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Date October 10, 2011

**CONSENT TO STORAGE OF ELECTRONICALLY FORMATTED  
LEGAL DEPARTMENT WORK PRODUCT, COMMUNICATIONS AND  
OTHER DOCUMENTATION BY GOOGLE APPS FOR GOVERNMENT**

WHEREAS, by Roll Call No. 10-2028 of December 6, 2010, the City Council of the City of Des Moines approved the procurement of Google Apps for Government software and services to serve as the primary electronic messaging and office productivity platform for all City departments including the City Legal Department; and

WHEREAS, by Roll Call No. 11-0531 of March 28, 2011, the City Council approved a consulting contract with Onix Networking Corporation for implementation of the Google Apps for Government software; and

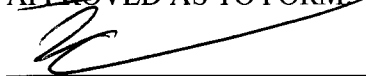
WHEREAS, by implementation of Google Apps for Government for all City departments, including the City Legal Department, all storage of electronically formatted City Legal Department work product, communications and other documentation will be stored on servers or other computer equipment physically located and maintained by Google Apps for Government outside the direct control and supervision of the City Legal Department; and

WHEREAS, the Information and Technology Department in conjunction with Onix Networking Corporation have determined that the City Legal Department will have unrestricted access and that reasonable security precautions will be implemented, including password protection and data encryption, to preserve the confidentiality of City Legal Department work product, communications and other documentation and to prevent unauthorized access and disclosure, however, the City Legal Department cannot guarantee that the documentation stored by Google Apps for Government will be invulnerable to unauthorized access and that employees of Google Apps for Government or other third parties may have access, both authorized and unauthorized, to confidential information.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the City Legal Department is authorized and directed to use Google Apps for Government services and that in accordance with Rule 32:1.6 "Confidentiality of Information," of the Iowa Rules of Professional Conduct for attorneys, informed consent is hereby given to the storage of City Legal Department work product, communications and other documentation by Google Apps for Government.

APPROVED AS TO FORM:

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



Lawrence R. McDowell  
Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

MOTION CARRIED APPROVED

**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.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**CITY ATTORNEY**

Jeffrey D. Lester

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Kathleen Vanderpool

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Douglas P. Philip



October 10, 2011

THE HONORABLE MAYOR AND  
MEMBERS OF THE CITY COUNCIL

RE: Consent to Storage of Legal Department  
Work Product on Google Apps for Government

On December 6, 2010, the City Council approved the procurement of Google Apps for Government software and services for e-mail and other computer use for all City departments including the Legal Department. On October 17<sup>th</sup>, Google Apps for Government will be implemented for all City departments and accordingly all storage of electronic Legal Department work product and communications will be stored on servers or other computer equipment physically located and maintained outside the direct control and supervision of the Legal Department.

The Information and Technology Department in conjunction with its consultant has determined that the Legal Department will have unrestricted access and that reasonable security precautions will be implemented to preserve the confidentiality and prevent unauthorized access and disclosure of Legal Department electronic work product, communications and documentation. Notwithstanding such representations on security, the Legal Department cannot guarantee that the documentation stored by Google Apps for Government will be free from unauthorized access.

To comply with the Iowa Rules of Professional Conduct for attorneys, it is necessary for the City Council to consent to the storage of Legal Department electronic work product, communications and other documentation on Google Apps for Government. A roll call has been prepared to provide the required consent.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "L. McDowell", written over a large, horizontal, oval-shaped scribble.

Lawrence R. McDowell  
Deputy City Attorney