

15. Advertise for supplies. In cities, advertise in at least two (2) newspapers published and of general circulation in the city for three (3) weeks by one (1) insertion in each newspaper per week, for bids for furnishing all supplies for the several departments of the city not required to be advertised for by the board of public works. The last publication of said advertisement shall be two (2) weeks before the beginning of the fiscal year.

16. Appropriations. Make separate appropriations in cities for all the different expenditures of the city government for each fiscal year at or before the beginning thereof, and it shall be unlawful for it or any officer, agent, or employee of the city to issue any warrant, enter into any contract, or appropriate any money in excess of the amount thus appropriated during the year for which the appropriation is made. No city shall appropriate in the aggregate an amount in excess of its annual legally authorized revenue, but cities may anticipate their revenues for the year for which appropriation is made, or bond or refund their outstanding indebtedness.

That sections three thousand five hundred fifty (3550) and three thousand five hundred fifty-one (3551) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 17. No change of compensation during term. No member of any city or town council shall, during the time for which he has been elected, be appointed to any municipal office which has been created or the emoluments of which have been increased during the term for which he was elected, nor shall the emoluments of any city or town officer be changed during the term for which he has been elected or appointed, unless the office be abolished. No person who shall resign or vacate any office shall be eligible to the same during the time for which he was elected or appointed, when, during the time, the emoluments of the office have been increased.

Approved February 27, 1924.

CHAPTER 103
MUNICIPAL CORPORATIONS

S. F. 155

AN ACT to amend, revise, and codify chapter five (5) of title thirteen (13) of the compiled code of Iowa and of the supplement to said code, and section forty-two hundred thirty-two (4232) of the compiled code of Iowa, and sections forty-two hundred ninety-seven-a one (4297-a1) to forty-two hundred ninety-seven-a nineteen (4297-a19), inclusive, of the supplement to said code, relating to municipal corporations.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter five (5) of title thirteen (13) of the compiled Code of Iowa and of the supplement to said Code, and section forty-two hundred thirty-two (4232) of the compiled Code of Iowa, and sections forty-two hundred ninety-seven-a one (4297-a1) to forty-two hundred ninety-seven-a nineteen (4297-a19), inclusive, of the supplement to said Code are amended, revised, and codified to read as follows:

CHAPTER 5

CIVIL SERVICE

Section 1. Appointment of civil service commission. In cities having a population of eight thousand (8,000) or over, having a paid fire department, the mayor, with the approval of the council shall appoint three (3) civil service commissioners who shall hold office, one (1) until the first Monday in April of the second year, one (1) until the first Monday in April of the fourth year, and one (1) until the first Monday in April of the sixth year after such appointment, whose successors shall be appointed for a term of six (6) years. The commissioners must be citizens of Iowa and residents of the city for more than five (5) years next preceding their appointment, and shall serve without compensation. No person while on said commission, shall hold or be a candidate for any office of public trust. Nothing herein shall affect the term of any commissioner heretofore appointed under the provisions of the law applicable to cities under the commission form of government.

Sec. 2. Appointment civil service commission in other cities. In cities having a population of less than eight thousand (8,000), the council may appoint such commission, or may provide by ordinance for the exercise of the powers and performance of the duties of the commission by the council.

Sec. 3. Chairman - clerk. The chairman of the commission for each biennial period shall be the member whose term first expires. The city clerk shall be clerk of the commission and keep a record of all its meetings.

Sec. 4. Rooms and supplies. The council shall provide suitable rooms in which the commission may hold its meetings and supply the commission with all necessary equipment to enable it properly to perform its duties.

Sec. 5. Officers and employees under civil service - exceptions. The provisions of this chapter shall apply to all appointive officers and employees, including deputy clerks and bailiffs of the municipal court, in cities under the commission form of government having a population of more than 100,000, except:

1. City clerk, solicitor, assistant solicitor, assessor, treasurer, auditor, civil engineer, health physician, chief of police, market master.
2. Laborers whose occupation requires no special skill or fitness.
3. Election officials.
4. Secretary to the mayor or to any commissioner, and municipal court bailiffs who are employed exclusively as court room attendants.
5. Commissioners of any kind.

