

## 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 two (2) 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. 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. Library Board of Trustees
2. Civil Service Commission
3. Health Officer
4. Zoning Board of Adjustment
5. Airport Manager
6. Historic Preservation Commission
7. Housing Review Board
8. Broadband Telecommunications Commission
9. City Tree Board

**15.04 COMPENSATION.** The salary of the Mayor is twelve thousand dollars (\$12,000.00) annually, payable at the rate of one thousand dollars (\$1,000.00) per month.

*(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)*

## 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 (2) Council Members elected at large and one Council Member from each of three (3) wards as established by the Code of Ordinances, elected for overlapping terms of four (4) 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 accordance with *Code of Iowa* limits 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 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 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 Tuesdays of each month at a time fixed by the Council. If such day falls on a legal holiday, the meeting is held at a mutually agreeable time, as determined by 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])*

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

1. City Clerk
2. City Administrator
3. City Attorney
4. Police Chief
5. Fire Chief
6. Ambulance Director
7. Planning and Zoning Commission

**17.06 COMPENSATION.** The salary of each Council member is six thousand dollars (\$6,000.00) annually, payable at the rate of five hundred (\$500.00) per month.

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

[The next page is 115]

## CHAPTER 18

### CITY CLERK

18.01 Appointment and Compensation  
18.02 Powers and Duties: General  
18.03 Publication of Minutes  
18.04 Recording Measures  
18.05 Publication  
18.06 Authentication  
18.07 Certify Measures  
18.08 Records

18.09 Attendance at Meetings  
18.10 Issue Licenses and Permits  
18.11 Notify Appointees  
18.12 Elections  
18.13 Seal of the City Clerk  
18.14 Corporate Seal  
18.15 Powers and Duties as Business Manager

**18.01 APPOINTMENT AND COMPENSATION.** The Council shall appoint by majority vote a City Clerk (also known as the Business Manager) to serve at the direction 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 (except for building permits or occupancy 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 duties pertaining to elections that are imposed by State Code.

**18.13 SEAL OF THE CITY CLERK.** The City Clerk's seal shall be attached by the Clerk to all transcripts, orders and certificates which it may be necessary or proper to authenticate. The Clerk's seal is circular in form, in the center of which is the word "SEAL" and around the margin of which are the words "THE CLERK OF THE CITY OF LE MARS, IOWA."

**18.14 CORPORATE SEAL.** The corporate seal of the City is hereby declared to be such as has been heretofore legally established by the City, and is a seal with the words "THE CITY OF LE MARS" around the margin, and has in the center thereof a gate standing open with a locomotive and the train of cars passing through the gate toward the rising sun in the background.

**18.15 POWERS AND DUTIES AS BUSINESS MANAGER.** The powers and duties of the Business Manager include, but are not limited to, the following:

1. Supervision of City accounting and office operations, budgeting, fiscal management and contract administration responsibilities;
2. All other duties and responsibilities as assigned by the Council.

o o o o o o o o o o

## CHAPTER 19

# CITY TREASURER

19.01 Appointment  
19.02 Compensation

19.03 Duties of Treasurer  
19.04 Boards and Commissions

**19.01 APPOINTMENT.** The City Clerk is the Treasurer and performs all functions required of the position of Treasurer.

**19.02 COMPENSATION.** The Clerk receives no additional compensation for performing the duties of the Treasurer.

**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.

**19.04 BOARDS AND COMMISSIONS.** The City Treasurer is the Treasurer for City boards, except the Hospital Board, and pays out all money under control of the respective boards on orders signed by the respective chairs and secretaries of such boards, but receives no additional compensation for such services.

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 direction 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 Administrator or City Clerk.

*(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 ADMINISTRATOR

21.01 Office Created

21.02 Appointment and Term

21.03 Compensation

21.04 Duties

21.05 Powers

21.06 Powers and Duties as Operations Manager

**21.01 OFFICE CREATED.** There is hereby created the office of City Administrator for the City, also known as and may be herein referred to as Operations Manager, City Engineer, or Public Works Director.

