

**CITY OF MUSCATINE
ORDINANCE 2024-0194**

**REPEAL OF CITY CODE CHAPTER 10-2-2.E(1)(B) REGARDING STAFF
COMMUNICATION WITH ELECTED OFFICIALS**

WHEREAS, the Muscatine City Council (the "City Council") is an elected legislative and deliberative public body, serving the citizens of Muscatine, Iowa; and

WHEREAS, the City Council employs a City Administrator to coordinate and direct all City services provided through the various City departments; and

WHEREAS, productive and appropriate communications between City staff and elected officials can support an effective and efficient organization and is supported by the City Council and the City Administrator; and

WHEREAS, the current code language has not provided productive guidance to both staff and elected officials regarding appropriate communications; and

WHEREAS, at City Council's April 11 in-depth Council meeting, the City Administrator recommended and City Council supported that administrative policy and Council guidance is a better tool to support productive and appropriate communications; and

WHEREAS, the guidance for Councilmembers includes not acting as a superior or supervisor to staff, not making commitments to staff for resources, and not giving any explicit or implied direction to staff; and

WHEREAS, the guidance for City Council also includes showing interest and support for staff and the work they do, reminding staff that they need to communicate through the City Administrator to City Council any concerns and requests, copying the City Administrator on any communications to City staff, coordinating any meetings, issues, or concerns through the City Administrator, and having casual communications with City staff on matters not related to City policies.

WHEREAS, City Council conducted a public hearing on May 2 to consider any public input on the proposed change in City Code;

NOW THEREFORE, be it ordained by the City Council of the City of Muscatine, in the State of Iowa, as follows:

SECTION 1: **REPEAL** "1-10-2 City Administrator" of the Muscatine Municipal Code is hereby *repealed* as follows:

BEFORE REPEAL

1-10-2 City Administrator

- A. **Establishment, Appointment, and Removal.** The office of the City Administrator is hereby created, which office shall be filled by a majority vote of the Council. The appointee shall hold office during the pleasure of the Council, and shall be subject to removal by a majority vote of the Council. He or she shall also be the City Clerk.
- B. **Qualifications.** The City Council shall appoint by majority vote a competent person on the basis of his or her qualifications as City Administrator.

(Code of Iowa, Section 372.13(4))

- C. **Excepted Appointment.** The City Administrator shall not be considered a department head.
- D. **Deputy City Clerk.** The City Administrator shall appoint a Deputy City Clerk to perform the duties of the City Clerk in the Administrator's absence and to perform other duties as assigned to him or her.
- E. **Duties and Responsibilities.** The City Administrator shall have the following duties:
1. **Powers and Duties as City Administrator.**
 - a. The powers and duties of the City Administrator shall include:
 - (1) Enforcement of all City laws and regulations as directed by the Council.
 - (2) Administration of Council policies and directives.
 - (3) Continuous study of the City government's operating procedures, organization, and facilities and to recommend fiscal and other policies to the Council whenever necessary.
 - (4) Preparation and administration of the City's annual operating budget.
 - (5) Supervision of the City's administrative policies and procedures, including personnel.
 - (6) Keeping the Council informed on the progress of its programs and the status of its policies.
 - (7) Coordinating and directing all City services provided through the various departments.
 - (8) Appointment and removal of City employees in accordance with City policies regarding this activity.
 - (9) Study possible joint arrangements with City boards such as, but not limited to, the Board of Water, Electric, and Communications Trustees or any other independent board and make recommendations for such arrangements as are mutually acceptable.
 - (10) Assist the Mayor in any of his or her duties, as requested by him or her and approved by the Council.
 - (11) Review and revise imposition of penalties, costs, fees, bond, and insurance requirements as set out in the Appendices to this Code of Ordinances.
 - (12) Oversee daily operations of City and staff.
 - b. Any elected official shall deal with City Department Heads and employees, who are subject to the direction and supervision of the City Administrator solely, through the City Administrator, and

Council Members shall not give orders to any such Department Heads or employees either publicly or privately. All departmental activity requiring the attention of the Council shall be brought before that body by the City Administrator. Elected officials shall have access to department heads or staff employees for the purpose of open and two-way communications; however, any meetings, issues or concerns raised by department heads, staff or elected officials shall be brought to the attention of the City Administrator.

(Code of Iowa, Section 372.13(4))

2. Powers and Duties as Clerk.

a. The Powers and Duties of the Clerk shall include:

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

(Code of Iowa, Section 372.13(4))

- (2) Publication of Minutes.** Within fifteen days following a regular or special meeting of the council, the clerk shall cause the minutes of the proceedings of the council, including the total expenditure from each city fund, to be published in a newspaper of general circulation in the city. The publication shall include a list of all claims allowed and a summary of all receipts and shall show the gross amount of the claims as required by Iowa Code, Section 372.13[6].

(Code of Iowa, Section 372.13(6))

- (3) Recording Measures.** The clerk shall promptly record a statement with the measure, where applicable, indicating whether the mayor signed, vetoed, or took no action on the measure, and whether the measure was repassed after the mayor's veto.

(Code of Iowa, Section 380.7(2))

- (4) Publication of Ordinances.** The clerk shall publish a summary of all ordinances or the complete text of ordinances and amendments in the manner provided in Section 362.3 of the Iowa Code.

