

1 SEC. 25. Section four hundred sixteen point fifty-four (416.54),  
2 Code 1950, is hereby repealed.

1 SEC. 26. Section four hundred sixteen point fifty-six (416.56),  
2 Code 1950, is hereby repealed.

1 SEC. 27. Section four hundred sixteen point fifty-seven (416.57),  
2 Code 1950, is hereby repealed.

1 SEC. 28. Section four hundred sixteen point sixty-two (416.62),  
2 Code 1950, is hereby repealed.

1 SEC. 29. Sections four hundred sixteen point seventy-four  
2 (416.74) to four hundred sixteen point eighty-seven (416.87), in-  
3 clusive, Code 1950, are hereby repealed.

1 SEC. 30. Section four hundred sixteen point ninety (416.90),  
2 Code 1950, is hereby repealed.

1 SEC. 31. Section four hundred sixteen point ninety-one (416.91),  
2 Code 1950, is hereby repealed.

1 SEC. 32. Section four hundred sixteen point ninety-two (416.92),  
2 Code 1950, is hereby repealed.

1 SEC. 33. Section four hundred sixteen point ninety-three (416.93),  
2 Code 1950, is hereby repealed.

Approved April 14, 1951.

## CHAPTER 164

### COUNCIL-MANAGER FORM OF CITY GOVERNMENT

S. F. 18

AN ACT to provide for the government of municipal corporations under the council-manager by popular election form of municipal government, and to repeal various sections of chapter four hundred nineteen (419), Code 1950, relating thereto, and to enact substitutes therefor and to amend various other sections of the Code relating thereto.

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

1 SECTION 1. Council—number and election. Municipal corporations  
2 operating under the council-manager by popular election form of  
3 municipal government shall be governed by a council elected at large.  
4 In cities having a population of twenty thousand or more there shall  
5 be elected five councilmen. In cities having a population of less than  
6 twenty thousand there shall be elected three councilmen. At the first  
7 meeting after election the council shall elect one of their own number  
8 mayor, appoint a clerk, and, at said meeting or as soon thereafter as  
9 practicable, appoint an attorney and such number of assistant at-  
10 torneys as are deemed necessary.

1 SEC. 2. Council—compensation. The compensation of members  
2 of the council shall be fixed by ordinance. In cities having a population  
3 of less than five thousand, the annual compensation of each member  
4 of the council shall not exceed one hundred dollars. In cities having a

5 population of at least five thousand but less than fifteen thousand, the  
6 annual compensation of each member of the council shall not exceed  
7 two hundred fifty dollars. In cities having a population of at least  
8 fifteen thousand but less than thirty thousand, the annual compensa-  
9 tion of each member of the council shall not exceed two hundred fifty  
10 dollars. In cities having a population of thirty thousand or more, the  
11 annual compensation of each member of the council shall not exceed  
12 five hundred dollars.

1 **SEC. 3. Manager appointed.** At the first meeting after election,  
2 or as soon thereafter as practicable, the council shall appoint a compe-  
3 tent person manager, who shall be the administrative head of the  
4 municipal government of the city in which he is appointed.

1 **SEC. 4. Qualifications of manager.** The council in making the ap-  
2 pointment of a manager, shall consider only the qualification and fit-  
3 ness of the person appointed, and he shall be appointed without regard  
4 to his political affiliation and need not be a resident of the city at the  
5 time of his appointment.

1 **SEC. 5. Manager pro tem.** During the absence or disability of the  
2 manager, the council may designate some properly qualified person to  
3 perform and execute the duties of his office.

1 **SEC. 6. Oath and bond of manager.** Before entering upon the duties  
2 of his office, the manager shall take an official oath that he will support  
3 the constitution of the United States, the constitution of the state of  
4 Iowa, and, without fear or favor, will, to the best of his ability, faith-  
5 fully and honestly perform the duties of his office, and shall execute  
6 a bond in favor of the city, for the faithful performance of his duties,  
7 in such sum as may be fixed by the council.

1 **SEC. 7. Duties of manager.** The duties of the manager shall be as  
2 follows:

3 1. He shall see that the laws and ordinances of the municipal cor-  
4 poration are faithfully enforced and executed.

5 2. He shall attend all meetings of the council.

6 3. He shall recommend to the council such measures as he may deem  
7 necessary or expedient for the good government and welfare of the city.

8 4. He shall have the general supervision and direction of the ad-  
9 ministration of the city government and may appoint with approval  
10 of the council such administrative assistants as shall be deemed ad-  
11 visable.

