

Board and Commission Manual

Rules and Procedures

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INTRODUCTION

Boards and commissions are a necessary and vital part of a local government's operations. Some are created to meet the ongoing needs of the community and continue to exist for as long as they provide assistance to the Council, while others are mandated by state law. The structure, duties, and responsibilities of these bodies vary depending on each board or commission's specific purpose or mission. However, all have one feature in common—they were established to improve the quality of life for the citizens of Marshalltown. Thus, by serving on one of these bodies, residents have an opportunity to join with local government and administrative staff to ensure that the needs of Marshalltown citizens are served.

Serving on a board or commission is a significant and meaningful way to participate in civic life. As a board or commission member, you can share your expertise while directly participating in shaping your community. Many people choose to serve on boards and commissions as a means of gaining new skills, sharing diverse viewpoints, or to “step out of a comfort zone.” Some might also choose to utilize their seats as a means to attain higher leadership positions, appointed or elected.

This Manual is intended to provide information to those interested in serving on a board or commission, as well as serving as a guidebook for current board and commission members to operate their meetings and understand the specific rules and regulations provided for their operations. For more information about boards and commissions and to apply, visit www.marshalltown-ia.gov.

CITY GOVERNMENT STRUCTURE

Mayor and Mayor Pro Tem

The Mayor is the chief executive officer of the City and carries out the responsibilities specified in the Code of Ordinances. When present, the Mayor is the presiding officer at meetings of the City Council. The Mayor has veto powers authorized by the Iowa Code. The Mayor appoints all board and commission members as provided for in these rules. The roles of these committees are detailed in the Board and Commission Manual, which is consistent with Iowa Code § 372.14.

The Mayor Pro Tem is the vice president of the City Council. When the Mayor is absent or unable to act, the Mayor Pro Tem shall perform the Mayor's duties. The Mayor Pro Tem retains all of the powers of a Councilmember while performing the duties of the Mayor.

City Council

The City Council is the legislative body elected by the citizens of Marshalltown to make laws and policies for the community. The Council approves the budget and determines the tax rate, among other required duties set forth in the Iowa Code and Code of Ordinances. The Council is responsible for major issues, such as community growth, land use development, capital improvement plans, capital financing, and strategic planning. The Council appoints the City Administrator, who is tasked under the Code of Ordinances with the supervision of the City staff and with carrying out

most day-to-day functions of the City government when the Council is not in session. The Council supervises and evaluates the City Administrator's performance.

The role of a City Council member is similar to being a member of the board of directors of a large business. The City Council provides a focal point for the conscience of the community. It is not the job of Council members to become directly involved in the daily operations of the City. The City Administrator and the Department Directors are responsible for overseeing the implementation of services. The Council sets the level of services and the policies by which the City operates.

City Administrator

The City Council shall select a City Administrator, who serves as the Chief Administrative Officer, and shall evaluate his or her performance on a routine basis. The City Administrator shall work with, coordinate, and supervise the Department Directors who have the knowledge, ability, and expertise to manage their departments, including day-to-day operations, personnel supervision and assignment, expenditures within the limitations of the City budget, the administration of laws, rules, and regulations applicable to their departments, and staffing. Except for the purposes of fact-finding, City Councilmembers shall deal with the administrative agencies of the City through the City Administrator.

Department Heads/City Staff

The City has multiple appointed positions that serve as the directors of multiple departments and functions throughout the City. These are the individuals leading the actions taken by City staff members on a daily basis as they carry out the essential duties of a local government. These are also the people boards and commissions are most likely to interact with as coordinators of their respective boards or commissions.

SELECTION, APPOINTMENT, AND TRAINING

In general, all board or commission members are appointed by the Mayor with the advice and consent of the City Council. To be considered for a board/commission, a person must complete an application, which is available at www.marshalltown-ia.gov or by contacting the City Clerk. Applications are kept on file for one year and are reviewed by the Mayor as positions on boards/commissions become available.

