



Roll Call Number

23-1336

Agenda Item Number

40

Date October 2, 2023

WAIVER AND CONSENT TO CONFLICT OF INTEREST IN REPRESENTATION BY AHLERS & COONEY, P.C. OF THE DES MOINES AIRPORT AUTHORITY IN NEGOTIATING A 28E AGREEMENT RELATED TO PARKING CITATION ENFORCEMENT

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

WHEREAS, the Authority and the City are negotiating terms for a 28E Agreement (the "Agreement") which will allow the Authority to authorize certain employees to issue parking citations on airport grounds and which would be mutually beneficial to both parties; and

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

WHEREAS, the City's legal representation in said matters will be provided by an Assistant City Attorney.

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

1. That 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 Authority 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.

Moved by *Latto* to adopt.

Second by *Boesen*.

Approved as to form:

/s/ Megan Norberg
Megan Norberg, Assistant City Attorney



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COUNCIL ACTION	YEAS	NAYS	Pass	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	4			
MOTION CARRIED		APPROVED		
<i>J. M. Frank</i>		<i>Laura Baumgartner</i>		
Mayor		City Clerk		

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.

Laura Baumgartner

City Clerk