



CITY OF INDIANOLA SPECIAL COUNCIL MEETING
June 13, 2018
5:30 p.m.
City Council Chambers
Agenda

1. Call to order
2. Roll call
3. Public Consideration
 - A. Old Business
 1. Resolution amending the council policy for the Board and Commissions
 2. Amendment of the policy to correct the scrivener's error regarding the appointment to the Greater Des Moines Convention and Visitors Bureau
 3. Amendment of the policy to correct the error regarding the Mayor Pro Tem position
4. Other Business
5. Adjourn

Meeting Date: 06/13/2018

Subject

Resolution amending the council policy for the Board and Commissions

Information

In your packet is the resolution amending the council policy for the Board and Commissions and application. Changes include:

- Specifies the Mayor and City Council appointments - what appointments are open to citizens and designated governmental appointees
- Procedures for appointing/reappointing a citizen
- Factors that may be considered when recommending appointments

Also attached is the volunteer application form to serve on a City Board and Commission. This form will be available on the City's web site as a fillable form.

On June 3, 2018 Mayor Shaw sent a letter to the City Council (packet) stating five reason he was vetoing the resolution. In reponse to the veto, a request for a special meeting to consider an override of the veto was received by City Staff and Legal Counsel.

The City Council may consider action on this item

Fiscal Impact

Attachments

Letter
Resolution
Board and Commission Policy
Application



— Office of the Mayor —

June 3, 2018

To: Indianola City Council
From: Mayor Kelly B. Shaw
Re: Resolution No. 2018-83

Dear Council:

With all due respect to the Indianola City Council members, this letter is to inform you that I am vetoing the following resolution:

“Resolution Approving Revised Boards and Commissions Membership Policy.”

In doing so, I submit these five reasons to the Indianola City Council Members:

1) The procedures outlined in Resolution No. 2018-83 do not clearly define the role of the newly created City Council Administrative and Policy Committee as they relate to mayoral appointments. As noted by City Attorney Doug Fulton during the May 21 City Council Meeting, while the Council has the authority to create a new committee, said committee is not allowed to do the work of the whole council. It is not clear from the language of the written resolution that Board and Commission recommendations from the Mayor will ever be considered by the full Council, per state law. As written, and as articulated by me on May 21, Resolution No. 2018-83 places extraordinary power in the hands of the City Council Administration and Policy Committee. As such, clarification needs to be added to specifically address the role of the City Council Administrative and Policy Committee as it relates to mayoral appointments. In addition, the Resolution should state that all mayoral appointments will be vetted by the whole council, and not merely the newly formed Committee as the current wording suggests.

2) Relatedly, the procedures outlined in Resolution No. 2018-83 do not clearly define the role of the newly created City Council Administrative and Policy Committee as they relate to Council appointments. Concerning to me is the following language taken from the Resolution: “The names of citizens who express interest in serving on Boards and Commissions appointed by the City Council *will be forwarded by the City Clerk to the City Council Administrative & Policy Committee for their review.*” (My emphasis.) Again, as written, it is not clear what “*for their review*” will involve, and one could argue, as I do, that this phrasing circumvents the role of the entire Council in the nomination and selection of Council made appointments. Again, according to state law and Doug Fulton, the entire Council must be involved in the selection process, and I am concerned that this wording usurps the powers held *by all Council members* in the nomination process.

3) Given points 1) and 2) above, the role of the City Council Administrative and Policy Committee in the boards and commission appointment and nomination process is not obvious as written. When I asked for clarification regarding the role during the last Council meeting, I received two very different answers from the Committee Members who drafted the Resolution as approved. While Councilmembers Marchant and Southall noted that the role of the newly formed Committee would serve merely as a collection point for applicants, Councilmember Parker added that a purpose of the Committee would be to discuss nominees without having a Council-wide discussion regarding the merits of an applicant or nominee in the event that there is not wide-agreement on a particular nominee. While I agree that discussions regarding particular nominees need to be civil, I feel strongly that such discussions taking place outside of a formal meeting with the entire Council is not only illegal, but is the antithesis of transparency in government which I have worked so hard to maintain as Mayor. Put more bluntly, for the sake of transparency the *entire Council* needs to be involved in discussions during *open meetings* regarding appointments to boards and commissions.

4) The Mayor does not appoint a “Greater Des Moines Convention Center Representative”, but rather appoints a representative to the Greater Des Moines Convention and Visitors Bureau. This error in wording should be corrected.

5) I do not believe that the Mayor Pro Tem appointment requires approval from the Council. When asked, Mr. Fulton believed that this appointment does not require Council approval. This issue should be researched and, if inconsistent with state law, should be altered in Resolution No. 2018-83.