**21.02 APPOINTMENT AND TERM.** The City Administrator is appointed by a majority vote of the Council, and shall serve at the direction of the Council, and shall be subject to removal by majority vote of the Council, subject to terms of such officer's contract with the City.

**21.03 COMPENSATION.** The City Administrator shall receive such annual salary as the Council shall from time to time determine, and payment shall be made monthly from the treasury of the City, in the manner provided for paying other officers and employees.

**21.04 DUTIES.** The duties of the City Administrator are as follows:

1. To supervise enforcement and execution of the City laws.
2. To attend all meetings of the Council and other City commissions and boards unless excused by the Mayor.
3. To recommend to the Council such measures as may be deemed necessary or expedient for the good government and welfare of the City.
4. To have the general supervision and direction of the administration of the City government.
5. To supervise and direct the official conduct of all officers of the City whom the City Administrator has power to appoint and to take active control of all City departments.
6. To supervise the performance of all contracts for work to be done for the City, make all purchases of material and supplies and see that such material and supplies are received and are of the quality and character called for by the contract.
7. To supervise the construction, improvement, repair, maintenance and management of all City property, capital improvements and undertakings of the City, including the making and preservation of all surveys, maps, plans, drawings, specifications and estimates for capital improvements, except property, improvements, and undertakings managed by a utility board of trustees.
8. To perform other duties, not inconsistent herewith, as may be prescribed by the Council.

**21.05 POWERS.** The City Administrator, or any person appointed by the City Administrator for this purpose, may summarily and without notice, investigate the affairs and conduct of any department, agency, officer or employee under such person's supervision. The City Administrator shall further have the following powers:

1. To appoint, with approval of the Council, such administrative assistants as deemed advisable.
2. To employ, reclassify or discharge all City employees under such officer's supervision, subject to the provisions of the Veterans Preference Law (Chapter 35C of the *Code of Iowa*) and the Civil Service Law (Chapter 400 of the *Code of Iowa*).
3. To appoint or employ persons to fill all places for which no other mode of appointment is provided, and to have power to administer oaths of office.
4. To have such charge and control of the police department as the Mayor may at any time delegate in writing.
5. To have such other powers as may be prescribed by ordinance.

**21.06 POWERS AND DUTIES AS OPERATIONS MANAGER.** The powers and duties of the Operations Manager include but are not limited to the following:

1. Administration and supervision of water, waste water treatment, sanitation, code enforcement, engineering and public works operations and staff.
2. All other duties and responsibilities as assigned by the Council.

[The next page is 127]

## CHAPTER 23

# LIBRARY BOARD OF TRUSTEES

23.01 Public Library	23.06 Contracting with Other Libraries
23.02 Library Trustees	23.07 Annual Report
23.03 Qualifications of Trustees	23.08 Expenditures
23.04 Organization of the Board	23.09 Nonresident Use
23.05 Powers and Duties	23.10 Disturbing Library

**23.01 PUBLIC LIBRARY.** There is hereby established a free public library for the City to be known as the Le Mars Public Library.

**23.02 LIBRARY TRUSTEES.** The Board of Trustees of the Library, hereinafter referred to as the Board, consists of seven (7) members. All resident Board members are to be appointed by the Mayor with the approval of the Council. The nonresident member, if any, shall be appointed by the Mayor with the approval of the County Board of Supervisors.

**23.03 QUALIFICATIONS OF TRUSTEES.** All members of the Board shall be bona fide citizens and residents of the City except the nonresident member. Members shall be over the age of eighteen (18) years.

**23.04 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 first. 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. The present incumbents are confirmed in their appointments and terms.
2. Vacancies. The position of any Trustee shall be vacated if such member moves permanently from the City, or County in the case of a nonresident County member; or if absent from six (6) consecutive regular meetings of the Board, except in the case of sickness or temporary absence from the City. 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, except for reimbursement in connection with library business.

