

CHAPTER 15

MAYOR

15.01 Term of Office	15.04 Compensation
15.02 Powers and Duties	15.05 Voting
15.03 Appointments	

15.01 TERM OF OFFICE. The Mayor is elected for a term of four (4) 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 Administrator, 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 following officials:

(Code of Iowa, Sec. 372.4)

1. Mayor Pro Tem
2. Library Board of Trustees
3. Police Chief

15.04 COMPENSATION. The salary of the Mayor is sixty-two hundred dollars (\$6200.00) per year, payable semi-annually.

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

(Ordinance No. 08-204)

(Ordinance No. 11-201)

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)

CHAPTER 16

MAYOR PRO TEM

16.01 Vice President of Council	16.03 Voting Rights
16.02 Powers and Duties	16.04 Compensation

16.01 VICE PRESIDENT OF COUNCIL. The Mayor Pro Tem is 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 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])

CHAPTER 17

CITY COUNCIL

17.01 Number and Term of Council	17.04 Council Meetings
17.02 Powers and Duties	17.05 Appointments
17.03 Exercise of Power	17.06 Compensation

17.01 NUMBER AND TERM OF COUNCIL. The Council consists of five (5) Council members elected at large for overlapping terms of four (4) years.

(Code of Iowa, Sec. 372.4 & 376.2)

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 adopted by resolution of the Council.

(Code of Iowa, Sec. 384.100)

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 twenty-five thousand dollars (\$25,000.00) on any one 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 re-passes the measure after the Mayor's veto, a resolution becomes effective immediately upon re-passage, 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 fourteen (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 regular meetings of the Council are on the first and third Monday of each month at six o'clock (6:00) p.m. at City Hall. If such day falls on a legal holiday, the meeting is held the next day at the same time, unless a different day or time is determined by the Council.
2. Special Meetings. Special meetings shall be held upon call of the Mayor or upon the written request of a majority of the members of the Council submitted to the City Administrator. Notice of a special meeting shall specify the date, time, place and subject of the meeting and

such notice shall be given personally or left at the usual place of residence of each member of the Council. A record of the service of notice shall be maintained by the City Administrator.

(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 (3) 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 Administrator
2. City Attorney
3. Park and Recreation Board
4. City Engineer
5. Planning and Zoning Commission
6. Zoning Board of Adjustment

17.06 COMPENSATION. The salary of each Council member is seventy-five dollars (\$75.00) for each regular or special meeting of the Council attended, payable semi-annually. Effective January 1, 2018, the salary of each Council member is one hundred and twenty-five dollars (\$125) for each regular or special meeting of the Council attended, payable semi-annually.

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

(Ordinance No. 03-209)

(Ordinance No. 08-207)

(Ordinance No. 11-202)

(Ordinance No. 15-218)

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	

18.01 APPOINTMENT AND COMPENSATION. The Council shall appoint by majority vote a City Clerk (hereafter referred to as the "Clerk"). The Clerk shall receive such compensation as established by resolution by the Council.

(Code of Iowa, Sec. 372.13[3])
(Ordinance No. 16-203)

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

(Ordinance No. 16-203)

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 claim.

(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 re-passed 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, except that ordinances and amendments may be published by posting in the following places:

Bondurant City Center
Bondurant Post Office
Legacy Bank

The Clerk is hereby directed to post promptly such ordinances and amendments, and to leave them so posted for not less than ten (10) days after the first date of posting. Unauthorized removal of the posted ordinance or amendment prior to the completion of the ten days shall not affect the validity of said ordinance or amendment. The Clerk shall note the first date of such posting on the official copy of the ordinance and in the official ordinance book immediately following the ordinance.

(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 position and the time at which they shall assume the duties of their office.

(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 Commission of Election 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.

(Ordinance No. 02-207)

(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 five o'clock (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 "BONDURANT, IOWA" and around the margin of which are the words "CITY SEAL."

