

ORDINANCE NO. 047-11

AN ORDINANCE AMENDING THE CEDAR RAPIDS HOME RULE CHARTER

WHEREAS, on June 14, 2005, the Home Rule Charter was adopted by Cedar Rapids voters, and

WHEREAS, on or about October 12, 2005, the Cedar Rapids City Council passed Ordinance No.70-05 adopting the Home Rule Charter to be effective on January 2, 2006, and

WHEREAS, the Home Rule Charter provided at Section 7.02 for the appointment of a Charter Review Commission to be established in the year 2011 and every 10 years thereafter, to review the existing Charter and recommend charter amendments that it deems appropriate to the Cedar Rapids City Council, and

WHEREAS, on April 12, 2011, a Charter Review Commission was appointed by resolution of the Cedar Rapids City Council, and

WHEREAS, on August 9, 2011, the Charter Review Commission delivered its final report to the Cedar Rapids City Council and within said final report made recommendations to the City Council with regard to amendments to the Home Rule Charter, and

WHEREAS, the Cedar Rapids City Council held a public hearing on the proposed changes on September 13, 2011 following published notice, and

WHEREAS, the Cedar Rapids City Council intends to enact an ordinance to amend the Home Rule Charter:

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA as follows:

Section 1. Section 2.04(b) of the Home Rule Charter is deleted and in its place a new Section 2.04(b) is enacted as follows:

(b) Terms. At the first regular city election under this charter, all nine council members are to be elected, including the mayor. With respect to the three council members elected at large, the two elected council members who receive the highest number of votes are elected for four-year terms. The remaining council member will be elected for an initial term of two years. Council members elected from Council District 1 and Council District 3 and Council District 5 shall be elected for four-year terms and council members elected from Council District 2 and Council District 4 shall be elected for an initial term of two years. Commencing at the next regular election and at all subsequent elections, except as provided herein, all council members shall be elected for four-year terms. The term of the council member elected at large for the term beginning on January 2, 2014 that received fewer votes than the other member elected at large will be elected for a two year term. All subsequent terms for that office of council member shall be for four years.

Section 2. Section 2.06(c) of the Home Rule Charter is deleted and in its place a new Section 2.06(c) is enacted as follows:

(c) *Mayor Pro Tem.* The council shall elect from among its members a mayor pro tem who shall act as mayor during the temporary absence or temporary disability of the mayor.

Section 3. Section 2.06(d) of the Home Rule Charter is deleted and in its place a new Section 2.06(d) is enacted as follows:

(d) *Long Term Planning Commission.* Once every five years beginning in 2014, the mayor shall appoint with the advice and consent of the council a commission of twenty persons at least fifteen of whom shall be residents of the city of Cedar Rapids. The commission shall be chaired by the mayor. The commission members shall be generally representative of the Cedar Rapids and regional community. The commission shall develop a long-term plan with recommended goals and objectives for the city. The commission shall complete its work within six months and submit its long-term plan to the city council. The plan shall be published in a local newspaper of general circulation in Cedar Rapids. The city council shall provide funds to cover reasonable expenses of the commission.

Section 4. Section 2.07 of the Home Rule Charter is deleted and in its place a new Section 2.07 is enacted as follows:

The city council shall appoint the following city officers:

- (a) City manager.
- (b) City clerk.
- (c) City attorney.

The city council shall fix the amount of compensation, if any, of persons it appoints and shall provide for the method of compensation of other city employees.

Section 5. Section 2.11(a) of the Home Rule Charter is deleted and in its place a new Section 2.11(a) is enacted as follows:

(a) *Holding Other Offices.* Except where authorized by law, no council member shall hold any other elected public office during the term for which the member was elected to the council. No council member shall hold any other city office or city employment during the term for which the member was elected. With the exception of a former city employee on leave of absence, no former council member shall hold any compensated appointive office or employment with the city until one year after the expiration of the term for which the member was elected unless granted a waiver by resolution adopted by the city council.

Section 6. Section 3.01(a) of the Home Rule Charter is deleted and in its place a new Section 3.01(a) is enacted as follows:

(a) An eligible elector of a council district may become a candidate for a council district seat by filing with the city clerk a valid petition requesting that his or her

name be placed on the ballot for that office. The petition must be filed not more than seventy-one days and not less than forty-seven days before the date of the regular city election and must be signed by eligible electors from the candidate's district equal in number to at least two percent of those who voted to fill the same office at the last regular city election but not less than ten persons.

