

**CHAPTER 2**

**Administration and Personnel**

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## ARTICLE I

### In General

#### **Sec. 2-1. City seal.**

(A) Described. The seal of the City shall consist of a center circular field and an encircling field, such fields being separated from each other by a raised circular rim. The encircling field shall be circumscribed by an outer and final circular raised rim. Within the foreground of the center field the representation of two (2) miners at work with pick and shovel shall be in relief; on the background of the center field a representation of mountain peaks, across which the word "Seal," shall be in relief; beneath the foreground and within the center field shall appear in relief the following words and figures: "March 9, 1878"; above the background and within the center field shall appear in relief the word "Organized"; and within and around the encircling field shall appear in relief the following words: "Idaho Springs, Clear Creek County, Colorado."

(B) Use. The City seal shall be affixed to any document for purposes of authentication under the provisions of the statute in such cases made and provided, and to ordinances of the City. The seal shall be affixed to every contract or other instrument requiring the seal of the City under any law of the State or any ordinance.  
(Ord. 8 §1, 2006)

#### **Sec. 2-2. Oath for City officers.**

Each and every officer of the City, whether elected or appointed, shall, before entering upon the duties of his or her office, make and subscribe an oath before a proper officer that he or she will support the Constitution of the United States, the Constitution and laws of the State and the ordinances of the City, and that he or she will well and truly perform the duties of his or her office to the best of his or her skill and ability.  
(Ord. 8 §1, 2006)

#### **Sec. 2-3. Compensation of Mayor and Councilmembers.**

(A) Mayor. The Mayor shall be compensated at the rate of two thousand four hundred dollars (\$2,400.00) per calendar quarter of service as such.

(B) Councilmembers. Each member of the City Council shall be compensated at the rate of one thousand two hundred dollars (\$1,200.00) per calendar quarter of service as such.

(C) Proration. If the Mayor or any Councilmember shall serve less than a full calendar quarter, the compensation payable to such officer shall be prorated based upon the number of days actually served in such calendar quarter.

(D) Expenses. All necessary and reasonable expenses incurred by the Mayor and any Councilmember in the performance of his or her duties as such shall be reimbursed by the City upon presentation of appropriate written documentation.  
(Ord. 8 §1, 2006; Ord. 10 §§1, 2 2007)

#### **Sec. 2-4. Appointed officers.**

(A) Not later than the fifteenth day of February of each year next following a regular municipal election, the City Council shall appoint a qualified person to fill each of the following offices, such person to serve from the date of appointment until his or her successor is appointed and qualifies:

- (1) City Administrator.
- (2) Chief of Police.
- (3) Municipal Judge.
- (4) City Attorney.

(B) Residence in the City shall not be a qualification for a person to serve in any of the offices set forth in Subsection (A) above.

(C) The compensation of all such officers shall be fixed by ordinance, except that the ordinances fixing compensation of the Municipal Judge and City Attorney may do so by reference to a contract approved by the City Council.

(D) One (1) person may hold two (2) or more appointive offices if compatible with the interests of the City government as determined by the City Council.  
(Ord. 8 §1, 2006)

**Sec. 2-5. Departments established.**

The departments listed below are hereby established, and the functions of the City government shall be divided into and allocated among them as provided in this Chapter:

- (1) Administration.
  - (2) Public Works.
  - (3) Police.
- (Ord. 8 §1, 2006)

**Sec. 2-6. Surveyor; Auditor; other professional service contracts.**

(A) Surveyor. The City Council may from time to time designate and contract with a person currently licensed and registered as a land surveyor in the State to serve on a task-order basis as City Surveyor. While so designated and engaged, the City Surveyor shall perform such surveying duties as the Mayor and City Council may from time to time direct. All such work shall be performed in accordance with the laws of the State.

(B) Auditor. The City Council shall designate and contract with a certified public accountant currently licensed as such in the State to serve as City Auditor. The City Auditor shall each year perform an annual audit of the financial statements of the City, in accordance with and subject to the provisions of the Colorado Local Government Audit Law, Section 29-1-601 *et seq.*, C.R.S., as amended.

