

# ADMINISTRATION, BOARDS AND COMMISSIONS

## TABLE OF CONTENTS

CHAPTER 15 - MAYOR .....	71
CHAPTER 16 - MAYOR PRO TEM.....	75
CHAPTER 17 - CITY COUNCIL .....	77
CHAPTER 18 - CITY CLERK.....	83
CHAPTER 19 - CITY TREASURER .....	87
CHAPTER 20 - CITY ATTORNEY .....	89
CHAPTER 21 - CITY MANAGER.....	91
CHAPTER 22 - LIBRARY BOARD OF TRUSTEES.....	93
CHAPTER 23 - PLANNING AND ZONING COMMISSION .....	97
CHAPTER 24 - PARKS AND RECREATION COMMISSION.....	99
CHAPTER 25 - FORESTRY IMPROVEMENT COMMITTEE .....	105

## CHAPTER 15

### MAYOR

15.01 Term of Office  
15.02 Powers and Duties  
15.03 Appointments

15.04 Compensation  
15.05 Voting

**15.01 TERM OF OFFICE.** The Mayor is elected for a term of four years.  
*(Code of Iowa, Sec. 376.2)*

**15.02 POWERS AND DUTIES.** The powers and duties of the Mayor are as follows:

1. Chief Executive Officer. Act as the chief executive officer of the City and presiding officer of the Council, supervise all departments of the City, except for supervisory duties delegated to the City Manager, give direction to department heads concerning the functions of the departments, and have the power to examine all functions of the municipal departments, their records and to call for special reports from department heads at any time.

*(Code of Iowa, Sec. 372.14[1])*

2. Proclamation of Emergency. Have authority to take command of the police and govern the City by proclamation, upon making a determination that a time of emergency or public danger exists. Within the City limits, the Mayor has all the powers conferred upon the Sheriff to suppress disorders.

*(Code of Iowa, Sec. 372.14[2])*

3. Special Meetings. Call special meetings of the Council when the Mayor deems such meetings necessary to the interests of the City.

*(Code of Iowa, Sec. 372.14[1])*

4. Mayor's Veto. Sign, veto or take no action on an ordinance, amendment or resolution passed by the Council. The Mayor may veto an ordinance, amendment or resolution within fourteen days after passage. The Mayor shall explain the reasons for the veto in a written message to the Council at the time of the veto.

*(Code of Iowa, Sec. 380.5 & 380.6[2])*

5. Reports to Council. Make such oral or written reports to the Council as required. These reports shall concern municipal affairs generally, the municipal departments, and recommendations suitable for Council action.

6. Negotiations. Represent the City in all negotiations properly entered into in accordance with law or ordinance. The Mayor shall not represent the City where this duty is specifically delegated to another officer by law, ordinance, or Council direction.

7. Contracts. Whenever authorized by the Council, sign contracts on behalf of the City.

8. Professional Services. Upon order of the Council, secure for the City such specialized and professional services not already available to the City. In executing the order of the Council, the Mayor shall act in accordance with the Code of Ordinances and the laws of the State.

9. Licenses and Permits. Sign all licenses and permits which have been granted by the Council, except those designated by law or ordinance to be issued by another municipal officer.
10. Nuisances. Issue written order for removal, at public expense, any nuisance for which no person can be found responsible and liable.
11. Absentee Officer. Make appropriate provision that duties of any absentee officer be carried on during such absence.

**15.03 APPOINTMENTS.** The Mayor shall appoint the Mayor Pro Tem and the Mayor also appoints, with Council approval, the following officials:

*(Code of Iowa, Sec. 372.4)*

1. Police Chief
2. City Treasurer
3. Library Board of Trustees
4. Parks and Recreation Commission
5. Zoning Board of Adjustment
6. Board of Construction Review
7. Forestry Improvement Committee

**15.04 COMPENSATION.** The salary of the Mayor is \$4,750 per year, payable monthly.

*(Code of Iowa, Sec. 372.13[8])*

**15.05 VOTING.** The Mayor is not a member of the Council and shall not vote as a member of the Council.

*(Code of Iowa, Sec. 372.4)*

[The next page is 75]

## CHAPTER 16

### MAYOR PRO TEM

16.01 Vice President of Council  
16.02 Powers and Duties

16.03 Voting Rights  
16.04 Compensation

**16.01 VICE PRESIDENT OF COUNCIL.** The Mayor shall appoint a member of the Council as Mayor Pro Tem, who shall serve as vice president of the Council.

*(Code of Iowa, Sec. 372.14[3])*

**16.02 POWERS AND DUTIES.** Except for the limitations otherwise provided herein, the Mayor Pro Tem shall perform the duties of the Mayor in cases of absence or inability of the Mayor to perform such duties. In the exercise of the duties of the office the Mayor Pro Tem shall not have power to appoint, employ or discharge from employment, officers or employees that the Mayor has the power to appoint, employ or discharge without the approval of the Council.

*(Code of Iowa, Sec. 372.14[3])*

**16.03 VOTING RIGHTS.** The Mayor Pro Tem shall have the right to vote as a member of the Council.

*(Code of Iowa, Sec. 372.14[3])*

**16.04 COMPENSATION.** If the Mayor Pro Tem performs the duties of the Mayor during the Mayor's absence or disability for a continuous period of fifteen (15) days or more, the Mayor Pro Tem may be paid for that period the compensation as determined by the Council, based upon the Mayor Pro Tem's performance of the Mayor's duties and upon the compensation of the Mayor.

