

CITY OF AVOCA  
ORDINANCE 2023-05  
AN ORDINANCE AMENDING SECTION 2.7 AND 2.9 OF THE AVOCA CITY CODE  
PERTAINING TO COMPENSATION OF THE MAYOR, AND CITY COUNCIL

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

SECTION 1. Section Modified. Section 2.7 of the Code of Ordinances of the City of Avoca, Iowa, is repealed and the following adopted in lieu of:

**2.7 Mayor.**

**A. Duties.** The powers and duties of the Mayor shall be as follows:

1. **Duties Delegable.** The Mayor shall have the powers and duties provided by law and ordinance except to the extent that any of such powers or duties shall be specifically delegated to another officer of the City by ordinance or resolution.
2. **Presiding Officer.** The Mayor shall act as presiding officer at all regular and special Council meetings. The Mayor Pro Tem shall serve in this capacity in the Mayor's absence.
3. **Mayor's Veto.** The Mayor may sign, veto or take no action on an ordinance, amendment or resolution passed by the Council. If the Mayor exercises the veto power, the Mayor must explain the reason for such veto in a written message to the Council at the time of the veto. Within thirty (30) days after the Mayor's veto, the Council may override the Mayor's veto by a two-thirds majority of the Council members.
4. **Appointments.** The Mayor shall appoint a council member as Mayor Pro Tem, and shall appoint and dismiss the Chief of Police. However, the appointment and dismissal of the Chief of Police is subject to consent of a majority of the City Council. The Mayor shall make other such appointments as set forth in other chapters of this Code of Ordinances.
5. **Voting.** The Mayor is not a member of the Council and may not vote as a member of the Council.

**B. Compensation.**

1. The salary of the Mayor is currently \$800.00 per year plus \$25.00 per regular meeting and \$35.00 dollars for any special meeting attended.
2. Effective January 1, 2024, the salary of the Mayor is \$3,000.00 per year and \$50.00 per meeting attended and \$50.00 for each board meeting attended, provided public notice is given of such board meeting and minutes are taken at such meeting. It is understood that all compensable board meetings shall be held at the Fire Hall, or another public place designated in the public notice.
3. In the event that the City does not have a City Administrator or Acting City Administrator and the Mayor takes on additional responsibility in their absence the Mayor's salary shall be \$3,000.00 per year and \$50.00 per meeting with an additional \$1,500.00 per month.
4. Mayor compensation shall be payable annually.

SECTION 2. Section Modified. Section 2.9 of the Code of Ordinances of the City of Avoca, Iowa, is repealed and the following adopted in lieu of:

**2.9 City Council.** The Council shall possess and may exercise all executive, legislative, and judicial powers not inconsistent with statutes applicable to cities and conferred by law upon councils or cities organized under the general laws of this state. The powers and duties of the Council shall include, but are not limited to the following:

- A. General.** All municipal authority of the City is vested in the City Council except as expressly or impliedly delegated to any of the following by this Code:
  - 1. **City Administrator.** All authority delegated to the City Administrator is derived from the authority of the City Council and City Council may review, modify, reverse or affirm any decision of the City Administrator by majority vote
  - 2. **Library Board of Trustees**
  - 3. **Park Board**
  - 4. **Golf Board**
  - 5. **Water Board of Trustees**
  - 6. **Sanitary Sewer Board of Trustees**
  - 7. **Stormwater Board of Trustees**
  - 8. **Board of Adjustment**
  - 9. **The City Council may review, affirm, reverse or modify the decision or actions of the above listed boards or commissions on appeal. However, the City Council may not review any actions of the Library Board. Any board member or City Council member may ask for review as set out herein by placing the review on the agenda. Any action by the City Council on review must be by majority vote**
  - 10. **The City Council may terminate or remove any appointed official, board or commission member or City Administrator as provided in Iowa Code 372.15. This sub-section shall not apply to the Library Board.**
- B. Wards.** By ordinance, the Council may divide the City into wards based upon population, change the boundaries of wards, eliminate wards or create new wards.
- C. Fiscal Authority.** The Council shall apportion and appropriate all funds, and audit and allow all bills, accounts, payrolls and claims, and order payment thereof. It shall make all assessments for the cost of street improvements, sidewalks, sewers and other work, improvements or repairs which may be specially assessed.
- D. Public Improvements.** The Council shall make all orders for the doing of work, or the making or construction of any improvements, bridges or buildings. The Council may authorize the making of contracts, and no contract shall bind or be obligatory upon the City unless either made by resolution, unless the Council has delegated authority for the making of the contract to another appointed officer or board of the City or City Administrator.
- E. Contracts.** The council may authorize the making of contracts, and no contracts shall bind or be obligatory upon the city unless either made by resolution or the council has delegated authority for the making of the contract to another appointed officer, City Administrator or board of the city.

- F. Employees Compensation.** The Council shall authorize, by resolution, the number, duties and compensation of all employees not otherwise provided for by law or this Code.
- G. Rules.** The Council shall determine the rules of its own proceedings by resolution and the clerk shall keep such rules on file for public inspection.
- H. Compensation.**
1. The salary of each Council member is currently \$25.00 for regular meetings and \$35.00 for special meetings.
  2. Effective January 1, 2024, the salary of each Council member shall be \$35.00 for each meeting attended and \$35.00 for each board meeting said council member attends, provided public notice is given of such board meeting and minutes are taken at such meeting. It is understood that all compensable board meetings shall be held at the Fire Hall, or another public place designated in the public notice. Further compensable board meetings shall be only those meetings called or approved by the Mayor or City Administrator.
  3. Council compensation shall be payable annually.

SECTION 3. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. Severability. If any section, provision or part of this ordinance shall be adjudged to be unconstitutional or invalid, such adjudication shall not affect the validity of this ordinance as a whole, or any section, provision or part thereof not adjudged unconstitutional or invalid.

SECTION 5. Effective Date. This ordinance shall be effective from and after its final passage, approval and publication as provided by law.

First Reading Passed: 09-19-2023

Second Reading Passed: 10-17-2023

Third Reading Passed: Waived



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Tom Bruck, Mayor

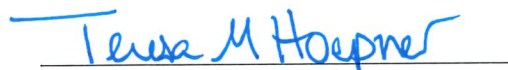
ATTEST:



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Teresa M Hoepner, City Clerk

**CLERK'S CERTIFICATE**

I, Teresa Hoepner, do hereby certify that I am the duly appointed, qualified and acting City Clerk of the City of Avoca, Iowa, and that the above and foregoing is a true and correct copy of an ordinance passed by the City Council of the City of Avoca, Iowa, as provided by law on the 17th day of October, 2023, and published as provided by law on the 26th day of October, 2023 at 8:00 a.m.



Teresa Hoepner, City Clerk