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Date..... June 23, 2008

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APPROVING AN AMENDMENT TO AGREEMENT
WITH LIFE AND FIRE SAFETY (LAFS)

WHEREAS, the City of Des Moines is interested in promoting the general health and welfare of the public; and

WHEREAS, LAFS (Life And Fire Safety), Rickey Moody, President, is a non-profit corporation whose main purpose is to teach life and fire safety; and

WHEREAS, on October 9, 2006, by Roll Call No. 06-1989, the City and Team LAFS entered into a five year agreement in which LAFS agreed to provide educational programs about life and fire safety to children and the elderly in the Greater Des Moines area and the City agreed to provide certain maintenance and fuel assistance to and to cooperate with LAFS in providing these programs ("the Agreement"); and

WHEREAS, in 2001 the City acquired a Polk County grant to purchase a van and trailer for use by the LAFS program and the City holds the title to both vehicles ("the Vehicles"); and

WHEREAS, LAFS has used the Vehicles exclusively since 2001 and the Fire Chief and Risk Manager desire to limit the City's potential liability for use of the van by transferring such Vehicles to LAFS; AND

WHEREAS, LAFS has agreed to accept transfer of the Vehicles and that no city logos may be used on such Vehicles and to transfer ownership of such vehicles back to the city in the event of termination of LAFS or cessation for over six (6) months of the Life and Safety Program by LAFS; and

WHEREAS, the fair market value of the vehicles is approximately \$10,500.00 (\$9000.00 for the van and \$1500.00 for the trailer) and the value of the public education services provided to the citizens of Des Moines is at least equivalent to this amount, so that it is in the best interest of the City to transfer ownership of the Vehicles to LAFS and to enter into an amendment to the Agreement to facilitate such transfer.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa that the value received from LAFS for the services provided to the citizens of Des Moines is at least equal to the fair market value of the above described vehicles.

(continued)


Date June 23, 2008

BE IT FURTHER RESOLVED THAT the Amendment to Agreement between the City of Des Moines and LAFS, a copy of which is on file in the City Clerk's Office, is hereby approved and the Mayor is directed to sign said Amendment on behalf of the City and the City Clerk is directed to attest to his signature. The Fleet Services Manager is hereby directed and authorized to execute the transfer of title for such vehicles in accordance with the Amendment.

(Council Communication No. 08-366 attached)

MOVED BY _____ TO ADOPT.

APPROVED AS TO FORM:


Ann DiDonato
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED APPROVED

Mayor

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.

City Clerk

Date _____

Agenda Item 20

Roll Call # _____

Amendment to Agreement
Between the
CITY OF DES MOINES
And
LAFS FOR LIFE
Life and Fire Safety Program

This Amendment is made and entered into this ____ day of June, 2008, by and between the City of Des Moines, Iowa, a municipal corporation (hereinafter "City") and LAFS For Life (hereinafter "LAFS") an Iowa not-for-profit corporation, whose address for the purposes of this Agreement is 3108 Brook View Drive, Des Moines, Iowa, 50317:

WHEREAS, on October 9, 2006, by Roll Call No. 06-1989, the City and Team LAFS entered into an agreement in which LAFS agreed to provide educational programs about life and fire safety to children and the elderly in the Greater Des Moines area and the City agreed to provide certain maintenance and fuel assistance to and to cooperate with LAFS in providing these programs ("the Agreement"); and

WHEREAS, in 2001 the City acquired a Polk County grant to purchase a van and trailer for use by the LAFS program and the City holds the title to both vehicles ("the Vehicles"); and

WHEREAS, LAFS has used the Vehicles exclusively since 2001; and

WHEREAS, the parties desire to transfer ownership of the Vehicles to LAFS.

NOW THEREFORE, in consideration of the mutual promises contained herein, the parties agree as follows:

1. Title (No. W091457) and ownership of the 2001 Ford van and title and ownership of the trailer used by LAFS shall be transferred to LAFS effective the date of filing such title transfers with the State of Iowa Department of Transportation, subject to the condition that the Vehicles shall be covered by the insurance per the attached Attachment 1, which coverage shall remain in effect during the life of the Agreement..

2. Section 1 of the Agreement is amended so that the Vehicles may not be stored on City property and no name or logo of the City of Des Moines or Des Moines Fire Department may be used on the Vehicles.

3. In the event of termination of LAFS or cessation for over six (6) months of the Life and Safety Program by LAFS, LAFS agrees to transfer title and ownership to the Vehicles to the City.

Except as set forth above, the Agreement remains unchanged.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed on its behalf by its respective officers, duly authorized.

LAFS For Life

CITY OF DES MOINES, IOWA

Rickey L. Moody, President
Rickey L. Moody, President, Board of Directors

T. M. Franklin Cownie, Mayor

STATE OF IOWA)
) ss:
COUNTY OF POLK)

On this _____ day of _____, 2008, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared T. M. Franklin Cownie and Diane I. Rauh, 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 the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council, as contained in the Resolution adopted by the City Council, under Roll Call No. 08-_____ and that T. M. Franklin Cownie and Diane I. Rauh acknowledged the execution of the instrument to be the voluntary act and deed of the corporation by it voluntarily executed.

Notary Public for the State of Iowa

STATE OF IOWA)
) ss:
COUNTY OF POLK)

On this 16th day of June, 2008, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Rickey L. Moody, to me personally known, who being by me duly sworn, did say that he is the President of the Board of Directors of LAFS For Life, that the seal affixed to the foregoing instrument is the seal of the corporation (or no seal has been procured by the corporation); that the instrument was signed (and sealed) on behalf of the corporation, by authority of its Board of Directors; and that Rickey L. Moody acknowledged the execution of the instrument to be the voluntary act and deed of the corporation, by it and by him/her voluntarily executed.



Approved as to form:

Katherine E. Eoff
Notary Public for the State of Iowa

ATTEST:

Ann DiDonato, Assistant City Attorney

Diane I. Rauh, City Clerk