

Date October 7, 2013

**CONSENT TO STORAGE OF ELECTRONICALLY FORMATTED
LEGAL DEPARTMENT WORK PRODUCT, COMMUNICATIONS AND
OTHER DOCUMENTATION BY MICROSOFT**

WHEREAS, by Roll Call No. 13-1404 of September 9, 2013, the City Council approved a consulting contract with Catapult Systems, Inc. for implementation of the Microsoft Office 365 software; and

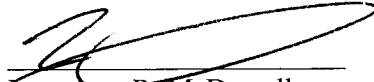
WHEREAS, by implementation of Microsoft Office 365 for all City departments, including the City Legal Department, all storage of electronically formatted City Legal Department work product, communications and other documentation will be stored on servers or other computer equipment physically located and maintained by Microsoft outside the direct control and supervision of the City Legal Department; and

WHEREAS, the Information and Technology Department in conjunction with Catapult Systems, Inc. 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 Microsoft will be invulnerable to unauthorized access and that employees of Microsoft 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 Microsoft Office 365 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 Microsoft.

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

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

CITY ATTORNEY

Jeffrey D. Lester

DEPUTY CITY ATTORNEYSMark Godwin
Lawrence R. McDowell
Kathleen Vanderpool**ASSISTANT CITY ATTORNEYS**Roger K. Brown
Ann M. DiDonato
David A. Ferree
Glenna K. Frank
Gary D. Goudelock, Jr.Michael F. Keiley
Vicky L. Long Hill
Katharine J. Massier
Carol J. Moser
Douglas P. Phillip

October 7, 2013

THE HONORABLE MAYOR AND
MEMBERS OF THE CITY COUNCIL

RE: Consent to Storage of Legal Department
Work Product on Microsoft Office 365

On September 9, 2013, the City Council approved a consulting contract with Catapult Systems, Inc. for implementation of Microsoft Office 365 software and services for e-mail and other computer use for all City departments including the Legal Department. Microsoft Office 365 will be implemented for all City departments and accordingly all storage of electronic Legal Department work product and communications will be stored on new servers or other computer equipment that will continue to be 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 Microsoft 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 by Microsoft. A roll call has been prepared to provide the required consent.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lawrence R. McDowell", written over a white background.

Lawrence R. McDowell
Deputy City Attorney