

**ORDINANCE NO. 1542**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF DENISON, IOWA REGARDING CONTACT WITH THE CITY ATTORNEY**

**WHEREAS**, the City of Denison, Iowa has regulations to, among other reasons, reduce costs and those regulations provide guidance on elected officials working with City staff and third-party vendors; and

**WHEREAS**, the City of Denison, from time to time, reviews the language of the Code of Ordinances to update language when necessary to address the changing needs of the City; and

**WHEREAS**, while the City Council of Denison prefers that contact with the City Attorney go through staff whenever possible, it is recommended that the Code of Ordinances be updated to provide the Mayor with the authority to contact the City Attorney, with approval from two Council members, if there is an issue where it would be inappropriate for either the City Manager or City Clerk to contact the City Attorney.

**NOW THEREFORE BE IT RESOLVED** by the City Council of Denison, Iowa that it hereby amends City Code Chapter 15 to allow the Mayor to contact the City Attorney on certain issues after receiving approval from two Council members. The Council further authorizes City staff to take all action necessary to effectuate this change, as follows:

**SECTION 1. SECTION MODIFIED.** Chapter 15, Subsection 02(1) of the Code of Ordinances of the City of Denison, Iowa, is repealed and the following adopted in lieu thereof (changes italicized and in bold):

1. Chief Executive Officer. Act as the chief executive officer of the City and presiding officer of the Council. The Mayor shall not, however, have any supervisory authority over City employees or officers, unless expressly required by state law, as all such authority has been delegated to the City Manager. The Mayor's lack of authority includes, but is not limited to, a lack of authority to direct the work of any of the City's employees or its appointed officers. *However, upon receiving approval from two Council Members, the Mayor shall have the authority to contact the City Attorney to discuss an issue when it would be inappropriate for either the City Manager or City Clerk to contact the City Attorney.*

(Code of Iowa, Section 372.14(1))

THE REMAINDER OF SUBSECTION 15.02 REMAINS UNCHANGED.

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 REPEALER.** All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 4. 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 5. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed First Reading by the City Council of Denison, Iowa, 16th day of November 2021.

Waived Second & Third Readings by the City Council of Denison, Iowa, the 16<sup>th</sup> day of November 2021.

**PASSED AND ENACTED** by the City Council of Denison, Iowa, the 16<sup>th</sup> day of November 2021.

  
Pamela Soseman, Mayor

Attest:

  
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Lisa K. Koch, City Clerk

#### CERTIFICATE

I, Lisa K. Koch, City Clerk of the City of Denison, Iowa, hereby certify that the foregoing Ordinance No. 1542 was published in a Denison Newspaper published at least once weekly and having general circulation in the City of Denison, Iowa on the 19th day of November 2021.

  
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Lisa K. Koch, City Clerk