Section 7. Section 3.01(b) of the Home Rule Charter is deleted and in its place a new Section 3.01(b) is enacted as follows:

(b) An eligible elector of the city may become a candidate for an at large council seat or for mayor by filing with the city clerk a petition requesting that the candidate's name be placed on the ballot for that office. The petition must be filed not more than seventy-one days and not less than forty-seven days before the date of the regular city election and must be signed by eligible electors equal in number to at least two percent of those who voted to fill the same office at the last regular city election but not less than ten persons.

Section 8. Article VIII is deleted in its entirety.

Section 9. Attached hereto as Exhibit A is the Home Rule Charter as amended by this Ordinance. The Codifier is directed to include this Ordinance and the Home Rule Charter, as amended, in the next Code of Ordinances to be compiled. This Ordinance and the Home Rule Charter, as amended, shall be placed immediately before the first chapter of the Code as an unnumbered chapter.

Section 10. It is the intention of the Council that each section, paragraph, sentence, clause, and provision of this Ordinance is separable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance nor any part thereof other than that affected by such decision.

Section 11. This Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Section 12. The changes as provided in this Ordinance shall be made a part of the replacement pages of the Municipal Code, City of Cedar Rapids, Iowa, and made a part of said Code as provided by law.

Section 13. All ordinances or parts of ordinances in conflict with any provision of this Ordinance are hereby repealed.

Introduced this 13th day of September, 2011.

Passed this 27th day of September, 2011.


_____, Mayor
Ron J. Corbett

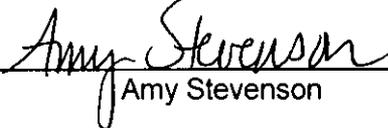
Attest: 
_____, City Clerk
Amy Stevenson

Exhibit A

CHARTER OF
THE CITY OF CEDAR RAPIDS, IOWA

Amended effective as of October 3, 2011

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CHARTER OF THE CITY OF CEDAR RAPIDS, IOWA

PREAMBLE

We, the people of Cedar Rapids, Iowa, under the constitution and the laws of the state of Iowa, in order to secure the benefits of local self-government and to provide for the peace, prosperity and security of our citizens, do hereby adopt this charter. By this charter, we achieve the benefits of home rule and affirm the values of representative democracy, professional management, strong political leadership, and citizen participation by recognizing that our quality of life is based on community and regional cooperation, innovation, and greater opportunities for all our citizens.

ARTICLE I - POWERS OF THE CITY

Section 1.01. POWERS OF THE CITY.

The city shall have all powers possible for a city to have under the constitution and laws of the state of Iowa as fully and completely as though they were specifically enumerated in this charter.

Section 1.02. CONSTRUCTION.

The powers of the city 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 granted in this article.

Section 1.03. INTERGOVERNMENTAL RELATIONS.

The city may participate by contract or otherwise with other governmental entities in this state or other states or the government of the United States in the performance of any activity that one or more of such entities has the authority to undertake. As stated in the Preamble of this charter, the citizens of this city wish to further and support regional cooperation.

Section 1.04. SAVINGS CLAUSE.

If any of the provisions of this charter, or the application of this charter to any person or circumstance, is held invalid, the invalidity shall not affect other provisions or applications of this charter.

ARTICLE II - CITY COUNCIL

Section 2.01. GENERAL POWERS AND DUTIES.

All powers of the city shall be vested in the city council, except as otherwise provided by law or this charter, and the council shall provide for the exercise of these powers and for the performance of all duties and obligations imposed on the city by law.

Section 2.02. COMPOSITION.

The city council shall consist of eight council members plus the mayor. Three council members, to be known as council members at large, and the mayor are to be nominated and elected by the eligible electors of the city at large and five council members, to be known as district council members, are to be nominated and elected by eligible electors of their respective districts.

Section 2.03. DIVISION INTO COUNCIL DISTRICTS.

The city council, by ordinance, shall divide the city into five council districts using the standards required by law.¹ The council districts shall be designated as Council District 1, Council District 2, Council District 3, Council District 4, and Council District 5. The term "council district" shall have the same meaning as the term "council ward" in the Code of Iowa.

Section 2.04. ELIGIBILITY AND TERMS.

(a) *Eligibility.* Only eligible electors of Cedar Rapids shall be eligible to hold and retain the office of council member or mayor. Further, if seeking or elected to represent a council district, the council member must be and remain an eligible elector of that council district. Employees of the City of Cedar Rapids may be candidates for council positions including that of mayor. If elected any city employee must resign or take a leave of absence.