**23.05 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. The City Treasurer 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 librarian, and authorize the 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 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 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 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 therefor.
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. Record of Proceedings. To keep a record of its proceedings.
12. 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)*
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.

**23.06 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.

**23.07 ANNUAL REPORT.** The Board shall make a report to the Council immediately after the close of the municipal 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.

**23.08 EXPENDITURES.** All money appropriated by the Council from the General Fund 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, Secretary or three Board members. The warrant-writing officer is the Clerk.

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

**23.09 NONRESIDENT USE.** The Board may authorize the use of the Library by nonresidents 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 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.

**23.10 DISTURBING LIBRARY.** It is unlawful for any person to disturb the order and quiet of the Library by loud talking, whispering, profane, indecent or obscene language or conduct or by violating the rules governing conduct therein adopted by the Library Board.

o o o o o o o o o o

## CHAPTER 24

# PLANNING AND ZONING COMMISSION

24.01 Planning and Zoning Commission  
24.02 Term of Office  
24.03 Vacancies

24.04 Compensation  
24.05 Powers and Duties

**24.01 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)*

**24.02 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)*

**24.03 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)*

**24.04 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)*

**24.05 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 statuary, 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 therefor 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 25

### PARKS AND RECREATION COMMITTEE

25.01 Parks and Recreation Committee Created

25.02 Committee Organization

25.03 Duties of the Committee

25.04 Reports

25.05 Rules

25.06 Golf Course Manager

**25.01 PARKS AND RECREATION COMMITTEE CREATED.** A Parks and Recreation Committee 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.

**25.02 COMMITTEE ORGANIZATION.** The Committee shall consist of two (2) members of the Council and up to five (5) other members, all residents of the City.

**25.03 DUTIES OF THE COMMITTEE.** 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 Committee shall:

1. Provide policy direction and input as to the administration of parks and recreation programs by the City Administrator and City staff;
2. Direct its policy decision and other input as to the administration of parks and recreation programs to the City Administrator, who shall provide the actual day-to-day supervision of parks and recreation facilities, equipment and employees consistent with the City Administrator's duties as set forth in Chapter 21 of this Code of Ordinances;
3. Cooperate with and work through the City Administrator's office to coordinate parks and recreation concerns with other City matters;
4. Have input as to recommendations of the expenditures of all funds allocated for parks and recreation purposes by the Council, and of all other moneys belonging to the Parks and Recreation department, including fines, fees and rentals collected, under the rules of the Committee.

**25.04 REPORTS.** The Committee shall make reports to the Council of its activities from time to time as it deems advisable, or upon Council request.

**25.05 RULES.** The Committee 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.

**25.06 GOLF COURSE MANAGER.** The position of Golf Course Manager is hereby created to provide for the general management of the Le Mars Municipal Golf Course and

related facilities located upon the grounds of the Le Mars Municipal Golf Course. Said Golf Course Manager shall be hired by the Parks and Recreation Committee pursuant to a written contract to be approved by the Council, and the Golf Course Manager shall have the status of a non-employee independent private contractor.

[The next page is 139]

## CHAPTER 26

### HOSPITAL ADMINISTRATIVE AGENCY

26.01 Administrative Agency Established

26.02 Title

26.03 Agency Action Through Board of Trustees

26.04 Board Membership, Election Qualification,  
Compensation and Term

26.05 Powers and Duties of Board of Trustees

26.06 City Administrator

26.07 Audit; Presentation to Council

26.08 Effect; Prior Actions Approved

**26.01 ADMINISTRATIVE AGENCY ESTABLISHED.** A hospital administrative agency is hereby formally established in and for the City pursuant to Section 392.1 of the *Code of Iowa* and also with respect to Section 392.6 of the *Code of Iowa*.