(Code of Iowa, Section 380.7(3))

- (5) Authentication of Measures.** The Clerk shall authenticate all measures except motions with the clerk's signature and certification as to time and manner of publication, if any. The

clerk's certification is presumptive evidence of the facts stated therein.

(Code of Iowa, Section 380.7(4))

- (6) **Availability of Records.** The Clerk shall maintain for public use copies of all effective ordinances and codes.

(Code of Iowa, Section 380.7(5))

- (7) **Issuance of Licenses and Permits.** Except as otherwise provided, any person desiring a license or permit for any purpose from the City shall pay the requisite license fee to the Clerk, who shall thereupon issue the proper license.

AFTER REPEAL

1-10-2 City Administrator

- A. **Establishment, Appointment, and Removal.** The office of the City Administrator is hereby created, which office shall be filled by a majority vote of the Council. The appointee shall hold office during the pleasure of the Council, and shall be subject to removal by a majority vote of the Council. He or she shall also be the City Clerk.
- B. **Qualifications.** The City Council shall appoint by majority vote a competent person on the basis of his or her qualifications as City Administrator.

(Code of Iowa, Section 372.13(4))

- C. **Excepted Appointment.** The City Administrator shall not be considered a department head.
- D. **Deputy City Clerk.** The City Administrator shall appoint a Deputy City Clerk to perform the duties of the City Clerk in the Administrator's absence and to perform other duties as assigned to him or her.
- E. **Duties and Responsibilities.** The City Administrator shall have the following duties:
1. **Powers and Duties as City Administrator.**
 - a. The powers and duties of the City Administrator shall include:
 - (1) Enforcement of all City laws and regulations as directed by the Council.
 - (2) Administration of Council policies and directives.
 - (3) Continuous study of the City government's operating procedures, organization, and facilities and to recommend fiscal and other policies to the Council whenever necessary.
 - (4) Preparation and administration of the City's annual operating budget.
 - (5) Supervision of the City's administrative policies and procedures, including personnel.
 - (6) Keeping the Council informed on the progress of its programs

and the status of its policies.

- (7) Coordinating and directing all City services provided through the various departments.
 - (8) Appointment and removal of City employees in accordance with City policies regarding this activity.
 - (9) Study possible joint arrangements with City boards such as, but not limited to, the Board of Water, Electric, and Communications Trustees or any other independent board and make recommendations for such arrangements as are mutually acceptable.
 - (10) Assist the Mayor in any of his or her duties, as requested by him or her and approved by the Council.
 - (11) Review and revise imposition of penalties, costs, fees, bond, and insurance requirements as set out in the Appendices to this Code of Ordinances.
 - (12) Oversee daily operations of City and staff.
- b. ~~Any elected official shall deal with City Department Heads and employees, who are subject to the direction and supervision of the City Administrator solely, through the City Administrator, and Council Members shall not give orders to any such Department Heads or employees either publicly or privately. All departmental activity requiring the attention of the Council shall be brought before that body by the City Administrator. Elected officials shall have access to department heads or staff employees for the purpose of open and two-way communications; however, any meetings, issues or concerns raised by department heads, staff or elected officials shall be brought to the attention of the City Administrator.~~

(Code of Iowa, Section 372.13(4))

2. Powers and Duties as Clerk.

a. The Powers and Duties of the Clerk shall include:

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

(Code of Iowa, Section 372.13(4))

- (2) **Publication of Minutes.** Within fifteen days following a regular or special meeting of the council, the clerk shall cause the minutes of the proceedings of the council, including the total expenditure from each city fund, to be published in a newspaper of general circulation in the city. The publication shall include a list of all claims allowed and a summary of all receipts and shall show the gross amount of the claims as

required by Iowa Code, Section 372.13[6].

(Code of Iowa, Section 372.13(6))

- (3) **Recording Measures.** The clerk shall promptly record a statement with the measure, where applicable, indicating whether the mayor signed, vetoed, or took no action on the measure, and whether the measure was repassed after the mayor's veto.

(Code of Iowa, Section 380.7(2))

- (4) **Publication of Ordinances.** The clerk shall publish a summary of all ordinances or the complete text of ordinances and amendments in the manner provided in Section 362.3 of the Iowa Code.

(Code of Iowa, Section 380.7(3))

- (5) **Authentication of Measures.** The Clerk shall authenticate all measures except motions with the clerk's signature and certification as to time and manner of publication, if any. The clerk's certification is presumptive evidence of the facts stated therein.

(Code of Iowa, Section 380.7(4))

- (6) **Availability of Records.** The Clerk shall maintain for public use copies of all effective ordinances and codes.

(Code of Iowa, Section 380.7(5))

- (7) **Issuance of Licenses and Permits.** Except as otherwise provided, any person desiring a license or permit for any purpose from the City shall pay the requisite license fee to the Clerk, who shall thereupon issue the proper license.

SECTION 2: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

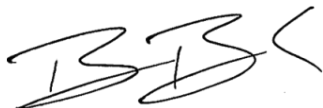
SECTION 4: EFFECTIVE DATE This Ordinance shall be in full force and effect from and after the required approval and publication according to law.

First Reading:
Second Reading:
Third Reading:
Publication:

PASSED AND ADOPTED BY THE CITY OF MUSCATINE CITY COUNCIL MAY 16, 2024.

Presiding Officer

Attest



Dr. Brad Bark, Mayor, City of
Muscatine



Carol Webb, City Clerk, City of
Muscatine

