

## CHAPTER 26A

### TRANSIT AGENCY

#### **Sec. 26A.1. AMES TRANSIT AGENCY ESTABLISHED.**

Pursuant to the provisions of Chapter 392, Code of Iowa, 1979, there is hereby established an administrative agency of the City of Ames, Iowa, entitled the Ames Transit Agency, for the purpose of undertaking the establishment, acquisition, operation, management, control and governance of transit services in and for the City of Ames.

#### **Sec. 26A.2. MEMBERS, ORGANIZATION.**

The Ames Transit Agency shall consist of six (6) members appointed by the City Council and organized as the Ames Transit Agency Board of Trustees.

#### **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:
  - (a) One Trustee shall be a member of the Ames City Council. The term shall be two (2) years.
  - (b) One Trustee shall be a Senator of the Iowa State University Student Government (SG), selected by the SG Senate. The term shall be one (1) year.  
*(Ord. No. 4415, 6-23-20)*
  - (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.  
*(Ord. No. 4470, 6-28-22)*
  - (d) One Trustee shall be a SG representative who is not a SG Senator, selected by the President of SG. The term shall be one (1) year.  
*(Ord. No. 4415, 6-23-20)*
  - (e) One Trustee shall be the Ames City Manager.
  - (f) One Trustee shall be a person selected by the Mayor of Ames. The term shall be two (2) years, however, the Mayor shall designate one such person, one time only, to serve a term of only one year, for the purpose of producing a staggering of the vacancies between the positions provided for by 26A.3(1)(a) and 26A.3(1)(f).
- (2) All terms shall run from May 15 of the year of appointment, except for the term of the Ames City Council member provided for in 26A.3(1)(a), which shall run from the first day of January each year.  
*(Ord. No. 4404; 12-17-19)*
- (3) Each Trustee shall, within fifteen (15) days after appointment and before entering upon the duties of the office, take and subscribe an oath of office in the form prescribed by Section 63.10, 1979 Code of Iowa, and file it in the office of the City Clerk for the City of Ames, Iowa. The Ames City Council will provide for a surety bond running to the City and covering all city officers, which shall include the said Trustees in accordance with Sections 64.2 and 64.13, Code of Iowa, 1985.
- (4) Vacancies shall be filled in the same manner as original appointments are made, in accordance with the same qualifications for the position vacant, and for the balance of the unexpired term. A majority of Trustees voting at a duly called meeting may determine that a Trustee position has in fact been vacated or abandoned by reason of the appointee no longer having the qualifications prescribed by this section. In that event, the vacancy shall be filled as aforesaid.  
*(Ord. No. 2943, Sec. 1, 3-25-86)*

#### **Sec. 26A.4. PROCEDURES OF THE BOARD OF TRUSTEES.**

- (1) The following shall be the basic procedures for conduct of the business of the Ames Transit Agency Board of Trustees:

(a) Each member of said Board in attendance at a regular or specially called meeting will have one vote, and the majority vote of those Board members present and voting shall decide matters.

(b) No business shall be conducted in the absence of a quorum. A quorum shall consist of a majority of the entire Board, that is, four members.

(c) A President and Vice-President of the Board shall be elected by a majority vote of the Board to serve for a term of one year.

(d) The Board shall hold meetings on dates and at places which shall be determined by the Board.

*(Ord No. 3106, 11-27-90)*

(e) The Board shall comply with the provisions of Chapter 21 Code of Iowa (Iowa Open Meetings Law).

*(Ord No. 3106, 11-27-90)*

(2) The Board shall establish such other procedural rules for the conduct of its business as are fair, reasonable and not in conflict with this chapter or the laws of the State of Iowa.

**Sec. 26A.5. GENERAL POWERS AND DUTIES OF THE AGENCY.**

The Ames Transit Agency shall have such powers and duties as are conferred or imposed in express words of this chapter pertaining to the establishment, acquisition, operation, management control and governance of transit services in and for the City of Ames.

**Sec. 26A.6. SPECIFIC DUTIES OF THE AGENCY.**

(1) The Ames Transit Agency shall design, plan, establish and oversee the implementation of a program of public transit service in the City of Ames; and, fix, establish and maintain such transit service parameters, including routes, schedules, fares and facilities as it shall reasonably deem best suited to the needs of the City of Ames and its citizens.

(2) Initiate and implement agreements made between the City of Ames and Iowa State University for support and provision of transit services.

(3) Select an individual for appointment as an assistant to the City Manager, who shall be entitled Director of Transit Services, to serve at the pleasure of the Board of Trustees to advise and assist the Board in the exercise of its powers and discharge of its duties.

(4) Assume operational control of and responsibility for the management and governance of existing city transit services, specifically the service called Cy-ride, when directed by resolution of the City Council to do so.

(5) Abide by all policies and procedures established by the City Council with respect to purchasing and procurement of goods and services, and the utilization of the services of the City Personnel Department, Legal Department, and Finance Department, including the divisions of purchasing and equipment operations.

**Sec. 26A.7. FINANCES, BUDGET.**

(1) The Ames Transit Agency shall have exclusive control of the expenditure of all revenues from its operations, of any moneys obtained under gift to or agreement with the agency, and of any funds allocated or appropriated to the agency by the City Council.

(2) All revenues and funds of the Ames Transit Agency shall be deposited with the City Finance Director and kept by the Finance Director in a separate account apart from other funds of the City. All disbursements of Ames Transit Agency funds shall be on order of the Board of Trustees or its designee and shall be by the City's check drawn on said separate account.