No committee appointed shall have powers other than advisory to the City Council or the City Administrator, except as otherwise specified by the Code of Ordinances or the Code of Iowa. Members of boards, committees, and commissions should be independent of the City Council, or other boards, committees, and commissions, and of other governmental units, so they may exercise unbiased judgment in addressing the tasks and issues before them.

Selection criteria vary depending upon the purpose, mission, and requirements of each body. The following characteristics, however, are common to all board or commission members:

- An interest in the board's / commission's area of concern
- The ability and willingness to work
- The ability to work with other people in a tactful and cooperative manner

- The time to carry out the board's/commission's duties/responsibilities
- A community point of view
- Reside in the city limits of Marshalltown, unless the vacancy is for a county representative, or no resident can be found to serve with the qualifications required.

Prior to accepting a position on a board or commission, citizens should be aware of that body's meeting schedule to ensure they will be able to make the necessary time commitment. Citizens who accept a position on a board or commission also accept responsibility for committing a portion of their time to prepare for meetings.

To ensure the effective operation of boards and commissions and by promoting accountability and regular attendance among its members, if any member has three (3) unexcused absences at six (6) consecutive meetings, such absences shall be grounds for requesting the member's resignation. If the member does not voluntarily resign following such a request, the Mayor may initiate proceedings for the removal of the member in accordance with Iowa Code § 372.15.

Ineligible Appointments

The following persons shall not be eligible for appointments to standing boards, committees, or commissions of the City of Marshalltown:

- a) Spouse, child, mother, father, mother-in-law, father-in-law, brother, sister, brother-in-law, sister-in-law, stepmother, stepfather, stepchild, aunt, or uncle of a current City Council member.
- b) A current member of a comparable County board, committee, or commission, unless dual or joint memberships are provided for in the ordinance, resolution, or statute that creates the board, committee, or commission to which appointment is being made.

Newly Elected and Appointed Officials Training

House File 706, effective July 1, 2025, created a requirement that all newly elected and appointed officials of a government body attend training on Iowa Code Chapter 21 Open Meetings and Chapter 22 Open Records. The government body must retain a certificate verifying completion for the elected and appointed officials. Re-election or re-appointment to the position does not require you to attend the training. Individuals who were elected or appointed prior to July 1, 2025, are encouraged to participate in training to stay up to date and better ensure compliance. This requirement does include appointed members of boards and commissions if the appointed members are part of a government body as defined in Iowa Code 21.2. All newly elected or appointed officials must complete an approved training within 90 days of: (1) taking the initial oath of office; (2) assuming the responsibilities, if the member is not required to take an oath of office, or (3) after being elected to the office.

If an individual who is required to complete the training fails to do so, the individual has 60 days to complete the training upon notice of the deficiency. If they do not complete the training, then a fine

can be assessed. The fines are outlined in Iowa Code 21.6(3) and range from \$500 for a violation up to \$12,500 if the violation is determined to be knowing and intentional.

MEETINGS

Notices of meetings and agendas for all meetings of City boards/commissions shall be given in compliance with the requirements of Chapter 21 of the Code of Iowa, also known as Iowa's Open Meetings Law. Meeting notices shall be posted at least twenty-four (24) hours prior to the meeting at City Hall, 24 North Center Street. Meeting agendas will also be posted on the City's website, www.marshalltown-ia.gov. Meeting agendas will also be distributed to board and commission members by signing up for notifications for a specific board or commission via the citizen portal <https://marshalltownia.portal.civicclerk.com/>.

All official meetings of boards/commissions shall be open to the public, except those legally designated as closed sessions. Meetings shall be held in a building or room that is accessible to persons with disabilities, which is normally the Council Chambers at the Marshalltown City Hall, located on the second floor of the building at 10 West State Street. For meetings held at other locations for any purpose, that meeting space shall be accessible to persons with disabilities to the maximum extent possible. Special arrangements for the hearing impaired or for interpreters will be considered upon request to the City Clerk.

