

Date January 24, 2011

**RESOLUTION APPROVING THE
SIXTH AMENDED AND SUBSTITUTED 28E AGREEMENT FOR THE
DES MOINES AREA METROPOLITAN PLANNING ORGANIZATION (MPO)**

WHEREAS, the City of Des Moines is a member of the Des Moines Area Metropolitan Planning Organization ("MPO"), an organization of county and city governments established to carry out transportation planning activities for the metropolitan area;

WHEREAS, a proposed Sixth Amended and Substituted 28E Agreement for the MPO has been prepared which document expands the purposes and powers of the MPO to include collaborative planning and permits budget amendments and special assessments charged to member governments; and

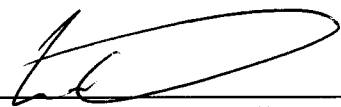
WHEREAS, it is in the best interests of the City of Des Moines to approve the Sixth Amended and Substituted 28E Agreement for the MPO.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa:

1. That the Sixth Amended and Substituted 28E Agreement for the MPO, a copy of which is now on file in the Office of the City Clerk, is hereby approved.
2. That the Mayor is hereby authorized and directed to execute the Sixth Amended and Substituted 28E Agreement on behalf of the City of Des Moines and the City Clerk is directed to attest to his signature and forward all necessary documents to the MPO to enable filing of the Sixth Amended and Substituted 28E Agreement.

APPROVED AS TO FORM:

Moved by _____ to adopt.



Lawrence R. McDowell, Deputy City Attorney

(Council Communication No. 11-048)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

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.

MOTION CARRIED APPROVED

Mayor

City Clerk

**MPO 28E Agreement
Sixth Amended and Substituted**

**Summary of Changes
December 16, 2010**

Changes in general:

- Additions, deletions, and comments are shown with explanatory comments and underscoring.
- Where the “Amended and Substituted Agreement” was referenced, the word “Sixth” was inserted at the beginning of this phrase to indicate that this is the sixth revision to the original 28E agreement.

Specific changes:

- Article II, paragraph 1
 - Addition to or change of wording. For your reference, the same paragraph from the **Fifth** Amended and Substituted 28E Agreement, dated April 2010, read as follows:
 - “The MPO is organized as a separate legal entity pursuant to the provisions of Chapter 28E, Code of Iowa, 1997, as amended, with the powers and purposes to carry out transportation planning activities for the metropolitan area. The purpose of the Fifth Amended and Substituted Agreement is to make revisions to the previous Amended and Substituted Agreement that became effective on September 7, 2005, which replaced the previously existing agreement that became effective on April 19, 2001, which replaced the previously existing agreement that became effective on February 26, 1998, which replaced the previously existing agreement that became effective on May 19, 1993, which replaced the previously existing agreement that became effective on July 1, 1983, and to authorize the MPO to continue, pursuant hereto, to serve as a designated metropolitan planning organization, pursuant to Part 450 of Title 23 of the Code of Federal Regulations, and any amendment or successor section thereto; and to enable the MPO to carry out a transportation planning process as outlined therein.”
- Article II, paragraph 3
 - Addition to or change of wording. For your reference, this paragraph was added to the **Fifth** Amended and Substituted 28E Agreement, dated April 2010:
 - “The MPO is also authorized to carry out such other activities fostering collaboration between and among its member governments and other agencies, entities, and persons, public, quasi-public, and private, that

involve information gathering and dissemination, planning, and consensus building deemed beneficial to the community that is the MPO planning area. This authority includes the power to enter into separate 28E Agreements and may involve acting as sponsor, lead agency, and/or fiscal agent for such endeavors.”

- Article IV, paragraph 3
 - Addition to or change of wording. For your reference, this paragraph was added to the **Fifth** Amended and Substituted 28E Agreement, dated April 2010:
 - “The MPO is authorized from time-to-time to approve amendments to the budget and corresponding special assessment schedule. Any such special assessment schedule shall be based on the same ratio among member governments as regular assessments. The resolution adopting any such amendments and special assessment schedule shall establish applicable payment deadlines and delinquency dates.”