



Paul D. Pate  
Secretary of State  
State of Iowa

# 28E Agreement

FOR OFFICE USE ONLY

FILED 13 08/18/15

M508372

8/25/2015 2:05:21 PM

**PLEASE READ INSTRUCTIONS ON BACK BEFORE COMPLETING THIS FORM**

**Item 1.** The full legal name, organization type and county of each participant to this agreement are:

	Full Legal Name	Organization Type	*County
Party 1	City of Sioux City, Iowa	City	Woodbury
Party 2	Woodbury County, Iowa	County	Woodbury
Party 3			
Party 4			
Party 5			

\*Enter "Other" if not in Iowa

**Item 2.** The type of Public Service included in this agreement is: 370 Other Public Works  
(Enter only one Service Code and Description) Code Number Service Description

**Item 3.** The purpose of this agreement is: *(please be specific)*  
 Resolution approving Amendment No. 1 to the Intergovernmental Agreement creating the Woodbury County Information and Communications Commission between the City of Sioux City, Iowa and Woodbury County, Iowa

**Item 4.** The duration of this agreement is: *(check one)*  Agreement Expires 7/1/2027  Indefinite Duration  
[mm/dd/yyyy]

**Item 5.** Does this agreement amend or renew an existing agreement? *(check one)*

NO

YES Filing # of the agreement: M038762

(Use the filing number of the most recent version filed for this agreement)

The filing number of the agreement may be found by searching the 28E database at: <http://sos.iowa.gov/28e>.

**Item 6.** Attach two copies of the agreement to this form if not filing online.

**Item 7.** The primary contact for further information regarding this agreement is: *(optional)*

LAST Name \_\_\_\_\_ FIRST Name \_\_\_\_\_

Title \_\_\_\_\_ Department \_\_\_\_\_

Email \_\_\_\_\_ Phone \_\_\_\_\_

**AMENDMENT NO. 1  
TO THE INTERGOVERNMENTAL AGREEMENT  
CREATING THE WOODBURY COUNTY INFORMATION  
AND COMMUNICATION COMMISSION**

**Preamble**

This Amendment No. 1 to the Intergovernmental Agreement creating the Woodbury County Information and Communications Commission is made by and between the City of Sioux City, Iowa (herein "City"), and Woodbury County, Iowa (herein "County") effective the 1<sup>st</sup> day of September, 2015.

**WHEREAS**, The City and County entered into an Intergovernmental Agreement creating the Woodbury County Information and Communications Commission effective 1<sup>st</sup> day of July 2007;

**WHEREAS**, The City and County wish to amend the Intergovernmental Agreement. For good and valuable consideration, the City and County agree as follows:

**AMENDMENT**

The Intergovernmental Agreement, effective the 1<sup>st</sup> day of July, 2007 is amended as follows:

**Division I – General Provisions, Article IA Commissions** - is amended as follows:

The Commission created hereby shall consist of five Commissioners who shall be one of the following:

1. Two members from the City Council of Sioux City.
2. Two members from the Woodbury County Board of Supervisors.
3. A Citizen Representative selected by the four Commissioners, subject to the approval of the Sioux City City Council and the Woodbury County Board of Supervisors who shall serve for a three year term. The Citizen Representative may serve additional three year terms subject to approval of the Sioux City City Council and the Woodbury County Board of Supervisors.

The City Council of Sioux City and Board of Supervisors of the County shall designate by motion or resolution their respective members of the Commission, and may designate alternates who shall serve in the absence of the designated Commissioners, which alternates shall exercise all the powers of the designated Commissioner. Alternates must be members of the City Council or the Board of Supervisors.

The Citizen Representative shall serve as chairperson of the Commission.

A quorum shall consist of a majority of all the Commissioners. However, the quorum must consist of a Commissioner from the City Council and a Commissioner from the Board of

Supervisors. Each Commissioner shall be entitled to one vote. Actions may be taken by the Commission upon a majority vote of all of the Commissioners unless otherwise stated herein or unless the Commission establishes a requirement of a greater number of votes through adoption of a bylaw to that effect which is agreed to by the County and the City.

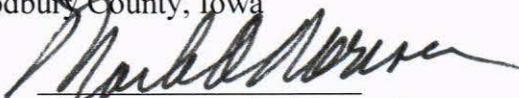
**Article IIC – Financing** - is amended as follows:

b) The City shall be responsible for the prompt payment of all expenses authorized by the Commission utilizing its own funds set aside for Commission expenses and those paid to it by County as its share of the Commission's expenses. The County shall pay its share of capital improvement expenses quarterly. Payments for services are due monthly and in the case of the County shall be paid to the City within thirty days after the month the services are rendered. Charges for routine services and staff time shall be charged by device count. Device count shall be interpreted to mean actual devices utilized by the City and County respectively. Examples of such devices shall include, but not be limited to: desktop computers, laptop computers, tablets, and multi-functional printers. Special project services, including major coding work, shall be calculated upon actual employee time spent providing services to the City or the County. Employee time not directly attributable to either the City or the County and general supplies shall be charged fifty percent to the City and fifty percent to the County. Capital improvements that benefit the City and the County shall also be charged fifty percent to the City and fifty percent to the County. Capital Improvements or software or any other device benefiting or serving a single entity shall be billed to that entity.

**IN WITNESS WHEREOF**, the parties have executed this Amendment No. 1 by their duly authorized representatives effective as of the date above first written.

Woodbury County, Iowa

By:

  
Chairman, Board of Supervisors

Attest:

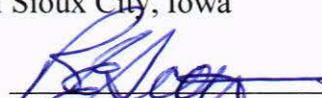


Date:

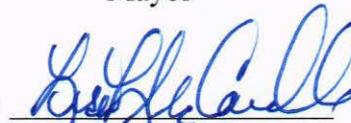
08/18/15

City of Sioux City, Iowa

By:

  
Mayor

Attest:

  
City Clerk

Date:

8/24/15