18.14 OTHER DUTIES. The Clerk shall perform such other duties as specified in the position description or by the Council or the City Administrator.

(Ordinance No. 16-203)

CHAPTER 19

CITY TREASURER

19.01 Appointment	19.03 Duties of Treasurer
19.02 Compensation	

19.01 APPOINTMENT. The Finance Director is the Treasurer and performs all functions required of the position of Treasurer.

19.02 COMPENSATION. The Finance Director receives no additional compensation for performing the duties of the Treasurer.

(Ordinance No. 210607-207)

19.03 DUTIES OF TREASURER. The duties of the Treasurer are as follows:

(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 by the Treasurer 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 by the Treasurer from special assessments.
6. Deposit Funds. Upon receipt of moneys to be held in the Treasurer's custody and belonging to the City, deposit the same in depositories selected by the Council.
7. Reconciliation. Reconcile depository statements with the Treasurer's books and certify monthly to the Council the balance of cash and investments of each fund and amounts received and disbursed.
8. Debt Service. Keep a register of all bonds outstanding and record all payments of interest and principal.
9. Other Duties. Perform such other duties as specified by the Council by resolution or ordinance.

CHAPTER 20

CITY ATTORNEY

20.01 Appointment and Compensation	20.05 Review and Comment
20.02 Attorney for City	20.06 Provide Legal Opinion
20.03 Power of Attorney	20.07 Attendance at Council Meetings
20.04 Ordinance Preparation	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, Council or City Administrator. However, the City may also retain the services of any other attorney and assign such attorney any legal matter concerning the City.

(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 and/or review 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 or City Administrator.

(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, Council or City Administrator.

(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])

CHAPTER 21

CITY ADMINISTRATOR

21.01 Appointment and Compensation	21.03 Powers and Duties Generally
21.02 Administrative Responsibility	21.04 Supervision of City Officers

21.01 APPOINTMENT AND COMPENSATION. The Council shall appoint by majority vote a City Administrator to serve at the discretion of the Council. The City Administrator shall receive such annual salary as the Council shall from time to time establish by resolution. The City Council may, by Resolution, change the status of the City Administrator from an at-will employee to a contract employee.

(Ordinance No. 10-200)

21.02 ADMINISTRATIVE RESPONSIBILITY. The City Administrator is directly responsible to the Council for the administration of municipal affairs as directed by that body. All departmental activity requiring the attention of the Council shall be brought before the Council by the City Administrator and all Council involvement in administration initiated by the Council must be coordinated through the City Administrator.

21.03 POWERS AND DUTIES GENERALLY. The powers and duties of the City Administrator include the following:

1. Responsibility for all accounting and accounting procedures for the City.
2. Administration of all ordinances, resolutions, Council policies, directives and procedures.
3. Continuous study of the City government's operating procedures, organizations and facilities and recommendation of fiscal and other policies to the Council whenever necessary.
4. Preparation and administration of the City's annual operating budget.
5. Supervision of the City's administrative policies and procedures, including personnel and purchasing.
6. Keeping the Council informed as to the progress of its programs and the status of its policies.
7. Coordination and direction of all City services provided through the various departments.

8. Study of possible joint arrangements with municipal boards and commissions, making recommendations for such arrangements as are mutually acceptable and coordinating these activities as agreed upon.
9. Assisting the Mayor in any duties as requested by the Mayor.
10. Assisting the Council and the Planning and Zoning Commission in the carrying out of the comprehensive plan and to assist in all other forms of planning within the City government.
11. Acting for the City in the exercise and execution of all policies and programs whereby the City is involved in a joint basis with any other governmental subdivision, agency or department.
12. Employment and removal of City employees in accordance with Council approved policies regarding pay, employment, and removal of such employees.

21.04 SUPERVISION OF CITY OFFICERS. The City Administrator is responsible to the Council for the performance of all department activities. All City officers and department heads, regardless of their method of appointment, are responsible to the City Administrator for the conduct of their department.

