

MEMO

Legal Department



To: Mayor Haila, Ames City Council

From: Mark O. Lambert, City Attorney

Date: June 10, 2022

Subject: Request for change to ordinance regarding ISU representative on Transit Board.

At the May 24, 2022, Ames City Council meeting, the Council directed staff to prepare a memo regarding the request from Iowa State University to change the City's Transit Agency ordinance to allow for Iowa State University representative on the Transit Board to be someone other than a University Vice President.

Chapter 26A of the Ames Municipal Code establishes the Ames Transit Agency (commonly known as "CyRide"). Section 26A.3 establishes the qualifications and terms of office of the Transit Board Trustees.

Our current Municipal Code section states: "(c) One Trustee shall be a Vice-President of Iowa State University, to serve an indefinite term." Accordingly, the Transit Board Trustee representing ISU has historically always been a Vice President for Business and Finance from the university.

Because of administrative reorganization at ISU, ISU President Wintersteen has now appointed University Counsel Michael Norton to serve as a Transit Board Trustee, and ISU is requesting a change to the ordinance in order to allow Mr. Norton to serve as a Trustee, as he does not hold the title of "Vice President." Mr. Norton does serve as part of the University's leadership team.

This was requested by ISU via an email on May 20, 2022 from Mr. Norton, in which he stated:

"As we discussed, due to some organizational restructuring at the University, some units previously reporting to Pam Cain, are now reporting to me as General Counsel and Chief Risk Officer. The organizational changes have moved the responsibility to be the

University's representative on the Transit Board to my position. Accordingly, President Wintersteen has appointed me to fill the Transit Board position on behalf of the University. The language of City Ordinance 26.A.C.3 regarding the University's representative on the Transit Board will need to be changed to reflect this change, as my title does not contain "Vice President". Would you please ask the City Council to make this technical change to the ordinance to accommodate this change at the University. Thank you."

City staff has engaged in discussions with Mr. Norton and raised concerns of the need for language assuring that a high-level ISU staff member is appointed to the Transit Board, so that the person could obtain authority on the spending/budgetary decisions. **A change in the ordinance to say that the Trustee from ISU "shall be a Vice-President of Iowa State University or an equivalent-level position" would be acceptable to accomplish this.**

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY AMENDING SECTION 26A.3 (1)(c) THEREOF, FOR THE PURPOSE OF QUALIFICATIONS 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 26A.3 (1)(c) as follows:

“TRANSIT AGENCY

Sec. 26A.3. QUALIFICATIONS, TERMS OF OFFICE, OATHS AND BONDS, VACANCIES.

(1) The members of the Ames Transit Agency Board of Trustees shall be qualified as follows

...

(c) One Trustee shall be a shall be a Vice-President of Iowa State University or an equivalent-level position, appointed by the President of Iowa State University, to serve an indefinite term.”

...

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