

Date May 18, 2020

WHEREAS, the Public Works Department desires to establish a Stormwater Infrastructure Advisory Committee in order to meet requirements of the City of Des Moines National Pollution Discharge Elimination System – Municipal Separate Storm Sewer System permit and to engage the general public in the City regarding stormwater issues and has prepared a revised Policy and Rule, attached hereto.

MOVED by _____ to receive and file the revised Stormwater Infrastructure Advisory Committee Policy and Rules.

(Council Communication No. 20-~~222~~)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Ann DiDonato
Ann DiDonato
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED		APPROVED		

CERTIFICATE

I, P. Kay Cmelik, 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.

Mayor

City Clerk

City of Des Moines – Department of Public Works
Stormwater Infrastructure Advisory Committee Policy and Rules

Last Updated: May 2020

COMMITTEE POLICY

Background:

In order to meet the requirements of the City of Des Moines National Pollution Discharge Elimination System – Municipal Separate Storm Sewer System permit and a desire to engage the general public in the City regarding stormwater issues, the Public Works Department is establishing a Stormwater Infrastructure Advisory Committee (“Committee”). The primary purpose of the Committee is to provide the Public Works Department with public input in its efforts to improve flood risk reduction and overall water quality within the City.

Purpose:

The Committee is charged with holding public meetings to receive public input, hold public hearings, and work with volunteer groups, as appropriate. The Committee is expected to provide input to Public Works staff on current stormwater initiatives including the following:

- Monitoring progress on development and execution of the Stormwater Master Plan
- Providing feedback on stormwater project prioritization process
- Providing feedback on annual stormwater capital budgeting process
- Providing feedback on stormwater ordinance/policy updates
- Engaging with stormwater public outreach/education initiatives within the City
- Helping to appropriately prioritize small/neighborhood stormwater issues in the context of the larger projects/programs

The Committee shall provide a quarterly update and an annual report to the City Council on the status of the goals listed above and any other goals identified by the Committee. The report shall be presented by City staff as part of the annual Stormwater Enterprise Fund Council Workshop.

Committee Requirements

The Committee will be between 8 and 12 members. Members must be residents of the City of Des Moines and shall consist of interested representatives of environmental groups, developers, builders’ associations, business persons, City personnel and residents at large.

Members shall be appointed in the following manner:

- Each ward City Council member may appoint one member from their respective ward. If any City Council member declines to appoint a Committee member from their ward, the Public Works Director will make such appointment.
- The remaining members shall be appointed by the Public Works Director.

Committee members shall serve for 2-year terms and until their successors are appointed. If a vacancy occurs in the membership, the new appointee will serve for the balance of his or her predecessor's term. Service on a vacancy term will not count as a term. The Public Works Director may remove a committee member at any time if it is in the best interest of the City.

COMMITTEE RULES

Part I. General

Rule 1. Scope of Rules. These rules shall govern the conduct of the Committee and shall be interpreted to insure fair and open discussion, deliberations and decision making.

Rule 2. Parliamentary Procedures Waived. Except as specifically required by these rules, the Committee shall not use any formal points of parliamentary order, personal privilege, parliamentary inquiry or other technical forms.

Rule 3. Matters Not Covered. Any matter of order or procedure not covered by these rules shall be referred to the Chair, who shall decide the matter, with the assistance and advice of the Public Works Department's legal advisor if necessary, in conformity with the purpose of these rules in a fair and expeditious manner. The decision of the Chair may be reversed by a majority vote of the Committee if not in conflict with the statutes or ordinances referred to in Rule 4.

Rule 4. Interpretation. These rules are intended to supplement and shall be interpreted to conform to applicable statutes of the State of Iowa and ordinances of the City of Des Moines.

Part II. Time and Place of Meeting

Rule 5. Regular Meetings. Regular meetings of the Committee shall be held on the third Tuesday of the months of February, May, August and November starting in February 2020 at a time to be determined and in a place accessible to the general public as set by the Public Works Director or their designee. When the third Tuesday of the month falls on a legal holiday, then the meeting shall be held on a date and a time as determined by the Chair. The Committee may, by resolution, continue or postpone any regular meeting to another date and time, or may cancel a meeting. The Chair, the Public Works Director, or their designee may cancel a meeting if there are no agenda items for Committee action at such meeting. All meetings shall be open to the public.