CHAPTER 22

LIBRARY BOARD OF TRUSTEES

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 Bondurant Community 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 six (6) resident members and one (1) nonresident member. All resident members are to be appointed by the Mayor with the approval of the Council. The nonresident member is to be appointed by the Mayor with the approval of the County Board of Supervisors.

22.03 QUALIFICATIONS OF TRUSTEES. All resident members of the Board shall be bona fide citizens and residents of the City. The nonresident member of the Board shall be a bona fide citizen and resident of the unincorporated County but within the Bondurant-Farrar Community School District. 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 January first. Appointments shall be made in even numbered years of one-third (1/3) of the Board, to stagger the terms.
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 (within the Bondurant-Farrar Community School District) or into the City. The position of any Trustee shall be deemed vacated if such member is absent from six (6) 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.

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 Secretary, and such other officers as it deems necessary.
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 Head Librarian, and authorize the Head Librarian to employ such assistants and employees as may be necessary for the proper management of the Library, and fix their compensation; provided, however, that prior to such employment, the compensation of the Head Librarian, assistants and employees shall have been fixed and approved by a majority of the members of the Board voting in favor thereof.
5. Removal of Personnel. To remove the Head Librarian, by a two-thirds vote of the Board, and provide procedures for the removal of the assistants or employees for misdemeanor, incompetence or inattention to duty, subject however, to the provisions of Chapter 35C of the Code of Iowa.
6. Purchases. To select, or authorize the Head Librarian 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.
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 City; 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 on behalf of the Library.

(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 may be terminated at any time by mutual consent of the contracting parties. It also may be terminated by a majority vote of the electors represented by either of the contracting parties. Such a termination proposition shall be submitted to the electors by the governing body of a contracting party on a written petition of not less than five percent (5%) in number of the electors who voted for governor in the territory of the contracting party at the last general election. The petition must be presented to the governing body not less than forty (40) days before the election. The proposition may be submitted at any election provided by law that is held in the territory of the party seeking to terminate the contract.

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 its President and Secretary.

(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 (2) months or more after the date the person agreed to return the Library materials, or failure to return Library equipment for one (1) 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	23.04 Compensation
23.02 Term of Office	23.05 Powers and Duties
23.03 Vacancies	

23.01 PLANNING AND ZONING COMMISSION. There shall be appointed by the Council a City Planning and Zoning Commission, hereinafter referred to as the Commission, consisting of seven (7) members, who shall be residents of the City and qualified by knowledge or experience to act in matters pertaining to the development of a City plan and who 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 five (5) 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. 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, except Final Plats. Final Plats shall not be submitted to the Commission for recommendation to the Council. City Staff shall review and provide recommendations to the Council for Final Plats.

(Code of Iowa, Sec. 392.1)

(Ordinance No. 190805-212)

5. 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)

6. 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)

(Ordinance No. 230117-206)

23.06 MEETING ATTENDANCE. Commission members are expected to attend all regular and special meetings of the Commission. If a member has a valid reason for nonattendance, the member shall notify the Commission chairperson or City Clerk before the meeting. A Commission member will be asked to resign if at any time the member has three unexcused absences within a six-month period from a regular, special, or subcommittee meeting, or if total absences (whether excused or not) exceed forty percent (40%) of the total meetings in a calendar year. A review of attendance will be made at the end of each year.

(Ordinance No. 18-200)

CHAPTER 24

PARKS AND RECREATION BOARD

24.01 Parks and Recreation Board Created	24.04 Reports
24.02 Board Organization	24.05 Rules
24.03 Duties of the Board	24.06 Bondurant Recreational Sports Complex Board

24.01 PARKS AND RECREATION BOARD CREATED. A Parks and Recreation Board is hereby created to advise the Council on the needed facilities to provide open space such as parks, playgrounds and community facilities for other forms of recreation. It shall also plan and oversee City programs and encourage other programs to enhance the leisure time activities of the City's residents of all ages.