*(Code of Iowa, Sec. 372.13[8])*

o o o o o o o o o o

## CHAPTER 17

### CITY COUNCIL

17.01 Number and Term of Council  
17.02 Powers and Duties  
17.03 Exercise of Power

17.04 Council Meetings  
17.05 Appointments  
17.06 Compensation

**17.01 NUMBER AND TERM OF COUNCIL.** The Council consists of two Council Members elected at large and one Council Member from each of three wards as established by the Code of Ordinances, elected for overlapping terms of four years.

**17.02 POWERS AND DUTIES.** The powers and duties of the Council include, but are not limited to the following:

1. General. All powers of the City are vested in the Council except as otherwise provided by law or ordinance.

*(Code of Iowa, Sec. 364.2[1])*

2. Wards. By ordinance, the Council may divide the City into wards based upon population, change the boundaries of wards, eliminate wards or create new wards.

*(Code of Iowa, Sec. 372.13[7])*

3. Fiscal Authority. The Council shall apportion and appropriate all funds, and audit and allow all bills, accounts, payrolls and claims, and order payment thereof. It shall make all assessments for the cost of street improvements, sidewalks, sewers and other work, improvement or repairs which may be specially assessed.

*(Code of Iowa, Sec. 364.2[1], 384.16 & 384.38[1])*

4. Public Improvements. The Council shall make all orders for the construction of any improvements, bridges or buildings.

*(Code of Iowa, Sec. 364.2[1])*

5. Contracts. The Council shall make or authorize the making of all contracts. No contract shall bind or be obligatory upon the City unless approved by the Council.

*(Code of Iowa, Sec. 26.10)*

6. Employees. The Council shall authorize, by resolution, the number, duties, term of office and compensation of employees or officers not otherwise provided for by State law or the Code of Ordinances.

*(Code of Iowa, Sec. 372.13[4])*

7. Setting Compensation for Elected Officers. By ordinance, the Council shall prescribe the compensation of the Mayor, Council members, and other elected City officers, but a change in the compensation of the Mayor does not become effective during the term in which the change is adopted, and the Council shall not adopt such an ordinance changing the compensation of any elected officer during the months of November and December in the year of a regular City election. A change in the compensation of Council members becomes effective for all Council members at the beginning of the term of the Council members elected at the election next following the change in compensation.

*(Code of Iowa, Sec. 372.13[8])*

**17.03 EXERCISE OF POWER.** The Council shall exercise a power only by the passage of a motion, a resolution, an amendment or an ordinance in the following manner:

*(Code of Iowa, Sec. 364.3[1])*

1. Action by Council. Passage of an ordinance, amendment or resolution requires a majority vote of all of the members of the Council. Passage of a motion requires a majority vote of a quorum of the Council. A resolution must be passed to spend public funds in excess of one hundred thousand dollars (\$100,000.00) on a public improvement project, or to accept public improvements and facilities upon their completion. Each Council member's vote on a measure must be recorded. A measure which fails to receive sufficient votes for passage shall be considered defeated.

*(Code of Iowa, Sec. 380.4)*

2. Overriding Mayor's Veto. Within thirty (30) days after the Mayor's veto, the Council may pass the measure again by a vote of not less than two-thirds of all of the members of the Council.

*(Code of Iowa, Sec. 380.6[2])*

3. Measures Become Effective. Measures passed by the Council become effective in one of the following ways:

A. An ordinance or amendment signed by the Mayor becomes effective when the ordinance or a summary of the ordinance is published, unless a subsequent effective date is provided within the ordinance or amendment.

*(Code of Iowa, Sec. 380.6[1a])*

B. A resolution signed by the Mayor becomes effective immediately upon signing.

*(Code of Iowa, Sec. 380.6[1b])*

C. A motion becomes effective immediately upon passage of the motion by the Council.

*(Code of Iowa, Sec. 380.6[1c])*

D. If the Mayor vetoes an ordinance, amendment or resolution and the Council repasses the measure after the Mayor's veto, a resolution becomes effective immediately upon repassage, and an ordinance or amendment becomes a law when the ordinance or a summary of the ordinance is published, unless a subsequent effective date is provided within the ordinance or amendment.

*(Code of Iowa, Sec. 380.6[2])*

E. If the Mayor takes no action on an ordinance, amendment or resolution, a resolution becomes effective fourteen (14) days after the date of passage, and an ordinance or amendment becomes law when the ordinance or a summary of the ordinance is published, but not sooner than 14 days after the date of passage, unless a subsequent effective date is provided within the ordinance or amendment.

*(Code of Iowa, Sec. 380.6[3])*

"All of the members of the Council" refers to all of the seats of the Council including a vacant seat and a seat where the member is absent, but does not include a seat where the Council member declines to vote by reason of a conflict of interest.

*(Code of Iowa, Sec. 380.4)*

**17.04 COUNCIL MEETINGS.** Procedures for giving notice of meetings of the Council and other provisions regarding the conduct of Council meetings are contained in Section 5.06 of this Code of Ordinances. Additional particulars relating to Council meetings are the following:

1. Regular Meetings. The time and place of the regular meetings of the Council shall be fixed by resolution of the Council.
2. Special Meetings. Special meetings shall be held upon call of the Mayor or upon the request of a majority of the members of the Council.  
*(Code of Iowa, Sec. 372.13[5])*
3. Quorum. A majority of all Council members is a quorum.  
*(Code of Iowa, Sec. 372.13[1])*
4. Rules of Procedure. The Council shall determine its own rules and maintain records of its proceedings.  
*(Code of Iowa, Sec. 372.13[5])*
5. Compelling Attendance. Any three members of the Council can compel the attendance of the absent members at any regular, adjourned or duly called meeting, by serving a written notice upon the absent members to attend at once.

