I, Karen K. Cole, City Clerk of the City of Manchester, Iowa do hereby certify that the attached copy of a 28 E Agreement between the City of Manchester and the West Delaware Community School District has been approved by the City Council of the City of Manchester on November 4, 1991 and by the West Delaware Community School District on November 11, 1991.

Karen K. Cole

Karen K. Cole, City Clerk

Subscribed and Sworn to before me by Karen K. Cole, City Clerk of the City of Manchester, Iowa, this 14th day of November, 1991.

Linda K. Tutton

Linda K. Tutton, Notary
(Term expiring 8-29-93)

COMMUNITY ACTIVITY PARTICIPATION AGREEMENT
BETWEEN THE WEST DELAWARE COMMUNITY SCHOOL DISTRICT AND
THE CITY OF MANCHESTER, IOWA

THIS AGREEMENT between the City of Manchester, Iowa and the West Delaware Community School District of Delaware County, Iowa, is made pursuant to Chapter 28E, Code of Iowa, 1991, to provide for the joint exercise of power possessed by each and is made this 4th day of November, 1991.

WHEREAS, the City of Manchester, Iowa and the West Delaware Community School District have determined that recreational opportunities for citizens residing in Delaware County, Iowa should be provided and supervision of such activities would be a proper activity for participation by the City of Manchester, Iowa and the West Delaware Community School District; and

WHEREAS, the sharing of certain assets, equipment, materials, personnel and other participation between the City of Manchester, Iowa and the West Delaware Community School District would assist and provide for efficient provision of recreational opportunities.

IT IS THEREFORE AGREED as follows:

1. The purpose of this agreement is to provide for recreational opportunities.

2. The public agencies which are parties to this agreement are the City of Manchester, Delaware County, Iowa, and West Delaware Community School District.

3. This agreement will become effective on the 11th day of November, 1991, or on the date on which the last party to this agreement takes appropriate action by ordinance, resolution or otherwise pursuant to the governing bodies involved, whichever is later.

4. This agreement shall continue in effect until the 30th day of June, 1992. Cancellation of this agreement can be made by written notification of termination by the designee of either party to the designee of the other party of this agreement.

5. No separate legal administration entity is created to administer this agreement. Each entity will be responsible for budgeting it's own expense.

6. The West Delaware Community School District hereby agrees to indemnify and hold harmless the City of Manchester, Iowa from and against any and all loss, claim, demand, damages, or liability which may be claimed to have arisen as a result of or in connection with recreational activities conducted on property of the West Delaware Community School District.

7. This agreement does not contemplate or authorize the joint purchase of property except for equipment, acquired for these recreational programs, from user fees. Said equipment be equally owned by the City of Manchester and the West Delaware Community School District. In the event this agreement is not renewed and the recreational programs are discontinued said equipment shall either be divided equally or sold with the proceeds divided equally between the two parties of this agreement. In the event that the City of Manchester continues to support and provide these recreational opportunities without the financial or in kind support of the West Delaware Community School District said equipment shall become the property of the City of Manchester.

FILE No. 138-1282
RECORDING FEE $ 15.00
TRANSFER FEE $
FILED FOR RECORD THE 15 DAY OF November, 19 91 AT 4:19 O'CLOCK P. M. BOOK 2 PAGE 244
STATE OF IOWA, DELAWARE COUNTY
Jane A. Lloyd, Recorder
MISC.

8. Each participant or the legal guardian of the same, if not of legal age, in recreational activities provided by this agreement, shall execute a document releasing and holding harmless the City of Manchester, Iowa and the West Delaware Community School District for injuries or any other legal action of any description arising out of their participation in such activities.

9. Recreational activities to be provided by this agreement shall include youth and adult recreational activities. Determination of provided activities shall be subject to approval by both parties to this agreement.

10. The West Delaware Community School District agrees to make facilities available for recreational activities provided by the parties at the times and places as indicated in "Attachment A".

11. The West Delaware Community School District shall establish conditions for the use of its buildings for recreational activities provided pursuant to this agreement and shall have the authority to cancel or reschedule the recreation activities if necessary.

12. The City of Manchester, Iowa and the West Delaware Community School District shall set fees for participation in certain activities provided pursuant to this agreement. The fees received from participants in such recreational activities shall be used for acquisition of equipment and supplies needed to operate the recreational programs. The equipment and supplies shall become jointly owned property as specified in paragraph 7. Any balance of funds shall be used to offset the cost of personnel to direct or oversee the recreational programs. Staff and personnel costs not covered by user fees shall be shared equally by the two parties.

13. The City of Manchester, Iowa shall provide the following services, responsibilities, personnel and equipment in furtherance of recreational activities pursuant to this agreement as noted in "Attachment A":

Coordinators for Programs.
Payroll
Workman's Compensation

THIS AGREEMENT filed and dated by the respective parties as follows:

CITY OF MANCHESTER, IOWA

Milt L. Kramer
Mayor

Karen K. Cole
City Clerk

WEST DELAWARE COMMUNITY
SCHOOL DISTRICT

BY Steven V. Billhorn
President

BY Gylen L. Swanson
Superintendent

Attachment A

Recreation Programs for 1991-92
(Tentative Dates)

Adult Programs

Basketball (High School Gym)

- November 17, 1991 to March 14, 1992
- Sunday evening, men's league 6 - 9 p.m.
- Wednesday evenings, recreational basketball 7 - 10 p.m.

Volleyball (Middle School Gym)

- November 17, 1991 to March 14, 1992
- Monday evenings, recreational volleyball 6:30 - 9:30 p.m.
- Wednesday evenings, recreational league 6 - 10 p.m.
- Thursday evenings, recreational & competition league 7 - 10 p.m.

Walking (Middle School)

- November 17, 1991 to March 14, 1992
- Monday, Wednesday and Thursday evenings to coincide with volleyball schedules

Youth Programs

Basketball (High School Gym)

- September 22, 1991 to November 3, 1991
- Sunday evenings, open recreational basketball (high school age) 6 - 8 p.m.

Girls Youth Basketball (Middle School or High School Gym)

- January 4, 1992 to February 8, 1992, Grades 4 - 8
- February 15, 1992 to March 7, 1992, Grades 5 & 6
- Saturday mornings, 10 a.m. - 12 noon

Boys Youth Basketball (Middle School or High School Gym)

- December 7, 1991 to January 18, 1992 -- Grades 3-8
- January 25, 1992 to February 15, 1992 -- Grades 5 & 6
- Saturday afternoons 1:30 - 3:30 p.m.