



Roll Call Number

22-0244

Agenda Item Number

29

Date February 21, 2022

RESOLUTION APPROVING CHAPTER 28E AGREEMENT BETWEEN THE CITY, POLK COUNTY, AND INVEST DSM, INC.

WHEREAS, on August 19, 2019, by Roll Call No. 19-1346, the City Council approved a Chapter 28E Agreement by and between the City, Polk County, and Invest DSM, Inc. to facilitate the amount and use of funding to be provided by the City and County to Invest DSM from August 1, 2019 until July 31, 2022, and with said funding to be used by Invest DSM, Inc. for operating expenses and program and project activities associated with Revitalization Plan implementation; and

WHEREAS, said existing Agreement expires on July 31, 2022, and the City, Polk County and Invest DSM, Inc. desire to enter into a new and updated Chapter 28E Agreement, which Agreement will be considered for approval by the Polk County Board of Supervisors and Invest DSM, Inc. in the near future, and which Agreement includes the following terms:

- Duration from August 1, 2022 until July 31, 2027;
• Funding obligations of the City including payment of \$5,000,000 in fiscal year 2023, and \$5,000,000 in each fiscal year thereafter for the duration of the Agreement or annual notice of funding commitment for each fiscal year thereafter for the duration of the Agreement;
• Funding obligations of the County including payment of \$5,000,000 in fiscal year 2023, and annual notice of funding commitment for each fiscal year thereafter for the duration of the Agreement;
• Failure by the City or the County, respectively, to provide notice or to provide funding in an amount equal to or greater than \$1,250,000 in any fiscal year constituting default by said party;
• Use by Invest DSM, Inc. of up to ten percent of the annual funding to cover operating expenses, and the remainder to cover expenses related to program and project activities associated with implementation of Revitalization Plans for Special Investment Districts designated by the Invest DSM, Inc. Board of Directors and approved by the City Council;
• Reporting by Invest DSM, Inc. to the City and County regarding program progress every six months;
• Representation by the City and County on the Invest DSM, Inc. Board of Directors on a tiered basis, with three representatives each for contributing \$5,000,000 annually, two representatives each for contributing between \$2,500,000 and \$4,999,999 annually, one representative each for contributing between \$1,250,000 and \$2,499,999 annually, and no representatives for contributions less than \$1,250,000 annually; and

WHEREAS, the updated Chapter 28E Agreement will be effective on August 1, 2022, upon expiration of the existing Agreement, and all parties desire to approve the updated Agreement now in order to make appropriate budgetary plans, recommendations and approvals for upcoming fiscal years.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that:
1. The Chapter 28E Agreement by and between Polk County, Iowa, the City of Des Moines, Iowa, and Invest DSM, Inc. for Funding and Operation of Invest DSM, Inc. is hereby approved for effective date



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of August 1, 2022, and the Mayor and City Clerk are directed to execute and attest, respectively, said Agreement on behalf of the City.

- 2. Upon the effective date of August 1, 2022, the City Manager or his designee are authorized and directed to administer the Chapter 28E Agreement on behalf of the City, and the Finance Department is authorized and directed to issue payment in accordance therewith.

MOVED BY Gatto TO ADOPT.
 SECOND BY Boesen.

FORM APPROVED:

/s/ Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
SHEUMAKER	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

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.

J. M. Franklin Cownie Mayor

P. Kay Cmelik City Clerk