(C) Other. The City Council may from time to time designate and contract with other qualified persons to furnish and perform on a task-order basis such other professional services, including without limitation engineering, for or on behalf of the City, as the City Council may from time to time direct.  
(Ord. 8 §1, 2006)

**Sec. 2-7—2-10. Reserved.**

**ARTICLE II**

**City Council**

**Sec. 2-11. Terms of office.**

At each regular municipal election, three (3) Councilmembers, one (1) from each ward, shall be elected to serve four-year terms.  
(Ord. 8 §1, 2006)

**Sec. 2-12. Time and place of regular meetings.**

The City Council shall hold two (2) regular meetings each month, one (1) on the second and one (1) on the fourth Monday of each month, unless such Monday falls on a legal holiday as designated annually by the City Council, in which case such meeting may be cancelled or rescheduled to a different date by the City Council. Unless otherwise stated in a meeting notice, all regular meetings of the City Council shall commence at the hour of 7:00 p.m., and be held at the City Hall.  
(Ord. 8 §1, 2006)

**Sec. 2-13. Special meetings.**

Special meetings may be called and held from time to time, and notice thereof shall be given to the public, the Mayor and members of the City Council, all as provided by the laws of the State.  
(Ord. 8 §1, 2006)

**Sec. 2-14. Mayor; Mayor Pro Tem.**

The Mayor shall preside at all meetings of the City Council and shall be entitled to vote on all matters pending before the City Council. Not less than forty-five (45) days after each regular municipal election, the City Council shall choose one (1) Councilmember as Mayor Pro Tem who, in the Mayor's absence, shall perform the Mayor's duties.  
(Ord. 8 §1, 2006)

**Sec. 2-15. Quorum; voting.**

(A) No action shall be taken by the City Council except at a meeting and unless a quorum is present. Four (4) members of the City Council, including the Mayor, shall constitute a quorum. In the event that vacancies, but not absences, on the City Council, inclusive of a vacancy in the office of Mayor, cause the number of sitting Councilmembers to fall below four (4), then the number of members necessary to constitute a quorum shall be reduced by one (1) so that business may be transacted until one (1) or more such vacancies are filled.

(B) Subject to Subsection (D) below, a quorum shall be deemed present if the requisite number of Councilmembers are present in the room where the meeting is being conducted.

(C) A quorum shall be deemed lost as to any measure before the City Council if, at the time the measure is put to the question, less than the requisite number of Councilmembers are present in the room where the meeting is being conducted.

(D) A Councilmember shall not be counted for purposes of determining the presence of a quorum as to any measure before the City Council, nor shall such Councilmember vote thereon, if disqualified from voting on such measure pursuant to Section 24-18-109(3)(a) or 31-4-404(2), C.R.S., as amended.

(E) A Councilmember may vote on any measure before the City Council, notwithstanding such Councilmember's disqualification under Subsection (D) above, if the Councilmember's participation is necessary to obtain a quorum or otherwise to enable the City Council to act, and if such Councilmember complies with the voluntary disclosure procedures provided in Section 24-18-110, C.R.S., as amended.

(F) Ordinances, resolutions or orders for the appropriation of money, the adoption or amendment of the City budget or the entering into of a contract shall require the affirmative vote of a majority of the membership of the City Council. Unless otherwise specifically provided, all other measures or actions may be taken or approved by a majority vote of the membership present at the time.

(G) In the event there are four (4) or more vacancies existing at a given time on the City Council, or where legally disqualifying conflicts of interest prohibit three (3) or more Councilmembers from voting on a matter as described in Subsection (F) above, the number of votes necessary to approve an action described in Subsection (F) shall be reduced by one (1).

(H) At any meeting at which a quorum is not present, the Councilmembers present may fix a time and place to which to adjourn the meeting. Notice of such adjourned meeting shall be given to all Councilmembers in the same manner required for notice of special meetings.  
(Ord. 8 §1, 2006)

**Sec. 2-16. Agenda.**

All reports, communications, ordinances, resolutions, contracts, documents or other matters to be submitted at any meeting of the City Council shall be submitted in advance of each meeting to the City Clerk, who shall prepare an agenda for the meeting. Prior to the meeting, each Councilmember, the Mayor and City Attorney shall be furnished with a copy of the agenda, together with a copy of the minutes of the last preceding meeting.  
(Ord. 8 §1, 2006)

**Sec. 2-17. Authority of presiding officer.**

The Mayor or other presiding officer shall preserve order and shall decide questions of order, subject to appeal to the City Council. All questions relating to the priority of business shall be decided by the Mayor, or other presiding officer, without debate.

