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Date..... November 19, 2007

**RESOLUTION INCREASING THE AMOUNT OF THE AUTHORIZATION FOR  
EMPLOYMENT OF HALL & ASSOCIATES TO PROVIDE PROFESSIONAL  
CONSULTATION AND LEGAL REPRESENTATION SERVICES RELATED TO THE  
COMBINED SEWER OVERFLOW AND NPDES PERMIT FOR THE WASTEWATER  
RECLAMATION FACILITY BY AN ADDITIONAL \$25,000**

WHEREAS, Hall & Associates was employed in 2003 to serve as special legal counsel for the City of Des Moines in dealing with the IDNR regarding the National Pollution Discharge Elimination System (NPDES) permit for the Wastewater Reclamation Authority; and

WHEREAS, on December 20, 2004, pursuant to Roll Call 04-2791, the Des Moines City Council approved the retention of Hall & Associates to assist the City with regard to watershed impairment issues potentially affecting the City's MS-4 (Storm Water Discharge) NPDES Permit; and

WHEREAS, on March 22, 2005, by WRA Board Resolution No. 5-28, the WRA approved the retention of Hall & Associates regarding the issuance of the TMDL for the Des Moines River and its impact on the WRA's NPDES Permit for the WRF; and

WHEREAS, on April 18, 2006, by WRA Board Resolution No. 06-39, the WRA approved expanding 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, the WRA Resolution provided that such consultation and representation was to be provided on the basis of a fee of not to exceed \$250.00 per hour, for a total fee not to exceed \$25,000 without further authorization; and

WHEREAS, on April 10, 2006, the Des Moines City Council, by Resolution No. 06-651, approved expanding retention of Hall & Associates to encompass professional consultation and representation services to the City 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, the Roll Call by the City Council also provided that such consultation and representation was to be provided on the basis of a fee of not to exceed \$250.00 per hour, for a total fee not to exceed \$25,000 without further authorization; and

WHEREAS, on January 22, 2007, the City Council, by Resolution No. 07-124, approved increasing the amount of authorization for employment of Hall & Associates to provide professional consultation and legal representation services regarding an alleged IDNR violation, the negotiation of a consent decree for the implementation of a Long Term Plan for the combined sewer system and combined sewer overflows required by the NPDES Permit by an additional \$25,000; and

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WHEREAS, the fees for such services provided by Hall & Associates are allocated between the WRA and the City, as appropriate.

WHEREAS, billings are currently below the authorized amounts but it is anticipated that additional authorization will soon be needed; and

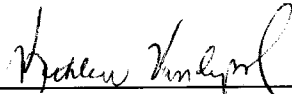
WHEREAS, on November 20, 2007, the WRA will be asked to approve increasing the amount of authorization for employment of Hall & Associates to provide professional consultation and legal representation services regarding an alleged IDNR violation, the negotiation of a consent decree for the implementation of a Long Term Plan for the combined sewer system and combined sewer overflows required by the NPDES Permit by an additional \$25,000; and

WHEREAS, it is recommended that an additional \$25,000 be authorized.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF DES MOINES, IOWA** that the employment of Hall & Associates as previously authorized by the City Council to provide professional consultation and legal representation services regarding an alleged IDNR violation, the negotiation of a consent decree for the implementation of a Long Term Plan for the combined sewer system and combined sewer overflows required by the WRF NPDES Permit is now increased by an additional amount of \$25,000 on the basis of a fee not to exceed \$250.00 per hour.

APPROVED AS TO FORM:

Moved by \_\_\_\_\_ to adopt.

  
Kathleen Vanderpool  
Deputy City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
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