

ADMINISTRATIVE SERVICES DEPARTMENT[11]

Adopted and Filed

Pursuant to the authority of Iowa Code section 8A.326, the Terrace Hill Commission amends Chapter 114, "Organization and Operation of Terrace Hill," Iowa Administrative Code.

The Terrace Hill Commission is updating its administrative rules by amending certain rules to be consistent with statute and making revisions that reflect and clarify Commission practice.

The Terrace Hill Commission does not intend to grant waivers under the provisions of these rules.

Notice of Intended Action was published in the Iowa Administrative Bulletin on August 5, 2015, as **ARC 2072C**. A public comment was received regarding an easement to Terrace Hill. Changes were made to Item 1 as a result of the public comment and to Item 3 to reflect Commission practice.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 8A.326.

These amendments will become effective November 18, 2015.

The following amendments are adopted.

ITEM 1. Amend rule 11—114.1(8A) as follows:

11—114.1(8A) Definitions. The definitions listed in Iowa Code section 17A.2 shall apply for terms as used throughout this chapter. In addition, the following definitions shall apply:

"Administrator" means the administrator of Terrace Hill.

"Commission" means the Terrace Hill commission as established by ~~2003 Iowa Acts, chapter 145, section 41~~ Iowa Code section 8A.326.

"Facility" means the Terrace Hill mansion, carriage house, grounds, and all related property, all of which have been designated a National Historic Landmark and which are subject to a Conservation Easement Agreement for the Preservation of Terrace Hill, recorded with the Polk County, Iowa, Recorder and effective until January 6, 2061.

~~*"Foundation"* means the Terrace Hill Foundation, a nonprofit corporation which solicits contributions and raises funds for the renovation and improvement of the facility.~~

~~*"Society"* means the Terrace Hill Society, an unofficial organization which raises funds and provides volunteers for restoration and landscape projects of Terrace Hill.~~

ITEM 2. Amend rule 11—114.2(8A) as follows:

11—114.2(8A) Mission statement. ~~The Terrace Hill commission exists in accordance with 2003 Iowa Code Supplement section 8A.326 to preserve, maintain, renovate, landscape, and administer the Terrace Hill facility. The commission has authority to establish policy and procedures and approve the ongoing expenditures for preservation, renovation, and landscaping of Terrace Hill the facility and seeks necessary funds for these activities. Terrace Hill The facility is maintained as the official residence for the governor of Iowa and serves as a facility for public and private functions.~~

ITEM 3. Amend rule 11—114.3(8A) as follows:

11—114.3(8A) Terrace Hill commission.

~~**114.3(1) Function.** The Terrace Hill commission exists to establish policy and procedures for the renovation, interpretation, operation and fiscal management of the facility.~~

~~**114.3(2) 114.3(1) Composition.** The commission consists of nine members appointed by the governor in accordance with 2003 Iowa Code Supplement section 8A.326.~~

~~**114.3(3) 114.3(2) Meetings.** The commission shall meet at the call of the chair. Six A majority of the members present and voting constitutes of the commission shall constitute a quorum, and an affirmative vote of five a majority of the members present is required for approval of an item.~~

All meetings are open to the public under Iowa Code chapter 21, and conducted in accordance with Robert's Rules of Order, Revised Edition, to the extent such rules are not inconsistent with Iowa law. Public notice of all meetings shall be distributed made available to the news media. The tentative agenda for meetings shall be posted in the governor's office at the State Capitol at least 24 hours prior to the commencement of any meeting in accordance with Iowa Code chapter 21.

~~114.3(4)~~ 114.3(3) *Committees—appointment.* Committees of the commission may be appointed on an ad hoc basis by the chairperson of the board commission. ~~Nonboard~~ Persons who are not members of the commission may be appointed to committees as ~~nonvoting members~~.

