



## City Attorney's Office

515 Clark Avenue, P. O. Box 811  
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August 20, 2010

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

Re: Ordinance Clarifying Role of Board of Library Trustees Regarding Library Employees

Dear Mayor Campbell and Members of the City Council:

The Library Board of Trustees last month brought to my attention an inconsistency in the Ames Municipal Code provision regarding the removal of Library employees. The attached ordinance makes a technical correction so that the Municipal Code will be consistent with the ballot provision passed by the voters at the last City election.

Currently, Ames Municipal Code §15.7(4) places the authority to remove employees with the Board of Trustees. At the last City election, however, the voters slightly modified that authority. According to the ballot language approved by the voters, the Board of Trustees' role is to establish procedures for removal of employees. The authority to remove employees is placed with the Library Director.

I recommend passage of the ordinance.

Yours truly,

Douglas R. Marek  
City Attorney

Cc: Dudley Lockett



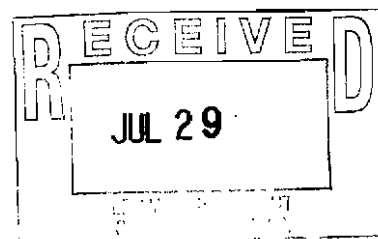
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# AMES PUBLIC LIBRARY

*We connect you to the world of ideas*

July 28, 2010

Mr. Douglas Marek  
City Attorney  
City of Ames  
515 Clark Avenue  
Ames, IA 50010



RE: Chapter 15, Library Ordinance

Dear Mr. Marek:

The Library Board of Trustees, at its meeting on July 15, reviewed Chapter 15 of the *Municipal Code*, which applies to the governance of the public library.

We reviewed the ordinance to make sure changes enacted by the City Council at the meeting on March 2, 2010, coincided with the changes passed by the voters of Ames at the city-wide election this past November. We noted an oversight in amending Section 15.7 (4), concerning the conditions for the removal of the librarian, assistants, and employees. The intent was to maintain the library board's authority to remove the librarian (library director) under the specified conditions, but to delegate to the library director the authority to remove "assistants and employees" under guidelines set by the board. The proposition passed by the voters read:

*"...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. . . ."*

The Library Board hereby requests that this provision be re-examined by the City Attorney and brought before the City Council for amendment in order to fulfill the wishes of the voters of the past general election.

Sincerely,

Dudley Luckett  
Board President

cc: Mayor Ann Campbell  
Steve Schainker, City Manager  
Sheila Lundt, Assistant City Manager

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

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING CHAPTER 15 SECTION 15.7 (4) AND ENACTING A NEW SECTION 15.7 (4); THEREOF, FOR THE PURPOSE OF IMPLEMENTING CHANGES APPROVED BY VOTERS; 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 repealing Chapter 15, Section 15.7(4); and adopting Chapter 15, Section 15.7(4) as follows:

**“Sec. 15.7. POWERS, DUTIES OF TRUSTEES.**

The board of library trustees has and exercises the following powers:

\* \* \* \*

(4) To remove such librarian by a vote of two-thirds (2/3) of such board for misdemeanor, incompetency, or inattention to the duties of such employment, and to provide procedures for the librarian to remove assistants or employees for the same reasons.

\* \* \* \*

Section Two. Violation of the provisions of this ordinance shall constitute a simple misdemeanor punishable as set out by law.

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

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

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Diane R. Voss, City Clerk  
001224

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