

## CHAPTER 2

# CHARTER

2.01 Form of Government  
2.02 Article I – Powers  
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**2.01 FORM OF GOVERNMENT.** The form of government of the City is by a Home Rule Charter which was approved at a special Home Rule Charter election held on August 26, 1975, and which Charter is as follows:

### **2.02 ARTICLE I – POWERS.**

1. Powers of the City. The City shall have all powers possible under the Constitution and laws of the State of Iowa, including particularly the City Code of Iowa, as amended.
2. Construction. The grant of power to the City under this Charter is intended to be as broad as possible; the mention of a specific power in this Charter is not intended to be a limitation of the general powers conferred in this article.
3. Savings Clause. If any provision of this Charter is held invalid, the invalidity shall not affect other provisions of the Charter.
4. Existing Legislation. The enactment of this Charter shall not repeal existing motions, resolutions or ordinances of the City of Marion or change its City Code of Ordinances, except where the provisions of this enactment specifically change or are irreconcilable with the provisions of such motions, resolutions, ordinances or provisions of the City Code.

### **2.03 ARTICLE II – CITY COUNCIL.**

1. Composition. The City Council shall consist of seven (7) members. Three (3) of the members, including the Mayor, shall be known as Council members at large; and are to be nominated and elected by the qualified electors of the City at large. One member shall be elected both as Mayor and Council member at large. The other four Council members shall be known as ward Council members; they are to be nominated and elected by the qualified voters in their respective wards, in the regular City election. The Mayor shall be elected to the position of Mayor by the voters of the City.

*(Ord. 16-19 – Feb. 17 Supp.)*

2. Wards. The Council by ordinance shall divide the City into four (4) Council wards of substantially equal population. These wards are to be designated as Council wards 1, 2, 3 and 4.

3. Eligibility. To be eligible to be elected to and to retain a Council position, a person must be a voter of Marion; and if seeking or elected to represent a Council ward, then that person must be a legal resident of that ward at the time petition is filed and at the time of election.
4. Staggered Four-year Terms. At the first election under this Charter, all seven Council members, including the Mayor, are to be elected. The Council members from Ward I and Ward 3 and the two of the three Council members at large, including the Mayor, who receive the greatest number of votes cast for Council members at large and Mayor, are to serve for terms of four years, and the other Council members, and possibly Mayor if he receives fewer votes than the other two Council members at large, are to serve for terms of two years. Commencing at the next regular City election, and at all subsequent regular City elections, all Council members elected to fill the positions for those whose terms expire shall be elected for terms of four years.
5. Compensation. The Council by ordinance shall prescribe the compensation of the Mayor and the other Council members, but an increase in the compensation of the Mayor or other Council members does not become effective during the term in which the increase is adopted; and the Council may not adopt such an ordinance during the month of November or December immediately following a regular City election. The current City compensation provisions of the Code of Ordinances shall continue in full force and effect until changed by the City Council in the manner provided by law.
6. Powers – Council. The Council shall exercise all duties and responsibilities and enjoy the powers provided for in Sec. 372.13 of the Code of Iowa, as amended..
7. Mayor. The Mayor shall be elected at large by the voters of the City as provided for herein, and is a Council member at large. The Mayor is a voting member of the Council and the official representative of the City. The Mayor shall exercise all other duties and responsibilities as provided for in Section 372.14 of the Code of Iowa.

**2.04 ARTICLE III – CITY MANAGER.** The Council may by ordinance provide for a City Manager, and prescribe the Manager’s powers, duties and compensation. The City has such an ordinance at the present time which shall continue in full force and effect subject to repeal or amendment by the Council in the manner provided by law.

**2.05 ARTICLE IV – REPEAL OF PREVIOUS CHARTER.** The enactment of the Home Rule Charter set out herein shall replace the existing form of government of the City, which is Mayor-Council with appointed Manager, and which Charter was adopted by the Council as Ordinance No. 72-21 on November 16, 1972, pursuant to Section 47 of the Home Rule Act, Chapter 1088 of the Acts of the 64<sup>th</sup> General Assembly (1972).

**EDITOR'S NOTE**

Ordinance No. 76-1 adopting a charter for the City was passed and approved by the Council on January 2, 1976.