



Roll Call Number

22-1887

Agenda Item Number

28

Date December 12, 2022

**CONSENT TO WAIVE CONFLICT OF INTEREST IN REPRESENTATION BY
AHLERS & COONEY, P.C. OF THE DES MOINES INDEPENDENT COMMUNITY
SCHOOL DISTRICT IN NEGOTIATING A CROSSING GUARD AGREEMENT
WITH THE CITY OF DES MOINES**

WHEREAS, Ahlers & Cooney, P.C. represents the Des Moines Independent Community School District ("District") as general counsel as well as 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 wish to negotiate terms for an agreement for the procurement of crossing guards for the schools 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 agreement; and

WHEREAS, due to its representation of the City in other legal matters, Ahlers & Cooney, P.C. requires a consent and waiver from the City Council as to its conflict with the City in negotiating the agreement on behalf of the District; and

WHEREAS, the City's legal representation in said matters will be provided by an Assistant City Attorney and there is no objection by the Legal Department to Ahlers & Cooney, P.C. representing the District in this limited matter.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa:

1. That consent is granted to authorize a waiver of conflict and 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
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.



Roll Call Number

22-1887

Agenda Item Number

28

Date December 12, 2022

Moved by Gatto to adopt.
Second by Voss

Approved as to form:

/s Megan Norberg
Megan Norberg, Assistant City Attorney

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

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.

J.M. Frankie Cownie Mayor

Laura Baumgartner City Clerk