Rule 6. Special Meetings. Special meetings may be called by the Chair, by the Public Works Director, or their designee. The call for the special meeting shall specify the day, hour and

subject or tentative agenda of the meeting and public notice of the meeting shall be as provided in Rule 9.

Rule 7. Quorum. A majority of all members currently appointed to the Committee shall constitute a quorum for transaction of business. A lesser number may discuss but not take action on any item until a quorum is present.

Part III. Agenda

Rule 8. Preparation of Agenda. Prior to each regular Committee meeting, the Public Works Director or their designee, in conjunction with the Committee Chair, shall prepare an agenda that contains all items the Committee anticipates considering or receiving at the meeting. All agenda items requiring action will be identified as such on the agenda. The written agenda and packets of supporting information for agenda items or brief summaries of the agenda items will be sent to Committee Members prior to the date of the meeting.

Rule 9. Posting of Agenda. Public notice of Committee meetings shall be provided by publication of the tentative agenda, along with the time, date and place of the meeting in a newspaper that is published at least once weekly and having a general circulation in the City of Des Moines at least 4 and not more than 20 days prior to the date of the meeting. In addition, the agenda, time, date and place of the meeting shall be posted at City Hall, the Public Works administrative building, at the place of the meeting, and on the Public Works website at least 24 hours prior to the meeting.

Part IV. Members

Rule 10. Attendance. Each Committee Member must attend at least seventy-five percent (75%) of the regularly scheduled meetings in a given calendar year in accordance with Des Moines Municipal Code §2-1050. If a member is unable to attend a meeting in person, they may attend via phone call or web meeting if available. Each Committee Member is expected to attend each meeting in its entirety. If a Committee Member's attendance is not in compliance, it is the responsibility of the Chair to request guidance from the Committee regarding recommendations to the Public Works Director. Each Committee Member should notify the Recording Secretary prior to the meeting in the event they must be absent from a Committee meeting.

Rule 11. Conflict of Interest. Each Committee member shall comply with the provisions of Des Moines Municipal Code §2-1054. In particular:

Sec. 2-1054. Conflict of interest.

- (a) No member of any administrative or advisory board, committee, commission or agency shall vote or participate in the discussion before the body or any subcommittee of the body on any issue in which the member has a direct financial interest or an interest as defined in sections 2-713 and 94-3 and as described in this section. No member of any administrative or advisory board, committee, commission or agency shall participate in selection or in the award or administration of a contract if a conflict of interest, real or

apparent, would be involved. Such a conflict would arise when any of the following persons has a financial or other interest in the firm or contractor selected for award:

- (1) The board, committee, commission or agency member;
 - (2) Any member of his or her immediate family;
 - (3) His or her partner; or
 - (4) Any organization which employs or is about to employ any of the persons mentioned in subsections (a)(1) through (3) of this section.
- (b) No board, committee, commission or agency member shall solicit or accept gratuities, favors, money, rebates or anything of monetary value from contractors, potential contractors or parties to subagreements.
- (c) Except as otherwise specifically provided in this Code, no two members of any administrative or advisory board, committee, commission or agency shall be employees of the same person, firm, company, partnership or other employing entity. For purposes of this section the owner or proprietor of a firm, company or other employing entity and each partner in a partnership and the spouse of each owner or proprietor or partner shall be considered an employee of the firm, company, partnership or other employing entity. This subsection shall not disqualify any member of a board, committee, commission or agency serving upon the effective date of this section.
- (d) Any member who violates this section may be subject to disciplinary action by the appointing authority, including removal from office.
- (e) The conflict of interest provisions in sections 2-713 and 94-3 shall also apply to all members of any administrative or advisory board, committee, commission or agency. In the event a Committee Member has a conflict as defined above, that Member may choose to leave the meeting room while that item or issue is being discussed.

