

ORDINANCE NO.16,080

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, as heretofore amended, by amending Sections 90-1, 90-2, 90-31, 90-35, Article III, 90-61, 90-62, and adding Section 90-4, relating to approval of procurement and emergency procurement for the municipal housing agency.

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, as heretofore amended, is hereby amended by amending Sections 90-1, 90-2, 90-31, 90-35, Article III, 90-61, 90-62, and adding Section 90-4, relating to approval of procurement and emergency procurement for the municipal housing agency, as follows:

Sec. 90-1. Municipal housing agency powers and governing board.

- (a) The city has determined it to be in the public interest for the city to directly exercise its municipal housing powers under I.C. § 403A.1 et seq. The city is the designated municipal housing agency for the city. The governing body of the municipal housing agency shall be the municipal housing governing board, referred to in this chapter as the "governing board", consisting of the city council. The governing board shall comply with the procedural rules of the city council and shall have final jurisdiction over all matters of the municipal housing agency. The city manager or his or her designee is authorized to direct, administer, and manage the agency as a division of housing services within the department of neighborhood services.
- (b) The mayor or mayor pro tem shall preside at all meetings of the governing board and shall execute agreements, deeds and other documents using his/her title of mayor of the City of Des Moines.

Sec. 90-2. Powers reserved by governing board.

- (a) For the purposes of this chapter, the following powers are specifically reserved to the governing board, including:
 - (1) To ratify or modify all programs and projects initiated by the housing services board within 45 days of board action or adoption.
 - (2) Approval and acceptance of all state or federal grants or subsidies, including the approval of all grant applications.

- (3) The acquisition, mortgage, sale or conveyance of municipal housing agency real property.
- (4) The exercise of the power of eminent domain.
- (5) The undertaking of debt, including the issuance of bonds, or the execution of any form of loan or promissory note.
- (6) The representation and defense of the municipal housing agency in all disputes, claims, actions or lawsuits, including the settlement of all such matters.
- (7) (a) The purchase, lease, sale or exchange of supplies, equipment, and materials and procurement of services or work to the extent unencumbered funds are available, when such contracts or agreements exceed the amount of \$250,000 or when the city manager or director of neighborhood services determine that governing board consideration is necessary due to the expedited timing of such contracts or agreements. All references to the city council in Subdivision V, Procurement Division of Chapter 2, Administration of Article V, Departments of Division 3 Finance of this Code shall be deemed to mean the governing board in their application as provided in this chapter, provided that such references pertain to the governing board doing business on behalf of the Des Moines Municipal Housing Agency.
 - (b) In addition to the purchasing and procurement powers set forth in section (7)(a) above, the governing board may approve Competitive Proposal Contracts (a/k/a “negotiated procurement”) for the procurement of goods and services submitted by the city manager or the director of neighborhood services or his or her designee which comply with the procurement policies of the United States Department of Housing and Urban Development (HUD) as set forth in HUD procurement handbook No. 7460.8 REV 2, as amended, doing business on behalf of the Des Moines Municipal Housing Agency, when such Competitive Proposal Contracts exceed the amount of \$250,000 or when the city manager or director of neighborhood services determine that governing board consideration is necessary due to the expedited timing of such Contracts.
- (b) As the governing body of the municipal housing agency, the governing board shall retain final jurisdiction over all municipal housing projects.

Sec. 90-4. Operating emergencies.

- (a) In the event of an operating emergency as determined by the city manager, the city manager may procure, by purchase or lease, or may authorize in writing the procurement administrator of the housing services division, or the director of the neighborhood services department, or the housing services board to procure, by purchase or lease, in the open market without filing a requisition, purchase order, request for proposals or estimate therefor and without advertisement, any goods and/or services that could not have been reasonably foreseen or anticipated, for immediate delivery or furnishing to meet such operating emergency. A full written account of any such operating emergency, together with a requisition for the goods or services required therefor, shall be submitted

immediately to the city manager and shall be open to public inspection for a period of at least one year subsequent to the date of the emergency purchases. If the amount so expended for such operating emergency exceeds \$50,000, the city manager, at the next immediate governing board meeting, shall formally communicate the emergency expenditure in a full written account to the governing board. This exercise of the authority invested in the city manager in respect to purchases to meet such bona fide operating emergencies shall not be dependent upon the mayor governing the city by proclamation.

- (b) In the event of an operating exigency as determined by the city manager, the city manager may temporarily extend any contract for the provision of goods and/or services to the municipal housing agency, provided that the city manager shall determine and report such to the governing board. If the governing board does not concur that the continued provision of such goods and/or services to the city by the current provider is vital to the city's interests and that the procurement of a new contract for the provision of such goods and/or services by competitive bid or request for proposals is impractical within the time remaining under the current contract, such contract shall be terminated within the time required by the governing board.
- (c) Procurement and contract extension authorized by this section shall comply with the emergency procurement policies of the United States Department of Housing and Urban Development (HUD) as set forth in HUD procurement handbook No. 7460.8 REV 2, as amended.

Secs. 90-5--90-30. Reserved.

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Sec. 90-31. Established.

