

ORDINANCE NO. 13,909

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, amended by Ordinance No. 13,860, passed September 11, 2000, by repealing Sections 2-34, 2-1046, 2-1047, 2-1148, 22-46, 26-1289, 26-1291, and 26-1293, subsection (a) of Section 42-304, subsections (a) and (b) of Section 58-30, subsections (a) and (b) of Section 62-41, Sections 74-28 and 82-32, subsection (a) of Section 82-246, and Sections 82-247, 82-248, and 114-241, thereof and enacting new Sections 2-34, 2-1046, 2-1047, 2-1148, 22-46, 26-1289, 26-1291, and 26-1293, subsection (a) of Section 42-304, subsections (a) and (b) of Section 58-30, subsections (a) and (b) of Section 62-41, Sections 74-28 and 82-32, subsection (a) of Section 82-246, and Sections 82-247, 82-248, and 114-241, regarding amendments to the membership and appointment process of the city boards and commissions.

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, and amended by Ordinance No. 13,860, passed September 11, 2000 is hereby amended by repealing Sections 2-34, 2-1046, 2-1047, 2-1148, 22-46, 26-1289, 26-1291, and 26-1293, subsection (a) of Section 42-304, subsections (a) and (b) of Section 58-30, subsections (a) and (b) of Section 62-41, Sections 74-28 and 82-32, subsection (a) of Section 82-246, and Sections 82-247, 82-248, and 114-241, thereof and enacting new Sections 2-34, 2-1046, 2-1047, 2-1148, 22-46, 26-1289, 26-1291, and 26-1293, subsection (a) of Section 42-304, subsections (a) and (b) of Section 58-30, subsections (a) and (b) of Section 62-41, Sections 74-28 and 82-32, subsection (a) of Section 82-246, and Sections 82-247, 82-248, and 114-241, regarding amendments to the membership and appointment process of the city boards and commissions, as follows:

Sec. 2-34. Number and term of council.

(a) The city council consists of a mayor elected at large, two councilmembers elected at large, and one councilmember elected from each of four wards as established by ordinance, for terms of four years.

(b) Where it is necessary in this code to distinguish between the two councilmembers elected at large, the one elected in 1997 and that member's successors shall be designated as at large councilmember A, and the one elected in 1999 and that member's successors shall be designated as at large councilmember B.

Sec. 2-1046. Appointment of members.

Except as otherwise specifically provided by state statute, all members of the administrative or advisory boards, committees, commissions and agencies of the city shall be appointed and approved by the city council. The city clerk shall notify the city council of the expiration of terms of office of any member of any administrative or advisory board, committee, commission or agency as provided in section 2-1047 of this division. When a vacancy occurs by resignation, death, or other termination of service, the city clerk shall provide the notice to the city council as soon as the city clerk is made aware of the vacancy, along with the assignment of the member of the city council responsible for recommending appointment of a successor under subsection 2-1047.

Sec. 2-1047. Recommendation for appointments.

(a) All members of the city council shall participate in making recommendations for the appointments of persons to serve upon the various city administrative or advisory boards, committees, commissions, or agencies. Except as otherwise specifically provided by state statute or this code, each councilmember shall recommend candidates for appointment to one position on all city administrative and advisory boards, committees, commissions and agencies with seven members. Except as otherwise specifically provided by state statute or

this code, each councilmember other than the mayor shall recommend candidates for appointment to two positions and the mayor shall recommend candidates for appointment to three positions on all city administrative and advisory boards, committees, commissions and agencies with fifteen members.

(b) An alphabetical listing of all city administrative or advisory boards, committees, commissions and agencies shall be compiled and maintained by the city clerk. Such listing shall include the number of members comprising each administrative or advisory board, committee, commission or agency, the date each term of office expires, and the councilmember responsible for recommending a successor to such office.

(c) No later than 30 days before the end of each calendar year, the city clerk shall prepare, from the alphabetical listing of the administrative or advisory boards, committees, commissions and agencies compiled pursuant to subsection (b) of this section, a roster of all terms of office expiring within the next calendar year and the councilmember responsible for recommending a successor to such office. The city clerk shall provide, for each recommendation to be made, any and all established qualifications to serve, the expressed interest, if eligible, of such person to be reappointed and whether there are applications by persons interested in serving in such capacity on file in the city clerk's office.

(d) The city council shall by resolution name the individual holding each office and the term of such office as of a date identified in such resolution, on the various city administrative and advisory boards, committees, commissions and agencies. Such resolution shall further identify the councilmember responsible for

making a recommendation for the appointment of a successor to serve in such office upon the expiration of term, resignation or death of the current member. The term of office of any current member may be extended up to one year if necessary to provide for the even staggering of terms or to overcome prior errors in the calculation of terms which have caused the terms of any board, committee, commission or agency to become unbalanced. Such list shall henceforth form the basis for determining for each position, the identity of the person holding that position, when the term of the existing member expires, the qualifications of that office, and the councilmember responsible for recommending a successor to such office.

(e) Where the number of members on any city administrative or advisory board, committee, commission or agency is reduced, and unless otherwise provided by statute or this code, the elimination of any office then occupied shall not take effect until the end of the term of the person then holding such office.

Sec. 2-1148. Composition and term.

The access advisory board shall be composed of fifteen members, including at least six persons with a disability, three persons who own or are employed by businesses or agencies which primarily provide services to persons with disabilities, two architects, and four community representatives. Each member shall be appointed for a term of four years.

Sec. 22-46. Established; composition; appointments.

