

# MEMO

## Legal Department

**To:** Mayor Haila and Ames City Council

**From:** Mark O. Lambert, City Attorney

**Date:** August 17, 2021

**Subject:** Ordinance correcting conflict in the Ames Municipal Code regarding terms of office of MGMC Trustees.

At the August 24, 2021 Ames City Council meeting, the Council directed the City Attorney to draft an ordinance correcting a mistake in Ames Municipal Code Section 6.2(4) regarding the terms of office of Mary Greeley Medical Center (MGMC) Trustees.

Ames Municipal Code section 6.2(4) (“Elections” section) incorrectly states that the terms of office of hospital trustees shall be six (6) years.

Ames Municipal Code section 12.2 (“Hospital trustees” section) correctly states that the terms of office of the hospital trustees shall be four (4) years.

State law specifies that terms of office of city hospital trustees are four (4) years, at Iowa Code section 392.6(1).

The attached ordinance corrects the mistake in Section 6.2(4). **As the city election is November 2, 2021, staff feels it would be best if Council suspended the rules to pass this ordinance at one Council meeting, to have this correct in our Code well in advance of the election.**

### **ALTERNATIVES:**

1. Approve the ordinance on first passage. **Suspension of the rules to adopt the ordinance at one Council meeting requested.**
2. Do not approve the ordinance.

**RECOMMENDATION:**

This matter is clearly a mistake in our Municipal Code; Section 6.2(4) conflicts with another Municipal Code section and with state law.

It is the recommendation of the City Manager and the City Attorney that Council adopt the ordinance correcting the error in Section 6.2(4).

#

**ORDINANCE NO.**

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING SECTION 6.2 (4) AND ENACTING A NEW SECTION 6.2(4) THEREOF, FOR THE PURPOSE OF AMENDING THE TERMS OF ELECTED OFFICERS; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.**

**BE IT ENACTED**, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by enacting a new Section 6.2(4) as follows:

**“Sec. 6.2. TERMS OF ELECTED OFFICERS.**

• • •

(4) The term of office for members of the Ames Municipal Hospital Board of Trustees shall, subject to the foregoing, be four (4) years.”

Section Two. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Three. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Diane R. Voss, City Clerk

\_\_\_\_\_  
John A. Haila, Mayor