**17.05 APPOINTMENTS.** The Council shall appoint the following officials and prescribe their powers, duties, compensation and term of office:

1. City Manager
2. City Clerk
3. City Attorney
4. Planning and Zoning Commission

**17.06 COMPENSATION.** The salary of each Council member is \$35.00 for each regular or special meeting of the Council attended.

*(Code of Iowa, Sec. 372.13[8])*

[The next page is 83]

## CHAPTER 18

### CITY CLERK

18.01 Appointment and Compensation	18.08 Records
18.02 Powers and Duties: General	18.09 Attendance at Meetings
18.03 Publication of Minutes	18.10 Issue Licenses and Permits
18.04 Recording Measures	18.11 Notify Appointees
18.05 Publication	18.12 Elections
18.06 Authentication	18.13 City Seal
18.07 Certify Measures	18.14 City Funds

**18.01 APPOINTMENT AND COMPENSATION.** The Council shall appoint by majority vote a City Clerk to serve at the discretion of the Council. The Clerk shall receive such compensation as established by resolution of the Council.

*(Code of Iowa, Sec. 372.13[3])*

**18.02 POWERS AND DUTIES: GENERAL.** The Clerk or, in the Clerk's absence or inability to act, the Deputy Clerk has the powers and duties as provided in this chapter, this Code of Ordinances and the law.

**18.03 PUBLICATION OF MINUTES.** The Clerk shall attend all regular and special Council meetings and within fifteen (15) days following a regular or special meeting shall cause the minutes of the proceedings thereof to be published. Such publication shall include a list of all claims allowed and a summary of all receipts and shall show the gross amount of the claims.

*(Code of Iowa, Sec. 372.13[6])*

**18.04 RECORDING MEASURES.** The Clerk shall promptly record each measure considered by the Council and 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, Sec. 380.7[1 & 2])*

**18.05 PUBLICATION.** The Clerk shall cause to be published all ordinances, enactments, proceedings and official notices requiring publication as follows:

1. Time. If notice of an election, hearing, or other official action is required by this Code of Ordinances or law, the notice must be published at least once, not less than four (4) nor more than twenty (20) days before the date of the election, hearing or other action, unless otherwise provided by law.

*(Code of Iowa, Sec. 362.3[1])*

2. Manner of Publication. A publication required by this Code of Ordinances or law must be in a newspaper published at least once weekly and having general circulation in the City.

*(Code of Iowa, Sec. 362.3[2])*

**18.06 AUTHENTICATION.** The Clerk shall authenticate all measures except motions with the Clerk's signature, certifying the time and manner of publication when required.

*(Code of Iowa, Sec. 380.7[4])*

**18.07 CERTIFY MEASURES.** The Clerk shall certify all measures establishing any zoning district, building lines, or fire limits and a plat showing the district, lines, or limits to the recorder of the County containing the affected parts of the City.

*(Code of Iowa, Sec. 380.11)*

**18.08 RECORDS.** The Clerk shall maintain the specified City records in the following manner:

1. Ordinances and Codes. Maintain copies of all effective City ordinances and codes for public use.

*(Code of Iowa, Sec. 380.7[5])*

2. Custody. Have custody and be responsible for the safekeeping of all writings or documents in which the City is a party in interest unless otherwise specifically directed by law or ordinance.

*(Code of Iowa, Sec. 372.13[4])*

3. Maintenance. Maintain all City records and documents, or accurate reproductions, for at least five (5) years except that ordinances, resolutions, Council proceedings, records and documents, or accurate reproductions, relating to the issuance, cancellation, transfer, redemption or replacement of public bonds or obligations shall be kept for at least eleven (11) years following the final maturity of the bonds or obligations. Ordinances, resolutions, Council proceedings, records and documents, or accurate reproductions, relating to real property transactions shall be maintained permanently.

*(Code of Iowa, Sec. 372.13[3 & 5])*

4. Provide Copy. Furnish upon request to any municipal officer a copy of any record, paper or public document under the Clerk's control when it may be necessary to such officer in the discharge of such officer's duty; furnish a copy to any citizen when requested upon payment of the fee set by Council resolution; under the direction of the Mayor or other authorized officer, affix the seal of the City to those public documents or instruments which by ordinance and Code of Ordinances are required to be attested by the affixing of the seal.

*(Code of Iowa, Sec. 372.13[4 & 5] and 380.7[5])*

5. Filing of Communications. Keep and file all communications and petitions directed to the Council or to the City generally. The Clerk shall endorse thereon the action of the Council taken upon matters considered in such communications and petitions.

*(Code of Iowa, Sec. 372.13[4])*

**18.09 ATTENDANCE AT MEETINGS.** At the direction of the Council, the Clerk shall attend meetings of committees, boards and commissions. The Clerk shall record and preserve a correct record of the proceedings of such meetings.

*(Code of Iowa, Sec. 372.13[4])*

**18.10 ISSUE LICENSES AND PERMITS.** The Clerk shall issue or revoke licenses and permits when authorized by this Code of Ordinances, and keep a record of licenses and permits issued which shall show date of issuance, license or permit number, official receipt number, name of person to whom issued, term of license or permit and purpose for which issued.

*(Code of Iowa, Sec. 372.13[4])*

**18.11 NOTIFY APPOINTEES.** The Clerk shall inform all persons appointed by the Mayor or Council to offices in the City government of their positions and the time at which they shall assume the duties of their offices.