(b) *Terms.* At the first regular city election under this charter, all nine council members are to be elected, including the mayor. With respect to the three council members elected at large, the two elected council members who receive the highest number of votes are elected for four-year terms. The remaining council member will be elected for an initial term of two years. Council members elected from Council District 1 and Council District 3 and Council District 5 shall be elected for four-year terms and council members elected from Council District 2 and Council District 4 shall be elected for an initial term of two years. Commencing at the next regular election and at all subsequent elections, except as provided herein, all council members shall be elected for four-year terms. The term of the council member elected at large for the term beginning on January 2, 2014 that received fewer votes than the other member elected at large will be elected for a two year term. All subsequent terms for that office of council member shall be for four years.

Section 2.05. COMPENSATION.

The city council, by ordinance, may establish the compensation of the mayor and the other council members. The city council shall not adopt such an ordinance during the months of November and December immediately following a regular city election. However, the initial compensation following adoption of this charter of the eight regular council members shall be \$15,000 per year and the initial compensation of the mayor shall be \$30,000 per year, which initial compensation, unless otherwise adjusted by the city council, shall annually be adjusted up or down by the same percentage as the percentage change in the Consumer Price Index (CPI-U, US City Average, All

¹ The charter commission recommends to the council that it utilize ward map scenario number 1 as submitted to the charter commission by the Linn County Auditor on February 24, 2005.

Items) published by the United States Department of Labor, Bureau of Labor Statistics, for the most recent twelve month period for which data is available. In addition to such compensation, members of the city council, including the mayor, may be paid for actual expenses incurred by them as allowed by law.

Section 2.06. MAYOR.

- (a) *Powers and Duties.* The mayor shall be a voting member of the city council and shall attend and preside at meetings of the council and shall represent the city in intergovernmental relationships, appoint with the advice and consent of the council the members of citizen advisory boards and commissions, present an annual state-of-the-city message by February 28 of each year, appoint the members and officers of council committees and serve as an ex-officio member thereof, assign council agenda items subject to the consent of council, coordinate economic development activities of the city, and perform other duties specified by the council. The mayor shall be recognized as the head of city government for all ceremonial purposes and by the governor for purposes of military law but shall have no administrative duties. The mayor shall not have the power to veto city council legislation.
- (b) *Election.* At each applicable regular election, the voters of the city shall elect a mayor at large for a term of four years.
- (c) *Mayor Pro Tem.* The council shall elect from among its members a mayor pro tem who shall act as mayor during the temporary absence or temporary disability of the mayor.
- (d) *Long Term Planning Commission.* Once every five years beginning in 2009, the mayor shall appoint with the advice and consent of the council a commission of twenty persons at least fifteen of whom shall be residents of the city of Cedar Rapids. The commission shall be chaired by the mayor. The commission members shall be generally representative of the Cedar Rapids and regional community. The commission shall develop a long-term plan with recommended goals and objectives for the city. The commission shall complete its work within six months and submit its long-term plan to the city council. The plan shall be published in a local newspaper of general circulation in Cedar Rapids. The city council shall provide funds to cover reasonable expenses of the commission.

Section 2.07. APPOINTMENTS.

The city council shall appoint the following city officers:

- (a) City manager.
- (b) City clerk.
- (c) City attorney.

The city council shall fix the amount of compensation, if any, of persons it appoints and shall provide for the method of compensation of other city employees.

Section 2.08. RULES AND RECORDS.

City council shall determine its own rules and maintain records of its proceedings as allowed by law.

Section 2.09. VACANCIES.

The city council shall fill vacancies occurring in elective city offices as provided by Iowa law.

Section 2.10. COUNCIL ACTION.

Passage of an ordinance, amendment, or resolution requires a majority vote of all of the members of the council except as otherwise provided by law. Passage of a motion requires a majority vote of a quorum of the council.

Section 2.11. PROHIBITIONS.

(a) *Holding Other Offices.* Except where authorized by law, no council member shall hold any other elected public office during the term for which the member was elected to the council. No council member shall hold any other city office or city employment during the term for which the member was elected. With the exception of a former city employee on leave of absence, no former council member shall hold any compensated appointive office or employment with the city until one year after the expiration of the term for which the member was elected unless granted a waiver by resolution adopted by the city council.

Nothing in this section shall be construed to prohibit the council from selecting any current or former council member to represent the city on the governing board of any regional or other intergovernmental agency.