In closing, clarification of the appointment process to Boards and Commissions in the City of Indianola is very important, and I applaud the work of Councilmembers Southall, Parker, and Marchant in taking this important first step. However, as points 4) and 5) illustrate, there are errors in the language of the resolution that was passed by Council on May 21. In addition, procedural questions are of great concern to me, as articulated in points 1), 2), and 3) above. The work of the City Council Administrative and Policy Committee must be fully articulated in writing, must assure full engagement of the entire Council in the nomination and selection process per state law, and must assure transparency in government and the making of appointments. I feel strongly that Resolution No. 2018-83 fails on all three counts, and as a result I cannot in good faith place my signature upon it.

Respectfully submitted,



Kelly B. Shaw
Mayor

RESOLUTION NO. 2018-_____

**RESOLUTION APPROVING REVISED BOARDS AND COMMISSIONS
MEMBERSHIP POLICY**

WHEREAS, the Indianola City Council in reviewing its policies believes it is in the best interest of the citizens of Indianola for the Council to revisit and revise the Boards and Commissions Membership Policy.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of Indianola that the existing policy is hereby replaced with the attached Boards and Commissions Membership Policy.

DATED this 21st day of May 2018.

Kelly B. Shaw, Mayor

ATTEST:

Diana Bowlin, City Clerk

Boards and Commissions Membership

The intent of this policy is to provide a process for selecting citizens interested in serving on a City board and/or commission. The City of Indianola desires to have diverse representation on its boards and commissions to reflect the age, race/ethnicity and gender (in accordance with Iowa Code 69.16A) of the Indianola community.

The Mayor makes the following appointments with the approval of the City Council:

- *IMU Board of Trustees (6 years)*
- *Memorial Aquatic Center Commission (3 Years)*
- *Park and Recreation Commission (3 years)*
- *Senior Citizens Commission (3 years)*
- *Fine Art and Beautification Commission (3 years)*
- *Non-Judicial Human Relations Commissions (3 years)*
- Greater Des Moines Convention Center Representative
- *Cable and Communication Commission*
- *Civil Service Commission (4 years)*
- *Library Board of Trustees (6 years)*
- *Commission on Youth Affairs (2 years)*
- *Commission on Substance Abuse & Risk Behavior (3 years)*
- Mayor Pro Tem

The City Council makes the following appointments:

- *Board of Adjustment/Appeals (5 years)*
- Landfill Board
- YMCA Steering Committee
- Sustainability Committee
- BRAVO Greater Des Moines Representative
- City Council Administrative & Policy Committee
- *Planning and Zoning Commission (5 years)*
- CIRTPA/MPO Representative
- City Investment Committee
- *Hometown Pride Committee*
- Metro Advisory Committee
- WCEDC Board

Those appointments in *italics* are open to citizens. Others are a designated governmental appointee.

The following are procedures for appointing/reappointing a citizen:

- Boards and Commission openings will be listed six months in advance of a vacancy on the City's web site by the City Clerk.
- Interested citizens should complete a volunteer application form by the posted deadline. The City will keep applications on file until December 31st of each year.
- The names of the citizens who express interest in serving on the Boards and Commissions appointed by the Mayor will be forwarded by the City Clerk to the Mayor for his/her review. The Mayor will consider the information provided on the application and make his/her recommendation to the City Council Administrative & Policy Committee for their consideration and recommendation to the Mayor and City Clerk.
- The names of citizens who express interest in serving on the Boards and Commissions appointed by the City Council will be forwarded by the City Clerk to the City Council Administrative & Policy Committee for their review.
- The name of the citizen recommended for the Board or Commission will be placed on the agenda for Council approval.

The City Council Administrative & Policy Committee will also bring forward appointments to the Landfill Board, CIRTPA, MPO, YMCA, Investment Committee, Sustainability Committee, Hometown Pride, BRAVO, Metro Advisory, WCEDC.

Factors that may be consider when recommending appointments include:

- What is the current gender balance of the Board/Commission?
- The area of town in which a candidate resides, are all areas represented?
- Are there too many members with similar occupations, should other occupations be represented?
- Are there potential conflicts of interests if a certain candidate were chosen to serve?
- What expertise and/or experience does the candidate bring to the Board/Commission?
- Does the candidate serve on more than one board/commission?

