

1981 CHARTER OF
THE CITY OF FORT DODGE, IOWA
AS AMENDED MARCH 8, 2005

PREAMBLE

We, the people of Fort Dodge, in order to secure Continuity, Representation, Separation of Powers, Accountability, and Professionalism in city government, and to insure Justice, Tranquility, Safety, and General Welfare for ourselves and our posterity, have adopted this Charter that the full benefits of government might be enjoyed by all.

CHARTER OF THE CITY OF FORT DODGE, IOWA

March 5, 1981

As revised March 8, 2005

ARTICLE I

POWERS OF THE CITY

Section 1.01- Powers of the City

The City of Fort Dodge, Iowa, shall have all powers possible for a city to have under the constitution and laws of this state.

Section 1.02- Construction

The powers of the City of Fort Dodge, Iowa, under this Charter shall be construed liberally in favor of the City and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power in this article.

Section 1.03- Intergovernmental Relations

The City of Fort Dodge, Iowa, may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any other governmental entity or agency of Iowa, or with any one or more states or civil divisions or agencies thereof, or the United States or any agency thereof, as by law provided.

Section 1.04- Savings Clause

If any article, section, provision or part of this Charter or the application thereof to any person or circumstance is adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Charter as a whole or any article, section, provision, part or application thereof not so adjudged invalid or unconstitutional.

Section 1.05- Definitions

As used in this Charter the following definitions shall be applicable:

1. "As by law provided" refers to any and all state or federal statutes imposing a duty requirement power or limitation upon an Iowa municipal corporation.
2. "At large" means anywhere within the corporate limits of the City of Fort Dodge.
3. "City" means the City of Fort Dodge, Iowa, a municipal corporation.
4. "City Council" means the governing body of the City of Fort Dodge.
5. "Compensation" is the established annual remuneration for the Mayor and members of the City Council.
6. "Eligible elector" means a person who possesses all of the qualifications necessary to entitle them to be registered to vote whether or not they are in fact so registered.
7. "Goals" are the priorities that need to be acted on and accomplished.
8. "May" confers a discretionary power.
9. "Measure" means any resolution, ordinance, amendment or action considered or adopted by the City Council by record roll call vote.
10. "Must" states a requirement.
11. "Objectives" are measurable actions taken to accomplish the goals.
12. "Qualified elector" means a person who is registered to vote pursuant to Iowa law.
13. "Salary" is the established annual pay for the employees of the City.
14. "Shall" imposes a mandatory duty.
15. "State law" means any statute or regulation promulgated pursuant to the statutes of the State of Iowa.
16. "Strategic Plan" means a written course of action comprised of goals that, collectively, defines the process that builds commitment to a particular direction, anticipated accomplishments, the future allocation of resources and a vision of the future.
17. "Ward" is a territorial subdivision created for the purpose of electing some City Council members.

ARTICLE II
CITY COUNCIL

Section 2.01- Composition, Eligibility, Election and Terms

- (a) Composition. There shall be a City Council of seven members. Three shall be elected at large by the qualified electors of the City, and one shall be elected from each of the four wards by the qualified electors of that ward.
- (b) Eligibility. Only eligible electors of the City shall be eligible to be a candidate or hold office at large, and only eligible electors of the ward shall be eligible to be a candidate or hold office from a ward.
- (c) Election and Terms. The regular election of council members shall be held as by law provided.
 - (1) At the first election under this Charter:
 - a. Three council members at large will be elected. The two council members receiving the highest number of votes shall be elected for four-year terms. The remaining council member shall be elected for a two-year term.
 - b. In case of a tie, the Mayor and Clerk shall determine by lot which council member is elected as by law provided.
 - c. The council members elected from wards shall be elected for two-year terms.

- (2) Commencing at the next regular election and at all subsequent elections, council members at large shall be elected for four-year terms. The council members elected from wards shall be elected for two-year terms.
- (3) The terms of council members shall begin and end as by law provided.

Section 2.02- Compensation, Expenses

Upon adoption of this Charter by the voters, the then existing City Council shall by ordinance no later than the 15th day of August immediately following such adoption prescribe the reasonable compensation of the council members provided herein giving due regard to the duties and responsibility of such council members herein set out as by law provided. Thereafter the City Council shall prescribe the reasonable compensation of the council members giving due regard to the duties and responsibilities of such council members herein set out and the recommendations of the Salary Review Advisory Board, all as by law provided.

