



Roll Call Number

21-0697

Agenda Item Number

30

Date May 10, 2021

**APPROVING TRANSFER OF REPRESENTATION OF THE
CITY ON ISSUES ARISING UNDER THE CLEAN WATER ACT**

WHEREAS, Hall & Associates was retained by the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) by Resolution No. 06-39 and retained by the City of Des Moines, Iowa by Roll Call No. 06-651 to provide legal representation for the implementation of the Long-Term Control Plan, negotiation of a consent decree and the National Pollution Discharge Elimination System (NPDES) Permit with fees for the representation allocated between the WRA and the City of Des Moines as appropriate; and

WHEREAS, the WRA retained Hall & Associates for representation for issues arising under the Clean Water Act by WRA Board Resolution No. 17-144 and the City by Roll Call No.18-1254.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF DES MOINES, IOWA:

1. That it hereby authorizes the transfer of representation of the City on issues arising under the Clean Water Act, including the Consent Decree, NPDES Permit, Long Term Control Plan and related negotiation of a new NPDES permit from Hall & Associates to the Gary Cohen Environmental Firm effective upon Mr. Cohen leaving Hall & Associates.
2. That the employment of Gary Cohen Environmental Firm is hereby authorized effective with the hourly rate of \$385.00 an hour for Gary Cohen and such rates for other staff as established in the Fee Letter, and as adjusted annually, including legal research fees and out-of-pocket expenses.
3. That it hereby consents to the joint representation of the City of Des Moines, Iowa and the Des Moines Metropolitan Wastewater Reclamation Authority by Gary Cohen Environmental Firm with regard to the Clean Water Act matters, including the Consent Decree, NPDES Permit, Long Term Control Plan and related negotiation of a new NPDES permit and waives any conflict of interest as to the joint representation by Gary Cohen Environmental Firm.



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- 4. That it hereby authorizes the City Attorney to sign a Fee Letter and with the assistance of the WRA Director, apportion the invoices between the WRA and City as appropriate.
- 5. That the City authorizes that all City files related to issues arising under the Clean Water Act be transferred from Hall & Associates to Gary Cohen Environmental Law Firm, P.C.

Moved by Gatto to adopt.

Approved as to form:

s/Kathleen Vanderpool

Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

CERTIFICATE

I, P. Kay 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.

MOTION CARRIED

APPROVED

T. M. Franklin Cownie Mayor

P. Kay Cmelik

City Clerk