

ORDINANCE # 327

REMOVAL OF ELECTED OFFICIAL BY COUNCIL

1. Any city officer elected by the people may be removed from office, after hearing on written charges filed with the Council for any cause which would be grounds for an equitable action for removal in the district court of Iowa which are as follows:

- a. For willful or habitual neglect or refusal to perform the duties of the office.
- b. For willful misconduct or maladministration in office.
- c. For corruption.
- d. For extortion.
- e. Upon conviction of a felony.
- f. For intoxication, or upon conviction of being intoxicated.
- g. Upon conviction of violating any provision of Chapter 56 of the Code of Iowa.

Such removal can only be made by a two-thirds vote of the entire council.

2. An action for removal under this section shall be commenced by the mayor or any council member stating the grounds for removal in a verified written document filed with the city clerk. Upon the filing of the written document notice of such filing and of the time and place of hearing shall be served upon the accused in the manner required for the service of notice of the commencement of an ordinary action. Said time shall not be less than ten days nor more than twenty days after completed service of said notice.

3. The hearing on removal shall be held at a special meeting of the council. If the accused is the mayor, the mayor pro tem shall preside at the meeting. At the hearing, the council shall

hear evidence presented by council members and the accused.

4. In the event the council votes by two-thirds majority of the entire council to remove the accused from office, the vacancy shall be filled in the same manner as any other vacancy in office, as provided by State law and these ordinances.

Signed: _____

Attest: Carol A. Bernauer
Carol A. Bernauer, City Clerk,
Buffalo, IA

Phil C. Hoover, Mayor of Buffalo, IA

Approved 1st reading: July 01, 1996
Approved 2nd reading: waived July 01, 1996
Waived 3rd reading and adopted on 07/01/96
Vetoed by Mayor Hoover on 07/12/96
Voted and passed again on 07/22/96