

★ Roll Call Number

Agenda Item Number

36

Date April 6, 2015

An Ordinance entitled, "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 2-62, relating to the salary of mayor and councilmembers",

which was considered and voted upon under Roll Call No. 15- 0522 of March 23, 2015; again presented.

Moved by _____ that this ordinance be considered and given second vote for passage.

(Second of three required readings)

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE | | | | |
| COLEMAN | | | | |
| GATTO | | | | |
| GRAY | | | | |
| HENSLEY | | | | |
| MAHAFFEY | | | | |
| MOORE | | | | |
| TOTAL | | | | |

MOTION CARRIED

APPROVED

Mayor

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.

City Clerk

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CITY ATTORNEY

Jeffrey D. Lester

DEPUTY CITY ATTORNEYS

Lawrence R. McDowell
Carol J. Moser
Kathleen Vanderpool

SENIOR LITIGATORS

Thomas G. Fisher Jr.

ASSISTANT CITY ATTORNEYS

Roger K. Brown
Cori Kuhn Coleman
Ann M. DiDonato

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



March 23, 2015

**HONORABLE MAYOR AND MEMBERS
OF THE DES MOINES CITY COUNCIL**

**RE: Amendment to Des Moines Municipal Code Section 2-62
Salary of Mayor and Councilmembers**

On the March 23, 2015 City Council agenda, an ordinance will be presented for first consideration to amend Municipal Code Section 2-62 to change the compensation of the Mayor and Councilmembers. In the event such ordinance is passed, all changes in compensation will be subject to the provisions of Iowa Code Section 372.13(8) with respect to the effective date of such changes.

Iowa Code Section 372.13(8) provides in part, that "a change in the compensation of the mayor does not become effective during the term in which the change is adopted." Similarly this Code section further provides that "a change in the compensation of council members becomes effective for all council members at the beginning of the term of the council members elected at the election next following the change in compensation."

There will be a regular City election this November and the beginning of the term of the Mayor and Councilmembers elected at such election will be January 1, 2016. Iowa Code Section 376.2. Accordingly, as an operation of law all changes in compensation for the Mayor and Councilmembers set forth in amended Municipal Code Section 2-62 shall become effective January 1, 2016.

Respectfully submitted,

Lawrence R. McDowell
Deputy City Attorney

ORDINANCE NO. _____

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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 2-62, relating to the salary of mayor and councilmembers.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

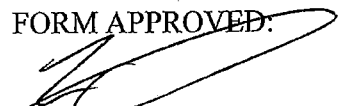
Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, is hereby amended by amending Section 2-62 relating to the salary of mayor and councilmembers, as follows:

Sec. 2-62. Salary of mayor and councilmembers.

The mayor shall receive and be paid a salary at the rate of ~~\$30,555.00~~ \$52,000.00 per annum and ~~\$50.00~~ \$75.00 per week as allowance for expenses incurred on city business conducted in the city and all other ~~councilmembers of the city council~~ shall receive and be paid a salary at the rate of ~~\$21,340.00~~ \$26,000.00 per annum and ~~\$50.00~~ \$75.00 per week allowance for expenses incurred on city business conducted in the city, which salaries shall be payable as hereinafter provided. The mayor and ~~councilmembers of the city council~~ shall be entitled to ~~longevity pay, group insurance and other benefits (including but not limited to life insurance, hospital and surgical expenses, medical expenses, major medical expenses, dental benefits and prescription drug benefits); participation in retirement plans to which they are eligible for participation, specifically the city deferred compensation program authorized by I.C. § 509A.12; education tuition reimbursement; and reimbursement of office related expenses incurred on city business, and in addition the mayor and members of the city council may receive life insurance benefits or deferred compensation contributions, in the event such benefits that~~ are made available to regular full-time supervisory, professional and management employees generally with a hire date commensurate to the commencement date of the mayor's or councilmember's initial consecutive term on the city council. All ~~benefits~~ changes in compensation are subject to the provisions of section I.C. § 372.13(8), with respect to the effective date of such changes. ~~time of commencement of entitlement to such benefits or to any increase thereof.~~ The mayor and each councilmember may choose to decline any benefit provided for the position. However, the benefits shall be presumed to be applicable unless the mayor or councilmember declines the respective benefit in writing. Any written declination of benefits shall be effective from the date specified in such writing to the end of the current term of the mayor or councilmember, and shall be deemed to cancel the entitlement to such benefits for the balance of the term. In receiving salary, allowance for expenses, insurance and benefits or in making any such declination thereof each individual mayor and councilmember shall ~~agree to~~ assume any tax consequences resulting therefrom and ~~to~~ hold the city harmless from any such consequence.

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

FORM APPROVED:


Lawrence R. McDowell, Deputy City Attorney