

Date February 25, 2008

APPROVING AND AUTHORIZING EXECUTION OF 28E AGREEMENT WITH MEMBERS OF THE POLK COUNTY EMERGENCY MANAGEMENT COMMISSION FOR FUNDING OF EMERGENCY MANAGEMENT ADMINISTRATION AND APPOINTING THE FIRE CHIEF AS THE CITY'S STANDING REPRESENTATIVE TO SUCH COMMISSION

WHEREAS, on January 24, 2005 by Roll Call No. 05-186, the City Council approved a 28E agreement developed by the Polk County Emergency Management Commission creating a system of funding for the administration of the Emergency Management Commission throughout Polk County; and

WHEREAS, the last assessment provided for under such 28E Agreement was for the budget years 2007-2008, and the City Council has determined that continuation of such Agreement is in the best interests of the citizens of the City of Des Moines; and

WHEREAS, the City Council has determined that the Chief of the Fire Department should represent the City on the Polk County Emergency Management Commission.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the 28E Agreement between Members of the Polk County Emergency Management Commission For Funding of Emergency Management Administration, a copy of which is on file in the City Clerk's Office, which provides for a three year term, is hereby approved and the Mayor is hereby authorized and directed to sign said 28E Agreement on behalf of the City of Des Moines and the City Clerk is directed to attest to his signature.

BE IT FURTHER RESOLVED that the Fire Chief is hereby appointed as the City's representative to the Polk County Emergency Management Commission for the term of the 28E Agreement.

(Council Communication No. 08-079) Moved by _____ to adopt.

APPROVED AS TO FORM:

Ann DiDonato, Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, HENSLEY, KIERNAN, MAHAFFEY, MEYER, VLASSIS, and TOTAL.

MOTION CARRIED APPROVED

Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

**28E AGREEMENT
MEMBERS OF THE POLK COUNTY EMERGENCY
MANAGEMENT COMMISSION
FOR FUNDING OF EMERGENCY MANAGEMENT ADMINISTRATION**

This Agreement by and among Members of the Polk County Emergency Management Commission for Funding of Emergency Management Administration (“Agreement”) is entered into on the date last executed by the parties.

Whereas, pursuant to Iowa Code §29C.9 there is established in each county an emergency management commission to provide direction for delivery of the emergency management services of planning, administration, coordination, training and support for local governments and their departments; and

Whereas, pursuant to Iowa Code §29C.9 the Polk County Emergency Management Commission (“Commission”) does exist and operate, being composed of duly-appointed representatives of the following governmental entities: the City of Alleman, the City of Altoona, the City of Ankeny, the City of Bondurant, the City of Clive, the City of Des Moines, the City of Elkhart, the City of Grimes, the City of Johnston, the City of Mitchellville, the City of Pleasant Hill, the City of Polk City, the City of Runnells, the City of Urbandale, the City of West Des Moines, the City of Windsor Heights, the County of Polk; and

Whereas, pursuant to Iowa Code §29C.17 the budget of the Commission may be funded all or in part by a per capita allocation funded from city and county general funds; and

Whereas, it is the intent and desire of the Commission and its Members to fund administration of the Commission through an annual per capita allocation funded from city and county general funds.

It is hereby agreed by and among the members of the Commission as follows:

1. **28E Agreement.** This agreement is entered into pursuant to the provisions of Chapter 28E of the Code of Iowa (2007).
2. **No Entity.** No separate, legal or administrative entity is created by this Agreement. No real property will be acquired in the performance of this Agreement.
3. **Administration.** The Chairperson of the Commission, or the Chairperson’s designee, shall administer performance of this Agreement.

4. **Term.** The term of this Agreement shall be three years from the effective date, and will specifically include assessments in budget years 2008-2009, 2009-2010 and 2010-2011.
5. **Termination.** This Agreement may be terminated at a regular meeting or at a special meeting called for such purpose, by an affirmative vote of representatives from Member governmental entities whose combined population is not less than two-thirds (2/3) of the total population within Polk County as presented on Attachment 1, which vote must be ratified by resolution of the governing bodies of Member governmental entities whose combined population is not less than two-thirds (2/3) of the total population within Polk County as presented on Attachment 1.
6. **Assessment.** Each Member shall fund Commission administration on the basis of a twenty-five cents (25¢) per capita allocation, according to their most recent certified federal census Annual assessments are due and payable in the office of the Commission July 31 of each year during the term of the Agreement.
7. **Execution of Agreement.** Member governmental entities shall approve this Agreement by resolution or motion of their respective council or board, which shall authorize execution of the Agreement. The executed Agreement will then be filed in the offices of the Iowa Secretary of State and the Recorder of Polk County by Polk County, in accordance with Chapter 28E of the Code of Iowa. The Agreement shall become effective when recorded in the Polk County Recorder's Office and shall remain in effect unless terminated as provided herein. This is the entire Agreement among the parties and may be amended only upon an affirmative vote of representatives from Member governmental entities whose combined population is not less than two-thirds (2/3) of the total population within Polk County, which vote must be ratified by resolution of the governing bodies of Member governmental entities whose combined population is not less than two-thirds (2/3) of the total population within Polk County. The laws of the State of Iowa apply to this Agreement.

CITY OF DES MOINES

IN WITNESS WHEREOF, the City of Des Moines has caused this Agreement to be executed by its duly authorized officers on the day and year indicated below.

By:

Attest:

Mayor

City Clerk

Date: _____

Date: _____

APPROVED AS TO FORM:

Ann Di Santo
Assistant City Attorney