Part V. Officers

Rule 12. Officers. The officers of the Committee shall be Chair, Vice Chair and such other officers as deemed necessary by the Committee. The Chair shall be elected by a majority vote of the quorum in November of each odd-numbered year and shall serve for two years. The Vice Chair shall be elected by a majority vote of the quorum in November of each even-numbered year and shall serve two years. Officers shall serve no more than two full consecutive terms in any one position.

Rule 13. Vacancy. In the event a vacancy occurs in any office for any reason, the Committee shall, as soon as reasonably possible, nominate and elect a Member to serve in that office until the next regular election of officers.

Rule 14. Officer Nomination. Any member of the committee may nominate another member or self-nominate for an Officer position at the regular November meeting.

Rule 15. Election of Officers. Officers shall be elected in November and take office at the February meeting.

Rule 16. Duties of Officers. The Chair shall preside at all meetings of the Committee and shall be, ex officio, a voting member of all committees.

The Vice Chair shall exercise the powers and perform the duties of the Chair in his or her absence for the duration of the absence or incapacity of the Chair or for the duration of the meeting.

Other officers shall exercise such powers and perform such duties as assigned by the Committee.

Rule 17. City Staff. The Recording Secretary shall be a Member of the Public Works Department assigned to perform the duties of the office and shall attest all minutes of the Committee and all matters of record. All actions taken shall be a matter of public record in accordance with Chapter 22 of the Iowa Code.

The Public Works Director or their designee shall be available to assist the Committee when his or her services are necessary to prepare reports, to recommend Committee Action, or to otherwise aid the Committee.

Part VI. Conduct of Meetings

Rule 18. Roll Call. Before proceeding with the business of the Committee, the Recording Secretary shall call the roll of Members present and enter those names in the minutes. The Recording Secretary shall determine the presence of a quorum as required by these rules.

Rule 19. Call to Order. The Chair or Vice Chair shall call the meeting to order at the appointed hour. In the absence of the Chair or Vice Chair, the Public Works Director or their designee shall call the meeting to order and a temporary presiding officer shall then be selected as provided in Rule 20.

Rule 20. Presiding Officer. The Chair shall be the presiding officer at all Committee meetings. If the Chair is absent or unable to preside, the Vice Chair shall preside. If both the Chair and Vice Chair are absent, the Committee shall elect a Chairperson pro tempore to preside at that meeting.

Rule 21. Control of Discussion. The presiding officer shall control discussion of the Committee on each Agenda item to assure full participation in accordance with these rules. Each Committee Member's comments must be directed to the subject under consideration. The presiding officer shall rule on such comments.

Rule 22. Presiding Officer's Right to Enter Into Discussion. The Chair or other presiding officer may enter into any discussion to limit the discussion or affirm its direction.

Rule 23. Limit on Remarks. Each Committee Member shall limit his or her remarks to a reasonable length. A maximum length may be established by the Committee at any meeting.

Rule 24. Presiding Officer's Right to Speak Last. The presiding officer may speak last to close debate and to sum up the discussion.

Rule 25. Closing Debate. Discussion or a hearing shall be closed on any item by the presiding officer with the concurrence of a majority of the Committee. However, a call for a vote to close discussion will take precedence.

Part VII. Citizen Participation

Rule 26. Manner of Addressing the Committee. A person other than a Committee Member desiring to address the Committee shall state his or her name, address, and group affiliation (if any).

Rule 27. Time Limit on Citizen's Remarks. Citizens shall be limited to three (3) minutes speaking time per item, unless additional time is granted by the presiding officer with Committee concurrence. Total citizen input on any subject under Committee consideration can be limited to a fixed duration by the presiding officer. A majority vote of the Committee may extend or limit the time duration under this rule. Committee Members may ask questions following a citizen's remarks and these questions and answers are not subject to the fixed time limit. Committee Members may also ask questions of other citizens in the audience with permission of the presiding officer. However, the questions shall be germane to the subject under consideration and the answers shall be concise and responsive.

Rule 28. Remarks to be Germane. Citizen comments must be directed to the subject under consideration. The presiding officer shall rule on such citizen comments. Any person making impertinent, or slanderous remarks or comments directed negatively at individuals may be barred by the presiding officer from further comment before the Committee during the meeting, and, if appropriate from future participation.

