



Roll Call Number

22-1484

Agenda Item Number

Ex 3

Date September 12, 2022

WAIVER AND CONSENT TO CONFLICT OF INTEREST IN REPRESENTATION BY AHLERS & COONEY, P.C. OF THE DES MOINES AIRPORT AUTHORITY AS TO AN AGREEMENT BETWEEN THE DES MOINES AIRPORT AUTHORITY AND THE CITY OF DES MOINES FOR BORROW SITE

WHEREAS, Ahlers & Cooney, P.C. represents the Des Moines Airport Authority (Authority) general counsel and the City of Des Moines in various matters, including economic development matters and as bond counsel; and

WHEREAS, the Authority and the City are considering entering into a Borrow Site Agreement to allow the City to utilize fill material that is presently located on Authority property; and

WHEREAS, the Authority would like to use Ahlers & Cooney, P.C. for representation in the negotiation and drafting of the Borrow Site Agreement which requires a consent and waiver as to the conflict from the Authority and the City.

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

- 1. That it hereby authorizes and directs the Mayor 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 Des Moines Airport Authority in the Borrow Site Agreement between the Des Moines Airport Authority and the City of Des Moines.
2. That the City Attorney is authorized to withdraw and terminate such waiver and consent if the City Attorney determines that negotiations or any issues related to the Borrow Site Agreement become adversarial between the City and the Authority.

Moved by Gatto to adopt. Second by Boesen.

APPROVED AS TO FORM:

Sponsors: Mayor Cownie and Council Member Mandelbaum.

Kathleen Vanderpool
Deputy City Attorney

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

CERTIFICATE

I, LAURA BAUMGARTNER, 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 of Frank Cownie, Mayor

Handwritten signature of Laura Baumgartner, Acting City Clerk

Acting City Clerk