered voter. Such voter or voters shall be deemed to be the principal circulator or circulators of the recall petition. The affidavit shall state the name of the mayor sought to be removed and shall request that the city clerk issue petition papers to the circulator for circulation. The city clerk, upon issuing any petition papers, shall enter in a record, to be kept in his or her office, the name of the registered voter or voters to whom issued, the date of such issuance, and the number of papers issued and shall certify on the papers the name of the registered voter or voters to whom the papers were issued and the date they were issued. No petition paper shall be accepted as part of the petition unless it bears such certificate and unless it is filed as provided in this section.

(c) Each petition paper presented to an eligible elector for his or her signature shall indicate clearly at the top that the signatories support the holding of a recall election and shall indicate the name of the mayor sought to be recalled.

(d) Each signer of a recall petition shall sign and print his or her given name and surname and list his or her place of residence by street and number or by mailing address. To each petition paper there shall be attached an affidavit of the circulator stating the number of signers to such part of the petition, that each signature appended to the paper was made in his or her presence and is the genuine signature of the person whose name it purports to be, and that the circulator has not received and will not receive, either directly or indirectly, any compensation for circulating the petition or for procuring the signatures on it.

(e) No person shall be presented with a petition or asked to sign a petition by a circulator thereof within 300 feet of any outside door of any building affording access to any room where the polls are held or of any outside door of any building affording access to any hallway, corridor, stairway, or other means of reaching the room where the polls are held on any election day, except this section shall not apply to the posting of signs on private property not a polling place. The effect of such an act will be to invalidate the entire petition.

SECTION 3. Petition; Filing; Signatures; Requirements. (a) All papers comprising a recall petition shall be filed for signature verification with the city clerk as one instrument within sixty days after the city clerk issues the initial petition papers to the principal circulator or to a person who provides, written documentation, signed by the principal circulator, that he or she is the principal circulator's designee. The petition shall be filed with the city clerk by the principal circulator or circulators as defined in Section 2 above.

(b) Within ten days after the filing of the petition, the city clerk shall ascertain whether or not the petition is signed by the requisite number of eligible electors and shall attach to the petition a certificate showing whether any signatures need to be corrected in order to comply with this article. If the city clerk finds incorrect signatures, he or

removal is sought, the question shall be submitted: Shall (name of person) be removed from the office of mayor by recall? Immediately following each such question, there shall be printed on the ballots the two propositions, in the order set forth: For the recall of (name of person) and Against the recall of (name of person). Immediately to the left of each proposition shall be placed a square in which the registered voters, by making a cross (X) mark, may vote for one of the propositions.

SECTION 5. Election Results; Effect; Filling of Vacancies. (a) If a majority of the votes cast at a recall election are against the removal of the mayor or the election results in a tie, the mayor shall continue in office for the remainder of his or her term. If a majority of the votes cast at a recall election are for the removal of the mayor named on the ballot, he or she shall, regardless of any technical defects in the recall petition, be deemed removed from office unless a recount is ordered.

If the election results show a margin of votes equal to two percent or less between the recall or retention of the mayor, the election commissioner shall order a recount of the votes cast in the recall election unless the mayor files a written statement with the city clerk that he or she does not want a recount.

(b) If the mayor is deemed removed, the removal shall result in a vacancy in the office.

(c) Vacancies resulting from recall elections shall be filled as provided under State law.

SECTION 6. Petition; Prohibited; When; Costs. (a) No recall petition shall be filed against a mayor within twelve months after a recall election has failed to remove him or her from office or within six months from the end of his or her term of office.

(b) Costs of any recall or special election shall be borne by the city.

SECTION 7. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 8. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. This is:

Ordinance No. 4295 (1979)

SECTION 9. Effective Date. This ordinance shall be in full force and effect from and after January 1, 1988.

PASSED AND APPROVED

February 23, 1987

SAMUEL F. IRWIN, Mayor

Attest: OLGA ARELLANO,

City Clerk

1987(3)13-1 Friday

PROOF OF PUBLICATION

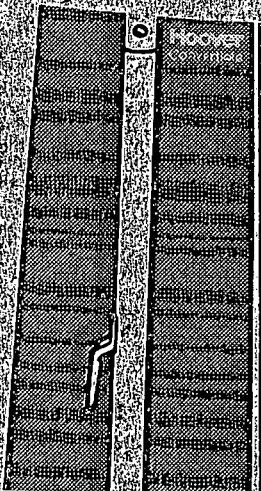
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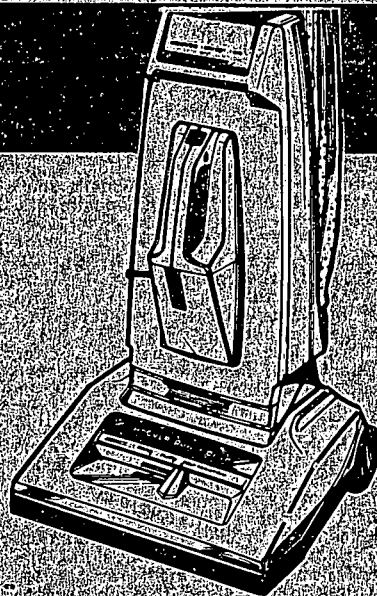
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