

★ Roll Call Number

09-641

Agenda Item Number

26

Date April 20, 2009

WHEREAS, Stephen Carter and Debra Carter, individually and as parents and next friends of their children, Eric Carter, Isaaca Carter and Ilisha Carter, have made a demand upon the City as the result of an incident occurring on March 17, 2008; and

WHEREAS, it would be in the best interest of the City to settle the Carter's claims without resort to the uncertainties and expense of litigation; NOW, THEREFORE,

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

That the City shall pay to Stephen Carter and Debra Carter, individually and as next friends of their children, Eric Carter, Isaaca Carter and Ilisha Carter, the sum total of \$50,000.00 in full and complete settlement of all the Carter's claims against the City and all of its employees, and the Carter's shall in turn execute a release in favor of the City and its employees.

The Finance Department is hereby directed to draw a warrant to Stephen and Debra Carter, individually and as next friends of their children, Eric Carter, Isaaca Carter and Ilisha Carter, and their attorney William Morris, 1223 Center St., Ste. 24, Des Moines, Iowa 50309, in the sum of \$50,000.00, under Fund Codes 529410 GE001 POL100100.

FORM APPROVED: MOVED BY Vlassis TO ADOPT

Mark Godwin
Mark Godwin
Deputy City Attorney

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE | ✓ | | | |
| COLEMAN | ✓ | | | |
| HENSLEY | ✓ | | | |
| KIERNAN | ✓ | | | |
| MAHAFFEY | ✓ | | | |
| MEYER | ✓ | | | |
| VLASSIS | ✓ | | | |
| TOTAL | 7 | | | |

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.

Diane Rauh City Clerk

MOTION CARRIED APPROVED
T. M. Franklin
Mayor