

MEMO**Legal Department**

To: Mayor Haila, Ames City Council
From: Mark O. Lambert, City Attorney
Date: November 17, 2022
Subject: Hospital Board of Trustees Ordinance

On September 15, 2022, Brian Deter, CEO of Mary Greeley Medical Center (MGMC), sent the Council a letter requesting changes to Chapter 12, the “City Hospital” chapter of the Municipal Code, as there were apparent conflicts with the Code of Iowa. The Council referred Mr. Dieter’s letter to the City Attorney for a response. At the October 25, 2022 City Council meeting, the Council directed the City Attorney’s office to draft an ordinance to correct the Municipal Code to bring it into compliance with the Code of Iowa.

The attached ordinance addresses the following two issues:

- 1. The ordinance amends Section 12.2 of the Ames Municipal Code to allow either a five (5) or seven (7) member Board of Trustees at the discretion of the Hospital Board of Trustees.** The prior language set the number of Trustees at five (5). The Iowa Code used to state that the City Council would set the size of a city hospital board. However, the Iowa Code was amended in 2009 and the current Iowa Code language (section 392.6(2)) allows 3, 5 or 7 hospital trustees, and empowers the Board of Trustees to determine the size of the board.
- 2. The ordinance amends Section 12.3 of the Ames Municipal Code to allow anyone from the hospital’s service area to serve as a trustee, not just City of Ames residents.** Iowa Code section 392.6(1) was amended in 2003, and language was added stating that “A candidate for hospital or health care facility trustee must be a resident of the hospital or health care facility service areas within the boundaries of the state at the time of the election at which the person’s name appears on the ballot.” The attached ordinance specifies a six-county area that makes up the

MGMC service area, according to MGMC. Those six counties are Story, Greene, Boone, Hamilton, Hardin, and Marshall Counties. **It is important to note that the elections for City Hospital Trustee remain City elections. That means that although candidates for Hospital Trustee could live in any of the six counties, a candidate must obtain on a nominating petition the required number of signatures of Ames residents in order to be a candidate, and that only Ames residents will be voting to elect the Hospital Trustees.** Additionally, the ordinance changes the former wording saying “any adult” was allowed to be a Trustee candidate, to “any eligible elector” to bring it into sync with other election laws in Iowa.

CITY ATTORNEY’S RECOMMENDED ACTION:

The Ames Municipal Code conflicts with the Iowa Code, and these changes are needed to bring the Municipal Code into compliance with state law.

Therefore, it is the recommendation of the City Attorney that the City Council adopt the ordinance on first passage.

**HERE ARE THE CHANGES REFLECTED IN THE ATTACHED ORDINANCE.
STRIKE-THROUGHS ARE DELETIONS; UNDERLININGS ARE ADDITIONS.**

“Sec. 12.2. ELECTION OF MEMBERS, TERM OF OFFICE.

The Ames City Hospital Board of Trustees shall consist of ~~five (5) persons elected in the regular city elections, whose terms of office shall be four (4) years.~~ five (5) or seven (7) persons, as determined by a majority vote of the Board of Trustees. Trustees shall be elected in regular City elections, and the term of office shall be four (4) years.

Sec. 12.3 QUALIFICATIONS.

Any ~~adult~~ eligible elector from the City Hospital’s service area, comprising Story, Greene, Boone, Hamilton, Hardin and Marshall Counties, may be a candidate for the Ames City Hospital Board of Trustees. Any person appointed to fill a Trustee vacancy shall also be a resident of the City Hospital’s service area. A candidate for Hospital Trustee must be nominated by petition of residents of the City in accordance with the election laws of Iowa.”

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ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY AMENDING CHAPTER 12, SECTIONS 12.2 AND 12.3 THEREOF, FOR THE PURPOSE OF ESTABLISHING ELECTION OF MEMBERS, TERM OF OFFICE AND 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 Chapter 12, Section 12.2 and Section 12.3 for the purpose of establishing election of members, term of office and qualifications, as follows:

“Sec. 12.2. ELECTION OF MEMBERS, TERM OF OFFICE.

The Ames City Hospital Board of Trustees shall consist of five (5) or seven (7) persons, as determined by a majority vote of the Board of Trustees. Trustees shall be elected in regular City elections, and the term of office shall be four (4) years.

Sec. 12.3 QUALIFICATIONS.

Any eligible elector from the City Hospital’s service area, comprising Story, Greene, Boone, Hamilton, Hardin and Marshall Counties, may be a candidate for the Ames City Hospital Board of Trustees. Any person appointed to fill a Trustee vacancy shall also be a resident of the City Hospital’s service area. A candidate for Hospital Trustee must be nominated by petition of residents of the City in accordance with the election laws of Iowa.”

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 _____, _____.

Renee Hall, City Clerk

John A. Haila, Mayor