24.02 BOARD ORGANIZATION. The Board shall consist of seven (7) members, all residents of the City, appointed by the Council for overlapping terms of three (3) years. The Board shall annually choose from its membership a Chairperson, Vice Chairperson and Secretary. Members shall serve without compensation, but may receive reimbursement for expenses incurred in the performance of their duties. Vacancies shall be filled in the same manner as the original appointment for the balance of the term.

24.03 DUTIES OF THE BOARD. In addition to its duty to make a plan for recreation and for the facilities for recreation, and to update and revise these plans as required, the Board has authority over the properties devoted to parks and recreation, subject to the limitation of expenditures for supplies, contracts and capital outlays set forth in the fiscal year budget provided by the Council for parks and recreation operations. The Board shall cooperate with the City Administrator in the allotment of time of City employees for parks and recreation purposes. The Chairperson shall order supplies by the procedures established by the City Administrator for all departments of the City, and payment will be made by warrant approved by the City Administrator and Council for invoices submitted and approved by the Board.

24.04 REPORTS. The Board shall make written reports to the Council of its activities from time to time as it deems advisable, or upon Council request. Its revenues and expenditures shall be reported monthly by the City Administrator in the manner of other departmental expenditures, and a copy shall be provided to each member of the Board and in the City Administrator's report to the Council.

24.05 RULES. The Board has the power to make rules and regulations for the use of parks or other recreational facilities or for the conduct of recreation programs, subject to the approval of the rules by the Council. Such rules shall be either posted on the facility or otherwise publicized in a manner to provide adequate notice to the using public. Violation of a rule or regulation so

posted or publicized may be cause for denial of use of the facility or if it is a violation of this Code of Ordinances may be prosecuted as a simple misdemeanor.

24.06 MEETING ATTENDANCE. Board members are expected to attend all regular and special meetings of the Board. If a member has a valid reason for nonattendance, the member shall notify the Board chairperson or Recreation Coordinator before the meeting. A Board member will be asked to resign if at any time the member has three unexcused absences within a six-month period from a regular, special, or subcommittee meeting, or if total absences (whether excused or not) exceed forty percent (40%) of the total meetings in a calendar year. A review of attendance will be made at the end of each year.

(Ordinance No. 18-201)

CHAPTER 25

CITY ENGINEER

25.01 Appointment and Compensation	25.03 Duties
25.02 Qualification for Office	

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

25.02 QUALIFICATION FOR OFFICE. The City Engineer shall meet the qualifications set by the Council.

25.03 DUTIES. The City Engineer is responsible for the following:

1. The construction of City streets, bridges, sidewalks, sewers and other capital improvement projects;
2. The planning and direction of the professional work of an engineering nature performed in the field or in the office including the preparation and preservation of engineering surveys, designs, plans, layouts, estimates and contract documents;
3. The care and maintenance of all buildings and properties, including the contents thereof, used wholly or directly in the operation of the department and all other municipally owned buildings not otherwise specifically assigned to some other department or agency;
4. Other duties and functions as may be assigned by State law, the provisions of this Code of Ordinances or by the Council.

CHAPTER 27

BOARD OF ADJUSTMENT

27.01 Procedure	27.03 Decisions of the Board
27.02 Powers and Duties	

27.01 PROCEDURE. Board Created. A Board of Adjustment is hereby established, which shall consist of five (5) members appointed by the City Council, The terms of office of the members of the Board of Adjustment and the manner of their appointment shall be as provided by statute.

1. Meetings. The meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses, All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. The presence of three (3) members shall be necessary to constitute a quorum.

2. Appeals. Appeals to the Board may be taken by any person aggrieved or by an officer, department board or bureau of the City of Bondurant affected by any decision of the Zoning Administrator. Such appeal shall be taken within ten (10) days by filing with the Zoning Administrator and with the Board a notice of appeal specifying the grounds thereof The Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon, which the action appealed from is taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board, after notice of appeal shall have been filed with him, that by reason of the facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the Zoning Administrator and on due cause shown.