**26.02 TITLE.** The title or name of said administrative agency shall be Floyd Valley Hospital.

**26.03 AGENCY ACTION THROUGH BOARD OF TRUSTEES.** Floyd Valley Hospital shall act through a hospital board of trustees which is also hereby formally established.

**26.04 BOARD MEMBERSHIP, ELECTION QUALIFICATION, COMPENSATION AND TERM.** The Board of Trustees of the Floyd Valley Hospital shall have five (5) members, elected for staggered terms of four (4) years. The members of the Board shall be not less than eighteen (18) years of age and shall be residents of the City. Said members shall serve without compensation.

**26.05 POWERS AND DUTIES OF BOARD OF TRUSTEES.** The Hospital Board of Trustees shall be vested with authority to provide for the management, control and government of the Floyd Valley Hospital and related health care facilities owned by the City, and shall have such other powers and duties as set forth under Chapter 392 and elsewhere in the *Code of Iowa*, subject only to the following specific circumstances as to which approval of the Council is required:

1. The acquisition, purchase, lease, sale or other devise or conveyance of real property interests.
2. Exterior structural alterations or additions to City hospital or health care buildings and facilities placed under the management, control and government of the Hospital Board of Trustees pursuant to this chapter or otherwise, and the construction of new hospital or health care buildings or facilities not to be located within existing buildings under the management, control and government of the Hospital Board of Trustees.
3. Operations of Floyd Valley Hospital beyond the corporate limits of the City.
4. Major expenditures involving ten percent (10%) or more of the gross annual revenues of the Floyd Valley Hospital for the most recent preceding year of operation.
5. Changing the composition of the Hospital Board of Trustees, qualifications or manner of election of members.

**26.06 CITY ADMINISTRATOR.** The City Administrator shall serve as an ex officio member of the Hospital Board of Trustees. As such, the City Administrator shall also serve as liaison between the Hospital Board of Trustees and the Council.

**26.07 AUDIT; PRESENTATION TO COUNCIL.** Annually, the Hospital Board of Trustees shall provide for a complete and independent financial audit of Floyd Valley Hospital. The formal report of said audit shall be presented to the Council within thirty (30) days from the time such report is made available to the Hospital Board of Trustees.

**26.08 EFFECT; PRIOR ACTIONS APPROVED.** This chapter shall formalize the establishment of Floyd Valley Hospital and its Board of Trustees which have heretofore existed, and all actions of the said Board of Trustees prior to the effective date of this chapter are hereby approved, the same as if taken pursuant to this chapter.

## CHAPTER 27

# HOUSING REVIEW BOARD

27.01 Board Created

27.02 Composition of Board; Appointment and Term;  
Ex Officio Members

27.03 Compensation and Fees

27.04 Duties

27.05 Authority

27.06 Access to Moneys/Assets

27.07 Reports

27.08 Cooperation and Coordination of Activities  
With City Staff and Employees

27.09 Nondiscrimination Statement

**27.01 BOARD CREATED.** The Le Mars Housing Review Board is hereby created to receive, review, evaluate and approve or disapprove applications for grants/loans from the CDBG/Housing Fund of the City; to otherwise determine eligibility to receive grants/loans from said fund; to establish rules of procedure and to develop criteria for the review and evaluation of applications for grants/loans from the CDBG/Housing Fund of the City consistent with the purpose of the existence of such fund to make affordable/low-to-moderate income housing available in the City and to advise and make reports to the Council and other governmental or intergovernmental agencies concerning the CDBG/Housing Fund of the City and the use and management of the moneys therein.

**27.02 COMPOSITION OF BOARD; APPOINTMENT AND TERM; EX OFFICIO MEMBERS.** The Le Mars Housing Review Board (LHRB) shall consist of five (5) voting members, all citizens of the City, who shall be appointed by the Mayor with Council approval. Members shall serve staggered four-year terms, which terms run from and after January 1 of the year of appointment. Two (2) persons appointed to the Board shall be officers of lending institutions having offices in the City; two (2) shall be persons who, by profession, occupation, training or education, are familiar with the real estate market and real estate values in the City and one (1) person shall be a member of the Council. Ex officio members of the LHRB shall be the City Administrator and a representative of local developers of affordable/low-to-moderate income housing in the City.

