CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

ITEM: Approval of Substituted and Restated 28E Agreement
Polk County Emergency Management Administration funding

DATE: April 17, 2023

FINANCIAL IMPACT: $22,791.00 per year. This item is currently budgeted in the 2023-24 budget (municipal emergency management funds)

BACKGROUND: The funding of the Polk County Emergency Management Commission is acquired from each participating City on an annual cost of $.50 per person based on population estimates provided by the Des Moines Area Metropolitan Planning Organization (MPO). The City of West Des Moines pays for these services based on our Polk County population estimate even though these services are made available everywhere within our city borders. This 28E agreement is for 3 years and is identical to the current agreement that the city has in place.

OUTSTANDING ISSUES (if any): None

RECOMMENDATION: Adopt Resolution approving the 28E Agreement concerning the funding of Polk County Emergency Management

Lead Staff Member: Craig A. Leu, Fire and EMS Chief

STAFF REVIEWS

Department Director	Craig Leu, Fire and EMS Chief
Appropriations/Finance	Tim Stiles, Finance Director
Legal	Jessica Grove, Assistant City Attorney
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	
Dates(s) Published	

SUBCOMMITTEE REVIEW (if applicable)

Committee	Public Safety		
Date Reviewed	April 7, 2023		
Recommendation	Yes		

RESOLUTION APPROVING A 28E AGREEMENT BETWEEN THE POLK COUNTY EMERGENCY MANAGEMENT COMMISION AND THE CITY OF WEST DES MOINES FOR THE FUNDING OF EMERGENCY MANAGEMENT ADMINISTRATION

Whereas, pursuant to Iowa Code §29C.9 there is established in each county an emergency management commission to provide direction for delivery of the emergency management services of planning, administration, coordination, training and support for local governments and their departments; and

Whereas, pursuant to Iowa Code §29C.9 the Polk County Emergency Management Commission ("Commission") does exist and operate, being composed of duly-appointed representatives of the following governmental entities: the City of Alleman, the City of Altoona, the City of Ankeny, the City of Bondurant, the City of Clive, the City of Des Moines, the City of Elkhart, the City of Grimes, the City of Johnston, the City of Mitchellville, the City of Pleasant Hill, the City of Polk City, the City of Runnells, the City of Urbandale, the City of West Des Moines, the City of Windsor Heights, the County of Polk; and

Whereas, pursuant to Iowa Code §29C.17 the budget of the Commission may be funded all or in part by a per capita allocation funded from city and county general funds; and

Whereas, it is the intent and desire of the Polk County Emergency Management Commission and its Members to fund administration of the Commission through an annual per capita allocation funded from city and county general funds.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:

1. This 28E Agreement between the members of the Polk County Emergency Management Commission is hereby approved.

2. The Mayor and City Clerk are authorized to sign the signature page to be attached to the 28E Agreement on behalf of the City of West Des Moines.

PASSED AND APPROVED this 17th day of April, 2023.

_____
Russ Trimble, Mayor

ATTEST:

_____
Ryan T. Jacobson
City Clerk

28E AGREEMENT
MEMBERS OF THE POLK COUNTY EMERGENCY MANAGEMENT COMMISSION
FOR FUNDING OF EMERGENCY MANAGEMENT ADMINISTRATION

This Agreement by and among Members of the Polk County Emergency Management Commission for Funding of Emergency Management Administration ("Agreement") is entered into on the date last executed by the parties.

Whereas, pursuant to Iowa Code §29C.9 there is established in each county an emergency management commission to provide direction for delivery of the emergency management services of planning, administration, coordination, training and support for local governments and their departments; and

Whereas, pursuant to Iowa Code §29C.9 the Polk County Emergency Management Commission ("Commission") does exist and operate, being composed of duly-appointed representatives of the following governmental entities: the City of Alleman, the City of Altoona, the City of Ankeny, the City of Bondurant, the City of Clive, the City of Des Moines, the City of Elkhart, the City of Grimes, the City of Johnston, the City of Mitchellville, the City of Pleasant Hill, the City of Polk City, the City of Runnells, the City of Urbandale, the City of West Des Moines, the City of Windsor Heights, the County of Polk; and

Whereas, pursuant to Iowa Code §29C.17 the budget of the Commission may be funded all or in part by a per capita allocation funded from city and county general funds; and

Whereas, it is the intent and desire of the Commission and its Members to fund administration of the Commission through an annual per capita allocation funded from city and county general funds.

