

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, by amending Section 2-68 and adding and enacting a new Section 94-360 thereof, relating to emergency repair of public improvements.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, is hereby amended by amending Section 2-68 and adding and enacting a new Section 94-360 relating to emergency repair of public improvements, as follows:

**Sec. 2-68. Making of contracts.**

No contract made by other than the council, the mayor or by the city manager or the city manager's designee pursuant to state law and this Code shall bind the city.

**ARTICLE XIII. EMERGENCY REPAIR OF  
PUBLIC IMPROVEMENTS**

**Sec. 94-360. Contracts for Emergency Repair of Public Improvements**

When emergency repair of a public improvement is necessary and the delay of advertising and a public letting might cause serious loss or injury to the city, the mayor, as the chief official of the city, or the city manager, as the chief officer of the city, shall each have authority to make a finding of the necessity to institute emergency proceedings under I.C. § 384.103 and shall procure a certificate from a competent licensed professional engineer or registered architect, certifying that emergency repairs are necessary. The mayor and the city manager shall each have authority to accept, enter into and make payment under a contract for emergency repairs without holding a public hearing and advertising for bids in accordance with I.C. § 384.103.

Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Kathleen Vanderpool, Deputy City Attorney

T. M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 09-1356), passed by the City Council of said City at a meeting held July 27, 2009 signed by the Mayor on July 27, 2009 and published as provided by law in the Business Record on August 10, 2009. Authorized by Publication Order No. 6625.

Diane Rauh, City Clerk