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CHAPTER 28E AGREEMENT

PARKING TICKET ENFORCEMENT AGREEMENT BETWEEN THE CITY OF WINTERSET, IOWA AND THE COUNTY OF MADISON, IOWA

This Agreement is made pursuant to Chapter 28E of the Iowa Code between the City of Winterset, Iowa (hereafter the City) and the County of Madison, Iowa (hereafter the County).

WHEREAS Iowa Code Section 331.553(8) provides that a County Treasurer may enter into an agreement under Iowa Code 28E to collect or enforce delinquent parking fines on behalf of a City in conjunction with renewal of motor vehicle registrations pursuant to Iowa Code Sections 321.40(4) and 321.236; and

WHEREAS the City and the County wish to enter into such an agreement for the collection or enforcement of delinquent parking fines owed to the City of Winterset, Iowa;

NOW, THEREFORE, the City and the County do hereby agree as follows:

SECTION 1. **AUTHORITY.** The City, acting through its City Council and the County, acting through its County Board of Supervisors, enter into this Agreement by virtue of the powers granted to them under Chapter 28E of the Iowa Code.

SECTION 2. **PURPOSE.** The purpose of this Agreement is to authorize the Madison County Treasurer's Office to collect delinquent parking fines at the time the motor vehicles are registered pursuant to Iowa Code Sections 321.40(4) and 321.236.

SECTION 3. **SERVICE AREA.** The service area of this Agreement is within the City limits of Winterset, Iowa.

SECTION 4. **DUTIES.** The City, at least monthly, and more frequently if desired by the County, shall certify and provide to the County Treasurer a list of all delinquent and unpaid parking fines owed to the City.

The County Treasurer shall refuse to renew the registration of a vehicle registered to an applicant for whom the Treasurer has received certification that such applicant has one or more uncontested, delinquent parking tickets owed to the City. The County Treasurer will collect any such certified delinquent and unpaid fines at the time the motor vehicle is registered.

SECTION 5. **COMPENSATION.** The Treasurer's Office shall be permitted to retain Five Dollars ($5.00) from each parking fee assessment collected by the Treasurer's Office under the terms of this Agreement. This shall be treated as a processing fee. The balance of the fund shall be conveyed to the City pursuant to Iowa Code Section 321.236(1)(a).

SECTION 6. **EFFECTIVE DATE.** This agreement shall be effective upon its approval and execution by the City and the County and its filing with the Iowa Secretary of State as provided

by law. The City will be responsible for filing this Agreement with the Iowa Secretary of State. This Agreement shall remain in effect and have a duration until terminated by the parties hereto.

SECTION 7. **TERMINATION.** Any party to this Agreement may terminate this Agreement by giving written notice to the other party at least ninety (90) days in advance of the date of termination.

SECTION 8. **BIENNIAL REPORTS.** The City shall assume responsibility for all reporting initially and biennially to the Iowa Secretary of State as provided by Iowa Code Section 28E.8.

SECTION 9. **NOTICE.** Any Notice required or authorized by this agreement, including certification of delinquent parking fines, shall be in writing and either personally delivered or sent by ordinary mail to the following addresses:

City of Winterset
Attn: City Administrator
124 West Court Avenue
Winterset, IA 50273

Madison County Treasurer
Attn: County Treasurer
Madison County Courthouse
Winterset, IA 50273

SECTION 10. **SAVINGS CLAUSE.** If any section, provision or part of this agreement shall be found to be unconstitutional, such finding shall not affect the validity of the agreement as a whole or any section, provision or part thereof not found to be invalid or unconstitutional.

SECTION 11. **ENTIRE AGREEMENT**. This agreement represents the entire agreement between the parties as to the subject of this agreement. Any subsequent modification to the terms of this agreement shall be in the form of a duly executed Addendum to this agreement.

CITY OF WINTERSET, IOWA

By: _____
James C. Olson, Mayor

ATTEST:

_____
Mark J. Nitchals, City Administrator

MADISON COUNTY, IOWA

_____
Steve Raymond, Chairperson
Madison County Board of Supervisors

_____
Joan Welch, Madison County Auditor

State of Iowa)
)ss
Madison County)

On this 17th day of May, 2010, before me, a notary public for the State of Iowa, personally appeared James C. Olson and Mark J. Nitchals, to me personally known, and who, being duly sworn, did say that they are the Mayor and City Administrator, respectively, of the City of Winterset, Iowa, a municipal corporation; that the corporation has a seal, and that the

foregoing instrument was signed on behalf of the City of Winterset, Iowa by the authority of its City Council, as contained in Resolution No. 2010-56 adopted by the City Council on the 17th day of May, 2010, and that James C. Olson and Mark J. Nitchals acknowledged the execution of the instrument to be the voluntary act and deed of the City of Winterset, Iowa by it and them voluntarily executed.

CINDY M. BUSH
Commission Number 144829
My Commission Expires
10-1-11

Notary Public in and for the State of Iowa

State of Iowa)
)ss
Madison County)

On this 3 day of June, 2010, before me, an notary public for the State of Iowa, personally appeared Steve Raymond and Joan Welch, to me personally known, and who, being duly sworn, did say that they are the Chairperson of the Madison County Board of Supervisors and County Auditor, respectively, of Madison County, Iowa; that the County has a seal, and that the foregoing instrument was signed on behalf of the Madison County, Iowa by the authority of its Board of Supervisors, as contained in Resolution No. _____ adopted by the Board of Supervisors on the 25 day of May, 2010, and that Steve Raymond and Joan Welch acknowledged the execution of the instrument to be the voluntary act and deed of Madison County, Iowa by it and them voluntarily executed.

BRANDY MACUMBER
Commission Number755497
My Commission Expires
October 29, 2011

Notary Public in and for the State of Iowa