Iowa Code Section 21.5 permits closed sessions for certain limited and narrowly defined reasons. If a board or commission is seeking to go into a closed session for a legally allowed purpose, the City Attorney or designee must have authorized the closed session and attend the closed session if applicable. A vote to go into a closed session requires an affirmative vote of either two-thirds (2/3) of the entire board or commission or all of the board or commission members present at the meeting. No formal action may be taken in closed session. Closed sessions are rarely used in board or commission meetings, but could occur. Specific procedures are to be followed with closed sessions, which will be explained by the City Attorney and/or City staff member coordinating the meeting.

The following rules only apply if no formal rule or regulation is adopted by the Code of Ordinances or the Code of Iowa related to a specific board or commission.

Designation of a Chairperson

Annually, each board or commission shall designate a chairperson to serve as the presiding officer at meetings. A vice-chairperson shall also be selected to serve as the presiding officer in the absence of the chairperson.

Quorum and Majority Vote

A quorum is necessary for the conduct of business. A majority of the board or commission members present shall constitute a quorum unless otherwise specified. If a quorum is not present, those in attendance may elect to discuss items, but may not take official action, except to adjourn to a later date.

A simple majority of all members present is required for board/commission votes unless otherwise specified for a specific situation. An “abstain” vote is a “no” vote unless the board or commission member states he or she has a conflict of interest and states the nature of the conflict.

Public Hearing Procedures

Some boards and commissions are required to hold public hearings as part of how they conduct business. Hearings shall be fair and impartial. If a board or commission member has a personal interest in the outcome of a hearing, such that there is a legally recognized conflict of interest, he or she should disqualify himself or herself from participation. Persons and groups who may be affected by the matter being discussed in the hearing shall be provided with at least the minimum statutory notice of the time and place of the hearing. Such persons and groups attending the hearing shall be given a reasonable opportunity to be heard. Persons or groups requesting to address the board or commission may be represented by legal counsel and may present oral and documentary evidence.

The presiding officer should open the hearing and explain the hearing procedures. The presiding officer should inquire whether any comment on the public matter at issue has been received in writing for the record prior to the public attending the meeting to address the board/commission. If there are numerous persons representing the same views and opinions, the presiding officer may ask that a spokesperson be selected to speak on behalf of the group. If this arrangement cannot be made, the presiding officer may restrict each speaker to a limited time (generally three minutes) so that all may be heard. Irrelevant comments or speakers who run over the time allotted may be ruled out of order by the presiding officer.

Following comments from the public, staff persons who have information to present should be invited to present their respective reports.

When all interested persons (except as reasonably limited by the presiding officer, as stated above) have had the opportunity to speak, the hearing is closed, ending audience participation. Board or commission members may then discuss and take action on the proposal following the hearing if notice of such action is stated on the meeting agenda.

Action by Verbal Motion

When a board or commission member wishes to propose a possible action, the member must make a motion. In order to make a motion, these steps must be taken:

- a) The board/commission member asks to be recognized by the presiding officer.
- b) After being recognized, the member makes the motion (“I move...”).
- c) Another board/commission member seconds the motion.

- d) The presiding officer states the motion and asks for discussion.
- e) When there has been sufficient discussion, the presiding officer will close debate (“Are you ready for the question?” or “Is there any further discussion?”).
- f) If no one requests to make additional comments, the presiding officer puts the question to a vote.
- g) After the vote, the presiding officer announces the outcome of the motion (“The motion is carried” or “Motion fails”).

Until the presiding officer states the motion (step d), the board/commission member making the motion may rephrase (amend) or withdraw it. After an amendment, the motion as amended must still be seconded and then voted upon. It is particularly important when a motion is amended that the presiding officer restate the motion, as amended.

MINUTES

Each board and commission is required to record the minutes of each of its meetings. A City staff member or a designated board/commission member will be responsible for recording the minutes of each meeting. The date, time, place, members present, and action taken at each meeting must be recorded in the minutes. The minutes must also show the results of each vote taken and contain information sufficient to indicate the vote of each member present. Minutes are required to be approved at a subsequent meeting.

