



Roll Call Number

15-2133

Agenda Item Number

34

Date December 21, 2015

RESOLUTION APPROVING OPERATING AGREEMENT WITH INGERSOLL GRAND SELF-SUPPORTED MUNICIPAL IMPROVEMENT DISTRICT FOR THE PROVISION OF SERVICES AND ACTIVITIES WITHIN THE SSMID DISTRICT OF THE SAME NAME

WHEREAS, on November 5, 2012, by Roll Call No. 12-1719, the City Council received the *Petition to Establish the Ingersoll Grand Self-Supported Municipal Improvement District* (the "Petition") which requested the creation of the Ingersoll Grand Self-Supported Municipal Improvement District (the "SSMID District") to provide funding for the delivery of enhanced public improvements and services within the SSMID District; and,

WHEREAS, on November 5, 2012, by Roll Call No. 12-1720, the City Council adopted a declaration of the City Council's intentions regarding the use of the proceeds from the tax levies within the proposed SSMID District, if such district was established; and,

WHEREAS, after notice and hearing as required by law, the City Council enacted Ordinance No. 14,157 on January 28, 2013, establishing the Ingersoll Grand Self-Supported Municipal Improvement District, and authorizing the annual levy of a Combined Capital Improvement and Operation Tax and a Debt Service Tax, not to exceed an aggregate rate of \$2.25 per thousand dollars (\$1,000) of taxable value to finance the delivery of the enhanced public improvements and services; and,

WHEREAS, the Petition and the declaration by the City Council both anticipate the designation of an organization to serve as the Ingersoll Grand Self-Supported Municipal Improvement District Advisory Board to annually recommend a budget for the provision of enhanced services and public improvements within the SSMID District in the next fiscal year, and to contract with the City for the provision of the enhanced services; and,

WHEREAS, Ingersoll Grand Self-Supported Municipal Improvement District (the "Corporation") was established as an Iowa not-for-profit corporation separate and independent from the SSMID District of the same name established by the City; and,

WHEREAS, on August 26, 2013, the City Council approved an Operating Agreement with the Corporation whereby the Corporation has agreed to serve as the Ingersoll Grand Self-Supported Municipal Improvement District Advisory Board to annually recommend a budget for the provision of enhanced services and public improvements within the SSMID District in the next fiscal year, and to provide those services in accordance with the budget approved by the City Council for the SSMID District for a term expiring on December 31, 2015; and,

WHEREAS, the City Manager has negotiated an amended Operating Agreement with the Corporation to extend the term to June 30, 2020, and to allow the Corporation to directly perform those duties that were previously subcontracted to the Downtown Partnership, Inc. doing business as the Downtown Community Alliance, Inc.; and,



Roll Call Number

15-2133

Agenda Item Number

34

Date December 21, 2015

WHEREAS, the amended Operating Agreement is on file and available for inspection by the public in the office of the City Clerk.

NOW THEREFORE, be it resolved by the City Council of the City of Des Moines, Iowa, as follows:

1. The amended Operating Agreement with the Corporation, is hereby approved. The Mayor is hereby authorized and directed to execute the amended Operating Agreement on behalf of the City of Des Moines, and the City Clerk is hereby authorized and directed to attest to the Mayor's signature on such document.
2. The City Manager or the City Manager's designee is hereby authorized and directed to administer the amended Operating Agreement in accordance with its terms.
3. Upon requisition by the City Manager or the City Manager's designee, the Finance Department is hereby authorized and directed to pay the advancements to the Corporation as provided in the amended Operating Agreement.

(Council Communication No. 14- 650)

MOVED by Moore to adopt, and amend the agreement to remove the requirement that the SSMID maintain the trees, and allow the City to maintain the trees.

FORM APPROVED:

Roger K. Brown

Roger K. Brown

Assistant City Attorney

U:\Rog Docs\Eco Dev\SSMIDs\Ingersol Grand\Admin 2015\RC Approve Operating Agr.doc

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	7			

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.

Y. M. Franklin Council Mayor

Diane Rauh City Clerk