- How long has the person served on the board/commission?
- If they are currently serving on a board/commission how effective have they been in serving on the board/commission?
- If they are currently serving on a board/commission, has their attendance been acceptable?
- Only one member of an immediate family i.e. husband, wife, father, mother, son, daughter, brother, sister, may be on the same board or commission at a time.
- City employees may serve as members on City boards and commissions that are established by ordinance. However, City employees shall not serve on boards/commissions that govern their respective departments. City employees will be subject to the normal selection procedure which provides mayoral appointment and council approval. The council reserves the right to approve all appointments and shall not approve City employees when potential conflicts of interest may be present.

Attendance: Attendance is critical to the successful functioning of a board/commission. Staff shall monitor attendance to assure members are participating to an acceptable level. If attendance problems occur, staff shall inform the board/commission chair and/or the Mayor and City Council to consider action to assure the board/commission has active/participating members.

Adopted by City Council on February 4, 1974, amended August 3, 1987; amended August 1, 1988; amended May 21, 2018.



CITY OF INDIANOLA
VOLUNTEER APPLICATION FORM
TO SERVE ON A CITY BOARD AND COMMISSION

There are numerous Boards and Commission to advise the City Council. Appointments are approved at a Council meeting when terms have expired or vacancies occur. Interested residents must complete this form and submit it to the City Clerk at 110 N. 1st Street.

To be considered, interested individuals must be Indianola residents. Terms for the Boards and Commissions vary and are established by Municipal Code. These boards and commissions are vital to the success of the community and are comprised of interest citizens. The City of Indianola desires to have diverse representation on the Boards and Commissions to reflect the age, race/ethnicity and gender of the Indianola community. All appointments are made during the City Council meetings that take place on the first and third Monday.

Name:			
Street Address:	City:	State:	Zip:
E-Mail:			
Phone Home:	Cell:	Work:	
Gender:	Age (Optional):	Race (Optional):	

Please attach a Resume or Bio

- **Board of Adjustment/Appeals** – meets the first Wednesday of the Month at 6:00 p.m. in the City Hall Council Chambers. This Board reviews applications for variances (zoning setbacks, lot area, off street parking, etc.), rules on special uses and structures listed, and listens to/decides upon appeals or administrative decisions. The Board consists of five members who serve 5-year terms. This Commission is appointed by the City Council.

- **Civil Service Commission** – meets on call. The commission administers the civil service procedure and is involved in the hiring process for the Fire and Police Department as specified by code. The commission consists of three members that serve 4-year terms.

- **IMU Board of Trustees** – meets the second and fourth Monday of the month at 5:30 p.m. in the City Hall Council Chambers. This Board manages and controls the city’s waterworks, electric, light and power plant and also provides telecommunication services. The Board consists of five members serving 6-year terms.

- **Library Board of Trustees** – meets the first Tuesday of the month at 5:30 p.m. in the Library meeting room. This Board has charge, control and supervision of the Library, its appurtenances, fixtures and rooms and personnel. The Board consists of seven members serving 6-year terms.

- **Park and Recreation Commission** – meets the second Wednesday of the month at 5:00 p.m. at the Activity Center. This commission advises City Council on the needed facilities to provide open spaces such as parks, playgrounds and community facilities for other forms of recreation. It oversees city programs and encourages other programs for the leisure time of the City residents of all ages. The commission consist of six members serving 3-year terms.

- **Planning & Zoning Commission** – meets the second Tuesday of the month at 6:00 p.m. in the City Hall Council Chambers. This commission is qualified by knowledge or experience to act in matters pertaining to the development of the City Plan. The commission consists of 10 members who serve 5-year terms. This Commission is appointed by the City Council.

- **Veterans Memorial Building Commission** – meets quarterly at 5:30 p.m. at the Activity Center. The commission consists of honorably discharged soldiers, marines, airmen or coast guard members who manage and control the Veteran’s Memorial Aquatic Center and establish rules and regulations for management. The Commission consists of five members serving 3-year terms.

Please submit this form along with your resume or bio to: Indianola City Hall, Attn: Diana Bowlin, City Clerk, 110 N. 1st Street, Indianola, Iowa 50125

Meeting Date: 06/13/2018

Subject

Amendment of the policy to correct the scrivner's error regarding the appointment to the Greater Des Moines Convention and Visitors Bureau

Information

In the written veto it was mentioned that the Mayor does not appoint a "Greater Des Moines Convention Center Representative", but rather appoints a representative to the Greater Des Moines Convention and Visitors Bureau.

Fiscal Impact

Attachments

No file(s) attached.

Meeting Date: 06/13/2018

Subject

Amendment of the policy to correct the error regarding the Mayor Pro Tem position

Information

In the written veto it was mentioned that the appointment of Mayor Pro Tem does not require approval from the City Council.

Fiscal Impact

Attachments

No file(s) attached.