(b) *Appointments and Removals.* Except with respect to its advice and consent responsibilities in connection with the hiring or discharge of the chiefs of the fire and police departments, neither the city council nor any of its members shall control or demand the appointment or removal of any city administrative officer or employee whom the city manager or any subordinate of the city manager is empowered to appoint, but the council may express its views and fully and freely discuss with the city manager anything pertaining to the appointment and removal of such officers and employees. Further, a council member may not interfere with the supervision or direction of any person appointed by or under the control of the city manager.

Section 2.12. REMOVAL FROM OFFICE.

Council members, including the mayor, may be removed from office as provided by Iowa law.

ARTICLE III - NOMINATION AND ELECTIONS

Section 3.01. NOMINATION.

- (a) An eligible elector of a council district may become a candidate for a council district seat by filing with the city clerk a valid petition requesting that his or her name be placed on the ballot for that office. The petition must be filed not more than seventy-one days and not less than forty-seven days before the date of the regular city election and must be signed by eligible electors from the candidate's district equal in number to at least two percent of those who voted to fill the same office at the last regular city election but not less than ten persons.
- (b) An eligible elector of the city may become a candidate for an at large council seat or for mayor by filing with the city clerk a petition requesting that the candidate's name be placed on the ballot for that office. The petition must be filed not more than seventy-one days and not less than forty-seven days before the date of the regular city election and must be signed by eligible electors equal in number to at least two percent of those who voted to fill the same office at the last regular city election but not less than ten persons.

Section 3.02. REGULAR CITY ELECTIONS.

- (a) In the regular city election, each council district seat up for election shall be listed separately on the ballot, and only electors from that district shall be permitted to vote for the candidates for that council district seat.
- (b) The at large council seats, including the position of mayor, shall be designated on the ballot as such and electors from the city at large may vote for candidates for these positions.
- (c) Elections shall be held pursuant to Iowa law.

Section 3.03. RUNOFF ELECTIONS.

- (a) Runoff elections shall be held in lieu of primary elections.
- (b) Runoff elections shall be held when and as specified by Iowa law.

ARTICLE IV – CITY MANAGER

Section 4.01. APPOINTMENT; QUALIFICATIONS; COMPENSATION.

The city council, by a majority vote of its total membership, shall appoint a city manager for an indefinite term and fix the manager's compensation. The city manager shall be appointed solely on the basis of his or her education, experience, and fitness of the person to serve in that capacity without regard to political or other affiliation. The manager need not be a resident of the city or state at the time of appointment but shall reside within Cedar Rapids unless residence outside of the city is approved by the council.

Section 4.02. ACCOUNTABILITY/REMOVAL.

(a) The city manager is under the direction and supervision of the city council and holds office at its pleasure. An affirmative vote of six members of the council shall be required to remove the city manager who may be removed at any time with or without cause. Such removal shall not affect the city manager's contract rights, if any, with the city.

(b) Upon the resignation or removal of the city manager, the council shall appoint an individual qualified to perform the duties of city manager to serve at the pleasure of the council or until a city manager is appointed.

Section 4.03. ACTING CITY MANAGER.

By letter filed with the city clerk, the city manager shall designate a city officer or employee to exercise the powers and perform the duties of city manager during the manager's temporary absence or disability. The city council may revoke such designation at any time and appoint another officer of the city to serve until the city manager is able to resume his or her duties.

Section 4.04. POWERS AND DUTIES OF THE CITY MANAGER.

(a) The city manager shall be chief administrative officer of the city and shall:

(i) Insure that the laws of the city are executed and enforced.

(ii) Supervise and direct the administration of city government and the official conduct of employees of the city appointed by the city manager including their employment, training, reclassification, suspension or discharge as the occasion requires, subject to state law.

(iii) Appoint the chief of the police department and the chief of the fire department with the advice and consent of the city council.

(iv) Supervise the chief of the police department and chief of the fire department, including their suspension or discharge, with the advice and consent of the city council, as the occasion requires. Except for suspension or discharge, such supervision shall not be subject to approval of the city council.

(v) Appoint or employ persons to occupy positions for which no other method of appointment is provided by state law or this charter.

(vi) Supervise the administration of the city personnel system, including the determination of the compensation of all city employees appointed by the city manager subject to state law or this charter.