The minutes are public records open to public examination. Minutes of boards and commissions are not required to be published in the newspaper, but are made available in the Agenda Center on the City’s website.

ROLES AND RESPONSIBILITIES

The City Council and all appointed boards and commissions are policy-oriented groups. When a board or commission has an item on a City Council meeting agenda, a representative from that body, which may be a staff representative, should be present at the City Council meeting. Similarly, when a member of any board or commission addresses the City Council at a public meeting, he or she should always clearly state whether he or she is speaking on behalf of the group or as an individual.

The City Council considers input and recommendations from a variety of sources in its decision-making process. Therefore, the Council may not always follow the specific recommendations of any one particular board, committee, or commission in adopting policy or procedure. Once the Council has established its position, members of advisory groups may continue to have reservations or individual objections. As representatives of the larger group, however, members should remember they are expected to act in a manner consistent with the established policy and/or program as approved by the City Council.

Legislative Issues Statements

The City Council is ultimately responsible for establishing City policy and determines the public position of the City on legislative matters. Therefore, commissions, boards, or committees shall not issue public statements on legislation pending before the City Council, unless said statements are reviewed and approved by the Council. This policy is not intended to prevent advisory groups from carrying out their normal functions publicly and openly; rather, its purpose is to establish that boards, committees, and commissions do not issue policy statements or take public positions that fall within the purview of the City Council.

Submitting a Formal Request for Consideration – Procedure

In the event a board, committee, or commission wishes to request the City Council endorse or approve a particular position or idea formulated by the board, committee, or commission, said request should first be reflected in the minutes of the meeting of the board, committee, or commission at which the action was approved. Following such action, the board, committee, or commission's secretary or staff liaison should submit a request to the City Administrator's office for inclusion on the agenda of an upcoming City Council meeting. The communication should include the degree of urgency and a specific statement of the action requested.

Public Participation and Input

Members of appointed boards or commissions are encouraged to maintain awareness of public opinion. Citizen input should be welcomed and heard at meetings, and members should be considerate of all interests, attitudes, and differences of opinion. Members should be vigilant about maintaining not only the appearance but also the principle of impartiality.

Conflicts of Interest

Board or commission members must determine and declare if they have a conflict of interest on a given issue.

Iowa Code Chapter 362.5 states that, "A city officer or employee shall not have an interest, direct or indirect, in any contract or job of work or material or the profits thereof or services to be furnished or performed for the officer's or employee's city. A contract entered into in violation of this section is void." This provision is very broad. It not only prohibits the City from doing business with a company in which a city officer or employee has a direct interest, but it would also apply if the officer or employee had an indirect interest in such a company, such as if the officer's or employee's spouse or dependent child has an interest in a company doing business with the City. The prohibition also applies to any kind of work performed for the city, and to the provision of goods or services to the city, whether there is a formal contract in place or not.

However, there are instances or exceptions where this rule would not apply. The most common to cities are the following:

- Contracts that are competitively bid, publicly invited, and opened
- Contracts for the purchase of goods or services by a city that benefit a city officer or employee, if the purchases benefiting that officer or employee do not exceed a cumulative total purchase price of \$6,000 in a fiscal year

Section 362.5 also exempts contracts in which a city officer or employee has an interest solely by reason of employment if the contract is done through competitive bid, contracts with a corporation in which a city officer or employee has an interest by reason of stock holdings of less than 5 percent, and contracts that were made before the time the officer or employee was elected or appointed (but such contracts may not be renewed).

Code of Iowa Section 68B.2A states that, “Any person who serves or is employed by the state or a political subdivision of the state shall not engage in any outside employment or activity which conflicts with the person's official duties and responsibilities.” If a board or commission member has outside employment or an activity that is subject to official control, inspection review, audit, or enforcement of the City board or commission in which they serve, the board or commission member is either required to publicly disclose the existence of the conflict and refrain from taking any official action or performing any official duty that would detrimentally affect or create a benefit for the outside employment or activity.

