

City Attorney's Office



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January 4, 2008

The Honorable Ann Campbell, Mayor,
and Members of the City Council
of the City of Ames, Iowa

Re: Terms of Appointments for Board and Commission Members

Dear Mayor Campbell and Council Members:

You requested an analysis and recommendations for changes in the terms of appointments for members of City boards and commissions. Differences among the boards and commissions in lengths of terms and eligibility for reappointments have caused confusion and, in some situations, difficulty in identifying qualified and interested residents to fill vacancies. Terms for members of the various boards and commissions currently vary from two to six years. Members of some boards and commissions are ineligible for reappointment; members of others are eligible for only one reappointment; and members of still other bodies are eligible for two or more reappointments.

Additionally, inconsistencies in ordinance language concerning the role of the Council in finalizing the appointments of the Mayor has led to uncertainty about what standard should be applied to Council review. While appointments for all boards and commissions are made by the Mayor, the Code in different places describes the role of Council variously as "approval," "consent," "advice and consent," and "confirmation." For a few boards, the Code makes no mention of any review by Council.

The general appointment authority for administrative agencies, boards, and commissions is set out in Municipal Code section 2.10:

(1) No person shall hereafter be appointed or reappointed to any administrative agency, board or commission of the city unless that person is a resident of the city of Ames.

(2) The foregoing notwithstanding, if an appointment of a non-resident of the city is required by state law; or, if the council finds that, after due diligence, the only person found qualified, ready, willing, and able to serve in a certain position is a non-resident of the city, and residency is not required by law or a more specific ordinance, the city council may approve the appointment or reappointment of that person.

Specific appointment authority is set out for each body by State Code, municipal ordinance, or Council resolution. In analyzing board and commission membership, I first distinguished those groups that are established by State Code or by resolution. These groups are set out in Attachment A. Appointments to these boards and commissions cannot be changed by ordinance, but their terms of appointment may be considered for consistency and ease of administration.

Attachment B sets out those boards and commissions that are established by ordinance and that can be modified by amendments to the Municipal Code. I consulted with members of staff who deal most directly with these boards and commissions to determine the appointment and reappointment challenges that each body has faced. I found that several bodies have experienced difficulty locating qualified and interested members, particularly for longer-term appointments.

Based on my analysis and on the input from staff, I am recommending that the Council consider amending the Municipal Code to provide the following uniform provisions for all of the boards and commissions listed on Attachment B:

1) Terms of three years, with eligibility for reappointment unless the member has served two consecutive full terms;

2) Appointment by the Mayor with consent of Council.

Please note the following exception to the uniform provisions: the Parks and Recreation Commission and the Human Relations Commission both currently have one additional member who is appointed for a one-year term and who is eligible for a single one-year reappointment. These special board positions were created by ordinance in 2005 in order to provide opportunities for appointment of students and other shorter-term residents of Ames who might not be able to serve a longer term. I recommend that these shorter-term positions remain unchanged.

Yours truly,



Douglas R. Marek
City Attorney

Attachment

c: Diane Voss

**Attachment A:
Board & Commission Terms - By Council Resolution or State Code**

City Board or Commission	Term & Limit	Limitations
Ames International Partner Cities Association, Inc.	3-year term/no more than 3 consecutive terms. Term begins July 1.	Established by Bylaws
Analysis of Social Services Evaluation Team (ASSET)	3-year term/2 consecutive full terms. Term begins April 1.	Established by Council Resolution
Commission on the Arts	3-year term/2 consecutive full terms. Term begins April 1.	Established by Council Resolution
Project Share Committee	2-year term/staggered. Term begins April 1.	Established by Council Resolution
Public Art Commission	3-year term w/ 1 reappointment. Term begins April 1. 1-year term w/ 1 year reappointment. Term begins April 1.	Established by Council Resolution
Civil Service Commission	4-year term/no limit. Term begins April 1.	Required terms by State Code
Zoning Board of Adjustment	5-year term/no reappointment unless originally appointed to serve the balance of unexpired term – no one to serve more than 7 consecutive years.	Required terms by State Code
Library Board of Trustees	6-year term/no reappointment.	Established at Municipal Election
Transit Board of Trustees	Terms vary by position of Trustee.	Only 1 of 7 Trustees appointed for term of 2 years by Mayor. Other Trustees designated by position.

**Attachment B:
Board & Commission Terms - Recommended Changes**

City Board or Commission	Current Term & Limit	Proposed Term & Limit
Building Code Board of Appeals	2-year term/limit 2 terms	3-year term/limit 2 full consecutive terms
Electric Utility Operations Review & Advisory Board (EUORAB)	5-year term/limit 10 continuous years	3-year term/limit 2 full consecutive terms
Boards of Electrical Examiners & Appeals	3-year term/limit 2 consecutive terms	3-year term/limit 2 full consecutive terms
Historic Preservation Commission	5-year term/no reappointment unless serving unexpired term of 2 years or less	3-year term/limit 2 full consecutive terms
Human Relations Commission	3-year term/limit 6 consecutive years 1-year term (1 member)/limit 2 consecutive years	3-year term/limit 2 full consecutive terms 1-year term (1 member)/limit 2 consecutive full years
<ul style="list-style-type: none"> ◆ Hearing Officers ◆ Investigative & Conciliation Officers 	<ul style="list-style-type: none"> ◆ 3-year term/limit 6 consecutive years ◆ 3-year term/limit 6 consecutive years 	<ul style="list-style-type: none"> ◆ 3-year term/limit 2 full consecutive terms ◆ 3-year term/limit 2 full consecutive terms
Parks and Recreation Commission	3-year term/limit six consecutive years 1-year term (1 member)/limit 2 consecutive years.	3-year term/limit 2 full consecutive terms 1-year term (1 member)/limit 2 consecutive full years.
Planning and Zoning Commission	5-year term/no reappointment unless serving unexpired term of 2 years or less	3-year term/limit 2 full consecutive terms
Plumbing and Mechanical Board	3-year term/limit 2 consecutive terms	3-year term/limit 2 full consecutive terms