

**ORDINANCE NO. 412**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF EARLHAM, IOWA, 2017, CHAPTER 5.07(10) CUMULATIVE PURCHASES**

**BE IT ENACTED** by the City Council of the City of Earlham, Iowa, as follows:

**SECTION 1.** Chapter 5.07 is hereby deleted, and shall be replaced by the following:

5.07 Cumulative purchases. Contracts not otherwise permitted by this section, for the purchase of goods or services that benefit a City officer or employee, if the purchases benefiting that officer or employee do not exceed a cumulative total purchase price of \$6,000.00 in a fiscal year.

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 REPEALER.** All ordinances or parts of ordinances that are in conflict with this ordinance are hereby repealed.

**SECTION 4. SEVERABILITY.** 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 the later to occur of its final passage, approval and publication as provided by law.

Passed and approved the 12<sup>th</sup> day of August, 2019.

\_\_\_\_\_  
Jeff Lillie, Mayor

Attest: \_\_\_\_\_  
Mary Sue Hibbs, City Clerk

Passed First Reading: \_\_\_\_\_  
Passed Second Reading: \_\_\_\_\_  
Passed Third Reading: \_\_\_\_\_

<u>Member</u>	<u>1<sup>st</sup> Reading</u>	<u>2<sup>nd</sup> Reading</u>	<u>3<sup>rd</sup> Reading</u>
Griswold			
Fredericksen			
Petersen			
Payne			
Swalla			

**CLERK'S CERTIFICATE**

I hereby certify that the foregoing Ordinance No. 412 was published as required by law on the \_\_\_\_ day of August, 2019.

SIGNED \_\_\_\_\_  
Mary Sue Hibbs, City Clerk

emailed Jan 7-29-19

**2019 LEGISLATIVE CHANGES AFFECTING CITY CODES**

**SF 283 — Relating to Conflicts of Interest in Certain Government Public Contracts.** Section 362.5 of the *Code of Iowa* has been amended to provide that the section does not apply to a contract for the purchase of goods or services by a city, which benefit a city officer or employee, if the purchases do not exceed a cumulative total purchase price of \$6,000.00 per fiscal year for all cities.

X **SF 534 — Relating to the Use of Gasification and Pyrolysis Facilities.** Section 455B.301 of the *Code of Iowa* has been amended to provide that a sanitary disposal project does not include a pyrolysis or gasification facility and that solid waste does not include post-use polymers or recoverable feedstocks that are processed or held at a pyrolysis or gasification facility.

X **SF 634 — Relating to City Budgets.** The *Code of Iowa* has been amended to provide that the city budget shall be certified to the county auditor not later than March 31 of each year and to require that a city adopt a resolution establishing the total maximum property tax dollars that may be certified for levy prior to adoption of the budget.

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**FOR YOUR INFORMATION ONLY:**

The following information is provided for reference only. Some cities may have ordinances or language in their Codes that is impacted by these legislative changes and as such cities should review these new laws against their existing code to determine if any changes are needed.

**SF 447 — Relating to the Power of Cities to Regulate Certain Building Restrictions.** A city shall not adopt or enforce any regulation, restriction, or other ordinance related to residential property rental permit caps on single-family homes or duplexes.

## Mary Sue Hibbs

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**From:** Samuel H. Braland <shb@nyblaw.com>  
**Sent:** Monday, August 05, 2019 9:02 PM  
**To:** 'Mary Sue Hibbs'  
**Subject:** RE: SF 283

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Mary Sue,

I have reviewed the attachment from Simmering Cory and your email below, and agree completely with you analysis. I believe the only affirmative action the city needs to take is to amend our Code 5.07(10) to update the amount from \$2,500 to \$6,000. Best regards.

Samuel H. Braland  
shb@nyblaw.com  
Peer, Nelson & Braland  
115 E. First St. | P.O. Box 370 | Earlham, IA 50072  
T: 515.758.2267 F: 515.758.2268 [NYBlaw.com](http://NYBlaw.com)

**From:** Mary Sue Hibbs [mailto:earlhamcityhall@mchsi.com]  
**Sent:** Monday, July 29, 2019 2:47 PM  
**To:** Samuel H. Braland <shb@nyblaw.com>  
**Subject:** SF 283

Hi Sam,

Just a couple things I want to check with you on pertaining to the attached.

- In SF 283 of the attached information from Simmering Cory, they are talking about Lillie Plumbing, right? And we have to amend our code.
- I believe SF 534 doesn't pertain to us (I had to google pyrolysis and gasification ☺).
- I don't think we have to amend our Code 7.05(6) because we don't mention a date – just says "...date that the budget must be certified to the County Auditor...).
- And I don't know about SF 447. Doesn't relate to us?

Thanks. Mary Sue

Mary Sue Hibbs, Clerk /Treasurer  
City of Earlham  
PO Box 518  
Earlham, IA 50072  
515-758-2281