**27.03 COMPENSATION AND FEES.** Members of the LHRB shall serve without compensation for their services. The LHRB may develop a schedule and charge fees to defray the operation expenses of the Board.

**27.04 DUTIES.** The duties of the Board are as follows:

1. Receive, review, evaluate and approve or disapprove applications for grants/loans from the CDBG/Housing Fund of the City.
2. Develop procedures, forms and criteria for the processing and evaluation of applications for grants/loans from the CDBG/Housing Fund of the City.
3. Issue letters of approval/disapproval as to each application for grants/loans from the CDBG/Housing Fund of the City.
4. Appoint a Chairperson and Secretary of the LHRB; keep minutes and records of meetings; maintain and store the minutes and records of the LHRB at City Hall and conduct all regular meetings of the LHRB at City Hall.

5. Keep up to date on Federal and State government criteria to be used in the review and evaluation of applications for grants/loans from the CDBG/Housing Fund of the City.
6. Develop, make available and disseminate to businesses, organizations and individuals in or serving the community an affirmative marketing plan intended to promote the use of the CDBG/Housing Fund so as to maximize benefits to the community to be derived therefrom.

**27.05 AUTHORITY.** The authority of the LHRB shall be such that the Board shall review and evaluate applications for grants/loans from the CDBG/Housing Fund of the City independently and objectively, on a first-come, first-served basis. The decisions of the LHRB concerning eligibility and the approval or disapproval of applications shall be final. All approved applications shall be subject to the availability of moneys from the CDBG/Housing Fund of the City for use in assisting the purchase of a particular housing unit and/or real estate. The LHRB shall approve and record mortgages, financing statements, security agreements, notes or other applicable security or debt instruments to secure the repayment of housing assistance moneys paid on behalf of approved applicants receiving grants/loans from the CDBG/Housing Fund of the City, and the City shall be named as mortgagee, creditor, secured party, etc. therein. Further, the LHRB shall cause such mortgages, financing statements, security agreements, notes or other applicable security or debt instruments to be promptly recorded or otherwise to be perfected so as to establish the priority of the security interest of the City as prior and superior to all other security interests which are not purchase money security interests or otherwise entitled to a higher priority.

**27.06 ACCESS TO MONEYS/ASSETS.** The LHRB, its officers, agents, employees, etc. shall have no direct access to the moneys and assets of the CDBG/Housing Fund of the City. All moneys received by the LHRB shall be deposited in special accounts of the City established for such purpose, and all expenses paid by the LHRB or disbursements made from the moneys or assets of the CDBG/Housing Fund of the City shall be pursuant to instruments drawn on a special CDBG/Housing Fund account of the City which shall require the signature of the Mayor or the City Administrator in addition to the signature(s) of any voting members or officers of the LHRB.

**27.07 REPORTS.** The LHRB shall make periodic reports of its deliberations, decisions, financial status and activities to the City, the Iowa Department of Economic Development, SIMPCO, and agencies of the State or the Federal government, as required by law or requested by the Mayor or City Administrator. The LHRB shall also provide accounting information to the City's auditors for purposes of the annual City audit.

**27.08 COOPERATION AND COORDINATION OF ACTIVITIES WITH CITY STAFF AND EMPLOYEES.** The LHRB shall cooperate with the City Administrator and other City staff and employees in the coordination of meetings, activities and deliberations so as to provide for the most efficient and sensible management of City Hall facilities and the scheduling of the use of such facilities. Further, the LHRB shall cooperate with the City Administrator in coordinating the use of other City staff time in the preparation of documents, reports, correspondence and other matters to be prepared by City staff in behalf of the LHRB.

