

CHAPTER 33

Economic Development Commission

Sections:

- 33.1 Appointment.
- 33.2 Term.
- 33.3 Qualifications.
- 33.4 Compensation.
- 33.5 Officers.
- 33.6 Director.
- 33.7 Meetings.
- 33.8 Powers and Duties.

SEC. 33.1 APPOINTMENT. The Mayor, with the approval of the Council, shall appoint nine Economic Development Commissioners.

SEC. 33.2 TERM. Each member shall be appointed for a term of three years. The terms of office for appointments shall be staggered so that three Commissioners are appointed each year.

SEC. 33.3 QUALIFICATIONS.

1. The Commissioners must be persons who currently reside, work, own property or own businesses within the City of Waverly.
2. No Commissioner shall hold any other City office nor be an employee of the City.

SEC. 33.4 COMPENSATION. Economic Development Commissioners shall serve without compensation, but may be reimbursed for actual expenses, including travel expenses, incurred in performing any duty described in this chapter, subject to Council approval.

SEC. 33.5 OFFICERS.

1. The Commissioners shall elect a Chairperson and Vice Chairperson at the first meeting of the Commission each year. Both the Chairperson and Vice Chairperson shall serve one year terms or until their successors are elected and

installed. There is no limit on the number of terms that can be served by any individual as an officer.

2. The Chairperson shall be the presiding officer and shall make decisions on all points of order and procedure. In the absence of the Chairperson, the Vice Chairperson shall be the presiding officer and assume all responsibilities of the Chairperson.

SEC. 33.6 DIRECTOR. The Economic Development Director shall have the following duties:

1. The Director shall attend all meetings of the Economic Development Commission and take part in the discussion of Commission matters. The Director shall keep the Commission informed of the various activities of the Economic Development Department, and other matters relevant to the operation of the department while maintaining the confidentiality of those matters that require such protection.
2. The Director shall inform the City Administrator of the recommendations of the Commission so that said recommendations may be acted upon by the City Council and/or the City Administrator.
3. The Director or his/her designee shall serve as Secretary to the Commission and shall be responsible for preparing the agenda and minutes for all Commission meetings and giving advance public notice of Commission meetings.

SEC. 33.7 MEETINGS. The Commission shall hold periodic meetings as agreed upon by the Commission, at a date, time and place determined by the Commission, no less than four times per year. Special meetings may be called by the Chairperson. All meetings shall be open to the public. A quorum shall consist of a majority of the Commissioners currently appointed to the Commission.

SEC. 33.8 POWERS AND DUTIES. The Commission shall have the following powers and duties:

1. To review and recommend to the City Council and City Staff economic development plans, strategies and policies to enhance and assist economic development.
2. To provide support, advice and direction to the City Council and City Staff, and to promote economic and community development in Waverly and the surrounding area.
(Ord. 986 10-06-14)

CHAPTER 34

CHAPTER 34

HAZARD MITIGATION AND RIVER USE COMMISSION

Sections:

- 34.1 Appointment.
- 34.2 Term.
- 34.3 Qualifications.
- 34.4 Compensation.
- 34.5 Officers.
- 34.6 Director.
- 34.7 Meetings.
- 34.8 Duties and Powers Generally.

SEC. 34.1 APPOINTMENT. The Mayor, with approval of the Council, shall appoint each of **seven (7)** members to the Hazard Mitigation and River Use Commission.

SEC. 34.2 TERM. The Commissioners shall be appointed for a term of five (5) years, except when the commission is first created, one member shall be appointed for a term of five (5) years, one member for a term of four (4) years, two members for a term of three (3) years, two member for a term of two (2) years, and one member for a term of one (1) year.

Vacancies shall be filled for the unexpired term of the member whose position becomes vacant.

SEC. 34.3 QUALIFICATIONS.

1. Commissioners must be citizens of Iowa, eligible electors, and residents of the City.
2. No Commissioner shall hold any City Office or be a full-time employee of the City.

SEC. 34.4 COMPENSATION. Commissioners shall serve without compensation, but may be

reimbursed for actual expenses, including travel expenses, incurred in the performance of any duty described in this chapter, subject to approval of the City Council. Reimbursement shall be paid from the General Fund(Legislative and Legal).

SEC. 34.5 OFFICERS.

1. Selection. A member shall be elected in January of each even numbered year by a majority of Commission members to chair the Commission. A second member shall be elected as vice-chair. A third member shall be elected as secretary. The members serving as chair, vice-chair, and secretary shall have concurrent terms of two years. The City Engineer and/or designee from Engineering/Public Works shall advise and assist the Commission to provide notice of meetings as required by law and record and maintain minutes of the Commission's proceedings.
2. Duties.
 - a. The member chairing the Commission shall be the presiding officer and rule on all points of order and procedure.
 - b. The member serving as vice-chair shall have all rights and duties of the member chairing the Commission when the chair is absent or otherwise unable to act.

SEC. 34.7 MEETINGS. The Commission shall hold meetings not less than four times per year. Meetings shall be open to the public as required by Chapter 21 of the Code of Iowa.

SEC. 34.8 POWERS AND DUTIES GENERALLY. The powers and duties of the Commission shall include the following:

Shall monitor regulations and programs of various regional, state and federal agencies not limited to environmental, recreational, economic development and hazard mitigation factors impacting the City of Waverly and Bremer County and the Cedar River Drainage Basin and other hazards identified in the latest approved Waverly Hazard Mitigation Plan.

Shall participate in and with regional, state and national programs and agencies impacting the drainage, recreation, economic development and hazard mitigation efforts in the City of Waverly and the Cedar River Drainage Basin.

The Commission shall explore and recommend avenues to expand the recreational and economic development opportunities involving the Cedar River.

Shall assist the City council in formulating hazard mitigation policies, activities, programs or projects impacting the drainage ways in the City of Waverly, Bremer County and the Cedar River Drainage Basin.

Shall be abreast of emergency plans of the City of Waverly, Waverly Light and Power, Waverly Health Center and Bremer County and identify neighborhood volunteer assets to implement protective measures at times of flooding.

6. Shall actively involve the Bremer County Emergency Management Coordinator in the meetings, planning and activities of the Commission.
7. Provide advisory services to the Waverly City Council as requested.

CHAPTER 35

PERSONNEL BOARD

Sections:

- 35.1 Appointment.
- 35.2 Term.
- 35.3 Qualifications.
- 35.4 Compensation.
- 35.5 Officers.
- 35.6 Duties and Powers Generally.
- 35.7 Rules of Procedure.
- 35.8 Hearings.
- 35.9 Minutes.
- 35.10 Appeal.

SEC. 35.1 APPOINTMENT. The mayor, with approval of the council, shall appoint three (3) members to the city personnel board.

SEC. 35.2 TERM. Following the expiration of the term first served by the original appointees, the term of service for each person appointed as a member of the board shall be three (3) years.

SEC. 35.3 QUALIFICATIONS.

1. General. The board members must be eligible electors, and residents of the city.
2. Other Office. No person while on the board, shall hold any city office or be an employee of the city.

SEC. 35.4 COMPENSATION. The members of the board shall serve without compensation, but may be reimbursed for actual expenses, including travel expenses, incurred in performing any duty described in this chapter, upon approval by the council.

SEC. 35.5 OFFICERS.

1. Selection. The member chairing the commission shall be elected at the first meeting of the board by a majority of all the members present. A second member shall, in like manner, be elected as secretary. The officers shall have a concurrent term of one (1) year.
2. Duties. The member chairing the board shall be the presiding officer and shall rule on all points of order and procedure. The member serving as secretary shall take the minutes of the meeting and maintain all records of the board.

