

★ **Roll Call Number**

Agenda Item Number

26

.....
Date January 7, 2008

RESOLUTION APPROVING PAYMENT OF BILLINGS FROM THE MYERS & JENKINS LAW FIRM RETAINED TO REPRESENT THE CITY IN THE UAL CORPORATION, ATA HOLDINGS CORP., DELTA AIR LINES, INC., et. al. (COMAIR, INC.) AND NORTHWEST AIRLINES CORPORATION, et. al. BANKRUPTCIES

WHEREAS, on September 20, 1993, by Roll Call No. 93-3490, the Des Moines City Council approved Ordinance 12,040 assigning certain rights and responsibilities pertaining to the Airport to the Des Moines International Airport Board; and

WHEREAS, Section 2-362.09 of the Municipal Code provides that the City shall utilize services of the city, including but not limited to, aviation services, (including airfield, building, ground, operation and maintenance services), engineering services, personnel services, legal services, accounting services, payroll services, property acquisition services, public improvement design services, contract procurement and administrative services, purchasing services, financial services, fire services (excluding priority Aircraft Rescue and Fire Fighting Services), police services and general administration services, to administer, operate and maintain the airport, provided however, that if the board and city manager jointly agree that the city cannot provide the expertise, extra-ordinary effort, or special resources required for a particular project, the board may acquire and utilize outside services to accomplish such project; and

WHEREAS, the Legal Department recommended that outside counsel be retained to represent the City in the UAL Corporation, ATA Holdings, Corp., Delta Air Lines, Inc., et al. (Comair, Inc.) and Northwest Airlines Corporation, et. al. bankruptcies; and

WHEREAS, the Airport Board authorized the hiring of William Jenkins and the law firm of Myers & Jenkins to represent the City of Des Moines in the UAL Corporation bankruptcy by Resolution No. A02-276, and further authorized the City Attorney to retain local counsel in Illinois, authorized the hiring of William Jenkins and the law firm of Myers & Jenkins to represent the City of Des Moines in the ATA Holdings Corp. bankruptcy by Resolution No. A04-221, and further authorized the City Attorney to retain local counsel in Indiana; authorized the hiring of Williams Jenkins and the law firm of Myers & Jenkins to represent the City of Des Moines in the Delta Air Lines, Inc., et. al. (Comair, Inc.) and Northwest Airlines Corporation, et. al. bankruptcies by Resolution No. A-05-253 and approved correction of the hourly rate by Resolution No. A-05-294; and

WHEREAS, the Tishler & Wald, Ltd. law firm was retained as local counsel for the UAL Corporation bankruptcy and the Barnes & Thornburg, LLP law firm was retained as local counsel for the ATA Holdings Corp. bankruptcy; and

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Date January 7, 2008


WHEREAS, billings have been received from Myers & Jenkins in the amount of \$148.50 through December 20, 2007; and

WHEREAS, the Legal Department has reviewed the billings and recommends payment.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that it hereby approves the payment of \$148.50 to the law firm of Myers & Jenkins and authorizes the Finance Department to submit payment for the invoices.

Moved by _____ to adopt.

APPROVED AS TO FORM:


David Ferree
Assistant City Attorney

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE | | | | |
| COLEMAN | | | | |
| HENSLEY | | | | |
| KIERNAN | | | | |
| MAHAFFEY | | | | |
| MEYER | | | | |
| 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.

MOTION CARRIED APPROVED

Mayor

City Clerk

STATEMENT

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Myers & Jenkins

A PROFESSIONAL CORPORATION
LAW OFFICES

Phoenix Corporate Center
3003 North Central Avenue
Suite 1900
Phoenix, Arizona 85012

Telephone: 602-200-7900
Facsimile: 602-200-7910
E-mail: ab@mjlegal.com
Federal Tax Id. 86-0476704

December 20, 2007

City of Des Moines
Mr. David Ferree
Legal Department
400 East First Street
Des Moines, IA 50309

In Reference To: Delta Airlines

Account No. 4422-005

Invoice # 27472

For Services Rendered Through December 19, 2007

| | <u>Hours</u> | <u>Amount</u> |
|--|--------------|------------------------|
| 11/26/2007 JS Check Docket; | 0.10 | 16.50 |
| 12/10/2007 JS Check Docket; | 0.10 | 16.50 |
| 12/18/2007 JS Check Docket; | 0.10 | 16.50 |
| | <u>0.30</u> | <u>\$49.50</u> |
| For professional services rendered | | \$138.75 |
| Previous balance | | (\$56.25) |
| 11/26/2007 Payment - Thank You. Check No. 232362 | | <u>(\$56.25)</u> |
| Total payments and adjustments | | <u>\$132.00</u> |
| Balance due | | <u><u>\$132.00</u></u> |

Timekeeper Summary

| <u>Name</u> | <u>Hours</u> | <u>Rate</u> | <u>Amount</u> |
|----------------|--------------|-------------|---------------|
| Jase Steinberg | 0.30 | 165.00 | \$49.50 |

This Statement does not include charges for telephone calls or other expenses incurred during the period covered by this billing and not yet received by this office.