REMOVAL AND ABOLISHMENT

Iowa Administrative Code 372.15 provides the procedures for the removal of an appointed board or commission member. The Mayor shall provide a written order providing the reasons for the removal from a board or commission. This order will be filed with the City Clerk and sent by certified mail to the person who is being removed. The board/commission member being removed may request a public hearing before the City Council on all issues connected with the removal. This request must be filed with the City Clerk within 30 days of the date of mailing the order. The hearing shall then be held within 30 days of the date the request was filed unless a later date is requested.

The City Council may take actions to abolish boards and commissions as necessary. This would not include those boards and commissions legally required to exist in the community. The necessary action for abolishment would be a resolution or ordinance to make the change, depending on how the board or commission was originally established and governed.

BOARDS AND COMMISSIONS

The City of Marshalltown currently has a number of boards and commissions. The information below is a summary of each of the existing boards and commissions, as well as some of the stated responsibilities and procedures.

Board of Adjustment

Assigned Department: Housing & Community Development

The Zoning Board of Adjustment is a board required by the Iowa Code. This board includes five members appointed to five-year terms. No more than two of the five members may also be appointed to the Plan and Zoning Commission. A majority of the members shall be representatives of the public at large and shall not be involved in the business of purchasing or selling real estate.

The duties of the Board are spelled out in Chapter 156.I.003 of the Marshalltown Code of Ordinances, as well as the Iowa Code. This group is the group that hears appeals related to the denial of permits or interpretations issued by the Zoning Administrator. This group also hears requests for variances from the zoning regulations, as well as requests for special uses, including home occupation special use permits.

Building Board of Appeals

Assigned Department: Housing & Community Development

The Building Board of Appeals is created through the adoption of the International Building Code in 151.002 of the Code of Ordinances. This Board consists of five members who are qualified by experience and training to deliberate and rule on matters of building construction. Terms for each board member are five years. This board meets on an as-needed basis. The City's Building Official shall serve as an ex officio member of the Board.

The purpose of the Building Board of Appeals is to provide for a reasonable interpretation of the Building Code in cases where the interpretation of the Building Code is brought into question. This Board also hears appeals for dangerous buildings as well. All decisions must be rendered within 30 days of a hearing.

Civil Service Commission

Assigned Department: Human Resources

In the State of Iowa, all cities with populations greater than 8,000 are required to have a Civil Service Commission. Marshalltown's Civil Service Commission consists of three members who are citizens of Iowa and Marshalltown and are eligible electors. Terms are for four years. Civil Service Commissioners are required to have no financial relationships with the City of Marshalltown unless awarded by competitive bid.

The Civil Service Commission functions as an approval arm for the hiring of civil service employees. The Commission approves hiring and promotional processes and ultimately a hiring or promotional list, which is then received by the City Council. The Civil Service Commission also hears appeals of disciplinary actions of civil service employees and functions as a judicial body for this review.

Electrical Appeal Board

Assigned Department: Public Works

The Electrical Appeal Board consists of three members who are to be Marshalltown residents: one member of the public, one journeymen electrician, and one licensed electrical contractor. Each term is for 6 years. A member of the Electrical Appeal Board shall not also be a member of the Electrical Examiners Board.

This Board hears appeals of those who disagree with the rulings and interpretations of the City Electrical Inspector. This group may also allow for variances from the adopted version of the National Electric Code.

Fire Code Board of Appeals

Assigned Department: Fire Department

The Fire Code Board of Appeals is created in Chapter 91 of the Code of Ordinances. This five-member board is to hear appeals on the application of the adopted International Fire Code. The Fire Chief serves as an ex officio member of the board. Each board member is appointed to a four-year term. This board meets infrequently.