SEC. 35.6 DUTIES AND POWERS GENERALLY. The board shall have the limited power and duty to consider and decide any appeal filed with the board. Appeals to the board may be taken only by any full-time, non-seasonal city employee from a final decision of the city administrator who has no means to challenge a selection decision or disciplinary action, under a union contract or by appeal to the civil service board.

SEC. 35.7 RULES OF PROCEDURE. The board shall enforce the applicable provisions of this chapter and all personnel rules, including applicable provisions of this chapter and all personnel rules, including applicable provisions in constitutions and bylaws, and departmental rules, consistent with law to ensure employment practices, including employment and promotion decisions, and disciplinary action are consistent with principles of equity, fairness and the public interest.

1. The clerk shall forthwith transmit to the board notice of the appeal and all papers composing the record from which the action was appealed.
2. Upon receipt of such information, the board shall hold a hearing on the appeal. The hearing shall be open to the public.
3. An appeal stays all proceedings in furtherance of the action appealed from.
4. Following hearing, the board shall recommend that the council reverse or affirm, in whole or in part, or modify the decision from which the appeal was taken.
5. The recommendation of the board shall be signed by the member chairing the commission and certified copies shall be submitted to the mayor and the clerk for council approval.

SEC. 35.8 HEARINGS.

1. Hearings of the board shall be held at the call of the member chairing the board within 30 days of receipt of Notice of Appeal by a city employee subject to the jurisdiction of the board.
2. Rules of hearing shall be determined by the board.
3. The appellant shall have the right to personally appear before the board.
4. The board may affirm, reverse, or modify the decision of the city administrator.

SEC. 35.9 MINUTES. The board shall keep minutes of its proceedings, showing the vote of each member and official records of its actions shall be immediately filed in the city clerk's office.

SEC. 35.10 APPEAL. A decision of the personnel board shall be final unless appealed as provided in this section. Appeal may be taken to the city council by the appellant or city administrator from any decision of the personnel board by filing a written notice of appeal with the mayor within 10 days of the filing of the personnel board's decision in the city clerk's office.

CHAPTER 36

LEISURE SERVICES COMMISSION

CHAPTER 36

LEISURE SERVICES COMMISSION

Sections:

- 36.1 Appointment.
- 36.2 Term.
- 36.3 Qualifications.
- 36.4 Compensation.
- 36.5 Officers.
- 36.6 Director.
- 36.7 Meetings.
- 36.8 Duties and Powers.
- 36.9 Gifts and Donations.

SEC. 36.1 APPOINTMENT. The mayor, with the approval of the council, shall appoint seven (7) leisure services commissioners.

SEC. 36.2 TERM. Following appointment of the initial commission according to law, each member shall be appointed for a term of three (3) years.

SEC. 36.3 QUALIFICATIONS.

1. The commissioners must be eligible electors, and residents of the city.
2. No person while on the commission, shall hold any other office nor be an employee of the city.

SEC. 36.4 COMPENSATION. Leisure services commissioners shall serve without compensation, but may be reimbursed for actual expenses, including travel expenses, incurred in performing any duty described in this chapter, subject to council approval.

SEC. 36.5 OFFICERS.

1. Selection. The officers of the commission shall be the chairperson and vice chairperson who shall be elected at the first organizational meeting of the commission in January of each year and who shall serve one (1) year terms.

2. Duties. The chairperson shall be the presiding officer and decide on all points of order and procedure. In the absence of the chairperson, the vice chairperson shall be the presiding officer and assume all responsibilities of the chairperson.

SEC. 36.6 DIRECTOR. The leisure services director shall have the following duties:

1. To attend all meetings of the leisure services commission, to take part in discussion of the commission and to keep the commission informed of activities of the leisure services department, and other matters relevant to the maintenance and operation of the department.
2. To inform the city administrator of the recommendations of the commission so that recommendations can be acted upon by the city council and/or city administrator.
3. To serve as the secretary to the commission and shall be responsible for preparing the agenda for all commission meetings, giving advance public notice of commission meetings and preparing the minutes of the commission proceedings.

SEC. 36.7 MEETINGS. The commission shall hold regular monthly meetings at a date, time and place as determined by the commission. Special meetings may be called by the chairperson. All meetings shall be open to the public. A quorum shall consist of a majority of the commissioners.

SEC. 36.8 DUTIES AND POWERS. The commission shall have the following powers and duties:

1. To recommend to the city council a budget providing for the operations of the leisure services department including cemetery, swimming pool, golf course, public grounds maintenance.
2. To recommend to the city council the establishment of fees for certain activities of the leisure services department.
3. To recommend to the city council policies for the operation of all functions under the jurisdiction of the leisure services department.
4. To recommend to the city council a long term capital improvements program for leisure services facilities, including the acquisition of park sites.
5. To promote leisure services activities which will benefit all the citizens of Waverly.

SEC. 36.9 GIFTS AND DONATIONS. All grants, gifts and donations which are received by the city and subsequently designated to be used for leisure services purposes only shall be placed in a special leisure services fund to be expended in a manner recommended by the commission and authorized by the city council.

CHAPTER 37

AIRPORT COMMISSION

CHAPTER 37

AIRPORT COMMISSION

Sections:

- 37.1 Appointment.
- 37.2 Term.
- 37.3 Vacancy.
- 37.4 Qualifications.
- 37.5 Compensation.
- 37.6 Officers.
- 37.7 Council Liaison.
- 37.8 Meetings.
- 37.9 Duties and Powers Generally.
- 37.10 Limitations.

SEC. 37.1 APPOINTMENT. The mayor, with the approval of the council, shall appoint each of five (5) members to the Airport Commission.

SEC. 37.2 TERM. Commissioners shall be appointed to five year staggered terms. The first Commissioners shall hold terms of office as follows: One member for 1 year, one for 2 years, one for 3 years, one for 4 years and one for 5 years. Following appointment of the initial Commission, one member shall be appointed for a term of five (5) years commencing on the first day of May in each year. Within 15 days from the conclusion of a Commissioner's service he or she shall return airport papers or materials to the Commission Secretary. No individual shall serve more than two full 5 year terms.

SEC. 37.3 VACANCY. In the event of a vacancy in the Commission, the Mayor shall appoint with confirmation of the City Council, an individual to serve the remainder of the vacated term.

SEC. 37.4 QUALIFICATIONS.

1. The Commission members must be eligible electors, and residents of the City. No person, while on the Commission, shall hold any City office or be an employee of

the City.

2. A minimum of two members appointed to the Commission shall not be directly involved in aviation by regular, personal, or business use of the Waverly Airport.

SEC. 37.5 COMPENSATION. The members of the Commission shall serve without compensation, but may be reimbursed for actual expenses, including travel expenses, incurred in performing any duty described in this chapter, provided an itemized statement of expenses is filed with the approved by affirmative vote of the Commission. Expenses, including travel expenses incident to attending regular or special Commission meetings in Waverly shall not be reimbursed.

SEC. 37.6 OFFICERS.

1. Selection. The Commission shall at the first regular meeting of each calendar year elect from its membership a Chairperson, Vice Chair, and Secretary by majority vote of the Commission members present.
2. Duties. The member chairing the Commission shall be the presiding officer and shall rule on all points of order and procedure. The member serving as Vice Chair shall have all the rights and duties of the member chairing the board when the chair is absent or otherwise unable to act.

Sec. 37.7 COUNCIL LIAISON.

