



Date June 9, 2014

RESOLUTION APPROVING ADMISSION OF THE CITY OF CUMMING TO THE GREATER DES MOINES SISTER CITIES COMMISSION

WHEREAS, the cities of Des Moines, West Des Moines, Clive, Windsor Heights, Johnston and Ankeny entered into the Intergovernmental Agreement Creating the Metropolitan Sister Cities Commission (the "Agreement") for the purposes of establishing the Metropolitan Des Moines Sister Cities Commission, now known as the Greater Des Moines Sister Cities Commission; and,

WHEREAS, the City of Cumming, Iowa, desires to join in the Greater Des Moines Metropolitan Sister Cities Commission and has signed the Agreement in the standard form; and,

WHEREAS, there are currently four cities, including Des Moines, participating on the Metropolitan Des Moines Sister Cities Commission due to the withdrawal of West Des Moines and Clive; and,

WHEREAS, the Agreement provides that additional municipalities may be added to membership of the Commission upon approval of three cities, being a majority of the four parties now participating on the Commission; and,

WHEREAS, the cities of Ankeny, Johnston, and Windsor Heights have each approved the admission of Cumming to the Commission.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the request by Cumming to join the Metropolitan Des Moines Sister Cities Commission is hereby approved, and the Mayor and City Clerk are hereby authorized and directed to sign the Agreement with Cumming on behalf of the City of Des Moines.

MOVED by \_\_\_\_\_ to adopt.

FORM APPROVED:

Roger K. Brown
Roger K. Brown, Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MAHAFFEY, MOORE, and TOTAL.

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED APPROVED

Mayor

City Clerk

**CITY ATTORNEY**

Jeffrey D. Lester

**DEPUTY CITY ATTORNEYS**

Lawrence R. McDowell  
Carol J. Moser  
Kathleen Vanderpool

**SENIOR LITIGATORS**

Thomas G. Fisher Jr.  
Gary D. Goudelock, Jr.

**ASSISTANT CITY ATTORNEYS**

Roger K. Brown  
Ann M. DiDonato

David A. Ferree  
Glenna K. Frank  
Michael F. Kelley  
Vicky L. Long Hill  
Katharine J. Massier  
Douglas P. Phillip



June 3, 2014

Mayor Cownie and Members  
of the Des Moines City Council

RE: Greater Des Moines Sister City Commission; Conflicts between Intergovernmental Agreements entered into by the City and the Des Moines City Code

**SUMMARY:**

Des Moines City Code currently provides for a "Sister Cities Commission" comprised of 15 members, all of whom are required to be residents of Des Moines, and to conform with the rules generally applicable to City boards and commission. City Code §§2-1116 to 2-1118.

In 1993, the City of Des Moines and several of the suburbs entered into Intergovernmental Agreements expanding the Sister Cities Commission to establish the "Metropolitan Des Moines Sister Cities Commission". Under the terms of the Intergovernmental Agreements, the other participating cities may each appoint one member to the Commission, and the Commission is given powers that conflict with the limitations placed on the original Sister Cities Commission. The Metropolitan Des Moines Sister Cities Commission is expressly authorized to establish an annual budget, to contact for the expenditure of funds and to hire personnel on a part time or full time basis.

Sometime after 1993, the Commission informally changed its name to "Greater Des Moines Sister City Commission". That is the name by which it is now commonly known.

The limitations expressly imposed upon the Sister Cities Commission by the Des Moines City Code conflict with the obligations and authority delegated to the Metropolitan Des Moines Sister Cities Commission by the terms of the Intergovernmental Agreements. The City Code should be updated to reflect the obligations and authority now delegated to the Metropolitan Des Moines Sister Cities Commission, and to acknowledge that the Commission is now more commonly known as the Greater Des Moines Sister City Commission. A proposed amendment to the City Code to accomplish this action is attached as Exhibit "A".

## DISCUSSION:

### 1. History of the Greater Des Moines Sister City Commission

The Greater Des Moines Sister City Commission was initially established as the "Des Moines -- Kofu Friendship Commission" on October 26, 1964, by Ordinance No. 7143. The Commission was reorganized as the "Des Moines Friendship and Sister City Commission" on January 3, 1967, by Ordinance No. 7436. The Commission later evolved into the 15 member Sister City Commission currently described in the Des Moines City Code. The City Code has not been amended to reflect the changes made to the Sister City Commission in 1993.

