

ITEM #: 16
DATE: 08-08-23
DEPT: W&PC

COUNCIL ACTION FORM

SUBJECT: AMENDMENT TO IOWAY CREEK WATERSHED MANAGEMENT AUTHORITY 28E AGREEMENT

BACKGROUND:

The City of Ames is a founding member of the 28E Agreement which formed what is now the Ioway Creek Watershed Management Authority (WMA). The 28E Agreement, created in 2012, includes other cities, counties, and soil and water conservation districts from the watershed. The mission of the WMA is to engage, educate, and encourage all citizens to improve the health, stewardship, and resiliency of local watershed resources.

On November 9, 2021, Council was asked to “confirm a vote” by the Ioway Creek Board of Directors to make two changes to the original 28E Agreement. The first change was to formally revise the name of the organization to reflect the new name of Ioway Creek. The second was to accept the Hamilton County Board of Supervisors as a new cooperator in the Ioway Creek WMA. Council passed the action as presented. The actual amendment document is now being circulated among the cooperators for formal approval. Council is asked to approve the attached Amendment No. 1 to the 28E agreement.

ALTERNATIVES:

1. Approve the attached Amendment No. 1 to the 28E Agreement, changing the name to Ioway Creek Watershed Management Authority and approving Hamilton County as a new cooperator in the WMA.
2. Do not approve the proposed amendment.

CITY MANAGER’S RECOMMENDED ACTION:

On November 9, 2021, Council affirmed its support for changes to the Ioway Creek Watershed Management Authority 28E Agreement. However, at that time a formal amendment to the 28E Agreement was never signed by the parties. Therefore, Amendment No. 1 is now being presented to Council for approval. **Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, as described above.**

AMENDMENT NO. 1

To

28E Agreement

For

Squaw Creek Watershed Management Authority Agreement Between Story County, Boone County, Webster County, City of Ames, City of Gilbert, City of Stanhope, City of Stratford, Story County Soil and Water Conservation District, Boone County Soil and Water Conservation District, Hamilton County Soil and Water Conservation District, and Webster County Soil and Water Conservation District

Dated June 26, 2012

Iowa Code Section 28E.12

This AMENDMENT No. 1 is between the parties identified above, hereinafter referred to as "Cooperators". In consideration of the mutual covenants herein made, Cooperators agree as follows:

SECTION 1. PURPOSE OF AMENDMENT

1. Cooperators agree to amend the name of the Watershed Management Authority from Squaw Creek to loway Creek.
2. Cooperators agree that an amendment should be made to allow for Hamilton County to join this 28E agreement.

SECTION 2. AMENDMENT ALLOWED

Section 11 of the 28E Agreement provides that the Cooperators may amend this agreement by an affirmative vote of the majority of the governing bodies of all Cooperators. All other terms and conditions of the Agreement identified in the caption hereof shall remain in full force and effect except as specifically modified by this amendment.

SECTION 3. COUNTERPARTS

The Cooperators agree that this Amendment has been or may be executed in several counterparts, each of which shall be deemed an original and all such counterparts shall together be one and the same instrument.

SECTION 4. EFFECTIVE DATE

This Amendment is effective as of the date of the last signature below.

Remainder of this page intentionally left blank. Signature pages follow.

IN WITNESS THEREOF, CITY OF AMES, IOWA EXECUTES THE INTERGOVERNMENTAL AGREEMENT AMENDMENT.

Executed by City of Ames, Iowa

_____ day of _____, 2023

Attest _____
Renee Hall, City Clerk

John A. Haila, Mayor

STATE OF IOWA)
) ss:
COUNTY OF STORY)

On this _____ day of _____, 2023, before me, a Notary Public in and for said County, personally appeared _____ and _____ to me personally known, and who being duly sworn, did say that they are the Mayor and City Clerk, respectively of the City of Ames, created and existing under the laws of the State of Iowa, and that the seal affixed to the foregoing instrument is the seal of said City, and that said instrument was signed and sealed on behalf of said City by authority and resolution of its City Council as contained in Resolution No. _____ adopted on _____, _____, and said Mayor and City Clerk acknowledged said instrument to be the free act and deed of said City by it voluntarily executed.

Notary Public for Iowa