- (a) There is established in and for the city as a successor commission to the public housing board, the housing services board, referred to in this article as "the board," for the purpose of carrying out the provisions of this chapter and this Code. Each member of the public housing board shall continue to serve on the housing services board after expiration of the member's term of office until his or her successor is appointed and confirmed.
- (b) The board shall consist of twelve members, each having the right to vote. The mayor and each council person shall appoint one member of the board. The mayor shall appoint one additional member from the Neighborhood Revitalization Board and one additional member from the Polk County Housing Continuum or an individual performing one of the functions below who shall be confirmed as provided in section (d) below. All appointments shall be for three years, provided, however, that each member shall hold over until his or her successor is appointed and confirmed. Any vacancies occurring in the membership shall be filled in accordance with sections 2-1046 and 2-1047 of this Code. Any member may be removed by a majority vote of the city council. The terms of board members shall expire on June 30 of the year in which their terms expire. All appointments after the original appointments shall be in accordance with sections 2-1046 and 2-1047 of this Code.

All appointments with the exceptions noted below shall be providers of low-income services concerned with one of the following functions: financial support; homeownership counseling; provision of rental units to low-income residents; tenant advocacy; and supportive or educational services. When possible, board members should have knowledge and experience in the following areas: landlord tenant issues; affordable housing needs of the city; lending and finance; neighborhood revitalization; and education and agency service user issues.

- (c) All nominations to the board are subject to confirmation by the city council.
- (d) The neighborhood services director or his or her designee shall select and recommend for council member appointment two members of the board who shall be current or former residents of low-income housing units in Des Moines with one representative a resident of a Des Moines Municipal Housing Agency-owned unit and one representative who is a resident of a unit where rent is subsidized by the Section 8 program.

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Sec. 90-35. Powers and duties.

The board is delegated the following authority:

- (1) Initiate programs or projects, including grant applications that further the policies and plans of the city's municipal housing agency, including tenant conduct and relations, in accordance with applicable local, state or federal laws, rules or regulations.
- (2) Interact with other governmental agencies with respect to the application for and implementation of grants and other funding programs.
- (3) Review and comment on the department director's annual operating and capital budgets prior to their submission to the city manager.
- (4)
 - (a) Buy, lease, sell or exchange supplies, equipment and materials and procure services or work to the extent unencumbered funds are available when such contracts or agreements exceed the amount set forth in Subdivision V, Procurement Division of Chapter 2, Administration of Article V, Departments of Division 3, Finance, but do not exceed the amount of \$250,000, and when such contracts or agreements have not been presented by the city manager or director of neighborhood services to the governing board for approval due to the expedited timing thereof. All references to the city council in Subdivision V, Procurement Division of Chapter 2, Administration of Article V, Departments of Division 3 Finance of this Code shall be deemed to mean the board in their application as provided in this chapter, provided that such references pertain to the board doing business on behalf of the Des Moines Municipal Housing Agency.
 - (b) In addition to the purchasing and procurement powers set forth in section (4)(a) above, the Public Housing Board may approve Competitive Proposal Contracts (a/k/a "negotiated procurement") for the procurement of goods and services submitted by the city manager or the director of neighborhood services or his or her designee which comply with the procurement policies of the United States Department of Housing and

Urban Development (HUD) as set forth in HUD procurement handbook No. 7460.8 REV 2, as amended, doing business on behalf of the Des Moines Municipal Housing Agency, when such Competitive Proposal Contracts do not exceed the amount of \$250,000 and when such Contracts have not been presented by the city manager or director of neighborhood services to the governing board for approval due to the expedited timing thereof.

- (5) Oversight of the development of municipal housing agency real property in accordance with governing board approved housing projects.

ARTICLE III. HOUSING SERVICES DIVISION OF THE NEIGHBORHOOD SERVICES DEPARTMENT

Sec. 90-61. Director of neighborhood services.

- (a) The city manager and the chair of the housing services board may discuss the performance of the director of neighborhood services or his or her designee at appropriate times.
- (b) The director of neighborhood services or his or her designee shall be responsible for the following:
 - (1) The professional implementation of the policies, programs, and plans adopted by the housing services board and for representing the position of the board with regard thereto.
 - (2) Assisting the board in official communications.
 - (3) Preparation of an annual operating and capital budget included as part of the total city budget.
 - (4) Assisting the board in the initiation of programs and projects including grant applications for governing board ratification.
 - (5) Supervision of the division of housing services and its employees.
 - (6) All municipal housing agency operations and activities.
 - (7) Maintenance and protection of municipal housing agency real property.
 - (8) Other duties assigned by the city manager.

Sec. 90-62. Division of housing services personnel.

All personnel of the division of housing services shall be city employees. All personnel and labor relations matters relating to employees of the division of housing services or relating to administrative or support services provided by the city shall remain the responsibility of and under the control of the city manager in accordance with I.C. § 20.1 et seq. The director of neighborhood services shall report to the city manager with respect to these specific areas.

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

FORM APPROVED:

/s/ Glenna K. Frank

Glenna K. Frank

Assistant City Attorney

T.M. Franklin Cownie, Mayor

Attest: I, P. Kay Cmelik, 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. 21-1764), passed by the City Council of said City at the meeting held on November 15, 2021 and signed by the Mayor on November 15, 2021 and published and provided by law in the Business Record on December 3, 2021. Authorized by Publication Order No. 11729.

P. Kay Cmelik, City Clerk