

## CHAPTER 26A

### TRANSIT AGENCY

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#### **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 Government of the Student Body (GSB), selected by the GSB Senate. The term shall be one (1) year.
  - (c) One Trustee shall be a Vice-President of Iowa State University, to serve an indefinite term.
  - (d) One Trustee shall be a GSB representative who is not a GSB Senator, selected by the President of GSB. The term shall be one (1) year.
  - (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.  
*(Ord. No. 3002, Sec. 1, 2-9-88; Ord. No. 3471, Sec. 1, 12-16-97)*
- (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.

**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]*