

August 7, 2006

Date

RESOLUTION APPROVING AMENDMENT TO INTERGOVERNMENTAL AGREEMENT
FOR THE PROMOTION OF TOURISM AND CONVENTION ACTIVITIES
IN THE GREATER DES MOINES, IOWA, AREA

WHEREAS, the Cities of Des Moines, Urbandale, Windsor Heights, Clive, Altoona, Ankeny, West Des Moines, Johnston and Grimes, together with Polk County, are parties to a Chapter 28E Intergovernmental Agreement for the Promotion of Tourism and Convention Activities in the Greater Des Moines, Iowa, Area and said 28E Agreement provides for the funding of the Greater Des Moines Convention and Visitors Bureau, Inc.; and

WHEREAS, the City of Perry desires to become a party to said Chapter 28E Agreement; and


WHEREAS, the City Council has determined that it would be in the best interest of the City of Des Moines to amend said Chapter 28E Agreement to include the City of Perry as a party.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the Amendment to the Intergovernmental Agreement for the Promotion of Tourism and Convention Activities in the Greater Des Moines Area on file in the Office of the City Clerk is hereby approved and the Mayor is hereby authorized and directed to execute such Amendment and the City Clerk is directed to attest to the Mayor's signature.

(Council Communication No. 06-493)

APPROVED AS TO FORM:

Moved by _____ to adopt.


Lawrence R. McDowell
Deputy City Attorney

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

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

Mayor

MOTION CARRIED

APPROVED



To: Mayors; City Managers and City Clerks
From: Greg Edwards
Date: 7/5/2006
Re: City of Perry joining CVB

The City of Perry, last November, passed a hotel/motel tax referendum (7%). They too would like to join the rest of the metro area in becoming a part of the regional tourism efforts of the Greater Des Moines Convention and Visitors Bureau (GDMCVB). Our Executive Board has instructed the staff to move forward with this 28E agreement.

As with all 28E agreements, we are requesting the signatures of Mayor and City Clerk from all Cities/County within the GDMCB service area.

Should you have questions or comments, you may reach me at 699-3441.

Greater Des Moines Convention and Visitors Bureau
405 6th Avenue, Suite 201 • Des Moines, IA 50309
515/286-4960 • 800/451-2625 • Fax: 515-284-5427 or 515-244-9757
gedwards@desmoinescvb.com

Return to and Prepared by: DuWayne J. Dalen, 1212 Second St., P.O. Box 310, Perry, IA 50220
(515) 465-5331

**28E AGREEMENT
FOR THE PROMOTION OF
TOURISM AND CONVENTION ACTIVITIES
IN THE CITY OF PERRY, IOWA AREA**

This Agreement is made and entered into by, the City of Perry, Iowa, (hereinafter referred to as the "City"), and the Perry Chamber of Commerce (hereinafter referred to as the "Chamber"), pursuant to the provisions of Chapter 28E, Code of Iowa, 2005.

RECITALS

WHEREAS, the City of Perry represents the local governmental jurisdiction in Perry, Iowa which has Hotels or Motels within its city limits.

WHEREAS, the City and Chamber have as a goal the increased promotion of tourism and convention activities in the Perry, Iowa area.

I. Definitions.

As used in this Agreement, the following words and phrases shall have the meanings set forth below:

- (1) "Hotels" and "Motels" mean any and all sleeping rooms, apartments, or sleeping quarters in any hotel, motel, inn, public lodging house, rooming house, or tourist court, or any place where sleeping accommodations are furnished to transient guests for rent for any direct or indirect charge, whether with or without meals, but do not include sleeping rooms in dormitories and in memorial unions at universities and colleges located in the State of Iowa and sleeping rooms, apartments, or sleeping quarters rented by the same person for a period of more than thirty-one consecutive days.
- (2) "Hotel-Motel Tax" means a tax imposed in accordance with Chapter 423A, of the Code of Iowa, 2005, or similar successor provision.

- (3) "Hotel-Motel Tax Revenues" means the funds to the City of Perry by the Treasurer of the State of Iowa from the local transient guest tax fund in accordance with the provisions of Chapter 423A of the Code of Iowa, 2005, and the rules promulgated by the Director of the Iowa Department of Revenue thereunder, or similar successor provisions, representing the proceeds collected by the State of Iowa from the 7% Hotel-Motel tax imposed by said City of Perry.

