



Roll Call Number

19-1723

Agenda Item Number

31

Date November 4, 2019

WAIVER AND CONSENT TO CONFLICT OF INTEREST
IN REPRESENTATION BY AHLERS & COONEY, P.C. OF
THE DES MOINES INDEPENDENT COMMUNITY SCHOOL DISTRICT FOR
NEGOTIATING A 28E AGREEMENT FOR PROVIDING OPEN SPACE FOR
SHARED USE SERVICES ON THE GROUNDS OF WEEKS MIDDLE SCHOOL

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 providing open space for shared use for recreation, athletic, and playgrounds uses on the grounds of Weeks Middle School owned by the District and located at 901 East Park Avenue 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 open space for shared use for recreation, athletic, and playgrounds uses on the grounds of Weeks Middle School, 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 open space for shared use for recreation, athletic, and playgrounds uses on the grounds of Weeks Middle School.

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:

MOVED BY Gatto TO ADOPT.

Handwritten signature of Jeffrey D. Lester, City Attorney

Jeffrey D. Lester, City Attorney

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

CERTIFICATE

I, PAULA K. CMELIK, 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.

Handwritten signature of J. M. Frank Coonie, Mayor

Handwritten signature of Paula K. Cmelik, City Clerk

City Clerk