

ORDINANCE NO. 13,625

AN ORDINANCE to amend the Municipal Code of Des Moines, 1991, adopted by Ordinance No. 11,651, passed April 15, 1991, by repealing Sections 26-99 through 26-121 of Subchapter 4 of Chapter 26, thereof and enacting new Sections 26-99, 26-102, 26-106, 26-110, 26-113 and 26-117 of Subchapter 4 of Chapter 26, all relating to Des Moines Water Works Board of Trustees and the City's water utility.

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

Iowa:

Section 1. That the Municipal Code of Des Moines, 1991, adopted by Ordinance No. 11,651, passed April 15, 1991, be and is hereby amended by repealing Sections 26-99 through 26-121 of Subchapter 4 of Chapter 26, thereof and enacting new Sections 26-99, 26-102, 26-106, 26-110, 26-113 and 26-117 of Subchapter 4 of Chapter 26, all relating to Des Moines Water Works Board of Trustees and the City's water utility, as follows:

SUBCHAPTER 4. WATER

26-99. BOARD OF WATERWORKS TRUSTEES RECOGNIZED; APPOINTMENT OF SUCCESSORS; REAPPOINTMENT OF CURRENT MEMBERS; FILLING VACANCIES.

The board of water works trustees heretofore established by a vote of the electors of the city of Des Moines, consisting of five members, is hereby recognized and continued. Successors to current members shall hereafter be appointed, and current members may hereafter be reappointed, to said board by the mayor for staggered six year terms, subject to the approval of the city council, all as provided in Section 388.3 of the Iowa Code. Vacancies which occur in the office of water board trustee shall be filled by appointment as above provided for the balance of the unexpired term of the board member formerly holding that office.

26-100. REPEALED BY ORD. 13,625.

26-101. REPEALED BY ORD. 13,625.

26-102. DISQUALIFICATION FOR MEMBERSHIP.

No person shall be eligible for appointment on the board of waterworks trustees while he or she is a public officer or a salaried employee of the city.

26-103. REPEALED BY ORD. 13,625.

26-104. REPEALED BY ORD. 13,625.

26-105. REPEALED BY ORD. 13,625.

26-106. COMPENSATION OF BOARD MEMBERS.

The compensation of board members shall be established by resolution of the city council at the time it appoints or reappoints member thereto.

26-107. REPEALED BY ORD. 13,625.

26-108. REPEALED BY ORD. 13,625.

26-109. REPEALED BY ORD. 13,625.

26-110. POWERS AND DUTIES OF THE WATER WORKS BOARD OF TRUSTEES.

The water works board of trustees may exercise all powers of the city of Des Moines in relation to the water utility, with the following exceptions:

(1) The board may not certify taxes to be levied, pass ordinances or amendments, or issue general obligation or special assessment bonds.

(2) The title to all property of the city's water utility shall be held in the name of the city of Des Moines, but the water works board of trustees shall have all the powers and authorities of the city with respect to the acquisition by purchase, condemnation, or otherwise, lease, sale, or other disposition of such property, and the management, control, and operation of the same, subject to the requirements, terms, covenants, conditions, and provisions of any resolutions authorizing the issuance of revenue bonds, pledge orders, or other obligations which are payable from the revenues of the water utility, and which are then outstanding.

(3) Immediately following a regular or special meeting of water works board of trustees, the secretary shall prepare a condensed statement of the proceedings of the board and cause the statement to be published in a newspaper of general circulation in the city. The statement shall include a list of all claims allowed, showing the name of the person or firm making the claim, the reason for the claim, and the amount of the claim. Salary claims must show the gross amount of the claim except that salaries paid to persons regularly employed by the water works, for services regularly performed by them, must be published once annually showing the gross amount of the salary. The water works board of trustees shall each month prepare in pamphlet form the statement herein required for the preceding month, and furnish copies to the public library of Des Moines, the daily newspapers of the city, the city clerk, and to persons who apply at the office of the secretary, and the pamphlet shall constitute publication as required. Failure by the secretary to make publication is a simple misdemeanor, punishable as provided in section 1.11 of this City Code.

26-111. REPEALED BY ORD. 13,625.

26-112. REPEALED BY ORD. 13,625.

26-113. ANNUAL REPORT AND FINANCIAL STATEMENT.

The board of waterworks trustees shall make to the council a detailed annual report, including a complete financial statement.

26-114. REPEALED BY ORD. 13,625.

26-115. REPEALED BY ORD. 13,625.

26-116. REPEALED BY ORD. 13,625.

26-117. DISCRIMINATORY RATES.

The water works board of trustees shall not provide use or service at a discriminatory rate, except to the city or its agencies, as provided in section 384.91 of the Iowa Code.

26-118. REPEALED BY ORD. 13,625.

26-119. REPEALED BY ORD. 13,625.

26-120. REPEALED BY ORD. 10,943.

26-121. REPEALED BY ORD. 13,625

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

FORM APPROVED:

Terrence L. Timmins

City Solicitor

Intrastructure Division