

★ Roll Call Number

19-0681

Agenda Item Number

M.H.G.B. 3

Date May 6, 2019

APPROVING SETTLEMENT AND AUTHORIZING DMMHA EXECUTIVE DIRECTOR TO EXECUTE SETTLEMENT AGREEMENT IN MCDOWELL ET AL. V. DMMHA

WHEREAS, on October 29, 2014, a lawsuit was filed by Jeanette McDowell on behalf of residents of Royal View Manor alleging injuries due to bedbugs; and

WHEREAS, a settlement has been negotiated towards which the Des Moines Municipal Housing Agency ("DMMHA") has agreed to contribute; and

WHEREAS, a Settlement Agreement has been drafted for execution by the parties; and

WHEREAS, Des Moines Municipal Code Section 90-2(6) vests the Municipal Housing Governing Board with the authority to settle lawsuits involving municipal housing matters; and

WHEREAS, it is the opinion of the Legal Department that approval of the Settlement Agreement and payment of the settlement contribution of \$100,000.00 would be in the best interest of the DMMHA.

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL HOUSING GOVERNING BOARD:

- 1) That the DMMHA Executive Director is authorized to execute the Settlement Agreement negotiated in McDowell et al. v. DMMHA subject to approval as to form by the Legal Department; and
2) That payment of the settlement amount of \$100,000.00 is approved and DMMHA is authorized and directed to draw a warrant accordingly.

Moved by Coleman to adopt.

APPROVED AS TO FORM:

Carol J. Moser
Deputy City Attorney

Table with columns: M.H.G.B. ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, WESTERGAARD, and TOTAL.

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City of Des Moines, Municipal Housing Agency Governing Board, 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