APPROVING MUTUAL RELEASE OF ALL
CLAIMS AND SETTLEMENT AGREEMENT

WHEREAS, in June 2011, Civil Servant Gary Hagan appealed to the Des Moines Civil Service Commission the termination of his employment at the airport; and

WHEREAS, after hearing on the matter, the Des Moines Civil Service Commission upheld his termination and thereafter, Mr. Hagan appealed the commission's decision to the district court pursuant to his rights under Iowa Code Chapter 400; and

WHEREAS, on March 26, 2013, the Iowa District Court issued its judgment reversing the Des Moines Civil Service Commission in the matter of Mr. Hagan's appeal; and

WHEREAS, the court's decision requires the City of Des Moines to reinstate the employment of Gary Hagan to a job comparable to the one that he held with the Aviation Department when it was part of the city's organization; and

WHEREAS, in lieu of reinstatement Mr. Hagan has agreed to settle all claims and for such consideration, he will release the City of any further obligations owed to him; and

WHEREAS, the terms of such settlement are described within the Mutual Release of All Claims and Settlement Agreement, a copy of which is on file with the City Clerk; and

WHEREAS, the Airport Authority has indicated its agreement to its obligations under the settlement agreement; and

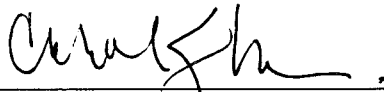WHEREAS, approval of the settlement agreement is in the best interest of the City.

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

That the Mutual Release of All Claims and Settlement Agreement between Gary Hagan, the Des Moines Airport Authority and the City of Des Moines is approved and the Mayor is authorized and directed to execute the agreement on behalf of the City of Des Moines.

Moved by _____ to adopt.

Approved as to form:

_____
Carol J. Moser, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				
MOTION CARRIED			APPROVED	

_____ Mayor

CERTIFICATE

I, DIANE RAUH, 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