

Date July 24, 2017

RESOLUTION APPROVING ADMISSION OF THE CITY OF NORWALK TO
THE GREATER DES MOINES SISTER CITIES COMMISSION

WHEREAS, the cities of Des Moines, Windsor Heights, Johnston, Ankeny and Cumming have entered into the *Intergovernmental Agreement Creating the Metropolitan Sister Cities Commission* (the "Agreement") for the purposes of establishing the Metropolitan Des Moines Sister Cities Commission, now known as the Greater Des Moines Sister Cities Commission, and continue to be participating members of the Commission; and,

WHEREAS, the City of Norwalk desires to join in the Greater Des Moines Sister Cities Commission and has signed the Agreement in the standard form; and,

WHEREAS, the Agreement provides that additional municipalities may be added to membership of the Commission upon approval by a majority of the five cities now participating on the Commission.

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

1. The City of Des Moines hereby gives its approval for the admission of Norwalk to the Greater Des Moines Sister Cities Commission, subject to two of the other participating cities joining in such approval.

2. Upon approval of the admission of Norwalk to the Greater Des Moines Sister Cities Commission by two of the other participating cities, the Mayor and City Clerk are hereby authorized and directed to sign the Agreement with Norwalk on behalf of the City of Des Moines.

MOVED by _____ to adopt.

FORM APPROVED:

(Council Communication No. 17-)

Roger K. Brown

Roger K. Brown, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
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

COPY

**INTERGOVERNMENTAL AGREEMENT CREATING
METROPOLITAN DES MOINES SISTER CITIES COMMISSION**

THIS AGREEMENT is made and entered into by, between, and among the Cities of Des Moines, Iowa, and Norwalk, Iowa. All parties to this and to prior agreements in the following form are hereinafter called "municipalities").

WHEREAS, the cities of Des Moines, Windsor Heights, Johnston, Ankeny and Cumming have entered into intergovernmental agreements in the following form for the purpose of establishing the Metropolitan Des Moines Sister Cities Commission, also known as the Greater Des Moines Sister Cities Commission; and,

WHEREAS, the City of Norwalk, Iowa, desires to join into the Des Moines Metropolitan Sister Cities Commission.

WITNESSETH:

I. AUTHORITY

The municipalities enter into this Agreement under and by virtue of the powers granted by Chapter 28E, Code of Iowa, 2013.

II. PURPOSES

The other municipalities wish to join and expand the Des Moines Sister Cities Commission to allow for participation in its programs by citizens, schools, businesses, and civic organizations throughout the Des Moines Metropolitan area. To that end, the purposes of the Metropolitan Des Moines Sister Cities Commission shall be:

1. To allow residents and citizens of the Des Moines Metropolitan area and the people of similar cities in foreign nations to acquire a mutual understanding of one another as individuals, as members of their communities, as citizens of their countries and as members of the family of nations.
2. To promote educational and cultural exchanges between institutions and citizens in the Des Moines Metropolitan area, and institutions and citizens of Des Moines' sister cities.
3. To coordinate and facilitate communication between businesses in the Des Moines Metropolitan area wishing to make contact with businesses in the sister cities, and to coordinate business and trade inquiries from Des Moines Sister Cities directed to potential trading and business partners in the municipalities.
4. To assist individuals and educational institutions in the Des Moines Metropolitan area in acquiring and exchanging professional and technical skills with individuals and institutions in sister cities.
5. To develop an awareness of the international Sister Cities Program, its goals, missions, and accomplishments, and to create a bridge of understanding between different cultures of the world.

III. POWERS AND DUTIES

The powers and duties of the Commission are as follows:

- 1. To further economic cooperation and cultural exchange on the basis of mutual friendship and amity between the municipalities in Metropolitan Des Moines and other cities of the free world.
- 2. To develop, compile, coordinate and exchange information with officials and citizens of such cities as Saint Etienne, France; Kofu, Japan; Shijiazhuang, China; Stavropol, Russia; Catanzaro, Italy; and other cities and foreign visitors.
- 3. To plan, develop and carry out mutual economic and cultural activities with officials and citizens of Sister Cities and other cities and foreign visitors.
- 4. To encourage and cultivate mutual understanding of the respective economic problems and cultural development.
- 5. To recommend to the various city councils such cities as in the opinion of the Commission, are appropriate, in view of the goals of the Commission, for designation as sister cities.

