



Roll Call Number

25-0766

Agenda Item Number

40

May 19, 2025

Date

**WAIVER AND CONSENT TO CONFLICT OF INTEREST IN REPRESENTATION BY
CARNEY & APPLEBY, PLC OF DES MOINES FIRE EMPLOYEE APPELLANT IN AN
IOWA CODE CHAPTER 411 MATTER**

WHEREAS, Carney & Appleby, PLC represents the City of Des Moines in legislative matters; and

WHEREAS, a recently retired employee of the City has filed an appeal before the retirement system for police officers and fire fighters (MFPRSI) pursuant to Iowa Code Chapter 411 and the Appellant is represented by an attorney with Carney & Appleby, PLC; and

WHEREAS, in this matter the retired employee believes that the MFPRSI erred in its determination that he was not eligible for a work-related pension award and the City has been notified to participate in the appeal; and

WHEREAS, the City's legal representation in this matter will be provided by a Sr. Litigator; and

WHEREAS, a conflict check did not disclose the City as a conflict as the City was not a party at that time to the litigation, but such representation by Carney & Appleby, PLC will require a consent and waiver as to the conflict.

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 Carney & Appleby Law Firm's representation of a former City employee while also representing the City in legislative matters; and
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 required.



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Moved by Gatto to adopt,

Second by Voss

Approved as to Form:

Carol J. Moser, Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
SIMONSON	✓			
VOSS	✓			
COLEMAN	✓			
WESTERGAARD	✓			
MANDELBAUM	✓			
GATTO	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

Mayor

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.

City Clerk