



Roll Call Number

Agenda Item Number

M.H.G.B. 2

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 political subdivisions of the State and offices or units thereof such as the Des Moines Municipal Housing Agency ("Income Offset Program"), which Program is used by the Housing Agency for collection of debts owed; 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 Memorandum of Understanding with the Des Moines Municipal Housing Agency for participation in the Income Offset Program, which Memorandum incorporates the new requirements.

NOW, THEREFORE, BE IT RESOLVED by the City of Des Moines, Iowa Municipal Housing Agency Governing Board, that the Memorandum of Understanding between the Iowa Department of Administrative Services, State Accounting Enterprise and the City of Des Moines, Iowa Municipal Housing Agency 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 Board and Housing Agency 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 Housing Agency, the City Clerk's Office and the Finance Department staff, as applicable, are authorized and directed to administer debts and claims owed to the Des Moines Municipal Housing Agency through the Income Offset Program.

APPROVED AS TO FORM:
Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

Moved by _____ to adopt.

M.H.G.B. ACTION	YEAS	NAYS	PASS	ABSENT
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 of Des Moines, Municipal Housing Agency Governing Board, 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

Mayor

M-2

CITY ATTORNEY

Jeffrey D. Lester

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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