NOW, THEREFORE, BE IT AGREED AS FOLLOWS:

1. This agreement shall become effective, endure and exist during the current period that the Hotel-Motel Tax, referenced herein, is in effect as authorized by State Statute, State Regulations and Regulatory Agencies. It is contemplated that the duration considered shall begin January 1, 2006 and terminate on December 31, 2011.
2. Revenues received from the Hotel-Motel Tax shall be distributed as follows:
 - a. One-seventh (1/7) of the hotel-motel tax revenues shall be retained by the City of Perry for use as set forth in Iowa code Chap. 423A.7(4), Code of Iowa 2005.
 - b. Four-sevenths (4/7) of the hotel-motel tax revenues shall be distributed to the Chamber to be used for the promotion and encouragement of tourist and convention business in the City of Perry and surrounding area.
 - c. Two-sevenths (2/7) of the hotel-motel tax revenues shall be distributed to the Convention and Visitors Bureau in accordance with the Intergovernmental Agreement for the Promotion of Tourism and Convention Activities in the Greater Des Moines Area filed for record in Polk County, Iowa, on May 13, 1985, at Book 5452, Page 479.
3. This Agreement may be modified or amended by the parties hereto upon mutual consideration and agreement at any time during its duration.
4. The City and Chamber will establish an Oversight Committee to study permissible joint ventures for the promotion of tourism. The committee shall be advisory in nature and shall make recommendations to be considered by both entities. Recommendations and implementation thereof shall operate outside the scope of this agreement and the use of funds thereunder. Membership on said committee and guidelines for existence and effectuation shall be established hereafter by the parties.
5. No separate legal or administrative entity is created under this agreement.

6. The Clerk of the City shall cause this Agreement to be recorded in the Office of the County Recorder and filed with the Secretary of State.

Approved by the City of Perry:

Dated: 6-19-04

Vivi Shultz Mayor

Attest:

Janette Radwin City Clerk

Approved by Perry Chamber of Commerce:

[Signature] Chamber Board President

Attest:

Wendy Godale Chamber Secretary

AMENDMENT TO INTERGOVERNMENTAL
AGREEMENT FOR THE PROMOTION OF
TOURISM AND CONVENTION ACTIVITIES
IN THE GREATER DES MOINES AREA

This Amendment to Intergovernmental Agreement for the Promotion of Tourism and Convention Activities in the Greater Des Moines, Iowa Area (Amendment) is made and entered into this _____ day of _____, 2006, by and among the City of Altoona, the City of Ankeny, the City of Clive, Iowa, The City of Des Moines, Iowa, the City of Grimes, Iowa, the City of Johnston, Iowa, the City of Urbandale, Iowa, the City of West Des Moines, Iowa, the City of Windsor Heights, Iowa, and the County of Polk, Iowa (collectively, the "Existing Parties") and the City of Perry, Iowa.

WHEREAS, each of the Existing Parties is a party to that certain Intergovernmental Agreement for the Promotion of Tourism and Convention Activities in the Greater Des Moines, Iowa Area entered into pursuant to the provisions of Chapter 28E of the Code of Iowa, and filed for record in Polk County, Iowa on May 13, 1985 at Book 5452, Page 479 (the "Agreement"); and

WHEREAS, pursuant to Article V(G) of the Agreement, the Existing Parties desire to amend the Agreement to admit, as a new party to the Agreement, the City of Perry; and

WHEREAS, the City of Perry desires to enter into this Amendment for the purpose of becoming a party to the Agreement.

NOW, THEREFORE, in consideration of the foregoing, and the mutual covenants and agreements contained herein, the parties to this First Amendment agree as follows:

1. The City of Perry, Iowa is hereby admitted as a party to the Agreement, effective January 1, 2006, and such municipality shall abide by all of the terms and conditions of the Agreement.
2. Except as specifically amended hereby, the Agreement shall continue in full force and effect.
3. The Existing Parties hereby represent that pursuant to Article V(G) of the Agreement, the admission of the City of Perry to the Agreement has been approved by Board members holding 2/3rds of the votes under the Agreement and is evidenced by the Board resolution attached hereto as Exhibit A and incorporated herein by reference.
4. This Amendment is entered into pursuant to the provisions of Chapter 28E of the Code of Iowa. The parties hereto shall cause this Agreement to be filed with the Secretary of State of Iowa and recorded with the Polk County Recorder.

In witness whereof, the undersigned Joint Board for the Promotion of the Greater Des Moines, Iowa Area, on behalf of the Municipalities and the County, and the City of Perry have executed this Amendment.

JOINT BOARD FOR THE PROMOTION OF
THE GREATER DES MOINES, IOWA AREA

By: _____
Its: _____

CITY OF PERRY, IOWA

ATTEST:

Mayor

City Clerk

CITY OF CLIVE, IOWA

ATTEST:

Mayor

City Clerk

CITY OF DES MOINES, IOWA

ATTEST:

Mayor

City Clerk

CITY OF JOHNSTON, IOWA

ATTEST:

Mayor

City Clerk

COUNTY OF POLK, IOWA

ATTEST:

Chairperson, Board of Supervisors

County Auditor

CITY OF URBANDALE, IOWA

ATTEST:

Mayor

City Clerk

CITY OF WEST DES MOINES, IOWA

ATTEST:

Mayor

City Clerk

CITY OF WINDSOR HEIGHTS,
IOWA

ATTEST:

Mayor

City Clerk

CITY OF ALTOONA, IOWA

ATTEST:

Mayor

City Clerk

CITY OF ANKENY, IOWA

ATTEST:

Mayor

City Clerk

CITY OF GRIMES, IOWA

ATTEST:

Mayor

City Clerk