



Roll Call Number

09-988

Agenda Item Number

35

June 8, 2009

Date

AUTHORIZING COMPROMISE OF JUDGMENT

WHEREAS, City of Des Moines filed a lawsuit and obtained a judgment against Donna L. Barnes in the amount of \$14, 437.34; and

WHEREAS, collection efforts undertaken by the collection agent for the City have shown that it would be many years for substantial payments to be collected; and

WHEREAS, Donna L. Barnes is attempting to settle this judgment by payment of a reduced lump sum, and have asked the City to accept and take as a compromise \$6,000.00 in order to facilitate settlement; and

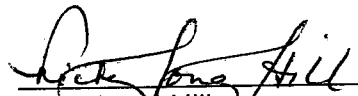
WHEREAS, after reviewing the facts and circumstances and upon the recommendation of the City's collection agents, Abendroth & Russell, the Legal Department is of the opinion that liability and settlement of the judgment for \$6,000.00 is in the best interest of the City of Des Moines.

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

1. That the City accepts \$6,000.00 in full payment of its judgment against Donna L. Barnes.
2. The Mayor and City Clerk are authorized to sign any necessary releases and settlement documents, which are approved by the Legal Department.

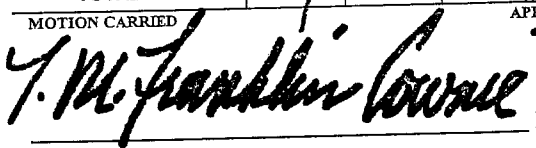
Moved by Vlassis to adopt.

APPROVED AS TO FORM:


 Vicky Long Hill
 Assistant City Attorney

(Council Communication No. 09.397)

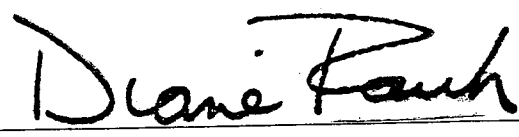
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

MOTION CARRIED

 T. M. Franklin
 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.


 Diane Fauh
 City Clerk