



Roll Call Number

Agenda Item Number

30

Date October 26, 2015

APPROVAL OF MEMORANDUM OF UNDERSTANDING WITH THE IOWA DEPARTMENT OF ADMINISTRATIVE SERVICES, STATE ACCOUNTING ENTERPRISE FOR PARTICIPATION IN THE INCOME OFFSET PROGRAM

WHEREAS, Iowa Code Section 8A.504 provides for the offsetting of payments made by the State of Iowa to satisfy liabilities of the State and political subdivisions, including municipalities ("Income Offset Program") and the City Council by Roll Call No. 07-400 of February 26, 2007 approved a Memorandum of Understanding with the Iowa Department of Administrative Services, State Accounting Enterprise ("DAS/SAE") for participation in the Income Offset Program; and

WHEREAS, Iowa Code Section 8A.504 and the applicable sections of the Iowa Administrative Code have been amended to implement new requirements for the Income Offset Program, including requirements for notice and an appeal process for debtors; and

WHEREAS, DAS/SAE has prepared a new Memorandum of Understanding for participation in the Income Offset Program which incorporates the new requirements.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa that the Memorandum of Understanding between the Iowa Department of Administrative Services, State Accounting Enterprise and the City of Des Moines for participation in the Income Offset Program, on file in the Office the City Clerk, is hereby approved and the Mayor is authorized and directed to execute the same on behalf of the City and the City Clerk to attest, as necessary, to his signature.

BE IT FURTHER RESOLVED that upon adoption of all amendments to the Des Moines Municipal Code and implementation of procedures required to comply with the Iowa Code, the Iowa Administrative Code and the terms and provisions of the Memorandum of Understanding, the City Clerk's Office and Finance Department staff are authorized and directed to administer debts and claims owed to the City through the Income Offset Program.

APPROVED AS TO FORM:

Moved by \_\_\_\_\_ to adopt.

Lawrence R. McDowell
Deputy City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MAHAFFEY, 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

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**October 26, 2015**

**HONORABLE MAYOR AND MEMBERS OF THE DES MOINES CITY COUNCIL  
and  
MEMBERS OF THE MUNICIPAL HOUSING AGENCY GOVERNING BOARD**

**RE: Memorandum of Understanding with the Iowa Department of Administration Services,  
State Accounting Enterprise for Participation in the Income Offset Program**

On the October 26, 2015 City Council agenda and the Municipal Housing Agency Governing Board agenda will be an item for approval of a new Memorandum of Understanding with the Iowa Department of Administrative Services, State Accounting Enterprise for participation in the Income Offset Program. The Offset Program provides a procedure for collection of debts owed to the City by setoff against amounts to be paid by the State to the debtor, such as income tax refunds.

The new Memorandum of Understanding incorporates new requirements of the Iowa Code and Iowa Administrative Code to establish the legal enforceability of debts, debtors rights to notification and appeal procedures for debtors. To meet these new procedural requirements, amendments will be required to the Des Moines Municipal Code. The City will not submit any debts or claims to the Offset Program until such code amendments are enacted and the procedures thereunder are put in place.

Respectfully submitted,

Lawrence R. McDowell  
Deputy City Attorney