(Ord. 8 §1, 2006)

**Sec. 2-18. General rules of order.**

The maintenance of order, rules of procedure and order of business, in all respects not specifically provided for in this Chapter, shall be in accordance with the provisions of *Robert's Rules of Order, Newly Revised*, insofar as they are applicable to govern deliberative and legislative assemblies and are not in conflict with the provisions of this Chapter or the laws of the State.

(Ord. 8 §1, 2006)

**Sec. 2-19. Regulations as to Councilmembers.**

Any Councilmember desirous of speaking shall address the Mayor or other presiding officer as "Mr./Madam Mayor," but shall not proceed further until recognized and named by the Chair.

(Ord. 8 §1, 2006)

**Sec. 2-20. Committees.**

The Mayor may appoint such committees from time to time as deemed necessary or convenient for the good government of the City, with the concurrence of the City Council.

(Ord. 8 §1, 2006)

**Sec. 2-21. Absences.**

Any Councilmember who is absent from any meeting without reasonable cause may be compelled to attend by order of the City Council, and it shall be the duty of any police officer to execute such order and bring such absentee before the City Council. Persistent, unexcused absence from meetings shall be cause for expulsion from the City Council, and absence from three (3) consecutive regular meetings without a reasonable excuse shall be evidence of such cause.

(Ord. 8 §1, 2006)

**Sec. 2-22—2-30. Reserved.**

**ARTICLE III**

**Mayor**

**Sec. 2-31. Term of office.**

The Mayor shall be elected to serve a term of office of four (4) years.

(Ord. 8 §1, 2006)

**Sec. 2-32. Powers and duties generally.**

The Mayor shall preside over the meetings of the City Council, and shall perform such duties as may be required of the Mayor by statute, the provisions of this Code or other ordinances of the City. The Mayor shall be entitled to vote on all matters pending before the City Council.

(Ord. 8 §1, 2006)

**Sec. 2-33—2-40. Reserved.**

## ARTICLE IV

### Independent Officers

#### Sec. 2-41. City Clerk.

(A) The City Clerk shall be elected to serve a term of office of four (4) years.

(B) In addition to performing such duties as may be imposed upon the City Clerk by the laws of the State, the City Clerk shall have and perform the following duties and responsibilities:

- (1) Collect and properly account for fees imposed by the City.
- (2) Prepare and mail water/wastewater billings by the third business day of each collection period; keep computer software for billing and meter reading updated; implement rate changes; collect all water/wastewater fees and charges; administer the issuance of water/wastewater tap permits, keeping a record showing the name of the person to whom each permit is issued, the amount paid therefor, the address of the premises covered by such permit, the purpose and length of time for which such permit is issued and the time of expiration thereof, if applicable; prepare and mail bi-monthly water/wastewater delinquency lists and pursue the collection of delinquent water/wastewater accounts; and coordinate the processing of applications for utility rate relief.
- (3) Act as official custodian of all public records of the City except criminal justice records.
- (4) Act as sexton of the City Cemetery; and maintain burial records and issue plot deeds.
- (5) Furnish certified copies of public records in the City Clerk's official custody upon payment of such fees as are allowed to the County Clerk and Recorder for similar services; such fees are the property of the City upon collection.
- (6) Prepare and issue all licenses issued by the City, except as otherwise provided in this Code, keeping a complete and accurate record of the name of each licensee, the amount paid for the license, the purpose and length of time for which the license was issued and the expiration date thereof.
- (7) Generate a daily posting of water/wastewater and all other monies collected; balance the cash drawer; and prepare the daily deposit.
- (8) Attend all scheduled meetings of the Local Liquor Licensing Authority and serve as secretary thereto; arrange a court reporter's presence at liquor licensing hearings as necessary; distribute and review all liquor license applications for completeness; accept changes of corporate structure, changes of trade name or corporate name and manager registrations, and report the same to City Council; refer liquor license applications to the Chief of Police and City Attorney for statutory compliance review prior to consideration by the Authority; assess and collect application fees and issue the local license upon approval; maintain records of liquor licenses and notify the Chief of Police of any violations; and maintain a working knowledge of state and local liquor and fermented malt beverage statutes and regulations.
- (9) Organize and maintain the City's archives and records room.
- (10) Cause timely publication of the City Council's proceedings relating to contracts, rebates and the payment of bills, all as provided by law.
- (11) Maintain the City's website.
- (12) Coordinate the preparation and distribution of the agenda and meeting packets for all the City Council meetings and work sessions.
- (13) Greet the public and answer questions at the City Clerk's window in the City Hall.
- (14) Perform such other administrative/clerical tasks as may be assigned from time to time by the Mayor, reporting to the Mayor in connection therewith; any dispute between the Mayor and the City Clerk involving such duties or the performance thereof shall be resolved by the City Council.