Membership for the Fire Code Board of Appeals requires a very specific skill set. One member needs to be a practicing design professional registered in the practice of engineering or architecture. One member needs to be a qualified engineer, technologist, technician, or safety professional trained in fire protection engineering, fire science, or fire technology. One member is to be a registered industrial or chemical engineer, certified hygienist, certified safety professional, certified hazardous materials manager, or comparably qualified specialist with experience. One member shall be a contractor regularly engaged in the construction, alteration, maintenance, repair, or remodeling of buildings or building services and systems regulated by the International Fire Code. And finally, one member shall be a representative of business or industry not represented by a member from one of the other categories of board members described above.

Investment Committee

Assigned Department: Finance Department

The City of Marshalltown Investment Policy creates an Investment Committee to review the City's investments and compliance with the Investment Policy. This Committee consists of three members possessing professional financial and investment backgrounds. Each member is appointed to a four-year term. The group typically meets quarterly. If no investments are being made due to low CD interest rates, the Committee may opt not to meet.

Library Board of Trustees

Assigned Department: Library

The Library Board of Trustees of the Marshalltown Public Library consists of seven members, six of whom are required to be residents of Marshalltown and one who is a non-resident confirmed by the County Board of Supervisors. Each trustee is appointed to a term of six years unless filling a vacancy, which is for the unexpired term of the Trustee vacating the office. Terms start on July 1st and are to be staggered every two years. This board has monthly meetings.

The Board of Library Trustees functions as the supervisory board for the Marshalltown Public Library operations, budget, and staff. The Board of Trustees hires a Library Director to take on the day-to-day management while ensuring the materials and programs of the Library meet the needs of the community. Further specific duties and rules can be found in the Marshalltown Code of Ordinances, Chapter 31.045.

Parks & Recreation Advisory Committee

Assigned Department: Parks and Recreation

The Parks & Recreation Advisory Committee is a seven-member board made up of Marshalltown residents over the age of 18. Two of the members are required to have status as a veteran. Advisory Committee members are appointed to two-year terms, with no limit to the number of times they can be reappointed.

The role of the Parks & Recreation Advisory Committee is to provide a community view of the many facets of the operations of the Parks and Recreation Department. This group makes recommendations on a capital improvement plan, fees, programming, and more. Further specific duties and rules can be found in the Marshalltown Code of Ordinances, Chapter 31.048.

Plan & Zoning Commission

Assigned Department: Housing & Community Development

The City's Plan & Zoning Commission (P&Z for short) consists of seven members who must be residents of Marshalltown. Members also must have some qualifications in terms of knowledge or experience related to planning and zoning. Each term is for a period of 5 years.

P&Z is responsible for a number of requirements as set forth in the Iowa Code, which have been adopted locally into the Marshalltown Code of Ordinances, Chapter 150. Duties include making recommendations to the City Council on zoning regulations and districts, preparing the City's Comprehensive Plan, and approval of all subdivisions. P&Z also makes recommendations to the Board of Adjustment on special use permits. This Commission meets monthly or as needed to address new applications for rezoning requests, special use permits, subdivisions, and more.

Solid Waste Management Commission of Marshall County

Assigned Department: City Clerk

The City of Marshalltown can appoint five members to the Solid Waste Commission of Marshall County. Two of the appointees are City Council members and are the City's designated representatives on the Executive Board of the Solid Waste Commission. The remaining three appointees must be residents of Marshalltown. This group oversees the operations and management of the Marshall County Landfill. The full Commission is required to meet once every six months, with other meetings to occur as needed.

Water Works Board of Trustees

Assigned Department: Marshalltown Water Works

In 1903, the City Council approved an ordinance creating the Water Works Department and the Water Works Board of Trustees. This Board consists of three members who serve six-year terms and meet monthly. This is one of the only non-elected boards in the City that are compensated for their service.

The Board of Trustees is responsible for the requirements as set forth in the Marshalltown Code of Ordinances, 31.046. The board selects and hires a General Manager to oversee the daily operations. This group is also responsible for approving policies related to the operations and use of the water system, ensuring compliance with federal and state regulations, and setting rates to pay for the operations of the system and capital improvements.