1. The Public works Director or his designee shall attend meeting of the Commission and inform and advise the members concerning matters relevant to the maintenance and operation of the airport and inform the City Administrator of recommendations of the Commission in order that these recommendations may be acted upon by the City Council and/or the City Administrator.
2. The Secretary to the Commission shall be responsible for preparing the agenda for all Commission meetings, provided public notice of the meetings, recording the minutes of the meetings, and providing copies of the minutes of each meeting to the City Clerk.

SEC. 37.8 MEETINGS. The Commission shall hold regular monthly meetings and shall hold such other meetings deemed necessary and called by Commission resolution or the member serving as the Chair. Meetings shall be open to the public.

SEC. 37.9 DUTIES AND POWERS GENERALLY. The Commission shall generally manage the operation of the Waverly Municipal Airport. It shall advise the City Council on matters pertaining to the operation and development of the Airport. Powers and duties of the Commission shall include:

1. Recommending a budget providing for the operations of the airport.
2. Establishing fees and charges for use of the airport and its facilities.
3. Establishing and enforcing rules regulating use of the airport facilities.
4. Assuring proper operation and maintenance of the airport facilities.
5. Recommending a Master Development Plan for the airport and any changes or amendments to the development plan.
6. Assisting in the coordination and efforts to acquire State and Federal funding for airport improvements and development.
7. Promoting airport activity to benefit all the citizens of Waverly.
8. Recommending to the City Council employment of an Airport Manager and terms and conditions of the manager's contract with the City.
9. Supervising and annually evaluating the Airport Manager and his services.
10. Administrating funds budgeted for Airport purposes. The Commission may enter into contract to provide for the orderly operation and maintenance of the Airport. Budget funds excluding funds required for direct City contract or debt obligations, shall be subject to disbursement upon the written order of the Commission utilizing existing City purchasing policies. Checks shall issue through the office of the City Accountant.
11. Coordinating with the Public Works Director and Director of Finance to use existing City services and avoid duplication of labor equipment and expense. Costs over and above existing service costs will be billed for payment from the airport budget.
12. Filing the following reports with the City Administrator.
 - a. Following the close of each fiscal year, report the status of the airport for the fiscal year just completed, including an evaluation of the maintenance and operation of the facilities, functions and projects of the airport and the performance of the Airport Manager.
 - b. By November 15th of each year, report recommendations for the future maintenance and operation of the airport, including a proposed budget for fiscal year beginning on July 1, of the following year.
 - c. Supply such additional reports or recommendations concerning the airport as may be required by the City Council or City Administrator.

SEC. 37.10 LIMITATIONS. The Commission shall not be empowered to issue bonds, or pledge the credit or taxing power of the City. The Commission shall not contract for services exceeding its annual budget in any fiscal year.

CHAPTER 38

BOARD OF PLUMBING EXAMINERS

CHAPTER 38

Repealed: July 1, 2007 in accordance to Ordinance 880. See section 90.

CHAPTER 39

BOARD OF ELECTRICAL EXAMINERS

CHAPTER 39

Repealed: July 1, 2007 in accordance to Ordinance 880. See section 90.

CHAPTER 40

ELECTRIC UTILITY BOARD OF TRUSTEES

Sections:

- 40.1 Appointment.
- 40.2 Term.
- 40.3 Qualifications.
- 40.4 Compensation.
- 40.5 Officers.
- 40.6 Meetings.
- 40.7 Powers and Duties Generally.
- 40.8 Reports.
- 40.9 Accounting.
- 40.10 Municipal Electric Service.

SEC. 40.1 APPOINTMENT. Pursuant to a special election held August 30, 1977, through which a majority of voters of the City of Waverly indicated their approval, a board of trustees responsible for the operation of the Waverly Municipal Electric Utility was established November 1, 1977.

SEC. 40.2 TERM. The board shall include five (5) trustees appointed by the mayor and approved by the city council. Trustees shall be appointed for six (6) year staggered terms. The first appointees shall hold office, one for two (2) years two for four (4) years, and two for six (6) years. All vacancies occurring on the board shall be appointed for the balance of that term.

1. Date. Each Current and future trustee term shall begin on January 1 and end on December 31.

SEC. 40.3 QUALIFICATIONS.

1. The trustees must be eligible electors, and residents of the city.
2. Other Office. No person, while on the board, shall hold any other city office nor be an employee of the city.

SEC. 40.4 COMPENSATION. Each trustee of the electric utility board shall receive nine

hundred (\$900) dollars per year as compensation.

SEC. 40.5 OFFICERS. The board shall appoint a chairperson and vice chairperson from among its members. The board shall appoint a person to serve as the secretary to the board.

SEC. 40.6 MEETINGS. The board of trustees shall hold at least one regular meeting each month. The board shall also call special meetings as necessary. The secretary shall provide public notice of all regular and special meetings.

SEC. 40.7 POWERS AND DUTIES GENERALLY. The board of trustees shall:

1. Appoint a director of the electric utility who shall be responsible for all other personnel and daily operation of the utility.
2. Appoint a treasurer who shall be responsible for maintaining the accounts of the electric utility in proper order.
3. Appoint a legal counsel to assist the board and the director in all matters of law.
4. Appoint professional consultants for engineering, labor relations, and such other purposes as deemed appropriate by the board.
5. Research and establish the appropriate method of power acquisition for the Waverly Electric Utility.
6. Establish appropriate rate structures to provide the utility with sufficient revenues for operating and capital improvement costs.
7. Establish the necessary policies to provide the required electrical service to the citizens of Waverly.
8. Possess all other duties and responsibilities as established in Chapter 388 of the Code of Iowa.
9. Establish the necessary rules of procedure for the implementation of their responsibilities.

SEC. 40.8 REPORTS. The trustees shall direct the secretary to forward minutes of all meeting to the city council. Quarterly financial statements shall be submitted to the city council. The board of trustees and the director shall meet with the council when the quarterly financial statement is presented on the city council agenda.

SEC. 40.9 ACCOUNTING.

1. The City of Waverly shall provide regular accounting and billing services with the electric utility reimbursing the city for all costs incurred.
2. The trustees shall cause an audit to be made of all funds under their jurisdiction by a private audit firm each year.

SEC 40.10 MUNICIPAL ELECTRIC SERVICE.

1. An annual cash payment in lieu of taxes shall be paid by the electric utility to the City of Waverly. The board of trustees shall determine the amount of the cash payment and so notify the city no later than November 1st of each year.
2. Operating costs for traffic signals and street lights shall be invoiced to the city together with an equivalent payment from the electric utility to the City of Waverly. Such payments shall be separate from the annual cash payment specified above.
3. A separate electrical rate for municipal services shall be established by the board.
4. The electric utility and the city shall determine a policy for the continuation and extension of electric service to the City of Waverly.

CHAPTER 41

MUNICIPAL HOUSING COMMISSION

Sections:

- 41.1 Appointment.
- 41.2 Term.
- 41.3 Qualifications.
- 41.4 Compensation.
- 41.5 Officers.
- 41.6 Personnel.
- 41.7 Meetings.
- 41.8 Powers and Duties Generally.
- 41.9 Limitation of Powers.
- 41.10 Report.

SEC. 41.1 APPOINTMENT. The mayor, with the approval of the council, shall appoint five (5) municipal housing commissioners.

SEC. 41.2 TERM. Following appointment of the initial commission according to law, each member shall be appointed for a term of two (2) years.

SEC. 41.3 QUALIFICATIONS. Commissioners must be eligible electors, and residents of the city. No person while on the commission shall hold a city office or be an employee of the city.

SEC. 41.4 COMPENSATION. A commissioner shall receive no compensation for serving on the commission, except to be reimbursed for expenses, including travel expenses, incurred in performing any duty declared in this chapter.

