



Roll Call Number

19-0886

Agenda Item Number

28

Date June 3, 2019

WAIVER AND CONSENT TO CONFLICT OF INTEREST IN REPRESENTATION BY AHLERS & COONEY, P.C. OF DRAKE UNIVERSITY IN CERTAIN ECONOMIC DEVELOPMENT MATTERS

WHEREAS, Ahlers & Cooney, P.C. represents Drake University ("Drake") in certain matters and the City of Des Moines in various matters, including economic development matters, real estate matters, litigation matters and as bond counsel; and

WHEREAS, Drake and the City are exploring certain items of development and redevelopment in and around Drake for land between 24th and 25th St. and University and Forest that substantially involve another developing party which would be mutually beneficial to all parties but which may or may not ever evolve into a conflict between Drake and the City; and

WHEREAS, Drake would like to use Ahlers & Cooney, P.C. for representation in the creation of terms, potential negotiation and drafting of agreements with the developing party which may or may not eventually involve development and redevelopment in which the City participates but which could create a conflict and would then require a consent and waiver as to the conflict from Drake and the City; and

WHEREAS, the City's legal representation in said development matters will be provided by an Assistant City Attorney.

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

- 1. That the Mayor is hereby authorized and directed to execute the waiver and consent to an actual, potential or perceived conflict of interest associated with Ahlers & Cooney, P.C.'s representation of Drake in the above-described development matters.
2. That the City Attorney is authorized to withdraw and terminate such waiver and consent for any reason, in his sole discretion, should he determine that termination of the waiver and consent is appropriate.

FORM APPROVED:

[Signature of Jeffrey D. Lester]

Jeffrey D. Lester, City Attorney

MOVED BY Coleman TO ADOPT.

[Signature of Coleman]

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, WESTERGAARD, and TOTAL (7 yeas).

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.

[Signature of J. M. Frankha Cowrie, Mayor]

[Signature of Diane Rauh, City Clerk]