Section 2.03- Division of Council Wards

Upon adoption of this Charter by the voters, the then existing City Council shall by ordinance no later than the 15th day of August immediately following such adoption divide the City into four council wards of substantially equal population pursuant to the population enumeration of the most recent decennial census as by law provided. Thereafter the City Council shall by ordinance realign four existing council wards every ten years pursuant to the population enumeration of the most recent decennial census as by law provided. These wards shall be designated as Council Ward 1, Council Ward 2, Council Ward 3, and Council Ward 4.

Section 2.04- Meetings

- (a) The City Council shall, by ordinance, establish regular meetings dates and times, but in no event shall meet less than twice monthly. Special meetings may be called by the Mayor, giving notification to each council member, or by any three members of the Council. Notice of all meetings shall be given to the public as by law provided.
- (b) Voting, except on procedural motions, shall be by roll call and the ayes and nays must be recorded in the minute book. Passage of an ordinance, amendment, resolution, a motion to spend public funds, or a motion to accept public improvements and facilities upon their completion, shall be adopted as by law provided.

Section 2.05- General Powers and Duties

- (a) All powers of the City shall be vested in the Council except as otherwise provided by state law, this Charter, or council ordinance.
- (b) The Council shall by ordinance establish reasonable procedures, minimum expenditure levels, and areas of applicability for the utilization of informal competitive bids and formal sealed competitive bids in addition to and not inconsistent with those established by law.
- (c) The Council shall establish in writing a 5-year strategic plan, identifying priorities and measurable goals, and shall do so giving due consideration to the recommendations of the Mayor, City Manager, Department Heads, the Public and anticipated fiscal restraints. The Council shall review, update and communicate the strategic plan to the public on an annual basis.
- (d) The Council may establish, eliminate, or modify such departments as may from time to time be necessary; provide such supervisory and operational personnel as

efficiency and effectiveness may warrant; authorize such equipment for said departments as efficiency and effectiveness may warrant, giving due consideration to the recommendation of the Mayor and City Manager.

- (e) The council shall establish as by law provided, all salaries and compensation for all officers, administrative and operational personnel, and shall determine the amount of compensation of persons it appoints and provide for the method of compensation of other city employees. Compensation shall be fair and commensurate with the duties and responsibilities of the position.
- (f) The Council shall require that the City Manager submit the annual budget and capital improvements program to the Council along with a budget message detailing the current state of economy and efficiency in the several departments and agencies, specifically addressing the written 5 year strategic plan, the merger of departments, structural realignment, changes in authorized levels of personnel and such other matters as may from time to time be requested by the Council. This message may include such additional matters as the City Manager feels is reasonable and necessary for the orderly and efficient operation of the City and understanding of the budget proposals.
- (g) The Council shall by ordinance establish reasonable procedures for the obligation and expenditure of municipal funds not inconsistent with state law.
- (h) The Council shall determine its own rules and maintain records of its proceedings as by law provided.

- (i) The Council may investigate the affairs and conduct of any City department, agency, or officer and secure from a court of competent jurisdiction production of evidence and attendance of witnesses.
- (j) The Council may override mayoral vetos as by law provided.

Section 2.06- Appointments

- (a) The Council shall appoint the City Manager with the advice of the Mayor within six months of the vacancy on the basis of that individual's qualifications and not on the basis of political affiliation who shall be under the direction and supervision of the Council and serve at the pleasure of the Council unless otherwise provided by the contract. A majority vote of the City Council is required to remove the City Manager, consistent with state laws, this charter, local ordinances, and/or employment agreements that the City Manager may have with the City. Upon the resignation or removal of the City Manager, the Council shall appoint a qualified Acting City Manager until a City Manager is appointed.
- (b) The Council shall appoint the City Clerk/ Finance Director and Deputy City Clerk/Treasurer.
- (c) The Council shall appoint a City Attorney who shall serve as chief legal advisor to the Council, Mayor and all City departments, offices, and agencies. The City Attorney shall represent the City in all legal proceedings and perform other duties prescribed by state or city law unless special counsel is appointed by the Council at the request of the City Attorney.

Section 2.07- Administrative Agencies

The Council shall establish all City administrative agencies (boards and commissions) as by law provided.

Section 2.08- Prohibitions

- (a) Appointments and Removals. Neither the Council nor any of its members shall, inconsistent with its statutory removal hearing power, dictate the appointment or removal of any City administrative officers or employees whom the City Manager or any of the Manager's subordinates are empowered to appoint.
- (b) Interference with Administration. Except for the purpose of inquiries and investigations under the Code of Iowa, the Council or its members shall not deal with City officers and employees who are subject to the direction and supervision of the City Manager and neither the Mayor or the City Council nor its members shall give orders to any such officers or employees, either publicly or privately.

