



Roll Call Number

19-0887

Agenda Item Number

29 ✓

Date June 3, 2019

WAIVER AND CONSENT TO CONFLICT OF INTEREST IN REPRESENTATION BY AHLERS & COONEY, P.C. OF THE DES MOINES INDEPENDENT COMMUNITY SCHOOL DISTRICT IN FUELING AND MAINTENANCE SERVICES 28E MATTERS

WHEREAS, Ahlers & Cooney, P.C. represents the Des Moines Independent Community School District ("District") as general counsel and the City of Des Moines in various matters, including economic development matters, real estate matters, and as bond counsel; and

WHEREAS, the District and the City are negotiating terms for a 28E Agreement for Fueling and Maintenance Services between the District and the City of Des Moines which would be mutually beneficial to both parties; and

WHEREAS, the District would like to use Ahlers & Cooney, P.C. for representation in the negotiation and drafting of the proposed 28E Agreement for Fueling and Maintenance Services, which requires a consent and waiver as to the conflict from the District and the City; and

WHEREAS, the City's legal representation in said 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 the District in the above-described fueling and maintenance 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:

Handwritten signature of Jeffrey D. Lester

Jeffrey D. Lester, City Attorney

MOVED BY

Handwritten signature: Coleman

TO ADOPT.

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.

MOTION CARRIED

APPROVED

Handwritten signature: J. M. Frankhu Cownie, Mayor

Handwritten signature: Diane Rauh, City Clerk