ITEM 4. Amend rule 11—114.4(8A) as follows:

~~11—114.4(8A)~~ **Gifts, bequests, endowments.** The commission, ~~acting on behalf of the society and the foundation,~~ may accept private gifts, bequests, and endowments ~~with such gifts credited to the account of the society.~~ Accepted gifts, bequests, and endowments shall be used in accordance with the desire of the donor as expressed at the time of the donation. Undesignated funds shall be ~~credited to the general fund of the society and~~ used for projects and activities of the commission ~~or society.~~

ITEM 5. Amend rule 11—114.5(8A) as follows:

~~11—114.5(8A)~~ **Public and private grants and donations.** The commission, ~~society, or foundation~~ may apply for and receive funds from public or private sources. Receipts from these grants shall be ~~credited to the appropriate account and~~ shall be used in accordance with all stipulations of the grant contract.

ITEM 6. Rescind and reserve subrules **114.6(1)** and **114.6(2)**.

ITEM 7. Amend rule 11—114.7(8A) as follows:

11—114.7(8A) Facilities management.

114.7(1) Address. Terrace Hill is located at 2300 Grand Avenue, Des Moines, Iowa 50312. Telephone number (515)281-7205.

114.7(2) Hours of operation. Terrace Hill is open to the public a minimum of 20 hours per week and is closed the months of January and February. Specific hours and days shall be posted at the facility. The hours shall be approved by the commission. Changes in the hours shall be effective upon 30 days' notice as posted.

114.7(3) Fees. Fees may be charged and collected by the commission ~~and shall be administered according to 2003 Iowa Code Supplement section 8A.326.~~ Fees may be charged including, but not limited to, fees for, but are not limited to, admission, special events, use of images, and technical services. All fees charged shall be approved by the commission and shall become effective upon 30 days' notice. This notice shall be a public posting in the facility. All fees shall be permanently posted.

114.7(4) Smoking. Smoking shall be prohibited in ~~all designated areas of the facility.~~ ~~Smoking areas shall be approved by the commission.~~

114.7(5) Food and drink. Consumption of food and beverages shall be prohibited in the facility except in specific areas as designated by the commission.

114.7(6) Use of alcoholic beverages. Alcoholic beverages may be served at functions at the facility only with the use of an approved caterer. Interested caterers shall contact the Administrator, Terrace Hill, 2300 Grand Avenue, Des Moines, Iowa 50312.

114.7(7) Liability. ~~All individuals and groups renting the facility for any use shall agree in writing to abide by the "hold harmless" clause specified in the letter of agreement.~~

All individuals or groups renting the facility shall be liable for any or all damages to the facility. The renter shall be billed for the cost of the repairs, extraordinary cleaning and, if necessary, the collection costs.

114.7(8) Public functions. Public functions may be held at the facility when the governor has an immediate interest or the function meets the special events criteria established by the commission. The criteria require that the event be in accordance with the mission of the facility. Weddings and wedding receptions are strictly prohibited, except in the case of the immediate family of the current governor.

Inquiries shall be directed to the Administrator, Terrace Hill, 2300 Grand Avenue, Des Moines, Iowa 50312.

ITEM 8. Amend rule 11—114.8(8A) as follows:

11—114.8(8A) Tours.

114.8(1) *Group tours.* Reservations shall be required for tour groups of ten or more. Requests for reservations shall be directed to the Administrator, Terrace Hill, 2300 Grand Avenue, Des Moines, Iowa 50312.

114.8(2) *Fees.* An admission fee is charged at Terrace Hill. There shall be no charge for school groups. The fee schedule shall be permanently posted at the site. Inquiries concerning fees shall be directed to the Administrator, Terrace Hill, 2300 Grand Avenue, Des Moines, Iowa 50312.

114.8(3) *Parking.* Designated parking has been established by the commission. Vehicles are not permitted in the east driveway.

114.8(4) *Pets.* Pets are not permitted at the facility with exception of those belonging to the governor; or those the governor's family or service dogs or assistive animals accompanying and under the control of a person with a disability, a person assisting the hearing or visually impaired a person with a disability, or a person training a service dog or assistive animal. The person is liable for damage done to the facility by the service dog or assistive animal.

ITEM 9. Amend **11—Chapter 114**, implementation sentence, as follows:

These rules are intended to implement ~~2003~~ Iowa Code ~~Supplement~~ section 8A.326.

[Filed 9/25/15, effective 11/18/15]

[Published 10/14/15]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/14/15.