

## CHAPTER 26.

## ORGANIZATION AND OFFICERS OF CITIES AND TOWNS.

S. F. 111.

AN ACT relating to the organization and officers of cities and towns, amending sections six hundred and forty-one (641), six hundred and fifty-five (655), eight hundred and sixty-seven (867), eight hundred and seventy-one (871) and eight hundred and seventy-three (873) of the code, and the law as it appears in section six hundred and sixty-one (661) of the supplement to the code and repealing sections six hundred and forty-six (646), six hundred and forty-seven (647), six hundred and forty-eight (648), six hundred and forty-nine (649), six hundred and fifty-one (651), six hundred and fifty-two (652), six hundred and fifty-seven (657) and eight hundred and sixty-five (865) of the code, and the law as it appears in section six hundred and forty-five (645), and paragraph five (5) of section six hundred and fifty-eight (658), of the supplement to the code and enacting substitutes therefor, and amending chapters two (2), and nine (9) title five (V) of the code, and of the law as it appears in the supplement to the code, and providing for the appointment of a board of public works and defining its duty and providing a penalty for the violation of the provisions of this act.

*Be it enacted by the General Assembly of the State of Iowa:*

**SECTION 1. Number of wards in cities of second class.** That section six hundred and forty-one (641) of the code be amended by striking out the word "seven" in the seventh line thereof, and inserting in lieu thereof the word "five" and by striking out the word "three" in the eighth line thereof and inserting in lieu thereof the word "two".

**SEC. 2. Repealed—council—how composed.** That section 645 of the supplement to the code be repealed and the following enacted in lieu thereof:

"City and town councils shall be composed as follows: In cities, two councilmen at large and one councilman from each ward; in towns, five councilmen at large."

**SEC. 3. Repealed—election of councilmen—terms of office.** That section six hundred and forty-six (646) of the code be repealed and the following enacted in lieu thereof:

"On the organization of a city or town or on its re-organization after the change of its class, or at the first regular municipal election hereafter, a council shall be elected as follows, except that in those cities of the second class that elect a mayor in odd numbered years, the term of those councilmen and officers expiring in 1908, is extended one year; in those cities of the second class that elect a mayor in even numbered years, the term of those councilmen and officers expiring in 1909, is extended one year; and at the municipal election at which a mayor is elected in 1909 or 1910, as the case may be, the council shall be elected in accordance with the provisions of this act: By the election of two councilmen at large, but if any city embraces within its limits the whole or part of two or more townships, two of which contain one thousand or more electors, only one of the councilmen at large shall be chosen from any one township. There shall also be elected at the same time one councilman from each ward, who shall be chosen by the electors residing within the limits thereof. Thereafter, the successors of such councilmen at large and ward councilmen and officers shall be chosen at the regular biennial elections and shall hold office for two years. In towns in which a mayor is elected in the even numbered years the officers and councilmen shall be elected under the provisions of this act in the year 1910, and the councilmen and officers to be elected in 1908 shall be elected for a term of two years, and the term of councilmen and officers whose terms expire in 1909 shall be extended one year. In towns in which a mayor is elected in

odd numbered years the officers and councilmen shall be elected under the provisions of this act in 1911, and the councilmen and officers to be elected in 1908 shall be elected for a term of three years. The councilmen and officers to be elected in 1909 shall be elected for two years, and the term of councilmen and officers whose term expires in 1910 shall be extended one year. All town offices elected in 1910 or 1911, as the case may be, and thereafter under the provisions of this act, shall be elected for the term of two years."

**SEC. 4. Repealed—elective officers in cities of first class.** That section six hundred and forty-seven (647) of the code be repealed and the following enacted in lieu thereof:

"In all cities of the first class there shall be elected biennially a mayor, solicitor, treasurer, auditor, city engineer, assessor, and in cities where there is no superior court a police judge."

**SEC. 5. Repealed—elective officers in cities of second class.** That section six hundred and forty-eight (648) of the code is hereby repealed and the following enacted in lieu thereof:

"In cities of the second class there shall be elected biennially a mayor, solicitor, treasurer and assessor, except that in cities of four thousand population or less, the solicitor shall be appointed by the council."

**SEC. 6. Repealed—elective officers in towns.** That section six hundred and forty-nine (649) of the code is hereby repealed and the following enacted in lieu thereof:

"In towns there shall be elected biennially, a mayor, treasurer and assessor."

**SEC. 7. Repealed—officers appointed by council.** That section six hundred and fifty-one (651) of the code is hereby repealed and the following enacted in lieu thereof:

"In all cities and towns, the council, at its first meeting after the biennial election, shall appoint a clerk; and in cities of four thousand population or less, shall appoint a solicitor."

**SEC. 8. Repealed—officers appointed by the mayor.** That section six hundred and fifty-two (652) of the code is hereby repealed and the following enacted in lieu thereof:

"The officers to be appointed by the mayor shall be as follows:

"1. The mayor of each city or town shall appoint a health physician, street commissioner and a marshal who shall be ex-officio chief of police, and may also appoint one or more deputy marshals. In cities and towns he shall appoint as many policemen as the council, by general ordinance, shall direct, and such officers shall hold their positions during the pleasure of the mayor. He shall also appoint such officers as shall be provided by ordinance. He may also, in cases of emergency, appoint such number of special policemen as he may think proper, reporting such special appointment to the council at its next regular meeting. All such special appointments to continue in force until such meetings, unless sooner terminated by the mayor. In cities having a board of police and fire commission, policemen shall be appointed as provided in the act creating such board.

