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Date January 25, 2010

APPROVING PAYMENT OF BILLING FROM THE LAW FIRM OF BELIN MCCORMICK FOR LEGAL REVIEW AND REPRESENTATION SERVICES RELATED TO A PROPOSED CONSENT DECREE AND NPDES PERMIT FOR THE WASTEWATER RECLAMATION FACILITY

WHEREAS, on April 10, 2006, pursuant to Roll Call No. 06-651, this City Council authorized the retention of Hall & Associates to provide consultation and representation services regarding an alleged Iowa Department of Natural Resources (IDNR) violation, the negotiation of a consent decree for the implementation of a Long Term Control Plan for the combined sewer system and combined sewer overflows required by the WRF National Pollution Discharge Elimination System (NPDES) Permit; and

WHEREAS, on April 18, 2006, by WRA Board Resolution No. 06-39, the WRA approved retention of Hall & Associates to encompass professional consultation and representation services to the WRA regarding an alleged IDNR violation, the negotiation of a consent decree for the implementation of a Long Term Control Plan for the combined sewer system and combined sewer overflows required by the WRF NPDES Permit; and

WHEREAS, on November 17, 2009, by WRA Board Resolution No. 09-177, the WRA approved retention of the law firm of Belin McCormick to provide additional legal representation and review to the WRA regarding the alleged IDNR violation, review and negotiation of a proposed consent decree and proposed NPDES Permit; and

WHEREAS, on November 23, 2009, by Roll Call No. 09-2113, the City Council approved retention of the law firm of Belin McCormick to provide additional legal representation and review to the City of Des Moines regarding the alleged IDNR violation, the proposed consent decree, NPDES Permit and corresponding documents; and

WHEREAS, the fees for such services are being divided equally between the WRA and the City and the law firm of Belin McCormick has submitted a billing dated December 31, 2009 for such services in the amount of \$2,982.00; and

Date January 25, 2010

WHEREAS, the City Legal Department and the WRA Director have reviewed said billing and verified it to be correct and recommend payment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that:

1. That the payment of \$1,491.00 is hereby authorized to be paid by the City for work on the Combined Sewer Overflows and NPDES Permit and that the amount of \$1,491 shall be paid by the WRA, and has been authorized by the WRA Director.
2. That the total billing be forwarded to the Finance Department, and that the Finance Director be and is hereby authorized and directed to issue a check in the amount of \$2,982.00 to the law firm of Belin McCormick.

Moved by _____ to adopt.

APPROVED AS TO FORM:



 Kathleen Vanderpool, Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

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.

_____ City Clerk