- (15) Serve as Deputy City Treasurer.
  - (16) Maintain regular office hours on all days on which the City Hall is open for business.
  - (17) Coordinate in advance with the Mayor and City Administrator for all time off, including vacation and leave, to ensure coverage of duties; all such time off must be approved in advance by the Mayor, with any disputes involving time off, vacation or leave to be resolved by the City Council.
- (Ord. 8 §1, 2006)

**Sec. 2-42. City Treasurer.**

- (A) The City Treasurer shall be elected to serve a term of office of four (4) years.
  - (B) In addition to performing such duties as may be imposed upon the City Treasurer by the laws of the State, the City Treasurer shall have and perform the following duties and responsibilities:
    - (1) Reconcile all funds and appropriations of the City to monthly statements issued by all banks at which the City has funds on deposit, not less frequently than monthly.
    - (2) Prepare and submit to the City Council in a timely manner after the close of each month a full and detailed account of all receipts and expenditures, and of all of the City Treasurer's transactions during the preceding month, showing in each such account the state of the treasury at the close of said month.
    - (3) Prepare and submit to the City Council in a timely manner after the close of each fiscal year a full and detailed account of all receipts and expenditures, and of all of the City Treasurer's transactions during the preceding fiscal year, showing in each such account the state of the treasury at the close of said fiscal year.
    - (4) Keep an accurate and detailed account of all bonds and other evidences of indebtedness issued by the City, specifying the ordinance under which the same were issued, the amount, the purpose, the name of the holder, the maturity, the paying agent and the amount of interest paid on such bonds.
    - (5) Record all invoices to the City and, upon approval of the City Council, issue payment of the same; and provide a complete listing of pending invoices to be included in each City Council meeting packet.
    - (6) Serve as Deputy City Clerk.
- (Ord. 8 §1, 2006)

**Sec. 2-43. City Attorney.**

- (A) Appointment. The City Council shall appoint a person currently licensed to practice law in the State to serve as City Attorney. The City Attorney shall be a statutory officer of the City and shall report directly to and be subject to the direct management of the Mayor for day-to-day operations and responsible to the City Council in matters of policy and for the efficient and effective performance of the duties and responsibilities specified in Subsection (B) below.
- (B) Powers and duties. The City Attorney shall have the following responsibilities:
  - (1) Act as general municipal counsel to and furnish legal advice and representation to the City, as directed by the City Council.
  - (2) Prepare, or supervise the preparation of, and review all ordinances, contracts, bonds and other written instruments which are submitted by the City for preparation or legal review, and furnish advice as to the legal consequences thereof.
  - (3) Call to the attention of the City all matters of law, and changes and developments therein, affecting the City.
  - (4) Perform such other duties as may be prescribed by the City Council, by contract or otherwise.

(C) Right to be heard. The City Attorney shall have the right to be heard upon all questions or motions before the City Council amending, repealing or in any manner affecting any ordinance in force or proposed for adoption by the City Council.  
(Ord. 8 §1, 2006)

**Sec. 2-44—2-50. Reserved.**

## **ARTICLE V**

### **Administration Department**

**Sec. 2-51. Organization; responsibilities.**

(A) The Administration Department shall consist of the City Administrator, one (1) or more administrative secretaries, the Building Official, the City Planner, the Municipal Court Clerk and such other persons as the City Council shall deem necessary for the good government of the City.