The Board shall fix within sixty (60) days a time for the hearing on the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent, or by attorney. Before an appeal is filed with the Board of Adjustment, the appellant shall pay a fee of one-hundred dollars (\$100) to the City Treasurer to be credited to the general fund of the City of Bondurant.

(Ordinance No. 08-217)

27.02 POWERS AND DUTIES. The Board shall have the following powers and duties:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in enforcement of this Ordinance.
2. To grant a variation from the terms of this Ordinance when a property owner can show that his property was acquired in good faith and where by reason of exceptional narrowness shallowness, or shape of a specific piece of property, or where by reason of exceptional topographical conditions or other extraordinary or exceptional situation, the strict application of the terms of this Ordinance actually prohibits the use of his property in a manner reasonably similar to that of other property in the same district, and where the Board is satisfied under the evidence before it that:
 - A. The land in question cannot yield a reasonable return if used only for a purpose allowed in the district in which it is located; and
 - B. That special conditions and circumstances exist, which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings, in the same district;
 - C. The plight of the owner of the land in question is due to the unique circumstances shown to the Board and is not of his own making;
 - D. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the same district;
 - E. The use to be authorized by the variation will not alter the essential character of the locality of the land in question.

Provided, however, that all variations granted under this clause shall be in harmony with the intended spirit and purpose of this Ordinance and shall not be injurious to the surrounding property or otherwise detrimental to the public welfare.

A variance shall not be granted by the Board, unless and until a public hearing is held. Notice of said public hearing shall be given in advance by publishing in a newspaper of general circulation in the city at least 15 days prior to such hearing. The owner of the property for which the variance is sought or his agent and owners of any other affected property within 200 feet of said property shall be notified by mail; names and addresses of such adjacent land owners shall be furnished to the Administrator by the applicant. Further provided that no variance shall be granted unless the Board shall make findings that the requirements of this Section have been met by the applicant for the variance and that the reasons set forth in the application justify the granting of the variance.

In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Chapter 32 of this Ordinance.

Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

To permit the following exceptions to the district regulations set forth in this Ordinance, provided all exceptions shall be by their design, construction and operation adequately safeguard the health, safety and welfare of the occupants of adjoining and surrounding property, shall not impair an adequate supply of light and air to adjacent property, shall not increase congestion in the public streets, shall not increase public danger of fire or flood, and shall not diminish or impair established property values in surrounding areas.

To permit erection and use of a building or the use of premises or vary the height, yard or area regulations in any location for a public service corporation for public utility purposes, or for purpose of public communication, which the Board determines is reasonably necessary for the public convenience or welfare.

To permit the extension of a zoning district where the boundary line of a district divides a lot in single ownership as shown of record or by existing contract or purchase at the time of the passage of this Ordinance, but in no case shall such extension of the district boundary line exceed forty (40) feet in any direction.

To hear and decide only such other special exceptions as the Board is specifically authorized to pass on by the terms of this Ordinance; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this Ordinance, or to deny special exceptions when not in harmony with the purpose and intent of this Ordinance. A special exception shall not be granted by the Board unless and until:

(1) A written application for special exception is submitted indicating the section of this Ordinance under which the special exception is sought and stating the grounds on which it is requested.

(2) Notice of public hearing shall be given in advance of public hearing by publishment of such notice in a newspaper of general circulation in the city 15 days prior to such hearing. The owner of the property for which special exception is sought or his agent and owners of any other affected property within 200 feet of said property shall be notified by mail; names and addresses of such landowners shall be furnished to the Administrator by the applicant. Notice of hearing may also be posted on the property for which special exception is sought.

(3) The public hearing shall be held. Any party may appear in person, or by agent or attorney.