SEC. 41.5 OFFICERS.

1. Selection. The commission shall elect a chairperson, vice-chairperson, and secretary from among the commissioners. The election shall be held in January of each even numbered year. The members serving as chair, vice chair, and secretary shall have concurrent terms of two (2) years.

2. The member chairing the commissioner shall be the presiding officer and shall rule on all points of order and procedure. The members serving as vice chair shall have all the rights and duties of the member chairing the board when the chair is absent or otherwise unable to act.

SEC. 41.6 PERSONNEL. The commission may employ a director who may also serve as secretary to the commission, and any other employees necessary to serve the commission, set the compensation for such employees and take any necessary disciplinary action, including suspension and discharge from employment, of the employees.

SEC. 41.7 MEETINGS.

1. The commission shall hold regular meetings every two months, and shall have such other meetings deemed necessary.
2. The director shall publish notice of all regular meetings of the commission as provided by law. Notice to commission members of a special meeting shall be given by the director, who shall also post said notice at city hall.

SEC. 41.8 POWERS AND DUTIES GENERALLY. The powers and duties of the commission shall include the following:

1. Maintaining and operating public housing projects within the city.
2. Conducting studies and analyses of the housing needs of the city.
3. Recommending to the city council the utilization, construction or expansion of public housing facilities within the city.

SEC. 41.9 LIMITATION OF POWERS.

1. Title to real property acquired or managed by the commission shall be held in the name of the City of Waverly. All deeds, contracts, or leases affecting the real estate shall be entered in the name of the city and approved by the city council. Contracts for purchase of maintenance items or materials or leases with tenants shall not require approval.
2. The commission shall not have the power of eminent domain but must receive from the city council the initiation of condemnation proceedings to facilitate the development of public housing.

SEC. 41.10 REPORT. On or before March 30th of each year the commission shall submit to the council a report of its financial activities for the preceding fiscal year, which report shall include a complete financial statement setting forth its assets, liabilities, income and operating expenses as of the end of such fiscal year.

CHAPTER 42

BOARD OF HOSPITAL TRUSTEES

Sections:

- 42.1 Election.
- 42.2 Qualification.
- 42.3 Membership.
- 42.4 Compensation.
- 42.5 Meetings.
- 42.6 Powers and Duties Generally.

SEC. 42.1 ELECTION.

1. Composition. The board shall consist of five (5) members, elected at large in a regular city election or special city election.
2. Term of office.
 - a. The term of office shall for any trustee, elected in a regular city election, begin and end at noon on the first day in January which is not a Sunday or legal holiday, following such election in which that trustee was elected.
 - b. Each trustee shall serve for a term of four (4) years. The terms shall be staggered with alternating two and three trustees standing for reelection each two (2) years. Two of the trustees to be elected in 1995 will have two year terms and one will have a term of four years.

SEC. 42.2 QUALIFICATION. A Trustee must be a resident of the hospital service area within the boundaries of the State at the time of election at which the person's name appears on the ballot. No person while on the board shall hold a city office or be an employee of the city. The Trustee must be at least 18 years of age.

SEC. 42.3 MEMBERSHIP.

1. Election. At the first organizational meeting of the trustees following an election, the board shall elect a member to chair the board and a second member to serve as secretary to the board.

2. Treasurer. The Board shall select a treasurer to receive and disburse all funds under the control of the Board.
3. Vacancies. Vacancies on the Board of Trustees may, until the next general or regular city election, be filled by appointment by the remaining members of the board of trustees, unless within fourteen days after the appointment is made, there is filed with the city clerk a petition which requests a special election to fill the vacancy. Trustees who are appointed to fill a vacancy or who are elected at special elections, shall serve the unexpired terms of office or until their successors are elected and qualified.

SEC. 42.4 COMPENSATION. No trustee shall receive any compensation for services performed. However a trustee may receive reimbursement for any cash expenses actually made for personal expenses incurred as trustee, but an itemized statement of all expenses and moneys paid out shall be made under oath by each of the trustees and filed with the secretary and allowed only by the affirmative vote of the full board.

SEC. 42.5 MEETINGS. The board shall hold meetings pursuant to its rules, adopted by board resolution.

SEC. 42.6 POWERS AND DUTIES GENERALLY. The board is vested with all the powers necessary for the management, control and government of the Waverly Municipal Hospital as set forth in the Code of Iowa, including, but not limited to the following:

1. Providing for the management, control, and government of the municipal hospital.
2. Providing all needed rules for the economic conduct of the hospital.
3. Annually preparing a condensed statement of the total receipts and expenditures for the hospital and cause the same to be published in a newspaper of general circulation, as provided by law.
4. Accepting property by gift, devise, bequest or otherwise; and if the board deems it advisable, selling or exchange any property so accepted and applying the proceeds to any legitimate hospital purpose.
5. Providing for the management, control and government of the Waverly Ambulance Service subject to budget limitations established by the Waverly City Council and subject to agreement between the Hospital Board and the Waverly City Council with the provision that the city will subsidize this service so as to require no funds from the Waverly Municipal Hospital budget.

SEC. 42.7 CHARITABLE ORGANIZATION. The municipal hospital known as the Waverly Municipal Hospital is organized exclusively for charitable, educational, and scientific purposes including for such purposes the making of distributions to organizations that qualify as exempt organizations under Section 501(c)(3) of the Internal Revenue Code of 1986 or corresponding sections of any future United States Internal Revenue Law. No part of the income or assets of the hospital shall inure to the private benefit of any individual.

SEC. 42.8 DISSOLUTION Upon the dissolution of the Waverly Municipal Hospital, assets shall be distributed for one or more exempt purposes within the meaning of Section 501(c) (3) of the Internal Revenue Code, or corresponding section of any future United States Internal Revenue Law or shall be distributed to a state or local government, for a public purpose as determined by the Waverly City Council. Any such assets not so disposed of shall be disposed of by the District Court of the county in which the principal office of the hospital is then located, exclusively for such purposes or to such organization or organizations, as said court shall determine, which are organized and operated exclusively for such purposes.

SEC. 42.9 EARNINGS. No part of the net earnings of the hospital shall inure to the benefit of, or be distributable to its members, directors, trustees, officers or other private persons, except that the hospital shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in this ordinance. No substantial part of the activities of the hospital shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the hospital shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of this ordinance, the hospital shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under Section 510 (c) (3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States Internal Revenue Law) or (b) by a corporation, contributions to which are deductible under Section 170 (c) (2) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States Internal Revenue Law).

CHAPTER 43

LIBRARY BOARD OF TRUSTEES

Sections:

- 43.1 Establishment of the Public Library.
- 43.2 Board of Trustees.
- 43.3 Finance.
- 43.4 Annual Report.

SEC. 43.1 ESTABLISHMENT OF THE PUBLIC LIBRARY. The formation and establishment of a free public library in and for the city open to the use of all its inhabitants under proper regulations, is confirmed.

SEC. 43.2 BOARD OF TRUSTEES. A board of trustees shall be established. The board shall consist of nine (9) trustees.

1. Appointment.
 - a. Authority. The mayor, with approval of the council, shall appoint eight (8) library board resident trustees, and, with approval of the county supervisors, shall appoint one (1) library board nonresident trustee.
 - b. Vacancies. The mayor, with approval of the city council, shall appoint a city resident to any vacant position originally held by a resident trustee. The mayor, with approval of the board of county supervisors, shall appoint a resident of the county who is not a resident of the City of Waverly to any vacant position originally held by a nonresident trustee.
2. Term.
 - a. Length. All appointments to the board shall be for a term of six (6) years, except to fill vacancies. A trustee appointed to fill a vacancy shall fill out the unexpired term for which the appointment is made.
 - b. Date. Each term shall commence on July 1st.
 - c. Staggered Terms. Appointments of one-third (1/3) of the trustees shall be

made every two years in order to stagger the terms of the trustees.

