



Roll Call Number

19-1724

Agenda Item Number

32

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 REGARDING TRANSFER OF A PORTION OF VACATED FREMONT STREET AND 15TH STREET TO THE DES MOINES INDEPENDENT COMMUNITY SCHOOL DISTRICT

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 has asked Ahlers & Cooney, P.C. to assist with reviewing a Purchase Agreement and Deed regarding transfer of a portion of vacated Fremont Street and 15th Street from the City to the District, 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 matter regarding transfer of a portion of vacated Fremont Street and 15th Street.

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.

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 (7 yeas).

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.

Signature of Paula K. Cmelik

City Clerk

Signature of J. M. Frankhu Cownie, Mayor