

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: April 9, 2012
	Agenda Item No. 56 Roll Call No. <u>12-0573</u> Communication No. <u>12-175</u> Submitted by: Richard A. Clark, City Manager

AGENDA HEADING:

Resolution Approving the Second Amendment to amended and restated agreement for the Des Moines Regional Transit Authority.

SYNOPSIS:

The Second Amendment addresses issues relating to the formation of new transit district boundaries and the selection of Commission representatives from each transit district. The City Manager and Legal Department have reviewed the Second Amendment and recommend its approval.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

The City’s agreement with DART was approved in December 2005, by Roll Call No. 05-3055, when the Metropolitan Transit Authority was replaced by a Regional Transit Authority. The Agreement was amended by Roll Call No. 10-559 to allow DART to issue general obligation bonds. The current action would approve a Second Amendment to the agreement and outlines the formation of new transit district boundaries and the selection of Commission representatives from each transit district.

The primary revision in the Second Amendment provides that, after a legislative redistricting (following an official U.S. decennial census), the DART Service and Budget Review (SBR) Committee made up of member city managers will recommend to the DART Commission new transit district boundaries. Boundaries will be established using state house districts or senate districts as a guide.

The proposed new transit districts will be voted on by the DART Commission with an affirmative vote of two-thirds of members required (six out of nine). The two-thirds majority requires consensus, and will avoid the potential problem of one Commission representative attempting to block the proposal. The approval of the DART Commission will be final since there is no requirement that the new transit districts be approved by the governing bodies of the respective city or county members of DART.

The procedure for establishing new transit district boundaries set forth in the Second Amendment will not adversely affect representation of Des Moines on the DART Commission. The SBR Committee will make a professional recommendation using legislative districts as a guide.

The recommended transit district boundaries following the 2010 Census and legislative redistricting will provide 3 or 4 Des Moines representatives on the DART Commission. Three of the recommended

district boundaries have over 80% of their population in the City of Des Moines, while a fourth district contains slightly over 50% of the population comes from Des Moines. Accordingly, it will be unlikely that following the 2020 census a recommendation on transit district boundaries adverse to Des Moines' interests could be approved.

Another notable revision in the Second Amendment involves the selection of a Commission member and alternate from each transit district. If the Selection Committee (consisting of the mayors from each city in the transit district) cannot agree on a member or alternate by unanimous vote, the selection committee's selection will be resolved by use of a weighted vote based on population. The unanimous vote requirement will avoid the potential for a majority of small cities representing a small portion of population in a transit district from controlling the representation in the transit district.

The Second Amendment must be approved by the city council of each member city and the Polk County Board of Supervisors.

PREVIOUS COUNCIL ACTION(S):

Date: April 12, 2010

Roll Call Number: [10-0559](#)

Action: First Amendment to Amended and Restated 28M Agreement to allow DART's issuance of general obligation bonds by DART. ([Council Communication No. 10-201](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**

Date: December 19, 2005

Roll Call Number: 05-3055

Action: Amended and Restated Agreement for The Des Moines Regional Transit Authority. (Council Communication No. 05-729) **Moved by Hensely to adopt. Motion Carried 7-0.**

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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