- d. Vacancies. The board may declare the office of a trustee vacant provided one (1) of the following is applicable:
 - (1) Resident trustee. If a resident trustee has transferred from the city.
 - (2) Nonresident trustee. If a nonresident trustee has transferred from the county or has transferred inside the city.
- 3. Qualifications.
 - a. General. The resident trustees must be eligible electors, and residents of the city. The nonresident trustee must be an eligible elector for county elections and a resident of the county who is not a resident of the city.
 - b. Other Office. No person while serving on the board shall serve on the city council or county board of supervisors, or be an employee of the city.
- 4. Compensation. The trustees shall serve without compensation.
- 5. Duties and Powers. The board shall have the following duties and powers.
 - a. Board Officers. The board shall elect one of their members as president of the board, and one as secretary and shall elect such other officers as the board may deem necessary.
 - b. Meetings.
 - (1) Regular and special. The board shall hold regular meetings and other meetings deemed necessary and called by board resolution or the president.
 - (2) Public. All meetings of the board or of committees of the board shall be open to the public and comply with Chapter 21 of the current Code of Iowa, as amended.
 - c. Supervision. The board shall have charge, control and supervision of the public library, its appurtenances and fixtures, and rooms containing the same, directing and controlling all the affairs of such library.

- d. Personnel.
 - (1) Employment. To employ a library director, such assistants and employees as may be necessary for the proper management of the library, and fix their compensation.
 - (2) Removal. To remove such library director, assistants, or employees by a vote of two-thirds (2/3) of such board for incompetency, inattention to the duties of such employment or other just cause.
- e. Outside use. To authorize the use of such library by nonresidents of the city and to fix the charges therefore.
- f. Rules. To make and adopt, amend, modify, or repeal bylaws, rules, and regulations, not inconsistent with law, for the care, use, government, and management of such library and the business of said board, fixing and enforcing penalties for the violation thereof.
- g. Funding.
 - (1) Purchasing. To select and make purchases of materials, equipment, furniture, fixtures, and building and office supplies for such library. Library materials and equipment are those items defined in Chapter 702 of the current Code of Iowa, as amended.
 - (2) Control. To have exclusive control of the expenditures of all taxes levied for library purposes as provided by law, and of the expenditures of all moneys available by gift or otherwise for the erection of library buildings, and of all other moneys belonging to the library.
 - (3) Gifts. To accept and control the expenditure of all gifts, devises, and bequests to the library.

SEC. 43.3 FINANCE. All moneys received and set apart for the maintenance of the library shall be deposited in the city treasury to the credit of the library fund, and shall be kept by the city treasurer separate and apart of all moneys and paid out upon orders of the board of trustees signed by its president and secretary.

SEC. 43.4 ANNUAL REPORT. Immediately after the close of each municipal fiscal year, the board shall adopt and present to the council pursuant to procedures established by the council, the following annual reports:

1. Operations. Library use shall be reported along with information on the elements of service including the physical facility, staffing, hours open to the public, and items in the collection, together with such further information as the board may deem important.
2. Finance. The amount of revenue and the amount of expenditures shall be reported along with such further information as the board may deem important.

CHAPTER 44

PLANNING AND ZONING COMMISSION

Sections:

- 44.1 Appointment.
- 44.2 Term.
- 44.3 Qualifications.
- 44.4 Compensation.
- 44.5 Selection.
- 44.6 Meetings.
- 44.7 Duties and Powers.
- 44.8 Hearings.

SEC. 44.1 APPOINTMENT. The mayor, with the approval of the council, shall appoint nine (9) members to the commission. (Ord. 979 06-16-14)

SEC. 44.2 TERM. Following appointment of the initial commission according to law, each member shall be appointed to hold office for a term of five (5) years.

SEC. 44.3 QUALIFICATIONS.

1. General. The commissioners must be eligible electors, and residents of the city.
2. Other Office. No person while on the commission, shall hold any city office or be an employee of the city.

SEC. 44.4 COMPENSATION. Planning commissioners shall serve without compensation, but may be reimbursed for actual expenses, including travel expenses, incurred in performing any duty described in this chapter subject to approval of the city council.

SEC. 44.5 SELECTION. The member chairing the board shall be elected at the first organizational meeting of the commission, in May of each year, by all the commissioners present. A second commissioner shall, in like manner, be elected as vice chair. The members serving as chair and vice chair of the commission shall have concurrent terms of one (1) year.

1. The member chairing the board shall be the presiding officer of the commission, and shall rule on all points of order and procedure. The member serving as vice chair shall have all the duties and powers as the member chairing the commission, when the chair is absent or otherwise unable to act.

2. The City Administrator or the City Administrator's designee shall have the following duties:
 - a. Attend all meetings of the commission and inform and advise the members concerning matters relevant to the commissions duties.
 - b. Serve as secretary to the commission and shall be responsible for drafting the agenda for all commission meetings, providing public notice of meetings and recording the minutes of the meetings.

SEC. 44.6 MEETINGS. The commission shall hold regular meetings each month, and shall have any other meetings deemed necessary and called by resolution or by the member serving as the chair.

SEC. 44.7 DUTIES AND POWERS. The powers and duties of the commission shall include the following:

1. Make careful and comprehensive studies of present conditions and future growth of the city and the relation between the territory neighboring the present city limits and such conditions and growth.
2. Contract with any professional consultant, the Iowa Development Commission and the federal government, for local planning assistance.
3. Establish, amend, supplement and maintain a comprehensive plan for physical development of the city.
4. Supervise the making of surveys, studies, maps, plans or charts of the city, or any part of the city, and any land outside the city limits which is related to the comprehensive plan.
5. Review and recommend to the city council prior to council action thereon:
 - a. Plats. All plats, including plats of subdivisions or resubdivisions of land within the city limits or within two miles adjacent to such limits. Plats describe lots, throughways or places intended to be dedicated to the public.
 - b. Vacation. All plans for vacating any or partially vacating any existing throughway or public ground.

- c. Improvements.
 - (1) All plans for public improvements which affect the city plan, including the character or location of any street, bridge, viaduct, throughway, park, parkway or river front.
 - (2) All plans for private improvements which are proposed to be erected upon public grounds, including statuary, memorials or works of art.
- d. All zoning district boundary changes and all rezoning requests.
- e. All site development plans.

SEC. 44.8 HEARINGS. The planning and zoning commission is authorized to hold and shall conduct such public hearings as required by state law or city ordinance at which interested parties and citizens shall have an opportunity to be heard when a zoning regulation, restriction, or boundary is proposed to be changed.

CHAPTER 45

BOARD OF ADJUSTMENT

Sections:

- 45.1 Appointment.
- 45.2 Term.
- 45.3 Qualifications.
- 45.4 Compensation.
- 45.5 Board Officers.
- 45.6 Meetings.
- 45.7 Powers and Duties Generally.

SEC. 45.1 APPOINTMENT. The mayor, with the approval of the council, shall appoint each of five (5) members to the board of adjustment.

SEC. 45.2 TERM. Following appointment of the initial board, according to law, each member shall be appointed for a term of five (5) years.

SEC. 45.3 QUALIFICATIONS. Board members must be eligible electors, and residents of the city. No person, while on the board, shall hold any other city office or be an employee of the city. No member shall be in the business of purchasing or selling real estate.