In 1993, the City of Des Moines entered into Intergovernmental Agreements with Ankeny, Johnston, West Des Moines and Windsor Heights to expand the Des Moines Sister City Commission to create a "Metropolitan Des Moines Sister Cities Commission" with one additional member appointed by each of the other participating cities. Under the terms of the Intergovernmental Agreements, the Commission (therein referred to as the Metropolitan Des Moines Sister Cities Commission) is delegated the following powers:

#### V. POWERS

The Commission shall have and may exercise the following powers:

1. To make and enforce rules and regulations for the conduct of its business and affairs, and for the expenditure of funds available to the Commission.
2. To contract for the expenditure of funds for activities, supplies, travel, and events as necessary to promote the purposes of the Commission as set forth herein, up to but not exceeding the budget available to the Commission during any fiscal period.
3. To contract for personnel on a part time or full time basis, subject to a specific allocation of funding for such purpose, and subject to the total yearly budgetary allocations available to the Commission from the municipalities.
4. To accept grants, gifts, and contributions from public bodies and private persons, firms, or corporations to assist the Commission in the accomplishment of its goals.
5. The Commission shall not have the power to purchase or contract for the purchase of real estate, nor to bind the municipalities to any expenditure of funds beyond that which is contained in the then current operating budget of the Commission.

#### VI. FINANCING

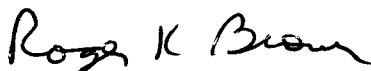
1. The Commission shall prepare a yearly operating budget based upon a fiscal year beginning July 1. The budget for the next succeeding fiscal year shall be adopted by the Commission no later than December 1st and shall thereafter be presented to each of the municipalities for their review and approval prior to December 15th of each year. The Commission shall request that each municipality provide in its operating budget for its share of the Commission budget based upon the formula set forth herein, or in an amendment to this agreement.

## 2. Organizational conflicts

The provisions in the Des Moines Municipal Code regarding the Sister City Commission have not been updated to reflect the changes made pursuant to the Intergovernmental Agreements with the other participating cities. The following table identifies the major conflicts between the Commission as established by the City Code and the Commission as expanded and reorganized by the Intergovernmental Agreements.

<b>Requirement:</b>	<b>As provided by the Des Moines City Code:</b>	<b>As provided by the Intergovernmental Agreements:</b>
<b>Number of members</b>	15 §2-1116	15 from Des Moines + 1 from each other city Article IV
<b>Residency of members</b>	Must be residents of Des Moines §2-1049	1 member allowed from each other city Article IV
<b>Rulemaking authority</b>	All rules subject to approval by the D.M. City Council §2-1055	Expressly delegated rulemaking authority Article V
<b>Contracting authority</b>	Prohibited from hiring any person or expending any public funds without approval by D.M. City Council §2-1058	Expressly delegated authority to contract for personnel and expenditures. Article V
<b>Chairmanship</b>	D.M. Mayor is honorary chair and appoints the regular chair. Other officers elected by membership of the Council §2-1117	All officers elected by membership. Article IV

To allow the Metropolitan Des Moines Sister Cities Commission to perform its duties as established in the 29E Agreements with Ankeny, Johnston, West Des Moines and Windsor Heights, the City Code should be amended to remove the existing conflicts. Exhibit "A" to this memorandum contains proposed amendments to the City Code to bring it into conformance with the Intergovernmental Agreements. The amended text in Exhibit "A" is largely taken directly from the Intergovernmental Agreements. Exhibit "A" contains footnotes which identify where the amended text can be found in the Intergovernmental Agreements.



Roger K. Brown  
Assistant City Attorney  
515/283-4541

**Exhibit "A"**  
**Proposed amendment to the**  
**Des Moines City Code**

These amendments are intended to bring the Des Moines City Code into conformance with the terms of the Intergovernmental Agreements Creating the Metropolitan Des Moines Sister Cities Commission previously approved by the City Council.

**Chapter 2 ADMINISTRATION**

**Article VI. Boards, Commissions, Committees and Agencies**

Division 3. Greater Des Moines Sister Cities Commission

Sec. 2-1114. Purpose

Sec. 2-1116. Created.

Sec. 2-1117. Appointment; officers.

Sec. 2-1118. Powers and duties.

Sec. 2-1119. Sister Cities.

Sec. 2-1120. Financing

Secs. 2-1121~~19~~--2-1145. Reserved.

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Secs. 2-1090--2-1114~~5~~. Reserved.