- (vii) Supervise the performance of all contracts for work to be done for the city, supervise all purchases of materials and supplies, and assure that such materials and supplies are received and are of specified quality and character.
 - (viii) Supervise and manage all public improvements, works and undertakings of the city, and all city-owned property including buildings, plants, systems, and enterprises, and have charge of their construction, improvement, repair, and maintenance except where otherwise provided by state law.
 - (ix) Supervise the making and preservation of all surveys, maps, plans, drawings, specifications, and estimates for the city.
 - (x) Provide for the issuance and revocation of licenses and permits authorized by state law or city ordinance and cause a record thereof to be maintained.
 - (xi) Prepare and submit to the council the annual budgets in the form prescribed by state law.
 - (xii) Provide the council an itemized written monthly financial report.
 - (xiii) Attend council meetings and keep the council fully advised of the financial and other conditions of the city and its needs.
 - (xiv) See that the business affairs of the city are transacted in an efficient manner and that accurate records of all city business are maintained and made available to the public, except as otherwise provided by state law.
 - (xv) Provide necessary and reasonable clerical, research, and professional assistance to boards within limitations of the budget.
 - (xvi) Perform such other and further duties as the council may direct.
- (b) The city manager, in performing the foregoing duties, may:
- (i) Present recommendations and programs to the council and participate in any discussion by the council of any matters pertaining to the duties of the city manager.
 - (ii) Cause the examination and investigation of the affairs of any department or the conduct of any employee under supervision of the city manager.
 - (iii) Execute contracts on behalf of the city when authorized by the council.

Section 4.05. INELIGIBILITY; PROHIBITED ACTS.

Except for the exercise of the right to vote, the city manager shall not take part in any election of council members. This prohibition shall in no way limit the city manager's duty to make available public records as provided by law, including the provision of public information to council candidates and interested citizens.

ARTICLE V – DEPARTMENTS, OFFICES, AND AGENCIES

Section 5.01. GENERAL PROVISIONS.

(a) *Creation of Departments.* The city council may establish city departments, offices, or agencies in addition to those created by this charter and may prescribe the functions of all departments, offices, and agencies. No function assigned by this charter to a particular department, office, or agency may be discontinued or, unless this charter specifically so provides, assigned to any other.

(b) *Direction by City Manager.* All departments, offices, and agencies under the direction and supervision of the city manager shall be administered by an officer appointed by and subject to the direction and supervision of the city manager. With the consent of council, the city manager may serve as the head of one or more such departments, offices, or agencies or may appoint one person as the head of two or more of them.

ARTICLE VI – CONFLICTS OF INTEREST; BOARD OF ETHICS

Section 6.01. CONFLICTS OF INTEREST.

The use of public office for private gain is prohibited. The city council shall implement this prohibition by ordinance, the terms of which shall include, but not be limited to: acting in an official capacity on matters in which the official has a private financial interest clearly separate from that of the general public; the acceptance of gifts and other things of value; acting in a private capacity on matters dealt with as a public official; the use of confidential information; and appearances by city officials before other city agencies on behalf of private interests.

Section 6.02. BOARD OF ETHICS.

The city council shall, by ordinance, establish an independent board of ethics to administer and enforce the conflict of interest and financial disclosure ordinances. No member of the board may hold elective or appointed office under the city or any other government or hold any political party office. Insofar as possible under state law, the city council shall authorize the board to issue binding advisory opinions, conduct investigations on its own initiative and on referral or complaint from officials or citizens, subpoena witnesses and documents, refer cases for prosecution, impose administrative fines, and to hire independent counsel. The city council shall appropriate sufficient funds to the board of ethics to enable it to perform the duties assigned to it and to provide annual

training and education of city officials and employees, including candidates for public office, regarding the ethics code.

ARTICLE VII – CHARTER REVIEW AND AMENDMENTS

Section 7.01. CHARTER AMENDMENTS.

This charter may be amended only by one of the following methods:

- (a) The council, by resolution, may submit a proposed amendment to the voters at a special city election, and the proposed amendment becomes effective if approved by a majority of those voting.
- (b) The council, by ordinance, may amend the charter. However, within thirty days of publication of the ordinance, if a petition valid under the provisions of section 362.4 of the Code of Iowa is filed with the council, the council must submit the ordinance amendment to the voters at a special city election, and the amendment does not become effective until approved by a majority of those voting.
- (c) If a petition valid under the provisions of section 362.4 of the Code of Iowa is filed with the council proposing an amendment to the charter, the council must submit the proposed amendment to the voters at a special city election, and the amendment becomes effective if approved by a majority of those voting.

Section 7.02. CHARTER REVIEW COMMISSION.

The council shall establish a Charter Review Commission in the year 2011 and every ten years thereafter. The commission shall review the existing charter and may, within twelve months, recommend any charter amendments that it deems appropriate to the council. The council shall either exercise its power of amendment as provided above on a matter recommended by the commission or submit such amendments to the voters in the form prescribed by the commission and such proposed amendment shall become effective when approved by a majority of those voting.