In all other cities, the provisions of this chapter shall apply only to members of the police and fire departments, except:

1. Chief of police.
2. Chief of fire department in cities under the manager plan.
3. Matrons, janitors, clerks, stenographers, and secretaries.
4. Casual employees.

Sec. 6. No further examination for certain persons. Persons now holding positions for which they have heretofore been appointed or employed after competitive examination, or who have rendered long and efficient service, shall retain their positions without further examination, but may be removed for cause.

Sec. 7. Examinations - results certified. Such commission shall, on the first Monday of April and October of each year, or oftener if it shall deem it necessary, under such rules as it may prescribe, hold examinations for the purpose of determining the qualifications of applicants for positions, which examinations shall be practical in their character and shall relate to such matters as will fairly test the physical and mental fitness of the person examined to discharge the duties of the position to which he seeks to be appointed.

Sec. 7-a. In all examinations and appointments under the provisions of this chapter, honorably discharged soldiers, sailors or marines of the regular or volunteer army or navy of the United States shall be given the preference, if otherwise qualified.

Sec. 8. Names certified - temporary appointment. Such commission shall, as soon as possible after every such examination, certify to the city council the names of five (5) persons for each class of position in cities of less than fifty thousand (50,000) population and ten (10) persons for each class of positions in cities of more than fifty thousand (50,000) population, who, according to its records, have the highest standing as a result of such examination, for the position they seek to fill, and all vacancies in positions under civil service which shall occur before the holding of the next examination shall be filled from said list. Such appointments from civil service lists shall, in cities under the commission form, be made by the superintendents of the respective departments, with the approval of the council; in cities under the manager plan such appointments shall be made by the manager, and in other cities, by the chiefs of the respective departments. In the case of deputy clerks or bailiffs of the municipal court, the appointments, if under civil service, shall be made by the clerk or bailiff thereof, respectively. If the list for any cause shall be reduced to less than three (3) for any class of positions, then the body or person having the appointing power may temporarily fill a vacancy until the next examination by the commission.

Sec. 9. Appointment of chief of police and chief of fire department. In cities under the commission plan, the chief of the fire department shall be appointed from the civil service list, and the superintendent of public safety with the approval of the council shall appoint the chief of police and chief of the fire department; in cities under the manager plan the manager shall make such appointments, and in all other cities such appointments shall be made by the mayor.

Sec. 10. Qualifications of officers and employees. All appointive officers and employees of cities shall be selected with reference to their qualifications and fitness and for the good of the public service, and without reference to their political faith or party allegiance.

Sec. 11. Employees under civil service - qualifications. Except as otherwise provided, no person shall be appointed or employed in any capacity in the fire or police department, or any department which is governed by the civil service, until such person shall have passed a civil service examination as provided in this act, and has been certified to the city council as being eligible for such appointment; provided, however, that in cases of emergency, in which the peace and order of the city is threatened by reason of fire, flood, storm, or mob violence, making additional protection of life and property necessary, in which case the person having the appointing power may deputize additional persons, without examination, to act as peace officers until such emergency shall have passed. In no case shall any person be appointed or employed in any capacity in the fire or police department, or any department which is governed

by civil service, unless such persons:

1. Is a citizen of the United States and has been a resident of the city for more than one year, but such residence in the city shall not be a necessary qualification for appointment as chief of police or chief of fire department.

2. Is of good moral character.

3. Is able to read and write the English language.

4. Is not a liquor or drug addict.

5. Has not been convicted of a felony.

6. Has not borne arms against the United States government.

7. Has not claimed exemption from military service on account of being a conscientious objector.

Sec. 12. Removal or discharge by commission. No person appointed from the civil service list shall be removed arbitrarily, but may be removed, after hearing, by a majority vote of the civil service commission for misconduct or failure to properly perform his duties.

