



Date May 23, 2016

AGREEMENT WITH POLK COUNTY, IOWA REGARDING HEALTH FUNCTIONS AND ENFORCEMENT WITHIN THE CITY OF DES MOINES

WHEREAS, since 1986, the City of Des Moines and Polk County have entered into Iowa Code Chapter 28E Agreements relating to the grant and acknowledgment of authority and jurisdiction for Polk County and its board of health to exercise and perform certain health related functions and programs within the City's corporate limits; and

WHEREAS, the City retains jurisdiction over certain health related functions and programs administered by City departments; and

WHEREAS, a new 28E Agreement between Polk County and the City Regarding Health Functions and Enforcement has been prepared to specify the health related functions and programs to be performed by Polk County and its board of health within the corporate limits of the City and to delineate those health related functions and programs that will continue to be administered by City departments.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa that the Iowa Code Chapter 28E Agreement between Polk County and the City of Des Moines Regarding Health Functions and Enforcement on file in the Office of the City Clerk is hereby approved and the Mayor is hereby authorized and directed to execute the Agreement and the City Clerk is directed to attest to his signature.

APPROVED AS TO FORM:

[Handwritten signature]

Lawrence R. McDowell
Deputy City Attorney

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

CITY ATTORNEY
Jeffrey D. Lester**DEPUTY CITY ATTORNEYS**Lawrence R. McDowell
Carol J. Moser
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May 23, 2016

**HONORABLE MAYOR AND MEMBERS
OF THE DES MOINES CITY COUNCIL**

RE: 28E Agreement with Polk County Regarding Health Functions
and Enforcement Within the City

On tonight's agenda is the approval of the proposed Iowa Code Chapter 28E Agreement with Polk County allowing for the continuation of certain health related functions and programs by Polk County and its board of health within the City corporate limits. The County has performed these health related functions and programs including enforcement of non-public water wells, control of lead-based paint hazards and joint enforcement of open burning regulations through similar 28E Agreements with the City since 1986.

The current 28E Agreement with the County had a term of ten years which expires June 30, 2016. The new 28E Agreement will be in effect for a period of ten years and grants and acknowledges the authority and jurisdiction of Polk County and its board of health to continue to exercise and perform the health related functions and programs that it currently provides within the City of Des Moines. As with the prior 28E Agreements, the City will retain jurisdiction over the health related functions and programs such as nuisance investigation and abatement that are currently being administered by City departments. The 28E Agreement clarifies that, in accordance with the changes made to State law, the City's health related functions and programs will be administered under its home rule powers and other State code authority by City departments as opposed to a City board of health.

The Polk County Board of Supervisors has approved the 28E Agreement and its approval by the City Council will allow for uninterrupted health related functions and programs to be performed by Polk County within the City of Des Moines.

Respectfully submitted,

Lawrence R. McDowell
Deputy City Attorney