

ORDINANCE NO. 15,848

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 Section 2-1046, relating to boards, commissions, committees and agencies.

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 Section 2-1046, relating to boards, commissions, committees and agencies, as follows:

Sec. 2-1046. Appointment of members; qualifications.

- (a) 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.
- (b) The city council recognizes that, pursuant to I.C. Section 69.16A, gender balance is required on all city boards and commissions that are established by the Iowa Code. Even if those boards and commissions identified herein are not required to be gender balanced, the city council hereby declares that it would so require under its general powers. Those boards currently required by state statute to be gender balanced include the following boards and commissions:
 - (1) Des Moines International Airport Board;
 - (2) Civil Service Commission;
 - (3) Historic Preservation Commission;
 - (4) Housing Services Board;
 - (5) Civil and Human Rights Commission;
 - (6) Library Board of Trustees;
 - (7) Plan and Zoning Commission;
 - (8) Water Works Board of Trustees; and
 - (9) Zoning Board of Adjustment.
- (c) In addition to the boards and commissions required to be gender balanced under I.C. Section 69.16A, the city council hereby finds and determines that the following boards and commissions established solely under the general powers of the city shall be gender balanced:
 - (1) Park and Recreation Board.

- (d) For purposes of this section, to maintain gender balance no person shall be appointed or reappointed to any board or commission which is required to be gender balanced if that appointment or reappointment would cause the number of members of the board or commission of one gender to be greater than one-half the membership of the board or commission plus one if the board or commission is composed of an odd number of members. If the board or commission is composed of an even number of members, not more than one-half of the membership shall be of one gender. Council members shall consult each other to avoid a violation of this section. All boards or commissions required to be gender balanced shall be maintained as gender balanced unless the city council finds that the council member recommending appointment has made a good faith effort to recommend a qualified person to fill a vacancy on such board or commission in compliance with this section for a period of three months but has been unable to recommend a compliant appointment. In complying with the requirements of this section, the city council shall utilize a fair and unbiased method of selecting the best qualified applicants. Where a city council member has more than one appointment to a particular board or commission, then both such appointments shall be gender balanced unless doing so would unbalance the board under state law.
- (e) No person shall be appointed or reappointed to any board or commission where there is evidence satisfactory to the Council that the person has engaged in any of the following behaviors during the term for which the person served or in the immediately preceding five-year period to any term for which the person is being considered for appointment:
 - (1) Failed to pay any local, state or federal tax or other similar financial obligation to such governmental entities when due and such amount continues unpaid, in whole or in part;
 - (2) Failed to abide by all federal, state, and local laws applicable to the appointment in any manner;
 - (3) Misrepresented or falsified any information or omitted material information on any communication with the city, including without limitation falsifying or deliberately misrepresenting or omitting material information regarding the person's professional qualifications, criminal history, degrees, or employment history when submitting the board and commission application;
 - (4) Falsified or deliberately misrepresented or omitted material information regarding any information submitted to the city, federal, state, or other governmental agencies.
 - (5) Failed to account properly for funds that were entrusted to the person or otherwise converted public property or funds to the personal use of the person.
 - (6) Engaged in any other unprofessional or unethical conduct.

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

FORM APPROVED:

Jeffrey D. Lester, 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. 19-2053), passed by the City Council of said City at a meeting held December 16, 2019 signed by the Mayor on December 16, 2019 and published and provided by law in the Business Record on January 3, 2019. Authorized by Publication Order No.10975.

P. Kay Cmelik, City Clerk