Section 2.09- Removal from Office, Filling Vacancies

- (a) Removal from Office. A Council member may be removed from office as by law provided.
- (b) Filling Vacancies. In exercising its statutory vacancy filling powers, the Council shall utilize the following procedure.
 - (1) To fill a vacancy in an at-large council position, the Council shall within seven days of the time the vacancy occurs, appoint from outside its members, a seven-member nominating committee comprised of one member from each council ward and three members from the City at large. No more than two members may be from any one ward. The committee shall conduct one public

hearing and within fourteen days of the committee's appointment shall submit a list of names to the Council of not less than three nor more than five eligible electors willing to serve, or all if less than three apply. The Council shall fill the vacancy from that list.

- (2) To fill a vacancy occurring in a council ward position, the Council shall within seven days of the time the vacancy occurs, appoint from outside its members, a five-member nominating committee from that council ward. The committee shall conduct one public hearing and within fourteen days of the committee's appointment, shall submit a list of names to the Council of not less than three nor more than five eligible electors willing to serve, or all if less than three apply. The Council shall fill the vacancy from that list.

Section 2.10- Mayor Pro Tem

The Council shall elect one of its members as Mayor pro tem who shall serve for a period of two years and have such powers as are by law provided.

Section 2.11- Independent Audit

The Council shall provide for an independent audit as by law provided.

ARTICLE III

MAYOR

Section 3.01- Eligibility, Election and Term

- (a) There shall be a Mayor elected at large by the qualified electors of the City.
- (b) Eligibility. Only eligible electors of the City shall be a candidate or hold the office of Mayor.
- (c) Election and Term. The Mayor shall be elected by the voters at large at the regular City election every four years to serve for a four-year term.

The term of a Mayor shall begin and end as by law provided.

Section 3.02- Compensation

The Council shall by ordinance prescribe the reasonable compensation of the Mayor giving due regard to the duties and responsibilities of the Mayor herein set out and the recommendations of the Salary Review Advisory Board, all as by law provided.

Section 3.03- Removal from Office, Filling Vacancies

- (a) Removal from Office. A Mayor may be removed from Office as by law provided.
- (b) Filling Vacancies. In exercising its statutory vacancy filling powers, the Council shall utilize the following procedure.

To fill a vacancy in the position of Mayor, the Council shall within seven days of the time the vacancy occurs, appoint from outside its members, a seven-member nominating committee comprised of one member from each council ward and three members from the City at large. No more than two members shall be from any one ward. The committee shall conduct one public hearing and within fourteen days of the committee's

appointment shall submit a list of names to the Council of not less than three or more than five eligible electors willing to serve, or all if less than three apply. The Council shall fill the vacancy from that list.

Section 3.04- Mayor's Powers and Duties

- (a) The Mayor is the chief executive officer of the City, except for the supervisory duties, which have been delegated as provided for in this Charter under 4.02(b) and the presiding officer of the Council. The Mayor serves as a governmental leader and chief spokesperson for the Council and the City. The Mayor provides leadership by serving as a liaison with the City Manager, by coordinating and facilitating communication and understanding between elected officials, by interacting with the public and fostering communication and interaction between the public, elected officials and government officials to build consensus, by guiding and assisting the Council in planning, setting visionary goals and advocating policy decisions, by serving as a key representative in intergovernmental relations and by promoting and defending the City. The Mayor is not a member of the Council and shall not be eligible to vote on any measure before the Council. The Mayor may call special meetings of the Council.
- (b) Mayor shall make appointments to and removals from all boards and commissions and recommend such appointments and removals to the Council for approval.
- (c) State of the City Report. The Mayor shall during January of each calendar year give the Council a report on the affairs of the City, including an

evaluation of the goals and objectives for the past year that are identified in the 5-Year Strategic Plan and make any recommendations he or she considers necessary and desirable. At the formal request of a majority of the Council, the Mayor shall give the Council information as to the affairs of the City.

- (d) Procedure on Council Measures. The Mayor may sign, veto or take no action on measures passed by the Council on record roll call vote. Measures passed by the Council shall become effective as by law provided.
- (e) Law Enforcement Authority. The Mayor may take command of the police and govern the City by proclamation when the Mayor determines 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. 372.14(2)
- (f) The Mayor shall exercise such other powers and perform such other duties as may be prescribed by this Charter, by ordinance, or by state law.