"2. In cities of the first class, he shall appoint when deemed necessary, a wharf master. If there is a board of public works, such board shall appoint the street commissioner."

**SEC. 9. Other officers.** That section six hundred and fifty-five (655) of the code be amended by striking out the words "the election at any regular municipal election or for" in the second line thereof and inserting after the word "appointment" in the third line thereof the words "by the mayor".

**SEC. 10. Repealed—removal of appointive officers.** That section six hundred and fifty-seven (657) of the code be repealed and the following enacted in lieu thereof:

"All persons appointed to office in any city or town may be removed by the officer or body making the appointment, but every such removal shall be by written order which shall give the reasons therefor and be filed with the city clerk."

**SEC. 11. Repealed—mayor—presiding officer.** That paragraph five (5) of section six hundred and fifty-eight (658) of the supplement to the code be repealed and the following enacted in lieu thereof:

"He shall be the presiding officer of the council with the right to vote only in case of a tie."

**SEC. 12. Deputy assessors.** That section six hundred and sixty-one (661) of the supplement to the code be amended by striking out the words "such appointment to be confirmed by the council" in the fourth line thereof.

**SEC. 13. Board of public works.** In any city having a population of thirty thousand or more the council may by ordinance establish a board of public works and in cities having a population of fifty thousand or more, there is hereby created a board of public works. Such board of public works shall consist of two members residents of the city, to be appointed by the mayor, and upon the establishment of said board one member shall be appointed for two years, and one for three years, and their successors shall be appointed for three years. The members shall hold office until their successors are appointed and qualified. The mayor shall have the power to remove any member of the board of public works for cause at any time. Vacancies shall be filled by the mayor. No member of the council or city official shall be a member of such board. The provisions of this section shall not affect the terms of those now constituting the board of public works in those cities in which a board of public works has heretofore been established by ordinance, but the successors to such members shall be appointed under the provisions of this act.

**SEC. 14. Repealed—consultation with city engineer.** Section 865 of the code is hereby repealed and the following enacted in lieu thereof:

"The board shall consult the city engineer regarding the plans and specifications and the advisability of doing or making contemplated improvements or work, and he shall from time to time furnish it with estimates of the cost of material and plans and specifications for any work to be ordered or advertised to be done, and report to the board whether such improvement or work is made and completed according to contract. Whenever the members of the board of public works are unable to agree upon any matter which is before it for decision including the appointing of agents and employes, the city engineer shall decide such matter or appointment, and his decision shall be the decision of the board of public works. Such decision shall be rendered in writing and shall be filed in the office of the board of public works and when so filed shall have the force and effect of a finding or determination by the board of public works."

**SEC. 15. Contracts.** Section 867 of the code is hereby amended by striking out all of such section after the word "used" in the twelfth line thereof.

**SEC. 16. Claims approved by board.** Section 871 of the code is hereby amended by adding thereto the following:

"No claim for any work done or material furnished in the construction of any public improvement shall be allowed by the council unless the same has first been approved by the board of public works."

**SEC. 17. Appointing powers.** Section 873 of the code is hereby amended by striking out the words "subject to the approval of the council" in the second line thereof, and by striking out all of the said section after the word "work" in the third line thereof.

**SEC. 18. Executive powers and duties.** All executive functions, powers and duties in cities and towns shall be exercised and performed by the mayor and other elective and appointive officers and boards as provided by law, and neither the council nor the members thereof shall exercise any executive function unless expressly conferred by law.

**SEC. 19. Officers not to be interested in contracts—free passes or franks.** No officer, including members of the city council shall be interested, directly or indirectly in any contract or job of work or material or the profits thereof or services to be furnished or performed for the city or town. No such officer shall accept or receive, directly or indirectly, from any person, firm or corporation operating within the said city or town, any railway, inter-urban railway, street railway, gas works, water works, electric light or power plants, telegraph line or telephone exchange or other business using a public franchise, any frank, free pass or ticket or other service upon terms more favorable than is granted to the public generally, except where, by franchise granted by the municipality to any such person or corporation, any officers of said municipality are granted such privileges as part of such franchise, and except that members of the police and fire departments of any city or town shall be carried without charge. Any violation of the provision of this section shall be a misdemeanor.

**SEC. 20. In effect.** This act, being deemed of immediate importance, shall take effect and be in force from and after its passage and its publication in the Register and Leader and the Des Moines Capital, newspapers published in the city of Des Moines, Iowa.

Approved March 29, A. D. 1907.

I hereby certify that the foregoing act was published in the Register and Leader, and the Des Moines Capital, March 30, 1907.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 27.

### POLICE MATRONS IN SPECIAL CHARTER CITIES.

S. F. 58.

AN ACT providing that section six hundred fifty-four (654) of the supplement to the code, and section six hundred seventy-two (672) of the code, relating to the appointment and compensation of police matrons, be made applicable to special charter cities.

*Be it enacted by the General Assembly of the State of Iowa:*

**SECTION 1. Police matrons—appointment—compensation.** The provisions of the law as it appears in section six hundred fifty-four (654) of the supplement to the code, and section six hundred seventy-two (672) of the code, are also made applicable to cities acting under special charters.

Approved February 23, A. D. 1907.