

apprehend violators of all laws and ordinances, and perform such other duties relating to public peace, order, and safety as the council shall provide. The chief of police and every member of the police department shall be conservators of the peace, and shall have power to arrest, or cause to be arrested, with or without process, any person whom they see violating, or whom they have reasonable grounds to believe has violated, any law of the state or ordinance of the city.

### **Fire Department**

**Section 3.10. Fire department: Created, fire chief.** There shall be a fire department, the director of which shall be the fire chief.

**Section 3.11. Fire department: Powers and duties.** The fire department, in accordance with and subject to the law and ordinances, shall protect life and property from fire and explosion, inspect property and places for fire and explosion hazards, enforce the law and ordinances relating to safety from fire and explosion, and prevent and suppress fires and explosions.

### **Public Utilities**

**Section 3.12. Electric utility department: Created, director.** There shall be an electric utility department, the director of which shall be the electric utility director.

**Section 3.13. Electric utility department: Powers and duties.** The electric utility department shall operate the electric utility of the city.

**Section 3.14. Electric utility department: Other utilities, enterprises, and services; change of title of the department.** The council by ordinance may provide that the electric utility department shall operate other public utilities, enterprises, and services which the city may operate; and also by ordinance may change the title of the department and of the director to department of public utilities and director of public utilities respectively; provided that nothing herein shall prohibit the council by ordinance from creating a separate department or departments for any one (1) or more such other utilities, enterprises, and services.

**Section 3.15. Public utilities advisory board: Created, membership.** There shall be a public utilities advisory board, composed of seven (7) members appointed by the council for overlapping four (4)-year terms. The five (5) members serving prior to the adoption of this revised charter shall serve until the end of their present terms. The council shall appoint two (2) additional members so that their terms will expire on July 1 in the years as follows: one (1) in 1981 and one (1) in 1982.

**Section 3.16. Public utilities advisory board: Powers and duties.** The public utilities advisory board:

- (1) May initiate on its own or upon request of the council or city manager investigations of public utilities operated within the city;
- (2) Shall adopt rules for the transaction of business and keep a record of its proceedings;
- (3) Shall hold regular meetings and such special meetings as the board may provide by rule;
- (4) May request the city manager to assign such clerical, legal, and investigatory personnel and to contract with other persons for goods and services that are required for its work, provided that resulting expenditures are duly authorized by the city manager, within amounts appropriated by the council, and made pursuant to proper purchasing procedures;
- (5) May conduct public hearings on matters relating to public utilities and, through its chairperson, administer oaths and affirmations;
- (6) May obtain from any city department, officer, and agency and from any public utility operated within the city any available information that is required for its work;
- (7) May subpoena witnesses to testify and compel the production of documents and other effects as evidence;
- (8) May inspect all public utilities operated within the city;
- (9) May recommend to the executive or legislative officials of the city, programs for the financing, use, ownership, service, operation, or franchising of public utilities operated within the city, including but not limited to recommendations regarding rate adjustments, long-range planning, the employment and termination of the services of consultants to the city, the review of recommendations made by consultants to the city, the issuance of debt obligations of the city and the construction of new and expansion of existing facilities; and
- (10) Shall report its findings and recommendations at least annually, to the council, the people of the city, the city manager and the respective director(s) of the public utility operated within the city to which such findings and recommendations apply.

**Section 3.17. Municipally owned and operated utilities and enterprises.** The municipally owned and operated electric system is a public utility and shall be operated in a businesslike manner.

The electric utility shall not be operated for the benefit of other municipal functions, and shall not be used directly or indirectly as a general revenue producing agency for the city, but it may pay to the city an amount in lieu of such taxes as are normally placed upon private business enterprises. After providing for depreciation accruals and amortization of bonds, and for reasonable accumulation of surplus, the electric utility shall apply all annual profits to rate reductions.

