

Date September 10, 2012

APPROVING MEMORANDUM OF UNDERSTANDING FOR GRANT AWARD FROM NATIONAL PARK AND RECREATION ASSOCIATION THROUGH THE SPRITE SPARK PARKS PROGRAM FOR EVELYN K. DAVIS PARK

WHEREAS, the National Recreation and Park association (NPRA) has selected the City of Des Moines to be one of 25 cities across the county to participate in the Sprite Spark Parks grant program which provides funding to improve existing basketball courts at Evelyn K. Davis Park; and; and

WHEREAS, on March 12, 2012, by Roll Call No. 12-0400, the City Council approved a Sprite Spark Parks program grant agreement with the NPRA ("the Grant Agreement") and the City has since been informed that due to receiving one of the highest public voting counts, the amount of the grant award will be the highest amount possible under the grant program at \$15,000; and

WHEREAS, the sponsor of the contest, the Coca-Cola Company, has requested that the City execute a Memorandum of Understanding, a copy of which is on file in the City Clerk's Office, which identifies the amount of the grant at \$15,000 and requires compliance with the Sprite Spark Parks Official Rules.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the above described Memorandum of Understanding between the National Recreation and Park Association National Park and the City is hereby approved, and the City Manager is authorized and directed to sign said Memorandum of Understanding, and other implementing agreements consistent with this MOU and the Grant Agreement on behalf of the City and the City Clerk is directed to attest to his signature.

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized to approve marketing and promotional materials using any City of Des Moines identification or materials subject to such not implying an endorsement of any Sprite or Coca-Cola Company or any other commercial entity or brand name product or service.

(Council Communication No. 12- 477) MOVED by _____ to approve.

APPROVED AS TO FORM:

Ann DiDonato
Ann DiDonato, Assistant City Attorney

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

MOTION CARRIED

APPROVED

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.

Mayor

City Clerk

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) effective June 6, 2012 is made between the **National Recreation and Park Association**, a Virginia-based not-for-profit 501(c)3 with a mailing address of 22377 Belmont Ridge Road, Ashburn, Virginia, 20148-4501, (hereinafter referred to as **NRPA**) and **City of Des Moines**, (hereinafter referred to as **Agency**).

1. Purpose

In collaboration with The Coca-Cola Company, NRPA is managing the 2012 Sprite Spark Parks program, including this promotion. As a potential winner of this promotion, Agency is required to accept the terms contained within the attached Official Rules. Execution of this MOU within the required 30-day timeframe confirms acceptance of these terms. Funding will not be distributed from NRPA without the execution of this MOU.

The purpose of this MOU is to confirm funds made available through the Sprite Spark Parks program. This MOU adjoins the previous Agreement – effective date March 2, 2012 – to establish the specific funding amount.

2. Project Funding

- A. Upon successful execution of the MOU and confirmation as a \$15,000 Prize Winner of this Sprite Spark Parks promotion, NRPA will send Agency a check in the amount of **\$15,000**. These funds will be distributed via check from NRPA within 30 days of execution of this MOU. No matching funds are required.
- B. As previously agreed upon, these funds must be used to construct, refresh and/or refurbish basketball court(s) located in **Evelyn Davis Park**. NRPA shall be provided advance notice of the project(s) chosen by Agency for completion with this funding. The project(s) must be completed by December 31, 2012.


These parties have caused this MOU to be signed as of the effective date set forth above.

National Recreation and Park Association

By: _____
 Printed Name: _____
 Title: _____
 Date: _____

City of Des Moines

By: _____
 Printed Name: _____
 Title: _____
 Date: _____

APPROVED AS TO FORM:

 Assistant City Attorney