

MEMORANDUM

DATE: October 6, 2021
TO: Board of Water Works Trustees
FROM: Ted Corrigan, CEO and General Manager
SUBJECT: Polk Water and Land Legacy Bond Referendum

At the September 28, 2021, Board meeting representatives from Polk Water and Land Legacy made a presentation and requested that the Board endorse and financially support their upcoming bond referendum.

Following the presentation there were questions about the ability of the Board to financially support or officially endorse ballot issues. Legal counsel has provided the following from Iowa Code Section 68A.505:

“The state and the governing body of a county, city, or other political subdivision of the state shall not expend or permit the expenditure of public moneys for political purposes, including expressly advocating the passage or defeat of a ballot issue.”

And:

“This section shall not be construed to limit the freedom of speech of officials or employees of the state or of officials or employees of a governing body of a county, city, or other political subdivision of the state. This section also shall not be construed to prohibit the state or a governing body of a political subdivision of the state from expressing an opinion on a ballot issue through the passage of a resolution or proclamation.”

This section clearly prohibits the Board from donating money to the campaign. The Board could, however, pass a resolution in support of the measure.

In 2010 the Board considered a similar request to support passage of a constitutional amendment to establish a Natural Resources and Outdoor Recreation Trust Fund. The Board requested and received a legal opinion which clarified that Water Works funds may not be spent in order to expressly advocate the passage or defeat of a ballot issue, however, the Board is specifically

allowed to express an official opinion on such matters by passage of a Board resolution. After discussion, the Board did pass the following resolution related to IWLL in July 2010:

WHEREAS, the Board of Water Works Trustees of the City of Des Moines, Iowa, considers conservation, preservation and protection of the water resources of the State of Iowa to be vital to its mission of delivery of safe, affordable and abundant water to customers; and

WHEREAS, the Board believes the currently proposed constitutional amendment to establish a Natural Resources and Outdoor Recreation Trust Fund, which is to be submitted to the voters of the state on November 2, 2010, will advance the goals of conservation, preservation and protection of the water resources of the State of Iowa.

RESOLVED, that the Board of Water Works Trustees of the City of Des Moines, Iowa does hereby endorse the concept of, and proclaim its support for the concept of, the proposed constitutional amendment to establish a Natural Resources and Outdoor Recreation Trust Fund.

The Board would be at liberty to pass a similar resolution related to the Polk Water and Land Legacy Bond Referendum.

Other organizations that have endorsed the Polk Water and Land Legacy Bond Referendum include:

AARP Iowa	Capital Crossroads
1,000 Friends of Iowa	Iowa Natural Heritage Foundation
The Trust for Public Land	Friends of Des Moines Parks
Great Outdoors Foundation	Iowa Wildlife Federation
Greater Des Moines Partnership	West Des Moines Chamber of Commerce
Iowa Environmental Council	Sierra Club
Catch DSM	Polk County Democrats
Raccoon River Watershed Association	Trees Forever
The Nature Conservancy	Des Moines Izaak Walton League
Forward Latino	Downtown Development Board
Iowa Rivers Revival	DART

A complete list can be found at www.polkcleanwater.com/endorsements.