

ORDINANCE NO. 2024-06

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF AVOCA, IOWA, BY ADDING PROVISIONS PERTAINING TO A COMMUNITY CENTER ADVISORY COMMISSION

BE IT ENACTED by the City Council of the City of Avoca, Iowa:

SECTION 1. SECTION ADDED. Section 6.14 of the Code of Ordinances of the City of Avoca, Iowa, is adopted as follows:

6.14 Community Center Advisory Commission.

- A. Definitions. The following terms are defined for use in this chapter:
1. “Commission” means the Community Center Advisory Commission as organized within this section.
 2. “Community center” means the Avoca Veterans Community Center which is located at 112 N. Elm Street.
 3. “Community event” means a community event intended for the benefit or entertainment of the community which is approved by the Council.
 4. “Legion” means the Avoca American Legion Post Number 227.
- B. Commission Organization. The Commission shall consist of five members appointed by the Council following application to the City and review and recommendation by the current Commission. The five members shall have the following qualifications:
1. The Mayor shall be one of the five members. The other four members shall be either a soldier, sailor, Marine, airman, guardian, or Coast Guard veteran of which at least three who shall be members in good standing of the Legion, or one of its auxiliary associations which may include the American Legion Auxiliary or the Sons of the American Legion.
 - a. In the event the Legion ceases to exist the membership of the Commission shall consist of the current Mayor and four other residents of the City.
 2. The term of each Commission member shall be a staggered four-year term. All members except for the Mayor shall be limited to two consecutive terms on the Commission. A Commission member who has served their full four-year term shall not be eligible for reappointment for a minimum of one year following the end of their second term.
 3. Each member, except the Mayor, shall be allowed to serve a maximum of two consecutive full terms. A Commission member who has served their full four-year term shall not be eligible for reappointment for a minimum of one year following the end of their second term.
 4. Vacancies shall be filled in the same manner as the original appointment for the balance of the term. A vacancy which cannot be filled within 40 days may

be filled by a previous member who is within one year of the expiration of the second consecutive term.

5. Removal. Members of the Commission may be removed by either of the following methods:

- a. At the discretion of the Mayor with approval by the Council.
- b. At the discretion of the current Commander of the Legion.
- c. Any member who fails to attend at least half of the schedule meetings during a calendar year.

C. Compensation. Commission members shall serve without compensation but may receive reimbursement for expenses incurred in the performance of their duties following Council approval.

D. Meetings. The Commission shall meet at least quarterly, which shall be scheduled for the second Tuesday of each month.

E. Officers. The Commission shall choose annually from its membership a Chairperson, Vice Chairperson, and Secretary.

F. Treasurer. The Clerk shall serve as treasurer for the Commission.

G. Ex-Officio. The City Administrator shall be an ex-officio member of the Commission and shall serve as its administrator but shall not have voting rights. In addition, the City Administrator shall not hold any office on the Commission.

H. Personnel. The Commission shall not oversee or manage any City employees. They shall not hire or fire employees.

I. The Commission shall be advisory in nature and shall review and provide recommendations to the Council regarding new and current policies, facility improvements, and rules. The final decision on all matters shall reside with the Council.

J. Events. The Commission shall arrange for a process and system for event booking at the community center. The process shall include the submission of events to the City Administrator, or their designee, for approval and processing.

1. The City shall be responsible for the administrative operation regarding the operation of the venue including the scheduling, coordinating event needs, collecting revenue, drafting forms, recording and storage of rental agreements, pre-event staging, post event clean-up and general maintenance.

2. Priority of use shall be as follows:

- a. The Legion and their auxiliary organizations which are limited to the following:

- (1) American Legion Auxiliary.
- (2) Sons of the American Legion.

- b. The City.

- c. Revenue generating rentals and privately organized events.

- d. Once an event has been confirmed and paid for the event shall not be superseded by any other event unless the event is cancelled by the organizer.

3. Funerals. Funerals shall comply with the City's standard rental requirements for the venue. However, should the deceased be an active member of the Legion, or a Legion auxiliary organization identified in Subparagraph a above their funeral service may be considered a first priority event. This does not apply to family members of an active Legion member.

K. Alcohol. The City hereby agrees that alcohol sales shall be allowed at the community center for events and that the Legion shall be the sole organization to handle the sale of alcohol at the venue.

1. Legion Responsibilities.

a. The Legion shall adequately staff the bar for all events when alcohol service is requested, and reservation is made at least 30 days in advance of the event date.

b. The Legion shall handle all pre-event staging and post event clean-up of the bar area for each event in which alcohol service is provided.

c. The Legion shall provide 25 percent of their net alcohol revenues obtained during community events sponsored by the City to help provide for maintenance of the facility.

d. The Legion shall be responsible for the licensing, expenses, insurance, and revenues needed to provide alcoholic beverage services at the community center

L. Capital Improvements. The City shall be responsible for capital improvements to the facility within the constraints of the approved budget. The Commission shall submit an annual budget request to the City Administrator no later than November 30 with any improvements that are desired. The Council shall have the sole discretion to approve all improvements to the venue.

M. Gifts. The Commission shall not accept or take possession of any gifts including gifts of real property, personal property, financial instruments, or bequests without the prior approval of the Council. All gifts, if accepted, shall become the property of and titled in the name of the City.

N. Rules and Regulations. The Council shall approve the rules and regulations for the community center following a review and recommendation of the Commission. The Commission may submit to Council a request for modification or addition of rules as necessary.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the 16th day of July, 2024, and approved this 16th day of July, 2024.

Thomas J. Bried

Mayor

ATTEST:

Teresa M Hoepner

City Clerk

First Reading: July 16, 2024__

Second Reading: waived

Third Reading: waived

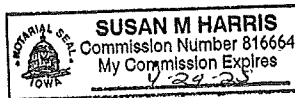
I certify that the foregoing was published as Ordinance No. 2024-06 on the 25th day of July, 2024_.

Teresa M Hoepner

City Clerk

PUBLISHER'S AFFIDAVIT
AVOCA, IOWA
POTTAWATTAMIE COUNTY

I, Donald L. Nielson, having been sworn, depose and say that I am the publisher of The Journal-Herald, weekly newspaper printed at Avoca, Pottawattamie County, Iowa, that the annexed printed notice was published in said newspaper consecutive weeks, and the last of said publication was on the day of 2024



Sworn to before me and subscribed in my presence by the said Donald L. Nielson this day of 2024

Susan M. Harris

Notary Public In and For Pottawattamie County, Iowa

Avoca City Ordinance No. 2024-06

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Passed by the Council the 16th day of July, 2024, and approved this 16th day of July, 2024.

Tom Bruck
Mayor

ATTEST: Teresa M Hoepner
City Clerk

First Reading: July 16, 2024
Second Reading: waived
Third Reading: waived

I certify that the foregoing was published as Ordinance No. 2024-06 on the 25th day of July, 2024.

Teresa M Hoepner
City Clerk