12 5. He shall supervise and direct the official conduct of all officers of  
13 of the city whom he has appointed and shall take active control of the  
14 police, fire, and engineering departments of the city.

15 6. He shall supervise the performance of all contracts for work to  
16 be done for the city, make all purchases of material and supplies, and  
17 see that such material and supplies are received, and are of the quality  
18 and character called for by the contract.

19 7. He shall have power to employ, reclassify, or discharge all em-  
20 ployees of the city, as the occasion requires, and to fix the compensa-  
21 tion to be paid to such employees, except as otherwise herein provided,

22 subject, however, to the provisions of chapters seventy (70) and three  
23 hundred sixty-five (365).

24 8. He shall have power to discharge summarily any officer, ap-  
25 pointee, or employee that he has power to appoint or employ, subject,  
26 however, to the provisions of chapters seventy (70) and three hundred  
27 sixty-five (365), except that any administrative assistants to the man-  
28 ager shall hold office at his pleasure.

29 9. He shall supervise and manage all public improvements, works,  
30 and undertakings of the city, and all public buildings, and shall have  
31 charge of their construction, improvement, repair, and maintenance,  
32 except those designated in and which are covered by the provisions of  
33 chapters three hundred seventy (370), three hundred seventy-one  
34 (371), sections three hundred ninety-seven point twenty-nine  
35 (397.29), three hundred ninety-seven point thirty (397.30), three hun-  
36 dred ninety-seven point thirty-one (397.31), three hundred ninety-  
37 seven point thirty-two (397.32), three hundred ninety-seven point  
38 thirty-three (397.33), three hundred ninety-seven point thirty-four  
39 (397.34), three hundred ninety-seven point thirty-five (397.35),  
40 and chapter three hundred ninety-nine (399). Nothing herein shall  
41 be construed so as to prevent cooperation between the manager and  
42 any commission, board, trustees, or other body.

43 10. He shall have charge of the making and preservation of all sur-  
44 veys, maps, plans, drawings, specifications, and estimates for public  
45 works or public improvements except those designated in and which  
46 are covered by the provisions of chapter three hundred seventy (370),  
47 three hundred seventy-one (371), sections three hundred ninety-seven  
48 point twenty-nine (397.29), three hundred ninety-seven point thirty  
49 (397.30), three hundred ninety-seven point thirty-one (397.31), three  
50 hundred ninety-seven point thirty-two (397.32), three hundred ninety-  
51 seven point thirty-three (397.33), three hundred ninety-seven point  
52 thirty-four (397.34), three hundred ninety-seven point thirty-five  
53 (397.35), and chapter three hundred ninety-nine (399); the cleaning,  
54 sprinkling, and lighting of streets, alleys, and public places; the col-  
55 lection and disposal of waste, and the preservation of tools, equipment,  
56 vehicles, and appliances belonging to the corporation.

57 11. He shall manage all municipal parks, airports, and cemeteries,  
58 and all municipal water, lighting, heating, or power plants, and trans-  
59 portation enterprises, except those operated under a board of trustees  
60 or other board or commission at the time that the council-manager  
61 form of government is or was adopted, or placed there by a subsequent  
62 election. If a board or commission is abolished or ceases to exist,  
63 management theretofore exercised by such board or commission shall  
64 thereupon vest in the manager. This exception shall also apply to per-  
65 manent park boards in cities now or hereafter having a population of  
66 125,000 or more, according to the last or subsequent Federal census.

67 12. He may, without notice, summarily cause the affairs of any de-  
68 partment or the conduct of any officer under his supervision, or of any  
69 employee, to be investigated; and he, or any person appointed by him  
70 to examine or investigate the affairs of any department or the conduct  
71 of any officer or employee, shall have power to compel the attendance  
72 of witnesses and the production of books and papers or other evidence.

73 13. He shall provide for the issuance and revocation of such licenses

74 and permits as are authorized by law or ordinance and shall cause a  
75 record thereof to be kept.

76 14. He shall keep the council fully advised of the financial and other  
77 conditions of the city, and of its future needs.

78 15. He shall have power to appoint or employ persons to fill all places  
79 for which no other mode of appointment is provided, and shall have  
80 power to administer oaths.

81 16. He shall prepare and submit to the council an annual budget in  
82 the manner provided by chapter twenty-four (24).

83 17. He shall, at all times, see that the business affairs of the mu-  
84 nicipal corporation of which he is manager are transacted by modern  
85 and scientific methods and in an efficient and businesslike manner, and  
86 that accurate records of all of the business affairs of the city under his  
87 management are fully and accurately kept.