Sec. 13. Removal or discharge of subordinates. The person having the appointing power as provided in this chapter, or the chief of police and the chief of the fire department may peremptorily suspend or discharge any subordinate then under his direction, for neglect of duty, disobedience of orders, or misconduct. Chiefs of police and fire departments of cities under the commission plan shall report suspensions or discharges made by them to the superintendent of public safety within twenty-four hours thereafter. In cities under the manager plan, such report shall be made to the manager, unless the suspension or discharge is made by him, in which case he shall report the same to the city council. In other cities, the report shall be made to the mayor. Such report shall be in writing, stating the reasons for such suspension or discharge. The person or body to whom the report is made shall affirm or revoke such suspension or discharge, according to the facts and merits of the case.

Sec. 14. Appeal. If there is an affirmance of the suspension or discharge of any person who secured his appointment or employment through examination by the civil service commission, he may, within five (5) days thereafter, appeal therefrom to said commission. If the appointment or employment was secured through civil service examination by the city council, the appeal shall be made to such council. If the suspension or discharge is revoked, the person, who suspended or discharged such officer or employee, may in like manner appeal.

Sec. 15. Notice of appeal. If the appeal be taken by the person suspended or discharged, notice thereof, signed by the appellant and specifying the ruling appealed from, shall be filed with the city clerk; if by the person making such suspension or discharge, such notice shall also be served upon the person suspended or discharged.

Sec. 16. Charges to be filed. Within five (5) days from the service of such notice of appeal, the person or body making the ruling appealed from, shall file with the body to which the appeal is taken, a written specification of the charges and grounds upon which the ruling was based. If such charges are not so filed the person suspended or discharged may present the matter to the body to whom the appeal is to be taken by affidavit, setting forth the facts, and such body shall forthwith enter an order reinstating the person suspended or discharged for want of prosecution.

Sec. 17. Time and place of hearing. Within five (5) days after such specifications are filed, the commission or council, as the case may be, shall

fix the time, which shall be not less than five (5) nor more than twenty (20) days thereafter, and place for hearing the appeal and shall notify the parties in writing of the time and place so fixed, and the notice shall contain a copy of the specifications so filed.

Sec. 18. Compulsory attendance of witnesses and production of evidence. The presiding officer of the commission or the council, as the case may be, shall have power to administer oaths in the same manner and with like effect and under the same penalties as in the case of magistrates exercising criminal or civil jurisdiction. The council or commission shall cause subpoenas to be issued for such witnesses and the production of such books and papers as either party may designate. The subpoenas shall be signed by the chairman of the commission or mayor, as the case may be.

Sec. 19. Contempt. In case a witness is duly subpoenaed and refuses to attend, or in case a witness appears and refuses to testify or to produce required books or papers, the official body hearing the appeal shall, in writing, report such refusal to the district court of the county or to any judge thereof, and said court or judge shall proceed with said person or witness as though said refusal had occurred in a proceeding legally pending before said court or judge.

Sec. 20. Public trial. The trial of all appeals shall be public, and the parties may be represented by counsel.

Sec. 21. Final decision. The council or civil service commission, as the case may be, shall determine the matter on its merits. If the appeal is taken by a suspended or discharged employee and reversed, he shall be reinstated as of the date of his suspension or discharge, and be entitled to compensation for such part of the period while suspended as the commission may determine.

Sec. 22. Number of employees diminished. Whenever the public interest requires a diminution in the number of employees under the civil service, the same may be reduced by resolution of the council. In case it thus becomes necessary to discharge any such employees, the persons discharged shall be those who have shown the least efficiency and competency and whose service has been of the shortest duration. The persons so discharged shall receive a certificate showing the length of their service, and that they have been honorably discharged.

Sec. 23. Campaign contributions prohibited - penalty. No officer or employee under civil service shall, directly or indirectly, contribute any money, or anything of value, to any candidate for nomination or election to any office, or to any campaign or political committee. Any person violating any provision of this section shall pay a fine of not less than twenty-five dollars (\$25.00) or more than one hundred dollars (\$100.00), or be imprisoned in the county jail not to exceed thirty (30) days.

Approved February 27, 1924.

CHAPTER 104

MUNICIPAL CORPORATIONS

H. F. 156

AN ACT to amend, revise, and codify sections three thousand five hundred seventy-five (3575), three thousand five hundred seventy-seven (3577), and three