

**CITY OF WAUKESHA****Administration**

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Committee: None	Committee Meeting Date: Click here to enter a date.
Agenda Item Number: 18-1557	Common Council Meeting Date: 10/16/2018
Submitted By: Brian Running, City Attorney	City Administrator Approval: Kevin Lahner, City Administrator KL
Finance Department Review: Rich Abbott, Finance Director Click here to enter text.	City Attorney's Office Review: Brian Running, City Attorney BER
Subject: Waiver of conflict of interest for VonBriesen & Roper to represent potential buyer of old Fire Station 3.	

Details:

VonBriesen & Roper is a law firm that has regularly provided legal services to the City, particularly regarding Police and Fire Department matters. They also represent the Housing Action Coalition of Waukesha County, Inc., which is a potential buyer of old Fire Station 3 on Sentry Drive. This nominally puts them on both sides of the transaction, raising a potential conflict of interest. They have asked that the City waive the conflict so that they can continue to represent the Housing Action Coalition.

While there is technically a conflict of interest, it is not of a nature that is likely to harm the City. Their representation of the HAC is in connection with a voluntary, arms-length real estate transaction in which they do not have knowledge of the City that could be used against the City. We are in control of the transaction, and they are not in a position to hold us over a barrel as a result of their representation of the Police or Fire Departments. This is unlike them suing the City on behalf of a client, for instance. Waiving the conflict of interest will not compromise the City, will avoid unnecessary trouble and expense for the HAC, and will help the potential real estate transaction take place.

Options & Alternatives:

Refuse to waive the conflict – which would force the HAC to obtain other legal counsel to represent them in the transaction.

Financial Remarks:

There are no financial ramifications of this proposed waiver of conflict.

Staff Recommendation:

City Attorney recommends waiving any conflict of interest by VonBriesen & Roper in connection with this potential real estate transaction, and authorizing the City Attorney to execute documents required to do so.