*(Code of Iowa, Sec. 372.13[4])*

**18.12 ELECTIONS.** The Clerk shall perform the following duties relating to elections and nominations:

1. Certify to the County Commissioner of Elections the type of nomination process to be used by the City no later than ninety (90) days before the date of the regular City election.

*(Code of Iowa, Sec. 376.6)*

2. Accept the nomination petition of a candidate for a City office for filing if on its face it appears to have the requisite number of signatures and is timely filed.

*(Code of Iowa, Sec. 376.4)*

3. Designate other employees or officials of the City who are ordinarily available to accept nomination papers if the Clerk is not readily available during normal working hours.

*(Code of Iowa, Sec. 376.4)*

4. Note upon each petition and affidavit accepted for filing the date and time that the petition was filed.

*(Code of Iowa, Sec. 376.4)*

5. Deliver all nomination petitions, together with the text of any public measure being submitted by the Council to the electorate, to the County Commissioner of Elections not later than 5:00 p.m. on the day following the last day on which nomination petitions can be filed.

*(Code of Iowa, Sec. 376.4)*

**18.13 CITY SEAL.** The City seal is in the custody of the Clerk and shall be attached by the Clerk to all transcripts, orders and certificates which it may be necessary or proper to authenticate. The City seal is circular in form, in the center of which are the words "MANCHESTER, IOWA," on the top of which is the word "CITY" and on the bottom of which is the word "SEAL."

**18.14 CITY FUNDS.** The Clerk shall perform the following duties relating to City funds.

*(Code of Iowa, Sec. 372.13[4])*

1. Custody of Funds. Be responsible for the safe custody of all funds of the City in the manner provided by law, and Council direction.

2. Record of Fund. Keep the record of each fund separate.

3. Record Receipts. Keep an accurate record of all money or securities received on behalf of the City and specify the date, from whom, and for what purpose received.

4. Record Disbursements. Keep an accurate account of all disbursements, money or property, specifying date, to whom, and from what fund paid.

5. Special Assessments. Keep a separate account of all money received from special assessments.

6. Deposit Funds. Upon receipt of money belonging to the City, deposit the same in depositories selected by the Council.

7. Reconciliation. Reconcile depository statements with the Clerk's books and certify monthly to the Council the balance of cash and investments of each fund and amounts received and disbursed.

**CHAPTER 19**  
**CITY TREASURER**

19.01 Appointment  
19.02 Compensation

19.03 Duties of Treasurer

**19.01 APPOINTMENT.** The Mayor shall appoint, subject to Council approval, a City Treasurer to serve for a term of one year.

**19.02 COMPENSATION.** The Treasurer is paid such compensation as specified by resolution of the Council.

**19.03 DUTIES OF TREASURER.** The duties of the Treasurer are as follows:  
*(Code of Iowa, Sec. 372.13[4])*

1. Debt Service. Keep a register of all bonds outstanding and record all payments of interest and principal.
2. Reconciliation with Clerk. Reconcile the Treasurer's books with the Clerk's every month.
3. Other Duties. Perform such other duties as specified by the Council by resolution or ordinance.

o o o o o o o o o o

## CHAPTER 20

### CITY ATTORNEY

20.01 Appointment and Compensation  
20.02 Attorney for City  
20.03 Power of Attorney  
20.04 Ordinance Preparation

20.05 Review and Comment  
20.06 Provide Legal Opinion  
20.07 Attendance at Council Meetings  
20.08 Prepare Documents

**20.01 APPOINTMENT AND COMPENSATION.** The Council shall appoint by majority vote a City Attorney to serve at the discretion of the Council. The City Attorney shall receive such compensation as established by resolution of the Council.

**20.02 ATTORNEY FOR CITY.** The City Attorney shall act as attorney for the City in all matters affecting the City's interest and appear on behalf of the City before any court, tribunal, commission or board. The City Attorney shall prosecute or defend all actions and proceedings when so requested by the Mayor or Council.

*(Code of Iowa, Sec. 372.13[4])*

**20.03 POWER OF ATTORNEY.** The City Attorney shall sign the name of the City to all appeal bonds and to all other bonds or papers of any kind that may be essential to the prosecution of any cause in court, and when so signed the City shall be bound upon the same.

*(Code of Iowa, Sec. 372.13[4])*

**20.04 ORDINANCE PREPARATION.** The City Attorney shall prepare those ordinances which the Council may desire and direct to be prepared and report to the Council upon all such ordinances before their final passage by the Council and publication.

*(Code of Iowa, Sec. 372.13[4])*

**20.05 REVIEW AND COMMENT.** The City Attorney shall, upon request, make a report to the Council giving an opinion on all contracts, documents, resolutions, or ordinances submitted to or coming under the City Attorney's notice.

*(Code of Iowa, Sec. 372.13[4])*

**20.06 PROVIDE LEGAL OPINION.** The City Attorney shall give advice or a written legal opinion on City contracts and all questions of law relating to City matters submitted by the Mayor, Council, City Manager, City Clerk or Police Chief.

*(Code of Iowa, Sec. 372.13[4])*

**20.07 ATTENDANCE AT COUNCIL MEETINGS.** The City Attorney shall attend meetings of the Council at the request of the Mayor or Council.

*(Code of Iowa, Sec. 372.13[4])*

**20.08 PREPARE DOCUMENTS.** The City Attorney shall, upon request, formulate drafts for contracts, forms and other writings which may be required for the use of the City.

*(Code of Iowa, Sec. 372.13[4])*

o o o o o o o o o o

## CHAPTER 21

# CITY MANAGER

21.01 Appointment  
21.02 Compensation

21.03 Powers and Duties

**21.01 APPOINTMENT.** The City Manager shall be appointed by the Council and shall serve at the discretion of the Council.