SEC. 45.4 COMPENSATION. The board of adjustment members shall serve without compensation, but may be reimbursed for actual expenses, including travel expenses, in performing any duty described in this chapter.

SEC. 45.5 BOARD OFFICERS.

1. Selection. The member chairing the board shall be elected by a majority of board members present in January of each even numbered year. A second member shall, in like manner, be elected as vice chair. The members serving as chair and vice chair shall have a concurrent term of two years.
2. Duties. The member chairing the board shall be the presiding officer and shall rule on all points of order and procedure. The member serving as vice chair shall have all the rights and duties of the member chairing the board when the chair is absent

or otherwise unable to act.

3. The public works director or designee shall be secretary of the board and have the following duties:
 - a. Provide notice to the public of each board meeting or hearing as required by law. The public works director shall provide personal notice to each board member of any meeting or hearing. Copies of all such notices shall be filed in the city clerk's office.
 - b. Record and maintain minutes of board proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. The public works director shall keep records of board examinations, all of which shall be filed in the office of the board and shall be public record. Copies of the agenda, minutes and other records from each meeting shall be filed in the city clerk's office.
4. Secretary Pro Tem. The chairperson of the board in the absence of the public works director or his or her designee may appoint a member of the board to act as secretary pro tem. Upon demand by any person appearing before the board, the public works director or his or her designee shall be removed from the case as the board's secretary and a secretary pro tem shall be appointed by the chair.

SEC. 45.6 MEETINGS.

1. Regular meetings of the board shall be held on the second Monday of each month. Special meetings may be held at such other times as the board may determine.
2. Quorum. The board shall perform no duties prescribed in this chapter unless three (3) members are present.
3. The member chairing the board may administer oaths and compel the attendance of witnesses.
4. All hearings of the board shall be open to the public.
5. Minutes. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. The public works director shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be public record. Copies of such minutes shall be submitted to the city clerk.

SEC. 45.7 POWERS AND DUTIES GENERALLY. The board may in appropriate cases and subject to appropriate conditions and safeguards make special exceptions to the terms of any section in the zoning code, in harmony with the general purpose of the code. The powers and duties of the board shall include the following:

1. Rules. Adopt rules in accordance with the provisions of this chapter.
2. Other Zoning Officers. Receive and consider any report, recommendation or request submitted to the board by the zoning administrator or the planning and zoning commission. The board shall provide a written response to such administrator or commission when the request is made to the board in writing to furnish such response.
3. Rules of Decision. The board shall make all exceptions to the terms of any section in the zoning code, subject to the following requirements:
 - a. Character. Ensure that by approving such exception the basic character of the regulated area, including any adjoining or surrounding property, shall not be substantially altered.
 - b. Safety. Ensure that the design, construction, maintenance and operation of any project sought to be excepted shall not endanger the health or safety of any person, and shall comply with all laws.
 - c. Interference. Ensure that by approving the exception, no diminution or decline in value will result to the following: any property located in the district to be affected, including property adjoining or immediately surrounding the area to be excepted.
 - d. Quality of Life. Ensure that the quality of life of any occupants of property in the subdivision affected shall not be significantly diminished. Occupants shall, in all cases, retain an adequate supply of light and air. There shall be no substantial increase in throughway congestion and no increased public danger of fire and safety.
 - e. Public Need. The board is specifically authorized to permit the following when reasonably necessary for the public welfare:
 - (1) Height. The erection of any structure above the height allowed in the zoned division, provided the structure is to be used for a public service corporation, public utility or for public communication.

- (2) Premises. The use of any premises, including any building, in any zoned division, provided the use is for a public service, public utility or for public communication, including the distribution of newspapers.
 - (3) Boundary Lines. The extension of a district where the boundary line of such district divides a single lot, provided that such lot was undivided when the boundary line was established. Evidence of single ownership shall include any recorded deed or existing contract. In no case shall extension of the district boundary line exceed forty (40) feet in any direction.
 - f. Term of Variance. The board shall in making an exception to the zoning code specify the term during which the exception shall be allowed.
- 4. Appeals. The following principals and procedures shall govern all appeals to the board:
 - a. Policy. It shall be the policy of the board upon appeal to judge the equities of each case and to grant variances from the terms of the zoning code, provided that special conditions exist or a literal enforcement of the zoning code's provisions would result in unnecessary hardship. Granting such variance would not be contrary to the public interest, including the interests of the district which would be affected by the granting of a variance.
 - b. Special Conditions. Evidence of special conditions shall include showing that property which violates the zoning code was transferred to the appellant who had no actual knowledge of the violation at the time of transfer; or showing that the exceptional topographical character of such property or the location of adjoining natural or artificial obstacles prevents compliance with any applicable provision of the zoning code; or showing of a situation so extraordinary that to require the property to be used similarly to other property in the district would be plainly unreasonable.
 - c. Notice.
 - (1) Parties. Appeals to the board may be taken by any person aggrieved, the city administrator or a representative of the administrator, including the director of the department from which the appeal is taken.

- (2) Delivery. Notice of appeal, shall be provided within a reasonable time, as provided by the rules of the board, by filing with the director of the department from which the appeal was taken.
 - (3) Information. The director of such department shall report notice of the appeal to the administrator, and shall transmit to the board all the papers composing the record upon which the action was taken. Copies of such papers shall also be transmitted to the clerk and filed with board papers.
 - (4) Publication. Upon receipt of the notice of appeal, the board shall inform the clerk to publish notice of the hearing and to inform the administrator and the planning and zoning commission of such hearing.
 - (5) Hearing. Upon receipt of the notice, the board shall hold a hearing on the appeal. Such hearing shall be public and in compliance with Chapter 21 of the current Code of Iowa as amended.
- d. Stay. An appeal stays all proceedings in furtherance of the action appealed from, unless the director of the department from which the appeal is taken, or the administrator certifies to the board of adjustment, after the notice of appeal shall have been filed with such director, that by reason of facts stated in the certificate a stay would in the administrative officer's opinion cause imminent peril to life or property. In such case proceeding shall not be stayed otherwise than by a restraining order which may be granted by the board or by a court of record on application of notice to such official and on due cause shown.
- e. Appeal Powers. The board shall have the following powers:
- (1) Error. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning code.
 - (2) Special Exceptions. To hear and decide special exceptions to the terms of the zoning code upon which such board is required to pass under this chapter.
 - (3) Equity. To authorize upon appeal in specific cases such variance from the terms of the zoning code as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship. The spirit of the ordinance shall be observed and substantial justice done.

- f. Decision. In exercising the above-mentioned powers such board may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from.
- g. Majority. The concurring vote of three (3) members of the board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any provision of the zoning code or to effect any variation in such provision.
- h. Decision. The decision of the board shall be final when the vote of each member present has been recorded and a written opinion stating the reasons for the decision has been filed with the City Clerk. The Clerk shall deliver certified copies of such opinion to the aggrieved person, the Administrator and the Planning and Zoning Commission.
- i. Effective Dates of Variance. Any variance granted by the Board of Adjustments shall take effect 15 days following filing of the Board's decision with the City Clerk. A variance shall remain effective and a building permit may be issued in conformance therewith for a period of one year from October 1, 1994, or one year from the filing of the Board's decision whichever date is later.
- j. Appeal to City Council. The City Administrator, the Zoning Administrator and Zoning Commission, or any person aggrieved by any final decision of the Board of Adjustment may appeal such decision of the Board to the City Council for review.

Appeal to the Council must be taken by filing written Notice of Appeal with the City Clerk not later than 14 days following the Board decision appealed from.

