

ORDINANCE NO. 15,695

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, 90-3, 90-31, 90-35, 90-61 and 90-62, relating to public housing.

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, 90-3, 90-31, 90-35, 90-61 and 90-62, relating to public housing, 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 community development.
- (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. 90-3. Administrative and support services.**

The city shall provide and the division of housing services shall utilize services of the city, including but not limited to engineering services, personnel services, legal services, accounting services, payroll services, property acquisition services, contract procurement and administrative services, purchasing services, financial services, fire services, police services and general administrative services, to administer, operate and maintain municipal housing agency programs and property. The reasonable cost of providing such city services shall be paid by the public housing special revenue fund.

**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 community development 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.

**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. 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 Community Development 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.
- (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 COMMUNITY  
DEVELOPMENT DEPARTMENT**

**Sec. 90-61. Director of community development.**

- (a) The city manager and the chair of the public housing board may discuss the performance of the director of community development or his or her designee at appropriate times.
- (b) The director of community development or his or her designee shall be responsible for the following:
  - (1) The professional implementation of the policies, programs, and plans adopted by the public housing 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 community development 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:

Glenna K. Frank, Assistant City Attorney

T. M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, 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. 18-1433), passed by the City Council of said City at a meeting held August 20, 2018 signed by the Mayor on August 20, 2018 and published and provided by law in the Business Record on September 7, 2018. Authorized by Publication Order No. 10496.

Diane Rauh, City Clerk