It is hereby agreed by and among the members of the Commission as follows:

1. **28E Agreement**. This agreement is entered into pursuant to the provisions of Chapter 28E of the Code of Iowa.

2. **No Entity**. No separate, legal or administrative entity is created by this Agreement. No real property will be acquired in the performance of this Agreement.

3. **Administration.** The Chairperson of the Commission, or the Chairperson's designee, shall administer performance of this Agreement.

4. **Term**. The term of this Agreement shall be three years from the effective date, and will specifically include assessments in budget years FY2023/24, FY2024/25, and FY2025/26.

5. **Termination**. This Agreement may be terminated at a regular meeting or at a special meeting called for such purpose, by an affirmative vote of representatives from Member governmental entities whose combined population is not less than two-thirds (2/3) of the total population within Polk County as presented on Attachment 1, which vote must be ratified by resolution of the governing bodies of Member governmental entities whose combined population is not less than two-thirds (2/3) of the total population within Polk County as presented on Attachment 1.

6. **Assessment**. Each Member shall fund Commission administration on the basis of a $0.50 per capita annual allocation, according to the most recent population estimates provided by the Des Moines Area Metropolitan Planning Organization (MPO). These populations and the corresponding annual allocations are presented on Attachment 1, which is incorporated herein. Annual assessments are due and payable in the office of the Commission by December 31 of each year during the term of the Agreement.

7. **Execution of Agreement**. Member governmental entities shall approve this Agreement by resolution or motion of their respective council or board, which shall authorize execution of the Agreement. The executed Agreement will then be filed in the offices of the Iowa Secretary of State and the Recorder of Polk County by Polk County, in accordance with Chapter 28E of the Code of Iowa. The Agreement shall become effective when recorded in the Polk County Recorder's Office and shall remain in effect unless terminated as provided herein. This is the entire Agreement among the parties and may be amended only upon an affirmative vote of representatives from Member governmental entities whose combined population is not less than two-thirds (2/3) of the total population within Polk County as presented on Attachment 1, which vote must be ratified by resolution of the governing bodies of Member governmental entities whose combined population is not less than two-thirds (2/3) of the total population within Polk County as presented on Attachment 1. The laws of the State of Iowa apply to this Agreement.

CITY OF WEST DES MOINES

IN WITNESS WHEREOF, the City of West Des Moines has caused this Agreement to be executed by its duly authorized officers on the day and year indicated below.

By:

_____

Mayor

Date:_____

Attest:

_____

City Clerk

Date:_____

ATTACHMENT 1

Polk County Emergency Management Commission
Most Recent Population Estimates Provided by the Des Moines Area MPO

Jurisdiction	Estimated Population in Polk County[1]	Assessment Amount
Alleman	423	$211.50
Altoona	19,565	$9,782.50
Ankeny	67,887	$33,943.50
Bondurant	7,365	$3,682.50
Clive	11,034	$5,517.00
Des Moines	213,921	$106,960.50
Elkhart	882	$441.00
Grimes	15,360	$7,680.00
Johnston	24,064	$12,032.00
Mitchellville	2,458	$1,229.00
Pleasant Hill	10,147	$5,073.50
Polk City	5,543	$2,771.50
Polk County (unincorp)	28,002	$14,001.00
Runnells	457	$228.50
Urbandale	33,804	$16,902.00
West Des Moines	45,582	$22,791.00
Windsor Heights	5,252	$2,626.00
Balance[2]	655	$0
Total	**492,401**	**$245,873.00**

[1] ACS-5 Year 2018 Population Estimate (2014-2018) - U.S. Census Bureau (provided by Des Moines Area MPO)

[2] Balance of population within incorporated areas of Polk County (Carlisle, Granger, Norwalk and Sheldahl) but not members of the Polk County Emergency Management Commission