(B) The Administration Department shall be managed and supervised by the City Administrator and shall have the following responsibilities:

- (1) Prepare a proposed annual budget for consideration and adoption by the City Council, and administer the annual budget of the Administration Department, as adopted.
  - (2) Exercise proper care and custody of all property, public and private, entrusted to it; prepare and maintain inventories of the same; and account for the same as required by the City Council.
  - (3) Exercise the management, organizational and financial control of all programs within the Administration Department.
  - (4) Develop, propose to the City Council for adoption, maintain, administer and enforce appropriate policies and guidelines, including position descriptions for City employees, the City Clerk and the City Treasurer, except that the compensation and benefits provided for all employee positions and offices shall be determined by the City Council.
  - (5) Administer the employee benefits programs of the City.
  - (6) Administer the purchases and contracts of the City, and the transfer, sale or exchange of surplus City property.
  - (7) Oversee the City's insurance coverage, annual renewal, claims reporting and all correspondence regarding the same.
  - (8) Direct and maintain inventory and accounting records of supplies purchased by the City.
  - (9) Administer and enforce the land use and development codes and regulations of the City.
  - (10) Develop and implement neighborhood planning, redevelopment and maintenance strategies, including fair housing and economic development.
  - (11) Monitor, develop and propose amendments to the City's Comprehensive Plan, as adopted by the City Council.
  - (12) Furnish adequate and appropriate staff support to the City Council, Planning Commission and such other boards, committees and commissions of the municipal government as the City Council may from time to time direct.
  - (13) Perform such other duties as may be prescribed by the City Council.
- (Ord. 8 §1, 2006)

**Sec. 2-52. Rules and regulations.**

The Administration Department shall be operated and managed in accordance with such rules and regulations as may from time to time be prepared and recommended by the City Administrator and approved by the City Council. (Ord. 8 §1, 2006)

**Sec. 2-53. City Administrator.**

(A) The City Administrator shall be an officer of the City who shall be selected and appointed by the City Council pursuant to Section 2-4 above, solely on the basis of professional experience and qualifications.

(B) The City Administrator shall be the chief administrative officer of the City, and shall have and exercise managerial and supervisory authority over the administrative secretaries, the Building Official, the City Planner, the Municipal Court Clerk and any other persons employed as members of the Administration Department.

(C) The City Administrator shall be directly responsible to the Mayor for day-to-day operations and to the City Council in matters of policy and for the efficient and effective performance of the duties and responsibilities assigned to the Administration Department in Subsection 2-51(B) above.

(D) The City Administrator shall have the power and authority to hire, discipline and terminate the employment of all employees of the Administration Department other than the Building Official or City Planner; provided, however, that the City Council may countermand or set aside any personnel action taken by the City Administrator at any time.

(E) In addition to discharging the responsibilities imposed upon the City Administrator by Subsections (B) and (C) above, the City Administrator shall perform the following:

- (1) Attend all scheduled City Council meetings and work sessions, participate in discussions and make recommendations to the City Council; provide administrative updates for all City Council meetings; and direct the implementation of the City Council policies, directives and approved projects.
- (2) Ensure that all department heads are performing employee evaluations as required.
- (3) Oversee human resources activities for the City in cooperation with other department heads; serve as support to personnel review board and administrative committees; maintain confidential personnel files; and inform permanent/full-time employees of available benefits.
- (4) Serve as safety coordinator.
- (5) Serve as planning and development coordinator for the City.
- (6) Attend appropriate meetings of organizations whose activities may affect the operation of the City and provide the City Council with updates of these organizational activities.
- (7) Present reports to commissions, boards and the City Council regarding projects, plans, ordinances and other planning-related matters.
- (8) Serve as public relations contact for the City. Duties include but are not limited to performing citizen outreach and intergovernmental relations activities for the City and providing a liaison with various intergovernmental agencies, civic groups and the public.
- (9) Supervise Administration Department staff, including the Municipal Court, Building Department and planning, administrative secretary and payroll administration; assist in the pickup and delivery of mail; provide relief and backup for answering the telephones; and assist in any other functions of the administration of the City government as may be required.
- (10) Research and advise the City Council on grants and other financial techniques and strategies.
- (11) Write grant applications; administer funded grants in accordance with the contracting agency; and monitor to ensure that grant projects are done within the scope of services and in a timely manner, and that required reporting is accomplished.

(12) Assist with special projects and studies when necessary, including review and analysis of project proposals for environmental effects and consistency with ordinances and general plan elements; prepare technical and factual reports of proposed projects; and evaluate plans and reports from other agencies.