88 18. He shall make to the council an itemized monthly report in  
89 writing, showing the receipts and disbursements for the preceding  
90 month, and such report shall be made by him not later than the tenth  
91 day of each month. Copies of said reports shall be kept available at the  
92 clerk's office for public distribution.

93 19. He shall perform such other and further duties as the council  
94 by ordinance shall direct.

1 **SEC. 8. Manager accountable to council.** The manager shall be  
2 under the direction and supervision of the council, and shall hold office  
3 at its pleasure.

1 **SEC. 9. Compensation of manager.** The salary of the manager  
2 shall be fixed by the council, and paid monthly from the treasury of the  
3 city, upon an order signed by the presiding officer of the council and  
4 by the clerk.

1 **SEC. 10. Councilmen ineligible for office.** No councilman elected  
2 under the provisions of this chapter shall be appointed by the manager  
3 to any office of the city in which he is elected, or employed in any de-  
4 partment thereof; and any councilman or manager who shall violate  
5 the provisions of this section shall be guilty of a misdemeanor. Any  
6 councilman or manager violating the provisions of this section may be  
7 removed from office, under the provisions of chapter sixty-six (66).

1 **SEC. 11. Political activity by manager.** The manager shall take  
2 no part in any election held for the purpose of electing councilmen,  
3 except that he may attend at the polls and cast his vote, if he is a  
4 qualified elector of the city, and any attempt upon his part to procure  
5 the election of any person as councilman, or to induce any elector to  
6 vote for any person for the office of councilman, shall be a misde-  
7 meanor, and he may be removed from office under the provisions of  
8 chapter sixty-six (66).

1 **SEC. 12. Existing ordinances.** All ordinances and resolutions law-  
2 fully passed and in force in any such municipal corporation under its  
3 former organization shall continue in force until altered or repealed  
4 by the council elected under the provisions of this chapter and depart-  
5 ments shall continue to function.

1     **SEC. 13. Public emergency.** The mayor may take command of the  
2 police and govern the city by proclamation in times of public danger,  
3 or during an emergency, and shall be the judge as to what constitutes  
4 such public danger or emergency.

1     **SEC. 14. Applicable statutes.** Unless otherwise specifically pro-  
2 vided by statute, all laws which are applicable by their terms to all  
3 cities and towns shall be applicable to cities under the city manager  
4 plan by popular election, and all laws applicable by their terms to  
5 cities of a certain population shall be applicable to cities of like popula-  
6 tion under the city manager plan by popular election.

1     **SEC. 15.** Sections four hundred nineteen point seven (419.7), four  
2 hundred nineteen point eight (419.8), and four hundred nineteen point  
3 thirty-one (419.31), Code 1950, are hereby repealed.

1     **SEC. 16.** Section four hundred nineteen point nineteen (419.19),  
2 Code 1950, is hereby repealed.

1     **SEC. 17.** Sections four hundred nineteen point thirty-two (419.32),  
2 four hundred nineteen point thirty-three (419.33), and four hundred  
3 nineteen point thirty-six (419.36), Code 1950, are hereby repealed.

1     **SEC. 18.** Sections four hundred nineteen point thirty-seven  
2 (419.37) and four hundred nineteen point thirty-eight (419.38), Code  
3 1950, are hereby repealed.

1     **SEC. 19.** Sections four hundred nineteen point forty (419.40),  
2 four hundred nineteen point forty-one (419.41), and four hundred  
3 nineteen point forty-three (419.43) to four hundred nineteen point  
4 fifty (419.50), inclusive, Code 1950, are hereby repealed.

1     **SEC. 20.** Sections four hundred nineteen point fifty-one (419.51)  
2 to four hundred nineteen point sixty-two (419.62), inclusive, Code  
3 1950, are hereby repealed.

1     **SEC. 21.** Section four hundred nineteen point sixty-seven  
2 (419.67), Code 1950, is hereby repealed.

1     **SEC. 22.** Sections four hundred nineteen point sixty-nine (419.69)  
2 to four hundred nineteen point seventy-one (419.71), inclusive, Code  
3 1950, are hereby repealed.

1     **SEC. 23.** Section three hundred sixty-five point six (365.6), sub-  
2 section one (1), Code 1950, is hereby amended by inserting in line four  
3 (4) of paragraph (a) thereof, after the words, "market master", the  
4 words "city manager and administrative assistants to the manager".

Approved May 2, 1951.