**21.02 COMPENSATION.** The City Manager shall be paid such compensation as specified by resolution of the Council.

**21.03 POWERS AND DUTIES.** The powers and duties of the City Manager are as follows:

1. Supervise all City departments except for the Police Department, and plan, direct, review and participate in activities and projects of such departments.
2. Assist the City in securing specialized and professional services as necessary.
3. Represent the City in negotiations properly entered into in accordance with law or ordinance and represent the City at various meetings and conferences.
4. Hire and terminate employees in accordance with policies established by the Council.
5. Maintain employee files; prepare and administer special employment programs.
6. Assist in the preparation of special studies or projects such as:
  - A. Revision of the Code of Ordinances;
  - B. Preparation of Capital Improvement Plans;
  - C. Preparation of Employee Personnel Policies, Job Descriptions, and Appraisal Format and Pay Plan.
7. Recommend policies, procedures, resolutions, and ordinances for Council consideration.
8. Coordinate activities of City government with the Police Department and other agencies.
9. Serve as consultant for State or Federally financed programs, prepare applications, carry out community information programs, assemble data on housing needs, analyze probable program results, and advise other members of the staff on program requirements.
10. Complete or supervise the completion of various State and Federal reports and forms.
11. Assist in the analysis and application of standards and in formulating all phases of a comprehensive plan as assigned; assist in analyzing and applying census data.

12. Attend Council meetings, make oral and written reports on City activities, and receive instruction from the Council.
13. Attend meetings of various City committees, boards and commissions.
14. Assist in preparation of annual City budget and preparation of other financial documents.
15. Assist Manchester Enterprises, the Delaware County Economic Development Commission, the Manchester Chamber of Commerce and any other agency or group in efforts to obtain and maintain economic development.
16. Attend service counter; accept payment of bills and fees; issue bills for work performed; reply in person, by telephone or by correspondence to inquiries from visitors and callers; supply general information on City policies and procedures; refer more specific inquiries to the appropriate official.
17. Perform such other duties as specified by the Council and in accordance with the City Manager's job description.

## CHAPTER 22

### LIBRARY

22.01 Public Library	22.07 Nonresident Use
22.02 Library Trustees	22.08 Expenditures
22.03 Qualifications of Trustees	22.09 Annual Report
22.04 Organization of the Board	22.10 Injury to Books or Property
22.05 Powers and Duties	22.11 Theft
22.06 Contracting with Other Libraries	22.12 Notice Posted

**22.01 PUBLIC LIBRARY.** The public library for the City is known as the Manchester Public Library. It is referred to in this chapter as the Library.

**22.02 LIBRARY TRUSTEES.** The Board of Trustees of the Library, hereinafter referred to as the Board, consists of nine (9) members. At least one and not more than two (2) members shall be nonresidents. All members are to be appointed by the Mayor with the approval of the Council.

**22.03 QUALIFICATIONS OF TRUSTEES.** All resident members of the Board shall be bona fide citizens and residents of the City. The nonresident member(s) of the Board shall be a bona fide citizen and resident of the County. Members shall be over the age of eighteen (18) years.

**22.04 ORGANIZATION OF THE BOARD.** The organization of the Board shall be as follows:

1. Term of Office. All appointments to the Board shall be for six (6) years, except to fill vacancies. Each term shall commence on July 1. Appointments shall be made every two (2) years of one-third (1/3) the total number or as near as possible, to stagger the terms. Effective July 1, 1988, all newly appointed Trustees are limited to two consecutive terms. Individuals serving two consecutive terms must wait a period of three years before they will be considered for another term as Trustee.

2. Vacancies. The position of any resident Trustee shall be vacated if such member moves permanently from the City. The position of a nonresident Trustee shall be vacated if such member moves permanently from the County or into the City. The position of any Trustee shall be deemed vacated if such member is absent from three (3) consecutive regular meetings of the Board, except in the case of sickness or temporary absence from the City or County. Vacancies in the Board shall be filled in the same manner as an original appointment except that the new Trustee shall fill out the unexpired term for which the appointment is made.

3. Compensation. Trustees shall receive no compensation for their services, but upon the Board's approval, they may receive reimbursement for expenses incurred on behalf of the library.