ARTICLE IV
CITY MANAGER

Section 4.01- City Manager

- (a) There shall be a City Manager appointed by the City Council. This appointment shall be made solely on the basis of the appointee's related professional experience, formal education, and executive and administrative qualifications. The City Manager may be removed by the City Council in accordance with Section 2.06 (a) of this Charter.

Section 4.02-The City Manager's Duties and Responsibilities:

- (a) The City Manager shall be the chief administrative officer of the city and responsible to the City Council for the administration of all city affairs placed in his/her charge.
- (b) The City Manager shall:
1. Supervise enforcement and execution of the city laws, ordinances, resolutions, directives, and approved operational policies of the City Council.
 2. Attend all meetings of the City Council.
 3. Recommend to the City Council and Mayor any measures necessary or expedient for the good government and welfare of the city.
 4. Supervise the official conduct of all officers of the city appointed by the City Manager, and take active control of the police, fire, water, sewer, streets, engineering, planning, parks and recreation, human resources departments of the city, and any other departments of the city that are not under the direct supervision of the Council as stated in this Charter or by the Iowa Code.

5. The Manager shall appoint such department heads as may be authorized by the Council subject to their approval and such other administrative officers and employees as may from time to time be authorized by the Council. The Manager may delegate to administrative officers who are subject to the Manager's direction and supervision, the authority to exercise only that portion of the Manager's appointing and hiring authority which are not herein made subject to the approval of the Council.
6. Suspension and removal of appointees shall be consistent with the laws of the state. The Manager shall inform the Council of all such actions. Removal of department heads shall be subject to Council approval.
7. Review and make recommendations on employee compensation, subject to civil service provisions, any employment contracts entered into by the City and chapter 35C, except the City Clerk/Finance Director, Deputy City Clerk/Treasurer, and City Attorneys.
8. Summarily and without notice investigate the affairs and conduct of any department, agency, officer, or employee under the City Manager's supervision, and compel the production of evidence and attendance of witnesses.
9. Supervise the performance of all contracts for work to be done for the city, and 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.
10. 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.

11. Cooperate with all administrative agencies, commissions, and boards.
 12. In concert with the City Clerk/Finance Director, keep the City Council and Mayor fully advised of the financial and other conditions of the city and of its future needs.
 13. Submit with the advice of the Mayor to the City Council and Mayor annually the required budgets.
 14. Conduct the business affairs of the city and cause accurate records to be kept.
 15. Advise the City Council and Mayor on the establishment, annual review, and updating of a 5-year strategic plan.
 16. Perform other duties at the City Council's direction.
 17. Administer oaths of office.
- (c) The City Manager shall not take part in any election for city council members or mayor, other than by casting a vote, and shall not appoint a city council member or mayor to city office or employment, nor shall a council member or mayor accept such appointment.

ARTICLE V

SALARY REVIEW ADVISORY BOARD

Section 5.01- Establishment

The Council shall by ordinance establish and appoint a Salary Review Advisory Board.

Section 5.02- Composition

The Salary Review Advisory Board shall be composed of five members, one member from each of the wards and one member at large to act as chairman and who shall vote only to break a tie.

Section 5.03- Duties

The Salary Review Advisory Board shall meet during the month of December of each even-numbered year and examine the then current salary of the Mayor and compensation of the Council. Upon completing such biennial examination, the Board shall file a report with the City Council during January of each odd-numbered year, setting out their advisory recommendations for reasonable changes, if any, in the salary of the Mayor and compensation of the Council.

Salary and compensation recommendations shall be based on and commensurate with the duties and responsibilities of the Mayor and Council members.

ARTICLE VI

CHARTER REVIEW COMMISSION

Section 6.0 – Charter Review Commission

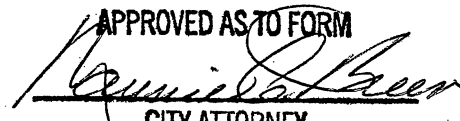
The Council shall establish a Charter Review Commission at least once every ten years following the effective date of this Charter. The Commission shall review the existing Charter and within twelve months recommend any Charter amendments that it deems necessary.

I, Penny A. Clayton, City Clerk of the City of Fort Dodge, Iowa, do hereby certify that this is a true and correct edited copy of the Amended Charter of the City of Fort Dodge as adopted by the voters March 8, 2005.



Penny A. Clayton, City Clerk

SEAL

APPROVED AS TO FORM


CITY ATTORNEY

(Editor's Note: Alphanumeric paragraphing has been corrected where necessary to remain sequential.)