

**CITY OF MUSCATINE
ORDINANCE 2024-0527**

**ORDINANCE AMENDING TITLE 1, CHAPTER 10 - CITY OFFICERS AND
EMPLOYEES TO ADD THE POSITIONS OF ASSISTANT CITY ADMINISTRATOR
AND CITY CLERK**

WHEREAS, the City of Muscatine is committed to maintaining transparency and accountability in its governance and administrative processes; and

WHEREAS, the City of Muscatine recognizes the importance of effective leadership and management in delivering high-quality services to its residents; and

WHEREAS, the position of Assistant City Administrator is essential for supporting the City Administrator in overseeing city operations, project management, and strategic planning; and

WHEREAS, the Assistant City Administrator plays a crucial role in fostering interdepartmental collaboration and ensuring that city initiatives align with community needs and goals; and

WHEREAS, it is imperative to define the responsibilities and authority of the Assistant City Administrator to enhance operational efficiency and responsiveness to the public; and

WHEREAS, the role of the City Clerk is vital in facilitating effective communication between the city government and its residents, ensuring that public records are accurately maintained and accessible; and

WHEREAS, the City Clerk serves as the custodian of official city documents, including ordinances, resolutions, and meeting minutes, which are essential for informed citizenship and civic engagement; and

WHEREAS, it is essential to establish clear guidelines and responsibilities for the City Clerk to enhance operational efficiency and public service delivery;

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

SECTION 1: **AMENDMENT** “1-10-1 Bond Requirements And Amounts” of the Muscatine Municipal Code is hereby *amended* as follows:

A M E N D M E N T

1-10-1 Bond Requirements And Amounts

The following officers and employees shall have an official bond in the amount proscribed

below and as required under Section 64.2 of the Code of Iowa. Costs to be paid by City.

- A. City Administrator: \$500,000
- B. City Clerk: \$500,000
- C. Finance Director (Treasurer): \$500,000
- D. All other City Officers and Employees: \$500,000

SECTION 2: **AMENDMENT** “1-10-2 City Administrator” of the Muscatine Municipal Code is hereby *amended* as follows:

A M E N D M E N T

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.
- 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. **Duties and Responsibilities.** The City Administrator shall have the following duties:
 - 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.
13. 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.
14. *(Code of Iowa, Section 372.13(4))*

SECTION 3: **AMENDMENT** “1-10-3 City Attorney” of the Muscatine Municipal Code is hereby *amended* as follows:

AMENDMENT

1-10-3 Assistant City Administrator

- A. **Establishment, Appointment, and Removal.** There is hereby established the office of Assistant City Administrator, who shall be appointed by a majority vote of the Council, hold office during the pleasure of the Council, and shall be subject to removal of a majority vote of the Council.
- B. **Management and Qualifications.** The Assistant City Administrator shall be under the administrative direction of the City Administrator. The Assistant City Administrator shall be selected by the Council from any current City department head with the competence and sufficient qualifications to be Assistant City Administrator.
- C. **Powers and Responsibilities.** The Assistant City Administrator shall be responsible for the performance of the duties of the City Administrator in his or her absence in accordance with Muscatine Code of Ordinances 1-10-2 and shall perform other duties as assigned by the City Administrator in furtherance of the performance of the duties of City Administrator.

(Code of Iowa, Section 372.13(4))

- D. **Compensation.** The compensation of the Assistant City Administrator shall be such amount as may from time to time be fixed by the Council.

(Code of Iowa, Section 372.13(4))

SECTION 4: AMENDMENT “1-10-4 Succession Requirements” of the Muscatine Municipal Code is hereby *amended* as follows:

A M E N D M E N T

1-10-4 City Clerk

- A. The Council shall appoint a Clerk to maintain city records and perform other duties prescribed by State law or City ordinance.

(Code of Iowa, Section 372.13(3))

- B. 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 a record must show the name, the period of the appointment, the date of its commencement and ending, and the name of the board to which the appointment is made.

(Code of Iowa, Section 372.13(3))

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' 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.

C. The City Clerk shall appoint a Deputy City Clerk to perform the duties of the City Clerk in his or her absence and shall perform other duties as assigned by the City Clerk in furtherance of the performance of the duties of the City Clerk.

D. Compensation, The compensation of the City Clerk shall be such amount as may from time to time be fixed by the Council.

SECTION 5: **ADOPTION** “1-10-5 City Attorney” of the Muscatine Municipal Code is hereby *added* as follows:

ADOPTION

1-10-5 City Attorney(*Added*)

A. Establishment, Appointment, and Removal, There is hereby established the office of City Attorney, who shall be appointed by and hold office during the pleasure of the Council and shall be subject to removal of a majority vote of the Council. Notwithstanding this Subsection, the Council may use whatever additional legal counsel is available and appropriate as long as not in conflict with any provision of this Code of Ordinances.

(Code of Iowa, Section 372.13(4))

B. Qualifications. The City Attorney shall not be an employee of the City but shall be under the administrative direction of the City Administrator. The City Attorney shall be a graduate of a college of law and shall be a licensed Attorney authorized to practice in the State of Iowa upon employment.

C. Powers and duties. The City Attorney performs legal services for and on behalf of the City, its officers, boards, commissions, and departments; attends meetings of various official bodies and gives oral advice and opinions in writing when requested; performs the preparation and review of ordinances, resolutions, contracts, and other legal documents as requested; tries cases and appears in other legal matters before courts, including district and appellate courts, boards, and commissions; confers with City

officials on legal problems; performs research in connection with constitution, statutes, ordinances, decisions, rules, and regulations; prepares complaints, answers, and briefs

for court cases; and performs additional administrative duties as assigned.

(Code of Iowa, Section 372.13(4))

- D. Compensation, The compensation of the City Attorney shall be such amount as may from time to time be fixed by the Council.

(Code of Iowa, Section 372.13(4))

SECTION 6: **ADOPTION** “1-10-6 Succession Requirements” of the Muscatine Municipal Code is hereby *added* as follows:

ADOPTION

1-10-6 Succession Requirements(*Added*)

Every City Officer shall transfer to his or her successor in office all books, papers, records, documents and property, in his or her custody and relating to his or her office.

SECTION 7: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

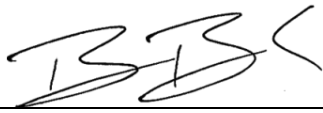
SECTION 8: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 9: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from _____ and after the required approval and publication according to law.

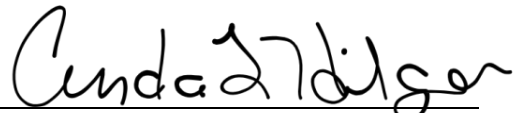
PASSED AND ADOPTED BY THE CITY OF MUSCATINE CITY COUNCIL
DECEMBER 05, 2024.

Presiding Officer

Attest



Dr. Brad Bark, Mayor, City of
Muscatine



Cinda Hilger, Deputy City Clerk, City
of Muscatine