(13) Perform any additional duties as directed by the Mayor or the City Council.  
(Ord. 8 §1, 2006)

**Sec. 2-54. Building Official.**

(A) The Building Official shall be an employee or independent contractor of the City, who shall be selected and employed by the City Council solely on the basis of professional experience and qualifications.

(B) The Building Official shall have the power and responsibility to administer and enforce the building and zoning regulations of the City. The powers of the Building Official include all those expressly granted to the Building Official by any such codes and regulations as they are adopted and amended from time to time by the City Council.

(C) The Building Official shall report to and be subject to the direct management and control of the City Administrator.  
(Ord. 8 §1, 2006)

**Sec. 2-55. City Planner.**

(A) The City Planner shall be an employee or independent contractor of the City, who shall be selected and employed by the City Council solely on the basis of professional experience and qualifications.

(B) The City Planner shall have the powers and responsibilities set forth in Chapter 21 (Zoning) and Chapter 24 (Subdivision Regulations), and have any other duties specifically assigned by the City Administrator, Mayor or City Council.

(C) The City Planner shall report to and be subject to the direct management and control of the City Administrator.  
(Ord. 8 §1, 2006)

**Sec. 2-56—2-60. Reserved.**

**ARTICLE VI**

**Public Works Department**

**Sec. 2-61. Organization; responsibilities.**

(A) The Public Works Department shall consist of a person designated by the City Council from time to time to oversee the operations of the Public Works Department and such other persons as the City Council shall deem necessary for the good government of the City.

(B) The Public Works Department shall be managed by such designated person, and shall have the following responsibilities:

- (1) Prepare and timely submit to the City Administrator written budget estimates for the Public Works Department, and administer the annual budget of the Public Works Department, as adopted.
- (2) Exercise proper care and custody of all property, public and private, entrusted to it; prepare and maintain inventories of the same; and account for the same as required by the City Council.
- (3) Administer and enforce all regulations of the City governing excavations in, access to and uses of City streets and other property.
- (4) Administer and enforce the conveyance and acceptance of the public improvement provisions of this Code.
- (5) Maintain, repair and service all equipment and other City property in its custody or subject to its control.

- (6) Maintain and operate the City's water and wastewater treatment plants.
  - (7) Maintain City buildings and parks and open space properties.
  - (8) Maintain the Idaho Springs Cemetery; open and close graves as directed by the City Clerk; and coordinate with the City Clerk in the preparation and maintenance of accurate burial records.
  - (9) Plan, design, administer, coordinate and maintain the public works of the City, including the water, sanitary sewer and stormwater utilities and collection and distribution systems.
  - (10) Prepare and maintain official maps of the City and acquire the necessary easements, rights-of-way and real property for City public works, parks, open space and utility facilities.
  - (11) Plan, design and operate the City street lighting and other electrically operated traffic control devices.
  - (12) Regulate and maintain public streets, alleys and municipal parking areas within the City; clean improved public streets; and remove snow from streets designated for plowing.
  - (13) Maintain and preserve all records of engineering work performed by or for the City.
  - (14) Develop, maintain and implement master utility plans for the water, sanitary sewer and stormwater utilities.
  - (15) Perform such other duties as may be prescribed by the Mayor or the City Council.
- (Ord. 8 §1, 2006)

**Sec. 2-62. Designation; responsibilities.**

(A) The person designated by the City Council to oversee the Public Works Department operations shall be an employee of the City, selected and appointed by the City Council solely on the basis of professional experience and qualifications.

(B) The person so designated shall be responsible to the Mayor for day-to-day operations and to the City Council in matters of policy and for the efficient and effective performance of the duties and responsibilities assigned to the Public Works Department in Subsection 2-61(B) above.

(C) The person so designated shall have the power and authority to hire, discipline and terminate the employment of all employees of the Public Works Department under his or her supervision; provided, however, that the City Council may countermand or set aside any personnel action taken at any time.

(Ord. 8 §1, 2006)

**Sec. 2-63. Rules and regulations.**

The Public Works Department shall be operated and managed in accordance with such rules and regulations as may from time to time be prepared and recommended by the person designated to oversee the operations of the Public Works Department and approved by the City Council.

(Ord. 8 §1, 2006)

**Sec. 2-64—2-70. Reserved.**

**ARTICLE VII**  
**Police Department**

**Sec. 2-71. Organization; responsibilities.**

(A) The Police Department shall consist of a Chief of Police and as many police officers and other employees as the City Council may deem necessary for the good government of the City.