Appeal to the Council stays proceedings and a variance granted by the Board and appealed to the Council shall have no effect until final decision. The Council shall review any decision appealed as soon as practical and following review shall remand the case to the Board for final decision by the Board which shall be made within 30 days following remand.

- k. Appeal to District Court. Any person or any taxpayer or any officer of the City aggrieved by any final decision of the Board of Adjustment under the provisions of this chapter may present to District Court a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the Court pursuant to law.

CHAPTER 46

CIVIL SERVICE COMMISSION

Sections:

- 46.1 Appointment.
- 46.2 Term.
- 46.3 Qualifications.
- 46.4 Compensation.
- 46.5 Officers.
- 46.6 Powers and Duties Generally.
- 46.7 Jurisdiction.
- 46.8 Appeals.

SEC. 46.1 APPOINTMENT. The mayor with the approval of the city council shall appoint three (3) civil service commission.

SEC. 46.2 TERM. Following appointment of the initial commission according to law, one member shall be appointed (1) year after each regular municipal election to hold office for a term of six (6) years commencing on the first Monday of April following such municipal election.

SEC. 46.3 QUALIFICATIONS.

1. The commissioners must be citizens of Iowa, eligible electors, and residents of the city.
2. No person while on the commission, shall hold or be a candidate for any office of public trust.
3. If a city human rights commission has been established, the director of the commission shall be a member, without vote, of the civil service commission.

SEC. 46.4 COMPENSATION. Civil service commissioners shall serve without compensation, but may be reimbursed for actual expenses, including travel expenses, incurred in performing any duty described in this chapter, upon approval by the council.

SEC. 46.5 OFFICERS. The member chairing the commission for each biennial period shall be the member whose term first expires. The city clerk shall be the clerk of the commission.

SEC. 46.6 POWERS AND DUTIES GENERALLY. The civil service commission shall have the full power and duty to administer the provisions of Iowa Code, Chapter 400 as the same applies to employees of the city subject to the jurisdiction of that chapter. The powers and duties include, but are not limited to:

1. Administering entrance examinations for potential employees.
2. Maintaining lists of job applicants.
3. Conducting promotional examinations.
4. Conducting hearings to review disciplinary actions involving the suspension, demotion, or termination of employees subject to its jurisdiction.

SEC. 46.7 JURISDICTION. The commission shall have jurisdiction to apply the provisions of this chapter to the all permanent full-time police officers, and fire fighters employed by the city. The following members of the police department and fire department are excluded:

1. The police chief
2. The fire chief
3. Any volunteer member of the fire department
4. Any janitor, clerk, stenographer or secretary
5. Any casual, part-time, or seasonal employee

SEC. 46.8 APPEALS. The suspension, demotion, or discharge of a person holding civil service rights may be appealed to the civil service commission as provided at Chapter 400 of the Code of Iowa.

CHAPTER 47

GOLF COURSE COMMISSION

SECTIONS:

- 47.1 Appointment.
- 47.2 Term.
- 47.3 Qualifications.
- 47.4 Compensation.
- 47.5 Officers.
- 47.6 Meetings.
- 47.7 Powers and Duties Generally.

SECTION 47.1 APPOINTMENT. The Mayor, with approval of the Council, shall appoint each of five members to the Golf Course Commission. It is intended the Commission should be comprised of members of the public golfing community, country club community and non-golfing community.

SECTION 47.2 TERM. The Commissioners shall be appointed for a term of three (3) years, except when the initial Commission is appointed, one member shall be appointed for a term of one (1) years, two members for a term of two (2) years, two members for a term of three (3) years.

Vacancies shall be filled by the Mayor with approval of Council for the unexpired term of a member whose position becomes vacant.

SECTION 47.3 QUALIFICATIONS.

1. Commissioners must be citizens of Iowa, eligible electors, and residents of the City.
2. No Commissioner shall hold any City Office or be an employee of the City .

SECTION 47.4 COMPENSATION. Commissioners shall serve without compensation, but may be reimbursed for actual expenses including travel expenses, incurred in the performance of any duty described in this chapter, subject to approval of the City Council.

SECTION 47.5 OFFICERS.

1. Selection. A member shall be elected in January of each odd numbered year by a majority of Commission members to chair the Commission. A second member shall be elected a vice-chair. The members serving as chair, vice-chair, and secretary shall have concurrent terms of two years.
2. Duties.
 - a. The member chairing the Commission shall be the presiding officer and rule on all points of order and procedure.
 - b. The member serving as vice-chair shall have all rights and duties of the member chairing the Commission when the chair is absent or otherwise unable to act.
 - c. The Leisure Services Director shall provide administrative support to the Commission for public notices, agendas, minutes, and record keeping.

SECTION 47.6 MEETINGS. The Commission shall hold regular monthly meetings and such other meetings as deemed necessary and called by Commission resolution or by the member serving as the chair. Meetings shall be open to the public as required by Chapter 21 of the Code of Iowa.

SECTION 47.7 POWERS AND DUTIES GENERALLY. The powers and duties of the Commission shall include the following:

1. Recommend annually to the City Council a budget for the operation of the golf course, pro shop, or other operations relating to golf in Waverly.
2. Recommend to the City Council a long-term capital improvement program for the golf course and related facilities including acquisition of the future golf course facilities.
3. Recommend annually to the City Council the establishment of fees and charges for golf activities.
4. Recommend to the City Council policies for the operation of all functions of the golf course and pro shop and oversee the implementation of these policies.

5. Promote golf course activities for the benefit of all citizens of Waverly.
6. Recommend to the City Council terms and conditions of any contracts relating to golfing operations included but not limited to pro shop operations or other contracts with private individuals or enterprises conducting business at the golf course.
7. Provide an annual report to the City Council evaluating the golf operations of the previous season and making recommendations for changes or improvements following consultation with operational personnel and the public.
8. Provide such financial and administrative information and reports on golf operations as requested by the City Administrator.
9. Coordinate activities with the Waverly Leisure Services Director who shall provide communication to and from City Administration and council.
10. Coordinate activities with City Administration to facilitate efficient use of equipment and personnel with the Leisure Services Department and to insure utilization of other department capabilities including Finance and Public Works.

CHAPTER 48

CABLE / TELECOMMUNICATIONS COMMISSION

Sections:

- 48.1 Appointment.
- 48.2 Term.
- 48.3 Qualifications.
- 48.4 Compensation.
- 48.5 Officers.
- 48.6 Director.
- 48.7 Meetings.
- 48.8 Duties and Powers Generally.
- 48.9 Franchise Fees.

SEC. 48.1 APPOINTMENT. The Mayor, with approval of the Council, shall appoint each of five (5) members to the Cable Commission.

SEC. 48.2 TERM. The Commissioners shall be appointed for a term of five (5) years, except when the commission is first created, one member shall be appointed for a term of five (5) years, one member for a term of four (4) years, one member for a term of three (3) years, one member for a term of two (2) years, and one member for a term of one (1) year.

Vacancies shall be filled for the unexpired term of the member whose position becomes vacant.

SEC. 48.3 QUALIFICATIONS.

1. Commissioners must be citizens of Iowa, eligible electors, and residents of the City.
2. No Commissioner shall hold any City Office or be an employee of the City.

SEC. 48.4 COMPENSATION. Commissioners shall serve without compensation, but may be reimbursed for actual expenses, including travel expenses, incurred in the performance of any duty described in this chapter, subject to approval of the City Council.

Reimbursement shall be paid from Cable Television Franchise Fees.

SEC. 48.5 OFFICERS.

