



Roll Call Number

17-0787

May 8, 2017

Agenda Item Number

51

Date.....

APPROVING AND AUTHORIZING THE EXECUTION OF A
CHAPTER 28E AGREEMENT FOR PUBLIC WORKS MUTUAL ASSISTANCE WITH THE
COUNTIES OF BOONE, DALLAS, JASPER, MADISON, MARION, MARSHALL, POLK,
STORY AND WARREN AND CITIES WITHIN SUCH COUNTIES

WHEREAS, the City of Des Moines desires to enter into a 28E Agreement for Public Works Mutual Aid for the counties of Boone County, Dallas County, Jasper County, Madison County, Marion County, Marshall County, Polk County, Story County, and Warren County and the Cities within such counties with Public Works departments to allow for the assistance of infrastructure services, equipment and facilities in times of emergency, pursuant to a Chapter 28E Agreement executed with said governmental bodies; and

WHEREAS, City staff have negotiated a Chapter 28E Agreement For Public Works Mutual Assistance, a copy of which is on file in the City Clerk's Office; and

WHEREAS, under such Chapter 28E Agreement, the parties agree that each party waives all claims against the other for compensation for property loss or damage or personal injury to its personnel as a consequence of the performance of the 28E Agreement, and the parties are not required to defend or hold harmless the other governmental entity from any liability a third party, except where acting under a specific command of the party requesting aid; and

WHEREAS, the requesting party will reimburse the cost of providing services to the responding parties for incidents lasting 12 hours or longer; and

WHEREAS, the Public Works Department has been determined that the mutual extension of such services, equipment and facilities to counties and cities within the Polk County area would benefit of the citizens of Des Moines and the surrounding communities when situations arise in emergencies in which available personnel, equipment or facilities are exhausted or specialty personnel, special equipment or facilities that the stricken jurisdiction may not have available; and

WHEREAS, this City Council does believe that it would be in the best interests of the City of Des Moines to approve and enter into said Chapter 28E Agreement.

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

1. That the Chapter 28E Agreement for Public Works Mutual Aid for the Counties of Boone, Dallas, Jasper, Madison, Marion, Marshall, Polk, Story and Warren and Cities Within Such Counties to allow for the assistance of infrastructure services to such Public Works departments in times of emergency, a copy of which is in the City Clerk's Office, be and it is hereby approved as to form and content.
2. That the Mayor and City Clerk be and they are hereby authorized and directed to execute and attest, respectively, said Chapter 28E Agreement for and on behalf of the City of Des Moines, Iowa.
3. That the Public Works Director is authorized to act as the Administrator of this Agreement and is authorized to execute a transfer such responsibilities under the Agreement to another party to the Agreement pursuant to the terms of the Agreement, subject to approval as to form by the Legal Department.

(Council Communication No. 17-387)

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Ann DiDonato
 Ann DiDonato
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
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.

T. M. Franklin
 Mayor

Diane Rauh
 City Clerk