(a) There is established in and for the city the Des Moines International Airport Board, referred to in this article as the "board," created

under I.C. ch. 392, for the purpose of governing the operation of the airport pursuant to the terms of this article and this Code.

(b) The board shall consist of seven members, each having the right to vote, with each councilperson appointing one member of the board. The term of each member shall be for four years. Any member may be removed by a majority vote of the city council for good cause shown as determined by the city council. The terms of board members shall expire on and as of June 30 of the year in which their terms expire.

Sec. 26-1289. Composition of board of examiners.

The board of examiners shall be composed of eight members.

Sec. 26-1291. Appointment of members of board of examiners, Quorum.

Seven members of the board of examiners shall be appointed. Each councilmember may recommend candidates for one position on the board. The senior mechanical inspector shall be an ex officio member. A majority of those appointed and serving on the board shall constitute a quorum for the conduct of business.

Sec. 26-1293. Terms of members of board of examiners.

All appointments to membership on the board of examiners shall be made for a period of three years.

Sec. 42-304. Citizen odor board.

(a) There is established a citizen odor board consisting of no fewer than seven and no more than twenty-one citizens. Each member of the city council may recommend candidates to fill three positions on the citizen order board.

Sec. 58-30. Historic district commission.

(a) A historic district commission is created. The commission shall consist of six at large members and two residents from each designated historic district. At the time of their appointment, each of the at large members shall have at least one of the following professional qualifications: architect, urban planner, structural or civil engineer, historian, sociologist, real estate broker, builder or demonstrated interest in historic preservation.

(b) Each member of the city council other than the mayor may recommend a candidate to fill one of the at large positions on the commission. The mayor may recommend candidates to fill each of the positions required to be held by a resident of a designated historic district. If the recognized neighborhood association for a recognized historic district has provided the city council with a list of at least three qualified candidates, the Mayor shall recommend one of those candidates to fill any position required to be held by a resident of that district. The commission shall endeavor to provide the city council with a list of at least three qualified candidates willing to accept appointment to the commission whenever a vacancy occurs in

any at large position, or in any position required to be held by a resident of a specific district when a list of qualified candidates has not been provided by the recognized neighborhood association for that district. Each commission member shall be appointed for a term of three years.

Sec. 62-41. Established; appointment; composition; terms.

(a) There is established in the city government a commission to be known as the Des Moines Human Rights Commission.

(b) This commission shall consist of seven members broadly representative of the community.

Sec. 74-28. Appointment, composition and terms.

(a) The park and recreation board shall consist of fifteen members. Each councilmember may recommend candidates for appointment to two positions on the board. The Des Moines Independent School District board of education may recommend one of its members for appointment to the board, subject to approval by the city council.

(b) Each member of the board shall be appointed for a term of four years, with no more than four members' terms expiring each year.

(c) The park and recreation board is the successor to the city park board.

Sec. 82-32. Appointment of members.

The plan and zoning commission shall consist of 15 members.

Sec. 82-246. Established; responsibilities generally.

(a) There is established a sixteen member board to be known as the neighborhood revitalization board. References to the board in this article shall be deemed to refer to the neighborhood revitalization board.

Sec. 82-247. Qualifications and nominations.

(a) All nominations to the neighborhood revitalization board are subject to confirmation by the city council.

(b) Five members of the board shall be residents of the city with a household income of not greater than 80 percent of the city median income, who shall represent the interests of low and moderate income city residents.

(c) Five members of the board shall be residents of a recognized neighborhood, who shall represent the interests of the residential neighborhoods of the city.

(d) Four members of the board shall be an owner or officer of a business

or nonprofit agency or an officer or employee of an educational institution located within the city, who shall represent the interests of the city's business, nonprofit and educational community. Notwithstanding section 2-1049 of this Code, the members nominated to represent the interests of the city's business nonprofit and educational community need not be residents of the city.

(e) The Neighborhood Finance Corporation shall nominate one member to the board who is a member of the Neighborhood Finance Corporation Board.

(f) The Greater Des Moines Partnership shall nominate one member to the board who is a member of the Greater Des Moines Partnership Board.

Sec. 82-248. Terms of office.

(a) The appointments to the neighborhood revitalization board of the five members representing the interests of low income residents of the city shall be for staggered terms of three years.

(b) The appointments to the board of the five members representing the interests of the residential neighborhoods of the city shall be for staggered terms of three years.

(c) The appointments to the board of the four members representing the interests of the city's business, nonprofit and educational community shall be for staggered terms of three years.

(d) The appointments of the representatives of the Neighborhood Finance Corporation and the Greater Des Moines Partnership shall be for one-year terms expiring June 30 of each year.

Sec. 114-241. Created; composition; appointment; terms.

(a) There is established in and for the city a traffic safety advisory committee.

(b) The traffic safety advisory committee shall consist of eleven voting members. Seven of the members shall be appointed. Four of the members shall be ex officio members, consisting of the following officials or their designees: the chief of police, the city engineer, the superintendent of the Des Moines Independent Community School District and the chairperson of the citywide PTA.

(c) The term of office of each of the seven appointed members of the traffic safety

advisory committee shall be for staggered terms of three years. The expiration date for all terms of appointed members shall be December 31. Each member of the city council may recommend a candidate to fill one position on the board.

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

FORM APPROVED:

Roger K. Brown, Assistant City Attorney

Preston Daniels, Mayor

Attest:

I, Donna Boetel-Baker, 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. 01-248), passed by the City Council of said City at a meeting held January 22, 2001, signed by the Mayor on January 22, 2001, and published as provided by law in the Business Record on February 5, 2001. Authorized by Publication Order No. 1549.

Donna Boetel-Baker, MMC, City Clerk