



Roll Call Number

24-1075

Agenda Item Number

25 ✓

August 5, 2024

Date

**APPROVAL OF RETENTION OF OUTSIDE COUNSEL AND WAIVER AND
CONSENT TO CONFLICT OF INTEREST IN REPRESENTATION BY BROWN
WINICK REGARDING A SICK LEAVE INSURANCE PROGRAM**

WHEREAS, the concept of a Sick Leave Insurance Program (SLIP) was raised and accepted during some collective bargaining sessions; and

WHEREAS, in implementing a SLIP, many issues have arisen that have tax consequences for employees particularly if the City's longstanding policies are changed and require certain employees to participate in a SLIP; and

WHEREAS, a comprehensive legal opinion regarding IRS compliance is required before finalizing new policies to implement a SLIP; and

WHEREAS, the City's benefits consultant, Holmes Murphy recommended the retention of Cynthia Boyle Lande who is an attorney and has a business and benefits practice; and

WHEREAS, Attorney Lande of the Brown Winick Law Firm, has agreed to work on and provide an opinion; and

WHEREAS, as is typical, the Brown Winick Law Firm has conducted a check for any conflict that would prevent such retention and while there are matters that involve the City, none relate to tax or employee benefits offered by the city; and

WHEREAS, the City would like to retain the Brown Winick Law Firm to evaluate the impact of a SLIP.

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

1. That a waiver is authorized and the Mayor is directed to execute and consent to an actual, potential or perceived conflict of interest associated with the Brown Winick Law Firm's representation of the City of Des Moines in providing a legal opinion related to the implementation of a Sick Leave Insurance Program; and
2. That the City Attorney is authorized to withdraw and terminate such waiver and consent if the City Attorney determines that any pending matters become adversarial on the subject of the Sick Leave Insurance Program; and
3. That the Brown Winick Law Firm, 666 Grand Ave., Suite 2000, Ruan Center, Des Moines, Iowa 50309, be and is retained by the City of Des Moines for the purpose of providing a legal opinion regarding the implementation of a Sick Leave Insurance

★ Roll Call Number

24-1075

Agenda Item Number

25

August 5, 2024

Date

Program. Such retention is at the rate of \$370.00 per hour for Cindy Boyle Lande, \$325.00 per hour for Caleb Brus, and \$290.00 per hour for Maggie Schild plus reasonable expenses; and

- 4. That if other attorneys need to work on the opinion and the City Attorney or his designee approves in writing of their work prior to the work being performed, those rates would be according to the following range of hourly rates: Partner \$325.00-\$450.00, Counsel \$275.00-\$350.00, and Associate \$225.00-\$325.00; and
- 5. That the attorney(s) is to provide detailed billing for such services and payment for services may be periodic.

Moved by Coleman to adopt,

Second by Simonson.

Approved as to Form:



Carol J. Moser
Deputy City Attorney

*Council Member Coleman declares a conflict of interest and abstains from voting.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
SIMONSON	✓			
VOSS	✓			
* COLEMAN				
WESTERGAARD	✓			
MANDELBAUM	✓			
GATTO				✓
TOTAL	5			1

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.

 Mayor

 City Clerk