**27.09 NONDISCRIMINATION STATEMENT.** The LHRB and the City shall not discriminate in approving, receiving, reviewing and evaluating applications or otherwise act in a discriminatory manner so as to make unavailable or deny assistance from the CDBG/Housing

Fund of the City. This Nondiscrimination Statement specifically includes, but is not limited to, a general proscription of discrimination because of race, color, religion, sex, age, marital status, national origin or disability.

o o o o o o o o o o

## CHAPTER 28

### CIVIL SERVICE COMMISSION

28.01 Purpose	28.06 Chairperson
28.02 Appointment and Term	28.07 Clerk
28.03 Qualifications	28.08 Records
28.04 Human Rights Commission	28.09 Rooms and Supplies
28.05 Compensation	28.10 Powers and Duties

**28.01 PURPOSE.** The purpose of this chapter is to provide for the appointment, powers and duties of a Civil Service Commission in accordance with the requirements of State law.

**28.02 APPOINTMENT AND TERM.** A Civil Service Commission consisting of three (3) members shall be appointed by the Mayor with Council approval for staggered terms of four (4) years.

*(Code of Iowa, Sec. 400.1)*

**28.03 QUALIFICATIONS.** Commissioners must be citizens of Iowa, eligible electors and residents of the City preceding their appointment. No person while on said Commission shall hold or be a candidate for any office of public trust.

*(Code of Iowa, Sec. 400.2)*

**28.04 HUMAN RIGHTS COMMISSION.** Notwithstanding the provisions of Section 28.03, when a human rights commission has been established, the director thereof shall ex officio be a member, without vote, of the Civil Service Commission.

*(Code of Iowa, Sec. 400.2)*

**28.05 COMPENSATION.** Civil Service Commissioners shall serve without compensation.

*(Code of Iowa, Sec. 400.2)*

**28.06 CHAIRPERSON.** The Commission shall elect a Chairperson from among its members.

*(Code of Iowa, Sec. 400.4)*

**28.07 CLERK.** The City Clerk shall be clerk of the Commission.

*(Code of Iowa, Sec. 400.4)*

**28.08 RECORDS.** The Civil Service Commission shall keep a record of all its meetings and also a complete individual service record of each civil service employee which record shall be permanent and kept up to date.

*(Code of Iowa, Sec. 400.4)*

**28.09 ROOMS AND SUPPLIES.** The Council shall provide suitable rooms in which the Commission may hold its meetings and supply the Commission with all necessary equipment and a qualified shorthand reporter or an electronic voice recording device to enable it to properly perform its duties.

*(Code of Iowa, Sec. 400.5)*

**28.10 POWERS AND DUTIES.** The Commission shall administer the civil service procedure as contained in Chapter 400, *Code of Iowa*, and amendments thereto and shall have, exercise and perform all powers and duties as provided thereby.

## CHAPTER 29

# HISTORIC PRESERVATION COMMISSION

### 29.01 Purpose and Intent

### 29.02 Definitions

### 29.03 Structure of the Commission

### 29.04 Powers of the Commission

**29.01 PURPOSE AND INTENT.** The purposes of this chapter are to:

1. Promote the educational, cultural, economic and general welfare of the public through the recognition, enhancement and perpetuation of sites and districts of historical and cultural significance;
2. Safeguard the City's historic, aesthetic and cultural heritage by preserving sites and districts of historic and cultural significance;
3. Stabilize and improve property values;
4. Foster pride in the legacy of beauty and achievements of the past;
5. Protect and enhance the City's attractions to tourists and visitors and the support and stimulus to business thereby provided;
6. Strengthen the economy of the City;
7. Promote the use of sites and districts of historic and cultural significance as places for the education, pleasure, and welfare of the people of the City.

