

Date July 23, 2018

RETENTION OF HALL & ASSOCIATES AND CONSENT TO JOINT REPRESENTATION WITH THE CITY OF DES MOINES AND THE DES MOINES METROPOLITAN WASTEWATER RECLAMATION AUTHORITY IN EMPLOYMENT OF HALL & ASSOCIATES AND WAIVER OF CONFLICT OF INTEREST

WHEREAS, Hall & Associates was retained by the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) on April 18, 2006, by Resolution No. 06-39 and also retained by the City of Des Moines, Iowa by Resolution No. 06-651 on April 10, 2006 to provide legal representation for the implementation of the Long-Term Control Plan, negotiation of a consent decree and the National Pollution Discharge Elimination System (NPDES) Permit with fees for the representation allocated between the WRA and the City of Des Moines as appropriate; and

WHEREAS, the WRA and the City also retained Hall & Associates for representation in obtaining the NPDES Permit issued March 1, 2016; and

WHEREAS, Hall & Associates has expertise and experience in environmental law and has valuable past experience, knowledge and understanding in representing the WRA and City in the Long Term Control Plan, Consent Decree and NPDES Permit; and

WHEREAS, the WRA Board authorized retention of Hall & Associates on December 17, 2017 by Resolution No. 17-144 to provide representation on issues arising under the Clean Water Act; and

WHEREAS, the City of Des Moines now seeks to retain Hall & Associates in the same matter and consent for the joint representation and a waiver of a conflict of interest is needed.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF DES MOINES, IOWA:

1. That it authorizes employment of Hall & Associates for representation to assist in the resolution of issues arising under the Clean Water Act, the NPDES Permit, Consent Decree and the Long Term Control Plan at the rates set forth below:

John Hall	\$395.00
Chris Rissetto	\$360.00
Gary Cohen	\$345.00
Bill Hall	\$295.00
Of Counsel	\$275.00
Senior Associate Attorney	\$245.00
Associate Attorney	\$190.00
Research Associates	\$145.00
Research Engineer	\$145.00
Law Clerk	\$ 95.00

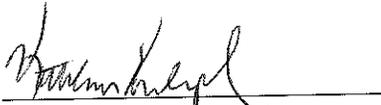
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and as such fees may be updated annually and such other staff as necessary, including legal research fees and out of pocket expenses with such authorization not to exceed \$30,000 without further authorization.

2. Be it further resolved that the City Attorney is authorized and directed to sign a Terms of Retainer or other such agreement as may be necessary.
3. That it consents to the joint representation of the City of Des Moines, Iowa and the Des Moines Metropolitan Wastewater Reclamation Authority by Hall & Associates with regard to a proposed WRA wet weather treatment facility, changes and/or amendments to the NPDES Permit, Consent Decree and the Long Term Control Plan and waives any conflict of interest as to the joint representation.
4. Be it further resolved that the City Attorney, with the assistance of the WRA Director, are authorized to determine the allocation of costs between the WRA and the City for Hall & Associates services.

Moved by _____ to adopt.

APPROVED AS TO FORM:


 Kathleen Vanderpool
 Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
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