**22.05 POWERS AND DUTIES.** The Board shall have and exercise the following powers and duties:

1. Officers. To meet and elect from its members a President, a Vice President, a Secretary, and such other officers as it deems necessary. The City Clerk shall serve as Board Treasurer but shall not be a member of the Board.
2. Physical Plant. To have charge, control and supervision of the Library, its appurtenances, fixtures and rooms containing the same.
3. Charge of Affairs. To direct and control all affairs of the Library.
4. Hiring of Personnel. To employ a Library Administrator and to determine the number of assistants and employees as may be necessary for the proper management of the Library, and fix their compensation.
5. Removal of Personnel. To remove the Library Administrator, by a two-thirds (2/3) vote of the Board, and to provide procedures for the removal of the assistants or employees for misdemeanor, incompetency or inattention to duty, subject however, to the provisions of Chapter 35C of the Code of Iowa.
6. Purchases. To set guidelines for the Library Administrator to select, and make purchases of books, pamphlets, magazines, periodicals, papers, maps, journals; other Library materials, furniture, fixtures, stationery and supplies for the Library within budgetary limits set by the Board.
7. Use by Nonresidents. To authorize the use of the Library by nonresidents and to fix charges therefore unless a contract for free service exists.
8. Rules and Regulations. To make and adopt, amend, modify or repeal rules and regulations, not inconsistent with this Code of Ordinances and the law, for the care, use, government and management of the Library and the business of the Board, fixing and enforcing penalties for violations.
9. Expenditures. To have exclusive control of the expenditure of all funds allocated for Library purposes by the Council, and of all moneys available by gift or otherwise for the erection of Library buildings, and of all other moneys belonging to the Library including fines and rentals collected under the rules of the Board.
10. Gifts. To accept gifts of real property, personal property, or mixed property, and devises and bequests, including trust funds; to take the title to said property in the name of the Library; to execute deeds and bills of sale for the conveyance of said property; and to expend the funds received by them from such gifts, for the improvement of the Library.
11. Enforce the Performance of Conditions on Gifts. To enforce the performance of conditions on gifts, donations, devises and bequests accepted by the City by action against the Council.  
*(Code of Iowa, Ch. 661)*
12. Record of Proceedings. To keep a record of its proceedings.
13. County Historical Association. To have authority to make agreements with the local County historical association where such exists, and to set apart the necessary room and to care for such articles as may come into the possession of the association. The Trustees are further authorized to purchase necessary receptacles and materials for the preservation and protection of such articles as are in their judgment of a historical and educational nature and pay for the same out of funds allocated for Library purposes.

**22.06 CONTRACTING WITH OTHER LIBRARIES.** The Board has power to contract with other libraries in accordance with the following:

1. Contracting. The Board may contract with any other boards of trustees of free public libraries, with any other city, school corporation, private or semiprivate organization, institution of higher learning, township, or County, or with the trustees of any County library district for the use of the Library by their respective residents.

*(Code of Iowa, Sec. 392.5 & Ch. 28E)*

2. Termination. Such a contract shall specify the method of termination.

**22.07 NONRESIDENT USE.** The Board may authorize the use of the Library by persons not residents of the City or County in any one or more of the following ways:

1. Lending. By lending the books or other materials of the Library to nonresidents on the same terms and conditions as to residents of the City, or County, or upon payment of a special nonresident Library fee.

2. Depository. By establishing depositories of Library books or other materials to be loaned to nonresidents.

3. Bookmobiles. By establishing bookmobiles or a traveling library so that books or other Library materials may be loaned to nonresidents.

4. Branch Library. By establishing branch libraries for lending books or other Library materials to nonresidents.

**22.08 EXPENDITURES.** All money appropriated by the Council for the operation and maintenance of the Library shall be set aside in an account for the Library. Expenditures shall be paid for only on orders of the Board, signed by any 2 officers of the Board.

*(Code of Iowa, Sec. 384.20 & 392.5)*

**22.09 ANNUAL REPORT.** The Board shall make a report to the Council immediately after the close of the fiscal year. This report shall contain statements as to the condition of the Library, the number of books added, the number circulated, the amount of fines collected, and the amount of money expended in the maintenance of the Library during the year, together with such further information as may be required by the Council.

**22.10 INJURY TO BOOKS OR PROPERTY.** It is unlawful for a person willfully, maliciously or wantonly to tear, deface, mutilate, injure or destroy, in whole or in part, any newspaper, periodical, book, map, pamphlet, chart, picture or other property belonging to the Library or reading room.

*(Code of Iowa, Sec. 716.1)*

**22.11 THEFT.** No person shall take possession or control of property of the Library with the intent to deprive the Library thereof.

*(Code of Iowa, Sec. 714.1)*

**22.12 NOTICE POSTED.** There shall be posted in clear public view within the Library notices informing the public of the following:

1. Failure to Return. Failure to return Library materials for two months or more after the date the person agreed to return the Library materials, or failure to return Library equipment for one month or more after the date the person agreed to return the Library equipment, is evidence of intent to deprive the owner, provided a reasonable

attempt, including the mailing by restricted certified mail of notice that such material or equipment is overdue and criminal actions will be taken, has been made to reclaim the materials or equipment.

*(Code of Iowa, Sec. 714.5)*

2. Detention and Search. Persons concealing Library materials may be detained and searched pursuant to law.

*(Code of Iowa, Sec. 808.12)*

## CHAPTER 23

# PLANNING AND ZONING COMMISSION

23.01 Planning and Zoning Commission  
23.02 Term of Office  
23.03 Vacancies

23.04 Compensation  
23.05 Powers and Duties

**23.01 PLANNING AND ZONING COMMISSION.** The City Planning and Zoning Commission, hereinafter referred to as the Commission, consists of seven members appointed by the Council. The Commission members shall be residents of the City and shall not hold any elective office in the City government.

*(Code of Iowa, Sec. 414.6 & 392.1)*

**23.02 TERM OF OFFICE.** The term of office of the members of the Commission shall be four years. The terms of not more than one-third of the members will expire in any one year.

*(Code of Iowa, Sec. 392.1)*

**23.03 VACANCIES.** If any vacancy exists on the Commission caused by resignation, or otherwise, a successor for the residue of the term shall be appointed in the same manner as the original appointee.

*(Code of Iowa, Sec. 392.1)*

**23.04 COMPENSATION.** All members of the Commission shall serve without compensation, except their actual expenses, which shall be subject to the approval of the Council.

*(Code of Iowa, Sec. 392.1)*

**23.05 POWERS AND DUTIES.** The Commission shall have and exercise the following powers and duties:

1. Selection of Officers. The Commission shall choose annually at its first regular meeting one of its members to act as Chairperson and another as Vice Chairperson, who shall perform all the duties of the Chairperson during the Chairperson's absence or disability.