1. Selection. A member shall be elected in January of each odd numbered year by a majority of Commission members to chair the Commission. A second member shall be elected as vice-chair. A third member shall be elected as secretary. The members serving as chair, vice-chair, and secretary shall have concurrent terms of two years.
2. Duties.
 - a. The member chairing the Commission shall be the presiding officer and rule on all points of order and procedure.
 - b. The member serving as vice-chair shall have all rights and duties of the member chairing the Commission when the chair is absent or otherwise unable to act.
 - c. The member serving as secretary to the Commission shall:
 1. Provide a notice to the public of each Commission meeting or hearing as required by law.
 2. Record and maintain minutes of the Commissions proceedings including the vote of each member upon each questions or if absent or failing to vote, indicating such fact. Copies of the agenda, minutes or other records of each meeting shall be filed in the City Clerk's Office.

SEC. 48.7 MEETINGS. The Commission shall hold meetings as deemed necessary and called by Commission resolution or by the member serving as the chair. Meetings shall be open to the public as required by Chapter 21 of the Code of Iowa.

SEC. 48.8 POWERS AND DUTIES GENERALLY. The powers and duties of the Commission shall include the following:

1. Review compliance by the Cable Television Franchisee with terms of the Waverly Cable Television Ordinance and Franchise.
2. Evaluate the service provided by the Cable Television Franchisee and Telecommunication providers to subscribers.

3. Review and compare programming and services offered by the Cable Television Franchisee and Telecommunication providers with programming and services offered in other communities.
4. Compare the charges and services of the Waverly Cable Television Franchisee and Telecommunication providers with changes of cable systems and telecommunications providers in other communities.
5. Bring subscriber complaints to the attention of the Cable Television Franchisee and Telecommunication providers and assist in complaint resolution.
6. Advise the City Council regarding recommended changes in the Waverly Cable Television and Telecommunications regulatory ordinances, franchises, or agreements.
7. Monitor Cable Television and Telecommunications industries regarding technology, advancements, opportunities and challenges for the industry and the City of Waverly.
8. Assist the Waverly City Council and the Waverly-Shell Rock School Board in formulating policies governing access to the fiber-optic facility located at the Waverly High School.
9. Facilitate communication with cable television and other telecommunication providers by inviting providers to commission meetings to keep current regarding future plans, pricing and services.
10. Oversee the creation and maintenance of Waverly Community Websites.
11. Perform such other advisory services in the Cable Television and Telecommunications areas as may be assigned by the Waverly City Council.

SEC. 48.9 FRANCHISE FEES. The City Council shall be authorized to annually deposit 50% of all Cable Franchise Fees paid to the City of Waverly into the City's General Fund. The remaining 50% of Cable Franchise Fees paid to the City of Waverly shall be retained in a separate account designed for the purpose of financing the duties and mission of the Cable / Telecommunication Commission.

Any single (one time) expenditure over \$1,500.00 shall be expended from this account only as authorized by the Waverly City Council following receipt of recommendation of the Cable / Telecommunication Commission. The Cable / Telecommunication Commission shall be allowed to expend funds from the Cable Franchise Fees as authorized by the Waverly City Council to perform its duties and mission under this Ordinance.

CHAPTER 49

HISTORIC PRESERVATION COMMISSION

CHAPTER 49

HISTORIC PRESERVATION COMMISSION

Sections:

- 49.1 Appointment.
- 49.2 Term.
- 49.3 Qualifications.
- 49.4 Compensation
- 49.5 Officers
- 49.6 Meetings
- 49.7 Purpose
- 49.8 Definitions
- 49.9 Powers and Duties Generally

Section 49.1 Appointment. The Mayor, with the approval of the City Council shall appoint seven (7) members to the Waverly Historic Preservation Commission. Members shall demonstrate a positive interest in historic preservation and possess interest or expertise in architecture, architectural history, historic preservation, city planning, building rehabilitation, conservation in general or real estate.

Section 49.2 Term. Following appointment of the initial Commission four (4) members shall be appointed for two years and three (3) members for three years. Each member thereafter shall be appointed to serve a term of three years. Terms expire in June.

Section 49.3 Qualifications.

1. General. The Commissioners must be eligible electors and residents of the City.
2. Other Office. No person while on the Commission shall hold any other City Office or be an employee of the City.

Section 49.4 Compensation. The Historic Preservation Commissioners shall serve without compensation, but may be reimbursed for actual expenses, including travel

expenses, incurred in the performance of any duty described in this chapter, subject to approval of the City Council.

Section 49.5 Commission Officers.

1. Selection. Members will elect, by majority, a chairperson, assistant-chairperson, and secretary, in June of each year.
2. Duties.
 - a. The member chairing the Commission shall be the presiding officer and rule on all points of order and procedure.
 - b. The member serving as vice-chair shall have all rights and duties of the member chairing the Commission when the chair is absent or otherwise unable to act.
 - c. The member serving as secretary to the Commission shall:
 1. Provide a notice to the public of each Commission meeting or hearing as required by law.
 2. Record and maintain minutes of the Commission's proceedings including the vote of each member upon each question or if absent or failing to vote, indicating such fact. Copies of the agenda, minutes or other records of each meeting shall be filed in the City Clerk's Office.

Section 49.6 Meetings. The Commission shall hold meetings on a monthly basis or as deemed necessary to meet the State Historic Preservation Office requirement of 3 per year and called by Commission resolution or by the member serving as the chair. Meetings shall be open to the public as required by Chapter 21 of the Code of Iowa.

Section 49.7 Purpose.

The purpose of this ordinance is 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.

Section 49.8 Definitions.

1. Commission. The Waverly Historic Preservation Commission.
2. Historic District. An area which contains a significant portion of archaeological sites, buildings, structures or other improvements which, considered as a whole, possesses integrity of location, design, setting, materials, workmanship, feeling, and association, and
 - a. Embodies the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possess 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 Landmark. 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 that represents a work of a master, or that possesses high artistic values, or that 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.
 - e. Possesses integrity of location, design, setting, materials, skill, feeling and association.

Section 49.9 Powers and Duties Generally. The powers and duties of the Commission shall include the following:

- 1. Conduct studies for the identification and designation of historic districts and historic sites meeting the definitions established by this ordinance.
- 2. Maintain records of all studies and inventories of historic districts or sites for public use.
- 3. Proceed at its own initiative or upon a petition from person, group, or association.
- 4. Make recommendations to the City Council for the listing of a historic district or site in the National Register of Historic Places including written analysis of advantages of such designation and any impact on future development and make recommendation to conduct a joint public hearing thereon.

5. Recommend to the City Council the adoption of ordinances designating historic sites and historic districts if they qualify as defined herein; and
6. The Commission may appoint 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.
7. Cooperate with the federal, state and local governments in the pursuance of the objectives of historic preservation.
8. Provide information for the purpose of historic preservation to the governing body.
9. Promote and conduct an educational and interpretive program on historic properties within its jurisdiction.
10. In addition to those duties and powers specified above, the Commission may, with specific City 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.
 - 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 the approval of the Council, with the state or the federal government or other organizations.
 - f. To recommend to the Council a budget providing for the operations of the Commission.

All such contracts, leases, gifts, property or funds referred to at paragraphs a. through f. above shall be maintained in the name of the City of Waverly and segregated for the purposes of this ordinance and subject to disposition as directed by the Council.

Section 1: Severability

Should any section or provision of this ordinance be decided by a court of this state to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 2: Amendatory Provisions

The City may amend this ordinance to meet any unforeseen circumstances which may affect the duties and responsibilities of the Commission.

Section 3: Effective Date

This ordinance shall take effect immediately upon passage and publication as required by law.

(Ord. 987 11-03-14)