

Protest and Request for Public Hearing

Pamela K. Pepper, Mayor
City of Indianola
110 N. 1st Street
Indianola, IA 50125

Dear Mayor Pepper:

Please take notice that I hereby protest your purported order dated November 4, 2021 for my removal as a Trustee of the Indianola Municipal Utilities (hereinafter referred to as "IMU"). As a duly appointed and acting Trustee of an independent entity established under Iowa Code, Chapter 388, I am not subject to removal because: (1) I am not a "city officer" within the meaning of Section 372.15 of the Iowa Code; and (2) removal of a Trustee of a municipal utility is governed by Iowa Code, Chapter §388, not Iowa Code Section §372.15.

I protest and dispute the power and jurisdiction of the Mayor and the City Council to effect my removal in this manner.

Notwithstanding such protest and without waiving it, I request a public hearing before City Council and I further request that my attorneys and I be given written notice of the time and place of such hearing. In anticipation of the need to prepare for said hearing as well as scheduling issues in January, and pursuant to Iowa Code § 372.15, I request that the hearing be held no earlier than January 24, 2022.

We request that the hearing occur more than 30 days from the date of this request in order to have adequate time to prepare. The end of the year is a difficult time to coordinate schedules, and the allegations identified in the Mayor's letter dated November 4, 2021, are extensive. In order to have adequate time to respond to each of the bullet points identified in the Mayor's letter, we need more than 30 days to prepare.

Additional time is also warranted, because in anticipation of the hearing, and pursuant to Iowa Code Chapter 22 governing examination of public records, we are making a request for records related to this matter concurrently with the filing of this Protest and Request for Hearing. A copy of such request is attached hereto for your review.


Mike Rozga
Trustee of the Indianola Municipal Utilities
2317 Country Club Road
Indianola, IA 50125

12-3-2021
Date

cc:

Gary D. Goudelock
Whitfield & Eddy
699 Walnut Street, Suite 2000
Des Moines, IA 50309
Attorney for Mike Rozga and Adam Voigts

Richard A. Malm
John E. Lande
Bryan P. O'Neill
Dickinson, Mackaman, Tyler & Hagen
699 Walnut Street, Suite 1600
Des Moines, IA 50309
Attorneys for Indianola Municipal Utilities

Jackie Raffety, City Clerk
City of Indianola
110 N. 1st Street
Indianola, IA 50125