*(Code of Iowa, Sec. 392.1)*

2. Adopt Rules and Regulations. The Commission shall adopt such rules and regulations governing its organization and procedure as it may deem necessary.

*(Code of Iowa, Sec. 392.1)*

3. Zoning. The Commission shall have and exercise all the powers and duties and privileges in establishing the City zoning regulations and other related matters and may from time to time recommend to the Council amendments, supplements, changes or modifications, all as provided by Chapter 414 of the Code of Iowa.

*(Code of Iowa, Sec. 414.6)*

4. Recommendations of Improvements. No statutory, memorial or work of art in a public place, and no public building, bridge, viaduct, street fixtures, public structure or appurtenances, shall be located or erected, or site therefore obtained, nor shall any permit be issued by any department of the City for the erection or location thereof

until and unless the design and proposed location of any such improvement shall have been submitted to the Commission and its recommendations thereon obtained, except such requirements and recommendations shall not act as a stay upon action for any such improvement when the Commission after thirty (30) days' written notice requesting such recommendations, shall have failed to file same.

*(Code of Iowa, Sec. 392.1)*

5. Review and Comment on Plats. All plans, plats, or re-plats of subdivision or re-subdivisions of land embraced in the City or adjacent thereto, laid out in lots or plats with the streets, alleys, or other portions of the same intended to be dedicated to the public in the City, shall first be submitted to the Commission and its recommendations obtained before approval by the Council.

*(Code of Iowa, Sec. 392.1)*

6. Review and Comment of Street and Park Improvements. No plan for any street, park, parkway, boulevard, traffic-way, river front, or other public improvement affecting the City plan shall be finally approved by the City or the character or location thereof determined, unless such proposal shall first have been submitted to the Commission and the Commission shall have had thirty (30) days within which to file its recommendations thereon.

*(Code of Iowa, Sec. 392.1)*

7. Fiscal Responsibilities. The Commission shall have full, complete and exclusive authority to expend for and on behalf of the City all sums of money appropriated to it, and to use and expend all gifts, donations or payments whatsoever which are received by the City for City planning and zoning purposes.

*(Code of Iowa, Sec. 392.1)*

8. Limitation on Entering Contracts. The Commission shall have no power to contract debts beyond the amount of its original or amended appropriation as approved by the Council for the present year.

*(Code of Iowa, Sec. 392.1)*

9. Annual Report. The Commission shall each year make a report to the Mayor and Council of its proceedings, with a full statement of its receipts, disbursements and the progress of its work during the preceding fiscal year.

*(Code of Iowa, Sec. 392.1)*

## CHAPTER 24

# PARKS AND RECREATION COMMISSION

24.01 Definitions

24.02 Commission Established

24.03 Appointment and Term

24.04 Vacancies

24.05 Compensation

24.06 Powers and Duties

24.07 Parks and Recreation Account

24.08 Director of Commission

24.09 Council Authority

24.10 Penalties

**24.01 DEFINITIONS.** For use in this chapter the following terms are defined:

1. “Commission” means the Parks and Recreation Commission of the City.
2. “Director” means the person immediately in charge of the operation, maintenance and use of the parks and recreational facilities of the City.
3. “Park” means a park, playground or recreation area or any other area within the City limits, owned by the City and devoted to active or passive recreation.
4. “Recreational facility” means a park, playground, recreational area, indoors or outdoors, within or outside the limits of the City, owned by another governmental entity or privately owned, but temporarily operated by the Commission with the consent and permission of the owner.

**24.02 COMMISSION ESTABLISHED.** For the purpose of operation, maintenance and regulation of parks and recreational facilities, a Parks and Recreation Commission has been established and is under the control and supervision of the Council.

**24.03 APPOINTMENT AND TERM.** The Commission shall consist of five (5) members. One member shall be appointed from each of the three (3) City wards with two members appointed at-large. Each member shall be a qualified voter and resident of the City and shall be appointed by the Mayor with the approval of the Council for a term of three years. Terms shall be staggered.

**24.04 VACANCIES.** The permanent change of residence of any member of the Commission from the City ward from which the member was appointed to another City ward or outside the City boundaries, or loss of voting privileges, or the absence from three (3) consecutive regular meetings of the Commission, or failure to attend two-thirds of the regular monthly meetings in any given year, except if due to illness of the member, shall render the member’s office vacant. Vacancies occurring in the Commission shall be filled in the same manner an original appointment and such appointment shall be for the unexpired terms of the vacancy for which the appointment is made.

**24.05 COMPENSATION.** Members of the Commission shall be paid such compensation as specified by resolution of the Council.

**24.06 POWERS AND DUTIES.** Powers and duties of the Commission are as follows:

1. Development, Administration and Review. The Commission shall develop, administer and review policies, rules, regulations, ordinances and budgets relating to parks, playgrounds, recreational centers and cultural functions and activities of the

Council as the Commission or Council deems in the public interest. The Commission shall give special attention to the development of long range planning, programming and availability of parks and recreational facilities for the use of the public. The Commission is authorized to create and appoint such advisory group as it may deem necessary and desirable to make studies and to disseminate information on its activities. The Commission shall plan for the promotion of the general beauty of the City.

2. Annual and Monthly Reports. The Commission shall on a regular basis, or at least annually, transmit to the Council a written report of its activities and recommendations for the development and operation of parks, playgrounds, recreational centers and cultural functions and programs. The Commission shall update and communicate any programs or problems to the City Manager, Mayor and Council.

3. Cooperation with Other Agencies. The Commission shall cooperate with the school board, other commissions, boards and civic groups to expand and improve its programs at a minimum cost to the citizens of the City.