The electric utility and such other public utilities and enterprises as the city may acquire shall be operated from funds separate from the general fund. An accounting system for each such fund shall be established within the general accounting system of the city, and shall be so set up and maintained as to reflect annually or as often as the council may require the financial condition of the enterprise and its income and expense.

**Section 3.18. Duty of council to consult with public utilities advisory board.** For the purpose of promoting municipal planning of public utilities operated within the city, the council, city employees, city officers and all other public officials shall cooperate and consult with the board on all policy and planning matters related to such public utilities. The council may determine what constitutes "policy" and "planning" for the purposes of this section. The council shall not pass any ordinance, resolution, motion or other proposition which relates to any matter of policy or planning of a public utility operated within the city without first giving the board the opportunity to submit to the council, within a reasonable time, the board's findings and recommendations relating to such matters. The council may determine what constitutes a "reasonable time" for the purposes of the preceding sentence. In case the council passes such an ordinance, resolution, motion or proposition contrary to a board finding or recommendation, the council shall, upon request by the board, communicate its reasons to the board for its passage.

Nothing herein shall be construed to prevent the council from passing any ordinance, resolution, motion or other proposition which, in the judgment of the council, is necessary for the immediate preservation of the public peace, property, health, safety or morals, and which, in the judgment of the council, should become effective prior to consultation with or the receipt of findings and recommendations from the board. Every such action, in a separate section, shall specify distinctly the reasons for not giving the board the opportunity to submit its findings and recommendations to the council within a reasonable time.

#### **Public Works Department**

**Section 3.19. Public works department: Created, director.** There shall be a public works department, the director of which shall be the director of public works. Within the department of public works, there shall be a division of engineering, the head of which shall be the city engineer. The duties of this department may, in the discretion of the council, be divided between a director of public works/engineering and director of public works/maintenance.

**Section 3.20. Public works department: Powers and duties.** The public works department, except as the council may provide otherwise by

ordinance and insofar as these functions are performed by city personnel, shall:

- (1) Design, construct, reconstruct, repair, and maintain all municipal buildings, bridges, viaducts, subways, cemeteries, dikes, canals, waterways, sewers, drains, levees, tunnels, airports, public market facilities, off-street parking facilities and structures, including alterations, replacements, additions, and appurtenances thereto;
- (2) Grade, maintain and improve all streets, alleys, other public highways, sidewalks, and sidewalk areas; and construct, reconstruct, repair, and maintain all pavements, curbs, gutters, and sidewalks;
- (3) Have control of the laying of conduits, the location, erection, and construction of poles and all structures in, on, under, or over public grounds and highways; and grant all permits to excavate into or disturb any highway or public grounds, or to make any special use thereof;
- (4) Collect and dispose of garbage, ashes, and refuse; and dispose of sewage;
- (5) Issue and may revoke all building permits, and administer all building and zoning ordinances and regulations; and
- (6) Inspect gas, plumbing, and electrical installations, boilers, elevators, and smoke, sanitary, and safety equipment of buildings and structures.

#### **Park and Recreation Department**

**Section 3.21. Park and recreation department: Created, director of parks and recreation.** There shall be a park and recreation department, the director of which shall be the director of parks and recreation. The council in its discretion may divide the duties of this department into separate departments with separate department heads.

**Section 3.22. Park and recreation department: Powers and duties.** The park and recreation department, in accordance with and subject to the ordinances of the city, shall supervise, control, operate, and maintain all parks, playgrounds, swimming pools, and other recreational facilities operated by city personnel. It shall be responsible for planning, conducting, and coordinating city public recreation programs.

#### **Department of Health**

**Section 3.23. Department of health: Created, director of health.** There shall be a department of health, the director of which shall be the director of health. The director of health shall have a master of public health, master of public health administration, or equivalent related degree; or shall be a physician with experience in public health administration. Reference to health officer shall mean the director of health unless the council creates a separate office of health officer within the department. The council may also create a separate office of city physician.