(4) The Board shall make a finding that it is empowered under the Section of this Ordinance described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest.

In granting any special exception, the Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this Ordinance. The board may prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set, shall void the special exception.

27.03 DECISIONS OF THE BOARD. In exercising the above mentioned powers, the Board may, in conformity with the provisions of law, reverse or atrium, wholly or partly, or modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determinations as it believes proper, and to that end shall have all the powers of the Zoning Administrator. The concurring vote of three (3) of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance; provided, however, that the action of the Board shall not become effective until after the resolution of the Board, setting forth the full reason for its decision and the vote of each member participating therein, has been filed. Such resolution, immediately following the Board's final decision, shall be filed in the office of the City Administrator, and shall be open to public inspection.

Every variation and exception granted or denied by the Board shall be supported by a written testimony or evidence submitted in connection therewith.

Any taxpayer, or any officer, department, board or bureau of the City of Bondurant, or any person or persons jointly or severally aggrieved by any decision of the Board may present to a court of record a petition, duly verified setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board.

If any application for a variance or exception shall have been denied by the Board, then no new application for the same relief shall be considered by the Board unless the Board shall find what conditions have changed.

(Ordinance No. 06-210)

27.04 MEETING ATTENDANCE. Board members are expected to attend all regular and special meetings of the Board. If a member has a valid reason for nonattendance, the member

shall notify the Board chairperson or City Clerk before the meeting. A Board member will be asked to resign if at any time the member has three unexcused absences within a six-month period from a regular, special, or subcommittee meeting, or if total absences (whether excused or not) exceed forty percent (40%) of the total meetings in a calendar year. A review of attendance will be made at the end of each year.

(Ordinance No. 18-202)

CHAPTER 28

CITY TREE BOARD

28.01 Purpose	28.04 Board Organization
28.02 City Tree Board	28.05 Compensation
28.03 Board Members	28.06 Powers and Duties

28.01 PURPOSE. It is the purpose of this chapter to provide for the establishment of a City Tree Board for the City, for the appointment of its Board members and to specify its powers and duties.

28.02 CITY TREE BOARD. There is hereby established the Bondurant City Tree Board.

28.03 BOARD MEMBERS. The City Tree Board shall consist of five (5) members, three (3) of whom shall be citizens and residents of the City and can include two (2) of whom that reside within the Bondurant-Farrar School district boundaries, to be appointed by Council.

28.04 BOARD ORGANIZATION. The term shall be four (4) years with one of the members appointed to the first Board shall be for only one year and the term of two members of the first Board shall be for two years. In the event that a vacancy shall occur during the term of any member, the successor shall be appointed by the Council for the unexpired portion of the term.

28.05 COMPENSATION. Members of the City Tree Board shall serve without compensation.

28.06 POWERS AND DUTIES. The City Tree Board shall have the following powers and duties.

1. The Board shall act as an advisory committee to the Park and Recreation Board. The Board shall have the responsibility to study, investigate, counsel, develop and update a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks and in other public areas. Such a plan will be presented to the Council and upon its acceptance and approval shall constitute the official comprehensive City Tree Plan for the City. The City Tree Board, when requested by the Park and Recreation Board, shall consider, investigate, make findings, report and recommend upon any special matter of question coming within the scope of its work.

2. The Board 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.

(Ordinance No. 03-207)

(Ordinance No. 14-211)

(Ordinance No. 15-209)

28.07 MEETING ATTENDANCE. Board members are expected to attend all regular and special meetings of the Board. If a member has a valid reason for nonattendance, the member shall notify the Board chairperson or City Clerk before the meeting. A Board member will be asked to resign if at any time the member has three unexcused absences within a six-month period from a regular, special, or subcommittee meeting, or if total absences (whether excused or not) exceed forty percent (40%) of the total meetings in a calendar year. A review of attendance will be made at the end of each year.

(Ordinance No. 18-203)