

CHAPTER 3  
IOWA POWER FUND BOARD AND  
DUE DILIGENCE COMMITTEE

**350—3.1(469) Location and administration.**

**3.1(1)** The board and the committee are located within the office for administrative purposes.

**3.1(2)** The director shall budget moneys to pay the expenses of the board and the committee and shall provide office space, staff assistance, and necessary supplies to the board and the committee.

**3.1(3)** Requests for information about the board or committee may be made by contacting the office as provided in rule 350—2.3(469).

**350—3.2(469) Organizational structure.** The Iowa power fund legislation, Iowa Code Supplement section 469.6 and 469.7, establishes the board and the committee.

**3.2(1) Iowa power fund board.**

*a.* The board is comprised of 11 voting members and 7 nonvoting, ex officio members appointed as provided in Iowa Code Supplement section 469.6.

*b.* Of the voting members of the board, the chairperson of the utilities board, the secretary of agriculture, and the directors of the department of economic development and the department of natural resources may, by written statement to the board, designate a representative and an alternate to participate in board deliberations and vote.

*c.* A majority of the voting members of the board shall constitute a quorum.

*d.* A majority of the total voting membership of the board shall be necessary to act in any matter within the jurisdiction of the board.

*e.* Board members may participate in discussions and cast votes via telephone or the Iowa communications network (ICN) or other video-conferencing technology.

*f.* The board shall annually elect from the voting membership a chairperson and vice chairperson during the first meeting in May.

*g.* The members appointed by the governor are appointed for three-year staggered terms. There is no statutory limitation to the number of terms a voting member may serve.

*h.* The duties of the board are as listed in Iowa Code Supplement section 469.6(5).

*i.* The board receives recommendations from the committee regarding applications for proposed projects using moneys from the fund.

*j.* In performing its functions, the board may seek the expertise of other boards, committees, and agencies and other individuals and organizations as deemed appropriate by the board.

**3.2(2) Due diligence committee.**

*a.* The committee is comprised of seven members appointed as provided in Iowa Code Supplement section 469.7.

*b.* A majority of the members of the committee shall constitute a quorum. A quorum shall be necessary to act on any matter within the jurisdiction of the committee.

*c.* The director shall chair and facilitate the committee.

*d.* Committee members may participate in discussions and cast votes via telephone or the ICN or other video-conferencing technology.

*e.* The committee reviews applications that come before the board for financial assistance from moneys in the fund.

*f.* The committee, after a thorough review, shall determine whether a proposed project using moneys from the fund is practical, economically feasible, and furthers the goals of the fund set forth in Iowa Code Supplement section 469.9. The committee may recommend a proposal as written or on a conditional basis or may recommend that a proposal be rejected.

**350—3.3(469) Board and committee procedures.**

**3.3(1) Meetings and agendas.** Meetings of the board and committee are generally held monthly. By notice of the regularly published meeting agenda, the board and committee may hold regular or special meetings at locations within the state. Meeting agendas are available from the office.

**3.3(2) Meeting procedures.**

*a.* Any interested party may attend and observe board and committee meetings except for such portion as may be closed pursuant to Iowa Code section 21.5.

*b.* Observers may use cameras or recording devices during the course of a meeting so long as the use of such devices does not materially hinder the proceedings. The chairperson may order that the use of these devices be discontinued if they cause interference and may exclude any person who fails to comply with that order.

*c.* Open-session and closed-session proceedings shall be electronically recorded. Minutes of open meetings shall be available for viewing at the office or through the office's Web site.

**3.3(3) Board committees.** The board chairperson may appoint or dissolve board committees as deemed necessary to accomplish the work of the board.

**350—3.4(469) Conflicts of interest.**

**3.4(1) Definition.** A conflict of interest is defined as the member's having a significant employment relationship with an applicant, or being a member of the board of directors or stockholder of a corporate applicant, or having a financial relationship with an applicant, including but not limited to an investor, a contractor, a consultant, or a competitor, or an immediate family member of such a person. For purposes of this rule, "immediate family" means a member's spouse, children, grandchildren, and parents.

**3.4(2) Procedures.** As soon as a member of the board or committee becomes aware of a conflict of interest in a project for which applications are filed with the board or for which potential applications are discussed by the board or committee, the member shall follow these procedures:

*a.* If the conflict is known before a meeting, the member shall fully disclose the interest to the chairperson of the board in writing at least 24 hours before the meeting.

*b.* If the conflict is discovered during a meeting, the member shall orally inform the board, and the nature of the conflict shall be reported in writing to the chairperson of the board within 24 hours after the meeting.

*c.* The member who has the conflict shall not participate in discussion or vote on any issues concerned with the project.

These rules are intended to implement Iowa Code Supplement sections 469.1 to 469.10.

[Filed emergency 1/11/08 after Notice 11/21/07—published 1/30/08, effective 1/11/08]