(B) The Police Department shall be managed by the Chief of Police and shall have the following duties and responsibilities:

- (1) Prepare and timely submit to the City Administrator written budget estimates for the Police Department, and administer the annual budget of the Police Department as adopted.
  - (2) Exercise proper care and custody of all property, public and private, entrusted to it; prepare and maintain inventories of the same; and account for the same as required by the City Council.
  - (3) Preserve public peace, enforce the laws of the State and the ordinances of the City; prevent crime, protect property and the rights of persons; and arrest and properly exercise custody of persons subject thereto under the laws of the State and the ordinances and court rules of the City.
  - (4) Administer, plan, organize, control, direct, have custody of and care for all Police Department property.
  - (5) Prepare and maintain such books, records and reports as may from time to time be required by the City Council and by applicable laws of the United States and the State.
  - (6) Perform such other duties as may be prescribed by the Mayor or the City Council.
- (Ord. 8 §1, 2006)

**Sec. 2-72. Chief of Police.**

(A) The Chief of Police shall be an officer of the City, who shall be selected and appointed by the City Council pursuant to Section 2-4 above solely on the basis of professional experience and qualifications. The Chief of Police shall additionally be certified as a peace officer pursuant to the laws of the State.

(B) In addition to those duties imposed upon chiefs of police by the laws of the State, the Chief of Police shall be responsible to the Mayor for day-to-day operations and to the City Council in matters of policy and for the efficient and effective performance of the duties and responsibilities assigned to the Police Department in Subsection 2-71(B) above. He or she shall be the official custodian of all criminal justice records of the City, shall investigate all violations of law, orders, rules and regulations or any other misconduct on the part of department personnel and shall report promptly and fully concerning such investigations to the Mayor and City Council.

(C) The Chief of Police shall have all powers conferred upon peace officers by the laws of the State and this Code.

(D) The Chief of Police shall have the power and authority to hire, discipline and terminate the employment of all employees of the Police Department; provided, however, that the City Council may countermand or set aside any personnel action taken by the Chief of Police at any time.

(Ord. 8 §1, 2006)

**Sec. 2-73. Rules and regulations.**

The Police Department shall be operated and managed in accordance with such rules and regulations as may from time to time be prepared and recommended by the Chief of Police and approved by the City Council.

(Ord. 8 §1, 2006)

**Sec. 2-74. Powers and duties of police officers.**

(A) All police officers shall be peace officers within the meaning of the laws of the State and shall have all powers conferred upon them by such laws and by the provisions of this Code, specifically including the power to serve and enforce criminal process.

(B) All members of the Police Department shall have the power and the duty to enforce all laws of the State and all ordinances of the City; to suppress riots, disturbances and breaches of the peace; and to arrest all persons subject thereto under the laws of the State or the ordinances or court rules of the City.

(C) Every police officer shall, upon being hired by the City, make and subscribe an oath before a proper officer of the City that he or she will support the Constitution of the United States, the Constitution and laws of the State and the ordinances of the City, and that he or she will well and truly perform to the best of his or her skill and ability the duties of police officer for the City.

(Ord. 8 §1, 2006)

**Sec. 2-75. Uniforms.**

Every police officer shall wear a uniform of the type and quality prescribed by the City Council, as recommended by the Chief of Police.  
(Ord. 8 §1, 2006)

**Sec. 2-76. Reserve police.**

Upon the approval of the City Council, the Chief of Police may from time to time hire qualified persons to act as reserve police officers. Such persons shall serve without pay, but the City shall provide suitable uniforms and other equipment as determined by the Chief of Police. While on duty, reserve police officers shall have all powers and duties of regular police officers. Subject to the approval of the City Council, the Chief of Police shall prescribe such rules and regulations concerning reserve police officers as are not in conflict herewith or with applicable provisions of state law.  
(Ord. 8 §1, 2006)

**Sec. 2-77. Extraterritorial duty on request.**

The Chief of Police may, in his or her discretion, upon request of the chief of police or person exercising the functions thereof in any other jurisdiction, assign police officers under his or her control, together with such equipment as the Chief of Police shall deem to be proper, to perform temporary duty in the requesting jurisdiction.  
(Ord. 8 §1, 2006)

**Sec. 2-78—2-90. Reserved.**