December 20, 2007

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City of Des Moines

Delta Airlines

| Current | 30 Days | 60 Days | 90 Days | 120+ Days |
|---------|---------|---------|---------|-----------|
| \$49.50 | \$82.50 | \$0.00 | \$0.00 | \$0.00 |

This Statement does not include charges for telephone calls or other expenses incurred during the period covered by this billing and not yet received by this office.

STATEMENT

Myers & Jenkins

A PROFESSIONAL CORPORATION
LAW OFFICES

26

Phoenix Corporate Center
3003 North Central Avenue
Suite 1900
Phoenix, Arizona 85012

December 20, 2007

Telephone: 602-200-7900
Facsimile: 602-200-7910
E-mail: ab@mjlegal.com
Federal Tax Id. 86-0476704City of Des Moines
Mr. David Ferree
Legal Department
400 East First Street
Des Moines, IA 50309

In Reference To: Mesaba

Account No. 4422-007

Invoice # 27473

For Services Rendered Through December 19, 2007

| | <u>Hours</u> | <u>Amount</u> |
|--|--------------|------------------------|
| 11/26/2007 JS Check Docket; | 0.10 | 16.50 |
| 12/10/2007 JS Check Docket; | 0.10 | 16.50 |
| 12/18/2007 JS Check Docket; | 0.10 | 16.50 |
| | <u>0.30</u> | <u>\$49.50</u> |
| For professional services rendered | | |
| Previous balance | | \$679.30 |
| 11/26/2007 Payment - Thank You. Check No. 232362 | | (\$53.40) |
| Total payments and adjustments | | <u>(\$53.40)</u> |
| Balance due | | <u><u>\$675.40</u></u> |

Timekeeper Summary

| <u>Name</u> | <u>Hours</u> | <u>Rate</u> | <u>Amount</u> |
|----------------|--------------|-------------|---------------|
| Jase Steinberg | 0.30 | 165.00 | \$49.50 |

December 20, 2007
City of Des Moines
Mesaba

| Current | 30 Days | 60 Days | 90 Days | 120+ Days |
|---------|----------|---------|---------|-----------|
| \$49.50 | \$625.90 | \$0.00 | \$0.00 | \$0.00 |

Myers & Jenkins

A PROFESSIONAL CORPORATION
LAW OFFICES

26

Phoenix Corporate Center
3003 North Central Avenue
Suite 1900
Phoenix, Arizona 85012

December 20, 2007

Telephone: 602-200-7900
Facsimile: 602-200-7910
E-mail: ab@mjlegal.com
Federal Tax Id. 86-0476704City of Des Moines
Mr. David Ferree
Legal Department
400 East First Street
Des Moines, IA 50309

In Reference To: Northwest Airlines

Account No. 4422-006

Invoice # 27474

For Services Rendered Through December 19, 2007

| | <u>Hours</u> | <u>Amount</u> |
|--|--------------|-----------------|
| 11/26/2007 JS Check Docket; | 0.10 | 16.50 |
| 12/10/2007 JS Check Docket; | 0.10 | 16.50 |
| 12/18/2007 JS Check Docket; | 0.10 | 16.50 |
| For professional services rendered | 0.30 | \$49.50 |
| Previous balance | | \$138.75 |
| 11/26/2007 Payment - Thank You. Check No. 232362 | | (\$56.25) |
| Total payments and adjustments | | (\$56.25) |
| Balance due | | <u>\$132.00</u> |

Timekeeper Summary

| <u>Name</u> | <u>Hours</u> | <u>Rate</u> | <u>Amount</u> |
|----------------|--------------|-------------|---------------|
| Jase Steinberg | 0.30 | 165.00 | \$49.50 |

December 20, 2007
City of Des Moines
Northwest Airlines

| Current | 30 Days | 60 Days | 90 Days | 120+ Days |
|---------|---------|---------|---------|-----------|
| \$49.50 | \$82.50 | \$0.00 | \$0.00 | \$0.00 |

This Statement does not include charges for telephone calls
or other expenses incurred during the period covered by this billing and not yet received by this
office.