IV. ORGANIZATION

- 1. The governing body of the organization shall be known as the Metropolitan Sister Cities Commission. The Commission shall be composed of fifteen (15) members presently comprising the City of Des Moines Sister Cities Commission, and one representative from each other municipality which becomes a signatory to this Agreement. Each municipality signatory to this Agreement shall determine its own criteria for appointment of members to the Commission, except that the term of membership shall not exceed five (5) years. No member shall be seated prior to receipt by the Commission of a copy of the formal action of the governing body of the municipality appointing such member to the Commission.
- 2. For purposes of taking action on any matter before the Commission, a quorum shall consist of a majority of the entire Commission membership, each member having one vote on all matters coming before the Commission.
- 3. The Chairperson, Vice-Chairperson, and all other elected positions within the Commission shall be determined by majority of the Commission membership. Those elected shall serve for terms set forth in such rules and regulations as the Commission may adopt.
- 4. The Commission shall hold not less than one meeting during each quarter of the year, at such time and place as it shall determine. Special meetings may be held at the call of the Chairperson, Vice-Chairperson, or a majority of the membership of the Commission. The Commission shall, in its rules and regulations, adopt attendance standards, and all members shall abide by such attendance rules.

- 5. The Commission may establish committees, in number and size as it shall determine, to perform functions or tasks necessary to achieve the purposes of the Commission. The Commission may seek volunteers to serve on its committees, from the municipalities as well as from educational, civic, and cultural institutions located in the municipalities. Committee members who are not members of the Sister Cities Commission shall serve in an advisory capacity only, and shall have no vote on matters coming before the Commission. Each member who serves on a committee shall be formally appointed to such committee for a standard term to be defined by the Commission.
- 6. The Commission shall keep and maintain a true and complete record of its activities, including minutes of all meetings and actions, reflective of discussions and decisions on each issue or action, and showing the vote of each member on each question, or, if absent and failing to vote, indicating that fact. All Commission meetings shall be governed by the Iowa Open Meetings Law (Chapter 21 of the Code of Iowa).

V. POWERS

The Commission shall have and may exercise the following powers:

- 1. To make and enforce rules and regulations for the conduct of its business and affairs, and for the expenditure of funds available to the Commission.
- 2. To contract for the expenditure of funds for activities, supplies, travel, and events as necessary to promote the purposes of the Commission as set forth herein, up to but not exceeding the budget available to the Commission during any fiscal period.
- 3. To contract for personnel on a part time or full time basis, subject to a specific allocation of funding for such purpose, and subject to the total yearly budgetary allocations available to the Commission from the municipalities.
- 4. To accept grants, gifts, and contributions from public bodies and private persons, firms, or corporations to assist the Commission in the accomplishment of its goals.
- 5. The Commission shall not have the power to purchase or contract for the purchase of real estate, nor to bind the municipalities to any expenditure of funds beyond that which, is contained in the then current operating budget of the Commission.

VI. FINANCING

- 1. The Commission shall prepare a yearly operating budget based upon a fiscal year beginning July 1. The budget for the next succeeding fiscal year shall be adopted by the Commission no later than December 1st and shall thereafter be presented to each of the municipalities for their review and approval prior to December 15th of each year. The Commission shall request that each municipality provide in its operating budget for its share of the Commission budget based upon the formula set forth herein, or in an amendment to this agreement.
- 2. Each municipality's share of the Commission's general operating budget, exclusive of travel expenses, shall be based on a per capita levy, using the last available Federal census for each

municipality, (i.e., Population of municipality divided by total population of all participating municipalities.) In addition to the general operating budget, each municipality may allocate funds to be used specifically for travel purposes for its representative or representatives to the Commission, or for elected and/or appointed representatives of the municipality who participate in Commission activities. No municipality may utilize or borrow against travel funds provided by another municipality without approval of that municipality. The Commission treasurer shall establish a separate travel account for each municipality. Any funds remaining in the travel account of a municipality at the end of any fiscal year shall be kept in trust for that municipality, available to be spent for such purpose in succeeding years.

3. An official designated by the City Council of the City of Des Moines shall act as treasurer for the Commission and, upon request from any municipality participatory to this agreement, the treasurer shall provide an accounting of all Commission receipts and expenditures during the fiscal year, including travel funds.
4. Each municipality's share of Commission budget shall be due and payable to the treasurer in quarterly installments, no later than July 15, September 15, January 15, and April 15 of each fiscal year.
5. Payment of its share of the yearly operating budget shall be a membership requirement of each municipality. Failure of a municipality to pay its share of the yearly operating budget in a timely manner shall be considered a delinquency for purposes of this Agreement. During any period of delinquency by a municipality in the payment of its share of the operating budget, such municipality and all groups or organizations located in such municipality, shall not be entitled to the services of the Commission or benefits of Commission membership.

