



Date June 8, 2020

RESOLUTION APPROVING SECOND AMENDMENT TO 28E AGREEMENT BETWEEN THE DES MOINES INDEPENDENT COMMUNITY SCHOOL DISTRICT AND THE CITY OF DES MOINES, IOWA FOR THE SCHOOL RESOURCE OFFICER PROGRAM

WHEREAS, the City of Des Moines and the Des Moines Independent Community school District desire to amend the existing 28E agreement last amended on August 5, 2019 by roll call No. 19-1256 Agenda Item 63 and effective from July 1, 2015 through June 30, 2021; and

WHEREAS, this proposed second amendment to the agreement amends the agreement by suspending the agreement effective from May 1, 2020 until the school district resumes classroom attendance; and

WHEREAS, the proposed second amendment to the 28E agreement is in the best interest of both parties;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the second amendment to the 28E agreement on file with the City Clerk is hereby approved, and the Mayor and the City Clerk are hereby authorized and directed to sign the second amended agreement on behalf of the City, and the City Clerk is directed to file the agreement with the Secretary of State and the Polk County recorder after the agreement is fully executed.

(Council Letter Number 20-236 attached)

Approved as to form:

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

[Signature]

Douglas P. Philip
Assistant City Attorney

CERTIFICATE

I, P. Kay Cmelik, 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.

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, GRAY, MANDELBAUM, VOSS, WESTERGAARD, TOTAL, MOTION CARRIED, APPROVED.

Mayor

City Clerk

**SECOND AMENDMENT TO 28E AGREEMENT BETWEEN  
THE DES MOINES INDEPENDENT COMMUNITY SCHOOL DISTRICT  
AND THE CITY OF DES MOINES, IOWA  
FOR SCHOOL RESOURCE OFFICER PROGRAM**

This Second Amendment is made between the DES MOINES INDEPENDENT COMMUNITY SCHOOL DISTRICT (hereinafter referred as "District") and the CITY OF DES MOINES, IOWA (hereinafter referred to as "City"), and amends the 28E Agreement between the District and the City which was authorized by the Des Moines City Council and entered into on October 12, 2015 by Roll Call No. 15-1707, Agenda Item No. 34 as amended on August 5, 2019 by Roll Call No. 19-1256, Agenda Item No. 63 (hereinafter referred to as the "agreement").

**WHEREAS**, the agreement was originally filed for recording with the Secretary of the State of Iowa on October 15, 2015 and expires per the agreement terms on June 30, 2021;

**WHEREAS**, the District and the City amended Article VI to provide for 50% costs sharing starting in fiscal year 2020 beginning July 1, 2019.

**WHEREAS**, the District and the City desire to temporarily suspend the agreement effective on May 1, 2020 until such time as the District resumes regular classroom attendance. Further the District and the City desire to have police officers available for the District's needs through hiring police officers in an off-duty capacity per police policy.

**NOW, THEREFORE**, in consideration of the mutual covenants and conditions set forth in the agreement the parties agree to amend the agreement by adding the following unnumbered paragraph after unnumbered paragraph four and prior to ARTICLE I of the agreement:

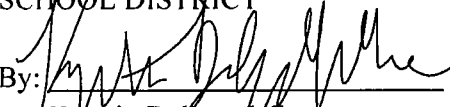
For the time period running from May 1, 2020 until such time as the District resumes regular classroom attendance this agreement is suspended. If the District desires police officer services during this suspended time period it will hire police officers in an off-duty capacity per Des Moines Police Department policy.

**IT IS FURTHER AGREED THAT** except as amended hereby, the agreement including all attachments and exhibits thereto shall remain unchanged and in full force and effect.

**IN WITNESS WHEREOF**, the parties hereto have caused this second amendment to the agreement to be executed by their duly authorized representatives with an effective date

beginning May 1, 2020. Within 30 days of execution, this amendment shall be filed by the City with the Secretary of the State of Iowa pursuant to Iowa Code section 28E.8.


DES MOINES INDEPENDENT COMMUNITY SCHOOL DISTRICT      CITY OF DES MOINES

By:   
Kyrstin Delagardelle  
School Board Chair

By: \_\_\_\_\_  
T.M. Franklin Cownie, Mayor

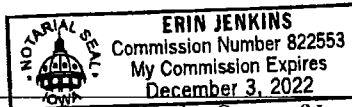
Attest: \_\_\_\_\_  
P. Kay Cmelik, City Clerk

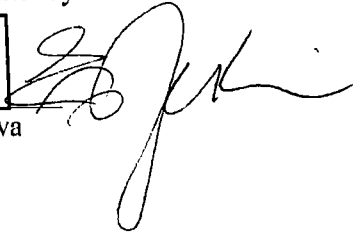
Approved as to form:

  
Douglas P. Philip  
Assistant City Attorney

STATE OF IOWA, COUNTY OF POLK, ss:

On this 26 day of May, 2020, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Kyrstin Delagardelle, to me personally known, who being by me duly sworn, did say that she is the Des Moines Independent Community School District Board Chair executing the foregoing instrument, that said instrument was signed on behalf of the District by authority of its Board; and that she as Chair acknowledges the execution of the foregoing instrument to be the voluntary act and deed of the District, by it and by her voluntarily executed.

  
ERIN JENKINS  
Commission Number 822553  
My Commission Expires  
December 3, 2022  
Notary Public in the State of Iowa



STATE OF IOWA, COUNTY OF POLK, ss

On this \_\_\_\_ day of \_\_\_\_\_, 2020, before me, the undersigned, a Notary Public in the State of Iowa, personally appeared T.M. Franklin Cownie and P. Kay Cmelik, to me personally known, who being by me duly sworn, did say that they are the Mayor and City Clerk respectively, of the City of Des Moines, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of said municipality, and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council, as contained in the resolution and Roll Call

No. \_\_\_\_\_ adopted by the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2020, and that T.M. Franklin Cownie and P. Kay Cmelik acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the municipal corporation, by it voluntarily executed.

\_\_\_\_\_  
Notary Public in the State of Iowa