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

1. "Commission" means the Le Mars Historic Preservation Commission, as established by this chapter.
2. "Historic district" means an area which contains a significant portion of buildings, structures or other improvements which, considered as a whole, possess integrity of location, design, setting, materials, workmanship, feeling and association, and which area as a whole:
  - A. Embodies the distinctive characteristics of a type, period or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
  - B. Is associated with events that have made significant contributions to the broad patterns of our local, state or national history; or
  - C. Possesses a coherent and distinctive visual character or integrity based upon similarity of scale, design, color, setting, workmanship, materials or combinations thereof which is deemed to add significantly to the value and attractiveness of properties within such area; or
  - D. Is associated with the lives of persons significant in our past; or
  - E. Has yielded, or may be likely to yield, information important in prehistory or history.

3. "Historic site" means an archaeological site, structure or building which:
  - A. Is associated with events that have made a significant contribution to the broad patterns of our history; or
  - B. Is associated with the lives of persons significant in our past; or
  - C. Embodies the distinctive characteristics of a type, period or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
  - D. Has yielded, or may be likely to yield, information important in prehistory or history.

### **29.03 STRUCTURE OF THE COMMISSION.**

1. The Commission shall consist of no less than five (5) members who shall be residents of the City, and the Le Mars Main Street Manager.
2. Members of the Commission shall be appointed by the Mayor with Council approval. Members shall demonstrate a positive interest in historic preservation, possessing interest or expertise in architecture, architectural history, historic preservation, city planning, building rehabilitation, conservation in general or real estate.
3. The Commission members are appointed for staggered terms of three (3) years. Members may serve for more than one term. Each member shall serve until the appointment of a successor.
4. Vacancies occurring in the Commission, other than expiration of term of office, shall be filled only for the unexpired portion of the term of the member replaced.
5. Members shall serve without compensation.
6. A simple majority of the Commission shall constitute a quorum for the transaction of business.
7. The Commission shall elect a Chairperson who shall preside over all Commission meetings and elect a Secretary who shall be responsible for maintaining written records of the Commission's proceedings.
8. The Commission shall meet at least three (3) times a year.

### **29.04 POWERS OF THE COMMISSION.** All powers and duties of the Commission shall be contingent upon prior Council approval, as follows:

1. The Commission may conduct studies for the identification and designation of historic districts and sites meeting the definitions established by this chapter. The Commission may proceed at its own initiative or upon a petition from any person, group or association. The Commission shall maintain records of all studies and inventories for public use.
2. The Commission may make a recommendation to the State Historic Preservation Officer for the listing of an historic district or site in the National Register of Historic Places and may conduct a public hearing thereon.

3. The Commission may investigate and recommend to the Council the adoption of ordinances designating historic sites and historic districts if they qualify as defined herein.
4. The Commission may appoint a minimum of three (3) members to a local design review committee, which committee shall have the power to review applications for the Main Street Linked Investments for Tomorrow program. Projects receiving preliminary design review approval from this committee will be submitted to the State Main Street LIFT Design Review Board.
5. In addition to those duties and powers specified above, the Commission may, with Council approval,
  - A. Accept unconditional gifts and donations of real and personal property, including money, for the purpose of historic preservation;
  - B. Acquire, by purchase, bequest or donation, fee and lesser interests in historic properties, including properties adjacent to or associated with historic properties;
  - C. Preserve, restore, maintain and operate historic properties under the ownership or control of the Commission;
  - D. Lease, sell and otherwise transfer or dispose of historic properties subject to rights of public access and other covenants and in a manner that will preserve the property;
  - E. Contract with State or Federal government or other organizations;
  - F. Cooperate with Federal, State and local governments in the pursuance of the objectives of historic preservation;
  - G. Provide information for the purpose of historic preservation to the Council; and
  - H. Promote and conduct an educational and interpretive program on historic properties within its jurisdiction.

The Commission shall obtain approval of the Council prior to taking any action allowed under this chapter which may create an obligation of the City and which may be binding in any way to the City. It is the express intention of this chapter that the Council shall have the final authority on all matters of expense, revenue or legal effect created by this chapter.

[The next page is 175]