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City Attorney's Office

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Ames, IA 50010

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October 14, 2008

The Honorable Ann Campbell, Mayor,  
and Members of the City Council  
of the City of Ames, Iowa

Re: Proposed Changes to Municipal Code Chapter 15 – Ames Public Library

Dear Mayor Campbell and Council Members:

The Library Board of Trustees, at their June meeting, recommended several changes to the Municipal Code regarding terms and duties of the Trustees. At the August 26 meeting of the City Council, you referred those recommendations to staff. The procedures needed to implement the recommendations of the Trustees are set out in the Iowa Code.

Any alteration of the composition or charge of the Library Board requires approval by the voters at a city election. Proposals may be submitted for approval either by motion of the City Council or by petition of eligible voters. Iowa Code §392.5. Proposals that do not alter the composition or charge of the Library Board may be enacted by ordinance.

Of the changes recommended by Library Board of Trustees, three would require submission to the voters for approval at a City election. The first would make trustees eligible for two full consecutive terms, consistent with the other boards and commissions appointed by Council. The second would reduce trustee terms from six years to three years, also consistent with other City boards and commissions. The third would amend the powers and duties of the Trustees to enable them to delegate authority to the Library Director and to establish procedures for the removal of the Director and other employees.

I have prepared and attached a draft resolution that, if adopted, would cause these three recommended changes to be submitted for voter approval. The first and second proposals would be decided as a combined ballot issue. The third proposal would be decided as a separate ballot issue. The two separate questions would appear on the ballot no later than the November 2009 city election.

The remaining changes recommended by the Library Board of Trustees may be implemented by ordinance. I have prepared and attached two draft ordinances for your consideration. One ordinance, amending Municipal Code section 15.5, would allow permanent removal of a trustee who is absent from three consecutive regular meetings. The second ordinance, amending Municipal Code section 15.13, would update the Code to permit the Library to contract with other libraries for the exchange of "other library materials" in addition to books.

Yours truly,

Douglas R. Marek  
City Attorney

Attachments

c: Diane Voss

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY AMENDING SECTION 15.5 THEREOF, FOR THE PURPOSE OF PROVIDING GROUNDS FOR REMOVAL OF A TRUSTEE FOR ABSENCE FROM THREE (3) CONSECUTIVE REGULAR MEETINGS; 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 amending Section 15.5as follows:

**“Sec. 15.5. GROUNDS FOR REMOVAL OF TRUSTEE.**

The removal of any trustee permanently from the city, or absence from three (3) consecutive regular meetings of the board, except in case of sickness or temporary absence from the city, without due explanation of the absence shall render the office as trustee vacant.”

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  
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\_\_\_\_\_  
Ann H. Campbell, Mayor

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY AMENDING SECTION 15.13 (1)(2)(3)(4) AND REPEALING SECTION 15.14 THEREOF, FOR THE PURPOSE OF PROVIDING FOR CONTRACTS WITH OTHER LIBRARIES AND POLITICAL SUBDIVISIONS FOR THE LENDING OF BOOKS AND OTHER LIBRARY MATERIALS; 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 amending Section 15.13(1)(2)(3)(4) as follows:

**“Sec. 15.13. POWER TO CONTRACT: METHOD OF USE.**

Contracts may be made between the board of trustees of the Ames library and other boards of trustees of free public libraries, and any city, town, school corporation, township or county or with the trustees of any county library district for its use by their respective residents.

Such use shall be accomplished by one or more of the following methods in whole or in part:

- (1) By lending the books and other library materials of the Ames Public Library to such residents on the same terms and conditions as to the residents of the City of Ames.
- (2) By the establishment of depositories of books and other library materials of the Ames Public Library to be loaned to such residents at stated times and places.
- (3) By the transportation of books and other library materials of the Ames Public Library by mobile or other conveyance for lending the same to such residents at stated times and places.
- (4) By the establishment of branch libraries for lending books and other library materials to such residents.”

*(Ord. No. 2496, Sec. 2, 1-21-75) [State Law Ref. Iowa Code Sec. 392.5; Code 1973, Sec. 378.11; Sec. 378.12]*

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 \_\_\_\_\_, \_\_\_\_\_.

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Diane R. Voss, City Clerk  
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Ann H. Campbell, Mayor

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION SUBMITTING TO THE VOTERS AT THE  
NEXT CITY ELECTION PROPOSALS TO REVISE THE  
COMPOSITION, MANNER OF SELECTION, AND CHARGE  
OF THE BOARD OF TRUSTEES OF THE AMES PUBLIC  
LIBRARY**

**WHEREAS** the Board of Trustees of the Ames Public Library by resolution has recommended changes to the composition, terms of appointment, and powers and duties of the Trustees; and

**WHEREAS** the City Council finds that such changes should be submitted for approval to the voters of the City at the next City election; therefore

**BE IT RESOLVED** that the following proposals to revise the composition, manner of selection, and charge of the Board of Trustees of the Ames Public Library be submitted for approval to the voters of the city at the next regular city election, or sooner in the event that a special city election is scheduled:

“Shall the Board of Trustees of the Ames Public Library be composed of nine members appointed by the Mayor and approved by the City Council for terms of three years beginning on July 1 of the year of appointment, each member being eligible for two full consecutive terms?”

“Shall the Board of Trustees of the Ames Public Library have the powers and duties to employ a librarian and authorize the librarian to employ such assistants and employees as may be necessary for the proper management of the library, and fix their compensation; to remove such librarian by a vote of two-thirds (2/3) of such board, and provide procedures for the removal of such assistants, or employees for misdemeanor, incompetency, or inattention to the duties of such employment; and to select, or authorize the librarian to select, and make purchases of library materials for the collection, furniture, fixtures, stationery, and supplies for such library?”

**BE IT FURTHER RESOLVED** that the City Clerk shall give notice thereof, along with the complete text of the above stated public measure, to the County Auditor, as the County Commissioner of Elections, all as provided by Section 47.6 Code of Iowa.

**DONE** this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

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Diane R. Voss, City Clerk  
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Ann H. Campbell, Mayor