DIVISION 3. GREATER DES MOINES SISTER CITIES COMMISSION

**Sec. 2-1114. Purpose.<sup>1</sup>**

The City of Des Moines hereby declares its support for and continued participation in the Sister Cities International Program for the following purposes:

1. To allow residents and citizens of the Des Moines Metropolitan area and the people of similar cities in foreign nations to acquire a mutual understanding of one another as individuals, as members of their communities, as citizens of their countries and as members of the family of nations.
2. To promote educational and cultural exchanges between institutions and citizens in the Des Moines Metropolitan area, and institutions and citizens of Des Moines' sister cities.
3. To coordinate and facilitate communication between businesses in the Des Moines Metropolitan area wishing to make contact with businesses in the sister cities, and to coordinate business and trade inquiries from Des Moines Sister Cities directed to potential trading and business partners in the municipalities.

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<sup>1</sup> The purpose statement is taken from Article II of the Intergovernmental Agreements with the other participating cities.

4. To assist individuals and educational institutions in the Des Moines Metropolitan area in acquiring and exchanging professional and technical skills with individuals and institutions in sister cities.
5. To develop an awareness of the international Sister Cities Program, its goals, missions, and accomplishments, and to create a bridge of understanding between different cultures of the world.

**Sec. 2-1116. Created.**

- (a) There is created the greater Des Moines sister cities commission, sometimes also known as the metropolitan Des Moines sister cities commission, which shall consist of 15 members appointed by the city council and one member appointed by the city council of each other city which has entered into an intergovernmental agreement which remains in effect with the City of Des Moines, to participate in the greater Des Moines sister cities commission.
- (b) For purposes of taking action on any matter before the Commission, a quorum shall consist of a majority of the entire Commission membership, each member having one vote on all matters coming before the Commission.<sup>2</sup>
- (c) Except as provided below, all members of the commission shall be subject to the rules and regulations generally applicable to the members of city boards and commissions. The members of the commission appointed by the other participating cities are exempt from the following requirements under this Code:
  - (1) The residency requirements in section 2-1049 of this Code; and,
  - (2) The term limits in section 2-1059 of this Code.
- (d) Except as provided below, the commission is subject to the rules and regulations generally applicable to city boards and commissions. The commission is exempt from the following requirements under this Code:
  - (1) The requirement in section 2-1055 that all rules and regulations adopted by a commission be subject to approval by the city council.<sup>3</sup> However any rules adopted by the commission shall be in writing and filed with the city clerk.

**Sec. 2-1117. Appointment; officers.**

- (a) The members of the greater Des Moines sister cities commission shall be appointed or reappointed and shall hold office for a maximum term of five years ~~from the date of their appointments~~ and until their successors shall be appointed and qualified.<sup>4</sup> The members appointed by the city of Des Moines shall serve for a term of 5 years. If a vacancy occurs in the office of a commissioner, the new appointee shall serve for the balance of his or her predecessor's term. The office of a commissioner shall become vacant upon the adoption ~~by the council~~ of a resolution declaring such vacancy by the governing body of the city responsible for appointing the successor to that office.
- (b) The mayor shall be honorary chair of the commission. ~~The regular chair shall be appointed by the mayor, and the remaining officers of the commission shall be elected by~~

<sup>2</sup> The quorum requirement is taken from Article IV, paragraph 2, of the Intergovernmental Agreements.

<sup>3</sup> Article V, paragraph 1 of the Intergovernmental Agreements give the Commission the power to make rules, and that power is not constrained by a requirement the rules be approved by the Des Moines City Council.

<sup>4</sup> Article IV of the Intergovernmental Agreement allows the other cities to determine their own criteria for appointment of members, except that the term shall not exceed 5 years.

~~the members thereof. The Chair, Vice-Chair, and all other elected positions within the commission shall be determined by majority of the commission membership.<sup>5</sup> Those elected shall serve for terms set forth in such rules and regulations as the commission may adopt.~~

- (c) The city manager shall designate a city employee to serve as secretary of the commission and to perform such other duties as may be assigned by the city manager to coordinate and expedite the work of the commission. The secretary shall not be entitled to a vote.

**Sec. 2-1118. Powers and duties.**

The powers and duties of the greater Des Moines sister cities commission are to:

- (1) Further the economic cooperation and cultural exchange on the basis of mutual friendship and amity between the cities in the greater Des Moines area ~~city~~ and other cities of the world.
- (2) Develop, compile, coordinate and exchange information with officials and citizens of the designated sister cities, and other cities and foreign visitors. ~~such cities as Saint Etienne, France; Naucalpan, Mexico; Kofu, Japan; Shijiazhuang, China; Stavropol, Krai, Russia; and other foreign visitors to the city.~~
- (3) Plan, develop and carry out mutual economic and cultural activities with officials and citizens of the designated sister cities, Saint Etienne, France; Naucalpan, Mexico; Kofu, Japan; Shijiazhuang, China; Stavropol, Krai, Russia; and other cities and foreign visitors.
- (4) Encourage and cultivate mutual understanding of the respective economic problems and cultural development between the cities in the greater Des Moines area and other cities of the world.
- (5) Recommend to the city council of Des Moines and the other participating cities such cities of the world as, in the opinion of the commission, are appropriate, in view of the goals of the commission, for designation as sister cities.
- (6) Prepare an annual budget for the commission for recommendation to the city councils of Des Moines and the other participating cities.<sup>6</sup>
- (7) Make and enforce rules and regulations for the conduct of its business and affairs, and for the expenditure of funds available to the commission.<sup>7</sup>
- (8) To contract for the expenditure of funds for activities, supplies, travel, and events as necessary to promote the purposes of the commission as set forth herein, subject to a specific allocation of funding for such purpose, and subject to the total yearly budgetary allocations available to the commission from the municipalities.
- (9). To contract for personnel on a part time or full time basis, subject to a specific allocation of funding for such purpose, and subject to the total yearly budgetary allocations available to the commission from the municipalities.
- (10) To accept grants, gifts, and contributions from public bodies and private persons, firms, or corporations to assist the commission in the accomplishment of its goals.

<sup>5</sup> Article IV, paragraph 3 of the Intergovernmental Agreement provides that the chair shall be elected by the members of the Commission.

<sup>6</sup> This paragraph summarizes authority delegated to the Commission by Article VI, paragraph 1 of the Intergovernmental Agreements.

<sup>7</sup> Paragraphs (7) through (11) of Section 2-1118 are copied from Article V, paragraphs 1 through 5 of the Intergovernmental Agreements.

- (11). The commission shall not have the power to purchase or contract for the purchase of real estate, nor to bind the municipalities to any expenditure of funds beyond that which is contained in the then current operating budget of the commission.

**Sec. 2-1119. Sister Cities.**

The city council may by resolution designate a foreign city as a sister city upon a finding that such other city bears a close resemblance to the City of Des Moines or the greater Des Moines area in demographics, economics and geography, or has close cultural ties to citizens of Des Moines.<sup>8</sup>

**Sec. 2-1120. Financing.**<sup>9</sup>

- (a) The commission shall prepare a yearly operating budget based upon a fiscal year beginning July 1. The budget for the next succeeding fiscal year shall be adopted by the commission no later than December 1st and shall thereafter be presented to each of the municipalities for their review and approval prior to December 15th of each year. The commission shall request that each municipality provide in its operating budget for its share of the commission budget based upon the formula set forth herein, or in an amendment to this agreement.
- (b) Each municipality's share of the commission's general operating budget, exclusive of travel expenses, shall be based on a per capita levy, using the last available Federal census for each municipality, (i.e., Population of municipality divided by total population of all participating municipalities.) In addition to the general operating budget, each municipality may allocate funds to be used specifically for travel purposes for its representative or representatives to the commission, or for elected and/or appointed representatives of the municipality who participate in commission activities. No municipality may utilize or borrow against travel funds provided by another municipality without approval of that municipality. The commission treasurer shall establish a separate travel account for each municipality. Any funds remaining in the travel account of a municipality at the end of any fiscal year shall be kept in trust for that municipality, available to be spent for such purpose in succeeding years.
- (c) An official designated by the City Council of the City of Des Moines shall act as treasurer for the commission and, upon request from any municipality participatory to this agreement, the treasurer shall provide an accounting of all commission receipts and expenditures during the fiscal year, including travel funds.
- (d) Each municipality's share of commission budget shall be due and payable to the treasurer in quarterly installments, no later than July 15, September 15, January 15, and April 15 of each fiscal year.
- (e) Payment of its share of the yearly operating budget shall be a membership requirement of each municipality. Failure of a municipality to pay its share of the yearly operating budget in a timely manner shall be considered a delinquency for purposes of this Agreement.

<sup>8</sup> The following cities and province have been designated by the city council as sister cities:

Catanzaro Province, Italy	Shijiazhuang, China
Kofu, Japan	Stavropol, Russia
Saint Etienne, France	

<sup>9</sup> The text of Section 2-1120 is copied directly from Article VI of the Intergovernmental Agreements.



During any period of delinquency by a municipality in the payment of its share of the operating budget, such municipality and all groups or organizations located in such municipality, shall not be entitled to the services of the commission or benefits of commission membership.

**Secs. 2-112119--2-1145. Reserved.**