4. Records. The Commission shall keep and maintain a record of its proceedings, which shall be available for public inspection.

5. Rules and Regulations. The Commission shall recommend to the Council such rules and regulations, not in conflict with this chapter, as may be needed for the operation, maintenance and orderly use of the parks and recreational facilities.

6. Concessions. Within City parks and recreational facilities, the Commission may grant temporary or permanent concession permits, with the exception of any permits for the sale or dispensing of beer or alcoholic beverages, which concession permits shall be subject to Council approval. The Commission shall also comply with trust provisions or other regulations restricting the use of parks or recreational facilities.

7. Operation and Maintenance. The Commission shall be in charge of and responsible for the maintenance and operation of parks, swimming pools, recreational facilities and programs and for all public lands as may be assigned to the Commission by the Mayor and Council.

8. Accounts. All money allocated by the Council for recreational purposes shall be credited to the parks and recreation accounts. This money shall be paid out only on order of the Commission signed by the Chairperson, Vice Chairperson or Parks and Recreation Director, as budgeted and granted by the Council.

9. Salaries. All salaries and wages to be paid the Parks and Recreation Director or any employee of the Commission shall be in the annual budget. Wages and salaries shall be recommended by the Commission but subject to final approval by the Council.

10. Budget. It shall be the responsibility of the Commission to submit to the City Manager a complete annual line item budget of all anticipated fiscal year expenditures. This budget together with the recommendations of the Commission shall be subject to final approval by the Council.

11. Gifts. The Commission shall accept gifts in the name of the Parks and Recreation Commission, of real property, personal property or mixed property in devises and bequests, including trust funds; executed deeds and bills of sale for the

conveyance of such property; and to expend the funds received from such gifts for the improvement, operation and maintenance of recreational facilities.

12. Permits. Any request by the Commission for a beer or liquor permit or any grant applications being made by the Commission shall be brought before the Council for final approval.

13. Elect Officers. The Commission shall annually elect from its members a Chairperson and a Vice Chairperson and other such officers as it deems necessary.

**24.07 PARKS AND RECREATION ACCOUNT.** An account known as the "Parks and Recreation" shall be kept and maintained by the City Clerk. All moneys received by the Commission, whether derived from taxation or otherwise, shall be credited to said account. All salaries, expenses and disbursements connected with the management and operation of the Commission's programs shall be paid out of this account. Revenues and expenditures shall be reported monthly by the Clerk in the manner of other departmental revenues and expenditures, and a copy shall be provided to each member of the Commission and in the Clerk's report to the Council.

**24.08 DIRECTOR OF COMMISSION.** A Director of Parks and Recreation shall be appointed by the City Manager, subject to Council approval. The Director shall assume such duties as established in the job description approved by the City Manager and the City Council. The Parks and Recreation Director shall be under the direct supervision of the City Manager. The Parks and Recreation Commission will receive from the Director such assistance and information as necessary in the performance of its duties as specified in Section 24.06 of this chapter. The Director shall meet regularly with the Parks and Recreation Commission to discuss policies and programs relating to the Parks and Recreation Department.

**24.09 COUNCIL AUTHORITY.** All final authority over the administration and policy of the Parks and Recreation Commission shall be retained and exercised by the Council.

**24.10 PENALTIES.** Violation of a Commission rule may be cause for denial of use of a facility, but such denial may be appealed to the Commission for a hearing. The violation may be prosecuted as a misdemeanor if it is a serious offense.

[The next page is 105]

## CHAPTER 25

# FORESTRY IMPROVEMENT COMMITTEE

25.01 Creation and Establishment  
25.02 Term of Office  
25.03 Compensation  
25.04 Duties and Responsibilities

25.05 Operation  
25.06 Interference with Committee  
25.07 Review by Council

**25.01 CREATION AND ESTABLISHMENT.** There is hereby created and established a Forestry Improvement Committee for the City, which shall consist of seven (7) members appointed by the Mayor and confirmed by the Council. One member shall be a current member of the Council.

**25.02 TERM OF OFFICE.** The members of the Committee shall serve staggered terms of three (3) years and in the event that a vacancy occurs during the term of any member, said member's successor shall be appointed for the unexpired portion of the term.

**25.03 COMPENSATION.** Members of the Committee shall serve without compensation.

**25.04 DUTIES AND RESPONSIBILITIES.** It shall be the responsibility of the Committee to study, investigate, counsel and develop a written plan for the care, preservation, trimming, planting, replanting, removal or disposition of trees and shrubs in public areas and to encourage the appropriate care, preservation, trimming, planting, replanting and removal of trees and shrubs in private areas. Such a plan will be presented to the Council and upon its acceptance and approval shall constitute the official comprehensive tree plan for the City of Manchester, Iowa. The Committee shall review annually and update if needed the comprehensive City tree plan. The Committee, when requested by the Council, shall consider, investigate, make findings, report and recommend upon any special matter or question within the scope of its work.

**25.05 OPERATION.** The Committee shall choose its own officers, make its own rules and regulations, and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

**25.06 INTERFERENCE WITH COMMITTEE.** It is unlawful for any person to prevent, delay or interfere with the Forestry Improvement Committee (or any of its agents) while engaging in and about planting, cultivating, mulching, pruning or removing of any street trees, park trees or trees on private grounds, as authorized by this chapter.

**25.07 REVIEW BY COUNCIL.** The Council shall have the right to review the conduct, acts and decision of the Committee. Any person may appeal from any ruling or order of the Committee to the Council, who may hear the matter and make final decision.

[The next page is 145]