VII. DURATION

1. It is the intention of this Agreement that the Metropolitan Des Moines Sister Cities Commission be a permanent organization.
2. Additional municipalities may be added to the membership of the Commission upon approval of a majority of all parties signatory hereto. In the event an additional municipality shall apply for membership to the Commission and said application is approved, then said municipality shall be added to the membership upon signing a copy of this Agreement.
3. The parties hereto shall cause this Agreement, and any amendments hereto, to be filed with the Secretary of State and the County Recorder.

VIII. WITHDRAWAL/DISSOLUTION

1. The withdrawal of any municipality may be accomplished by resolution of the governing body of such municipality, followed by notice from such withdrawing municipality in writing to each of the other municipalities, by certified mail, at least six months prior to the end of the last Commission budget period as to which the municipality shall propose to maintain membership. Any withdrawal shall be effective only at the end of a fiscal year.

- 2. Any municipality withdrawing from the Agreement shall, in addition to written notification to each of the other municipalities, cause a copy of the formal action taken by its City Council to be filed with the Secretary of State and with the County Recorder.
- 3. Upon withdrawal, a municipality shall be entitled to receive only the unexpended and unobligated balance remaining in its travel account.
- 4. The Commission may be terminated and dissolved at any time by the vote of a majority of its membership. Upon termination, the treasurer shall pay any outstanding obligations of the Commission and shall remit to each municipality the excess operating funds, if any, in the same proportion as such municipalities contributed to the Commission budget for the then current fiscal year. Any unused travel funds shall be remitted to the municipalities to which they belong.

IX. MISCELLANEOUS

- 1. All notices and other communications hereunder shall be in writing, and shall be hand delivered or sent by U.S. Mail, addressed as follows:

Attention: Mayor
 City of Des Moines
 400 Robert D. Ray Drive
 Des Moines, Iowa 50309-1891

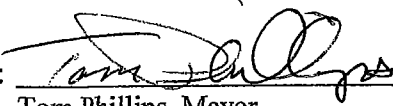
Attention: Mayor
 City of Norwalk
 705 North Avenue
 Norwalk, Iowa 50211

- 2. This Agreement shall become effective upon filing with the Secretary of State of Iowa and the Recorder of Polk County, Iowa.

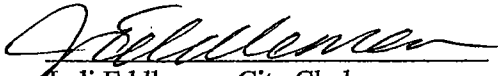
IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the days and dates set forth below.

Signed: July 13, 2017

CITY OF NORWALK, IOWA

By: 
Tom Phillips, Mayor

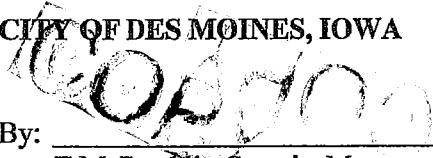
Attest:


Jodi Eddleman, City Clerk

Authorized by Resolution and Roll Call No. 44-1711 passed by the Norwalk City Council on July 13, 2017.

Signed: _____, 2017

CITY OF DES MOINES, IOWA

By: 
T.M. Franklin Cownie, Mayor

Attest:

Diane Rauh, City Clerk

FORM APPROVED:

Roger K. Brown
Assistant City Attorney

Authorized by Resolution and Roll Call No. 17-_____ passed by the Des Moines City Council on _____, 2017.

CITY COUNCIL
CITY OF NORWALK, IOWA

RESOLUTION NO 17111

Resolution approving the intergovernmental agreement creating
Metropolitan Des Moines Sister Cities Commission

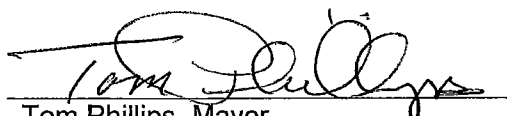
WHEREAS, the City of Norwalk wishes to enter into an agreement with the cities of Des Moines, Windsor Heights, Johnston, Ankeny and Cumming for the purpose of establishing the Metropolitan Des Moines Sister Cities Commission, also known as the Greater Des Moines Sister Cities Commission; and

WHEREAS, the City of Norwalk, Iowa desires to join into the Des Moines Metropolitan Sister Cities Commission.

WHEREAS, the cities wish to join and expand the Des Moines Sister Cities Commission to allow for participation in its programs by citizens, schools, businesses and civic organizations throughout the Des Moines Metropolitan area, and;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Norwalk, Iowa to approve the intergovernmental agreement creating the Metropolitan Des Moines Sister Cities Commission.

Passed and approved this 13th day of July, 2017.


Tom Phillips, Mayor


ATTEST: Jodi Eddleman, City Clerk

ROLL CALL VOTE:

	Aye	Nay	Abstain	Absent
Isley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kuhl	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Lester	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Livingston	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Riva	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>