Part VIII. Committee Action

Rule 29. Motion Required. All action requiring a vote shall be moved by a Member of the Committee.

Rule 30. Motion to Reconsider. A motion to reconsider can only be made by a Committee Member who was on the prevailing side in the original action or by a Committee Member absent at the time of the original action. The sponsoring of the reconsideration of a matter by the Chair or other presiding officer has the effect of a motion to reconsider.

Rule 31. Motion to Amend. No motion shall be made while any other motion is pending, except a motion to amend, or other subsidiary motion, made to assist the Committee in disposing of a motion, which shall take precedence over the motion on the floor.

Rule 32. No Motions by Presiding Officer. The presiding officer shall not make a motion.

Rule 33. Call for Vote. At the conclusion of debate the presiding officer shall call for a vote; however, a majority of the Committee may call for a vote at any time.

Rule 34. Separate Consideration. Except as otherwise required by these rules each Agenda item shall be voted upon separately and each separate vote of each Committee Member shall be recorded by the Recording Secretary.

Rule 35. Recording Names of Members Making Motions. The Recording Secretary shall record the name of the Committee Member making each motion.

Part IX. Miscellaneous

Rule 36. Suspension of Rules. These rules or any part hereof, may be suspended, changed or modified by a two-thirds majority of the Committee and approval by the Public Works Director.

Rule 37. Presentations to City Council. Only the Chair or the Chair's designee shall represent the Committee on an issue before the City Council or any other entity or agency. Any other Committee Member who addresses the City Council, a public forum, or the media on an issue upon which the Committee has taken or is considering action shall make it clear that they are not representing the Committee.

Part X. Authority of Committee

Rule 38. Committee Action. No officer, member, or committee shall independently bind the Committee to an action unless expressly authorized to do so; and no such action shall in any way be recognized by the Committee unless so authorized.

Rule 39. Committee Rules and Policies. The Committee may adopt rules and policies, such as the manner of providing notice to the public on certain matters to be considered and acted upon by the Committee, as authorized by applicable sections of the Municipal Code of the City of Des Moines and approved by the Public Works Director.

Part XI. Amendments to Procedural Rules

Rule 40. Amendments. The Committee shall review these Procedural Rules every two years to recommend any necessary amendments to the Public Works Director. Amendments may be recommended by approval of two-thirds majority of the Committee at a regular Committee meeting if notice of the proposed amendment was provided to each member at the previous Committee meeting.



Jonathan Gano, P.E.
Public Works Director

City of Des Moines – Department of Public Works
Stormwater Infrastructure Advisory Committee Policy and Rules

Last Updated: May 2020

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- (b) No board, committee, commission or agency member shall solicit or accept gratuities, favors, money, rebates or anything of monetary value from contractors, potential contractors or parties to subagreements.
- (c) Except as otherwise specifically provided in this Code, no two members of any administrative or advisory board, committee, commission or agency shall be employees of the same person, firm, company, partnership or other employing entity. For purposes of this section the owner or proprietor of a firm, company or other employing entity and each partner in a partnership and the spouse of each owner or proprietor or partner shall be considered an employee of the firm, company, partnership or other employing entity. This subsection shall not disqualify any member of a board, committee, commission or agency serving upon the effective date of this section.
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Jonathan Gano, P.E.
Public Works Director

City of Des Moines - Department of Public Works
Stormwater Infrastructure Advisory Committee Membership
Last Updated: May 18, 2020

Number	Name	Ward	Council Appointed	Appointment Date
1	Jeni Dooley	3		2/18/2020
2	Kathy Fehrman	3	Mandelbaum	5/18/2020
3	Theresa Finnegan	3		2/18/2020
4	Gloria Hoffman	1	Gray	5/18/2020
5	Jenni Klise	1		2/18/2020
6	Jordan Powers	1		2/18/2020
7	Keith Sjostrom	1		2/18/2020
8	Nancy Suby-Bohn	2	Westergaard	5/18/2020
9	Carolyn Uhlenhake-Walker	3		2/18/2020
10	Steve Wade	1		2/18/2020
11	Bob Wilson	4	Gatto	5/18/2020