(3) The Finance Director for the City of Ames shall prepare and institute, after consultation with the Board of Trustees, a system of books, records and accounts best suited to meet the special needs of the Ames Transit Agency. The City Finance Director shall supervise, monitor and evaluate performance of financial accounting and take such measures as shall be necessary to correct deficiencies.

(4) The Board of Trustees shall, in accord with such schedule and procedure as may be announced by the City Council, prepare for the approval of the City Council a proposed fiscal year budget for the Ames Transit Agency in such form and detail as the Council shall direct.

**Sec. 26A.8. ESTABLISHMENT OF RATES AND FEES.**

So long as there are no revenue bonds or pledge orders outstanding which are payable from the revenues of this City enterprise the Ames Transit Agency shall establish fees, fares, rates and charges pertaining to transit services under the operation, control management and governance of the Ames Transit Agency. However, the City Council shall at all times retain and have power and authority to establish, impose, adjust and provide for the collection of rates and charges when such action is necessary to produce gross revenues at least sufficient to pay expenses of operation and maintenance and to pay the principal and interest of any bonds or pledge orders issued with respect to the activities of the Agency as they come due.

*[State Law Ref. Iowa Code Sec. 382.1]*

**Sec. 26A.9. RULE MAKING AUTHORITY.**

Except as otherwise specifically provided in this chapter, the Ames Transit Agency shall have rule making authority and shall provide all needed rules and regulations for the use, economic conduct, management, control and government of transit services and facilities under its authority, not contrary to law or inconsistent with the provisions of this chapter; and, including by way of specification but not limitation, rules relating to matters of employment and personnel administration. Rules governing the use by the general public of transit vehicles or facilities shall be made readily available by posting in such vehicles and facilities and by such other means as shall be deemed appropriate.

*[State Law Ref. Iowa Code Sec. 392.1]*

**Sec. 26A.10. PLEDGING CREDIT OR TAXING POWER PROHIBITED, PROHIBITED ACTS.**

The Ames Transit Agency shall not pledge or purport to pledge the credit or taxing power of the City. By way of specification and example, but not limitation, the Ames Transit Agency is expressly prohibited from:

- (1) Borrowing or purporting to borrow any money by any means whatsoever.
- (2) Do or cause the doing of any act appearing or purporting to be an issuance of revenue bonds.
- (3) Enter into installment contracts which entail a promise to pay sums of money in more than one

fiscal year.

**Sec. 26A.11. POWER AND AUTHORITY TO MAKE VALID CONTRACTS.**

Except as otherwise provided or limited in this chapter, the Ames Transit Agency shall have the power and authority to enter into contracts and such contracts shall not be subject to review and approval by the City Council if made and entered into pursuant to the procedures and provisions of this chapter; and when so made and entered into, such contracts, to the extent otherwise authorized by law, shall be valid, enforceable and not voidable by subsequent actions of the City Council even if the Agency or Board of Trustees should be discontinued; provided, however, that such contracts shall not be valid and enforceable if, at the time of making, they are in conflict with any provision or requirement of this chapter or any previous action taken by the City Council.

*[State Law Ref. Iowa Code Sec. 392.3]*

**Sec. 26A.12. CONTRACTS FOR WHICH COUNCIL APPROVAL REQUIRED.**

The following contracts shall not be valid and enforceable unless approved by the City Council:

- (1) All contracts and agreements for the granting, acquisition or conveyance of any title, interest, right, power, privilege or immunity with respect to real property, including leases, licenses and easements.
- (2) Any and all installment contracts.
- (3) Contracts for public improvements, building, demolition or construction work the estimated cost of which is in excess of \$25,000.00.

*[State Law Ref. Iowa Code Sec. 392.3]*

**Sec. 26A.13. JOINT ACTION.**

Subject to approval by the Council, the Ames Transit Agency may take action jointly with other public or private agencies as provided in Chapter 28E.

*[State Law Ref. Iowa Code Sec. 392.4]*

**Sec. 26A.14. DISCONTINUANCE, CHANGES.**

(1) The Ames Transit Agency shall continue with the same powers and duties until altered or discontinued as provided herein.

(2) The City Council may by ordinance reduce or increase the Ames Transit Agency's powers and duties.

(3) The City Council may discontinue the Ames Transit Agency by adopting a resolution proposing the action, and publishing notice as provided in Section 362.3, Code of Iowa, of the resolution and of date, time, and place of a public hearing on the proposal, and may discontinue the agency by ordinance not sooner than thirty days following the hearing.

(4) Altering, restructuring or reconstituting the Ames Transit Agency Board of Trustees shall not be deemed a discontinuance of the agency.

*(Ord. No. 2757, 9-16-80) [State Law Ref. Iowa Code Sec. 392.7]*

**Sec. 26A.15. INSURANCE REQUIRED.**

(1) The Ames Transit Agency Board of Trustees, as the members of the Ames Transit Agency, an administrative agency of the City of Ames, Iowa, shall as a part of that agencies power and duty in operation, management, control and governance of transit services in the City of Ames, procure and maintain a policy of liability insurance in an amount not less than \$5,000,000.00 which policy shall name the City of Ames, its officers and employees as insured parties.

*(Ord. No. 2956, Sec. 1, 7-1-86)*

(2) The cost of procuring and maintaining said policy of insurance shall be an item included in the fiscal year budget for the Ames Transit Agency prepared and approved pursuant to sub-section 26A.7(4) of the Ames Municipal Code.

*(Ord. No. 2939, Sec. 1, 12-17-85)*