

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

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<b>Committee:</b> None	<b>Committee Meeting Date:</b> <a href="#">Click here to enter a date.</a>
<b>Agenda Item Number:</b> 19-0230	<b>Common Council Meeting Date:</b> 2/19/2019
<b>Submitted By:</b> Brian Running, City Attorney	<b>City Administrator Approval:</b> Kevin Lahner, City Administrator <a href="#">Click here to enter text.</a>
<b>Finance Department Review:</b> Rich Abbott, Finance Director <a href="#">Click here to enter text.</a>	<b>City Attorney's Office Review:</b> Brian Running, City Attorney BER
<b>Subject:</b> Waiver of conflicts of interest for Von Briesen and Roper law firm.	
<b>Details:</b> <p>The Fire Department and Police Department have a long working relationship with attorneys from the Von Briesen and Roper law firm, specifically, Kyle Gulya. There is a matter that has come up in the Fire Department for which outside counsel is required, and the Fire Department would like to hire Mr. Gulya.</p> <p>Currently, however, the Von Briesen firm has three clients that have matters that may potentially require representation that would put the firm in a position of conflict of interest. Therefore, if the Von Briesen firm is going to be hired, the City will have to grant waivers of the conflicts of interest. These waivers say that the City is aware that the Von Briesen firm may represent clients adverse to the City, and that we agree that the firm may do so. The basis for the waiver would be that the three adverse matters are sufficiently remote from the representation that Mr. Gulya would give to the Fire Department that we have adequate assurance that their representation of us will not compromise our position with regard to the three adverse clients.</p> <p>The three adverse clients are a real estate developer that will be submitting plans for the approval process to the Building and Engineering Departments, and two clients that may challenge real property tax assessments. The firm is representing to us that the lawyers handling these cases are remote enough from Mr. Gulya that he will not provide them with any information that could be damaging to us. Also, the Fire Department matter is not a matter that is likely to give Mr. Gulya information about the city that would be an advantage to their clients in a real estate development or tax assessment matter. I also requested that Mr. Gulya include a statement in his engagement letter that his firm will not represent any clients adverse to the City in relation to anything having to do with the Fire Department or Police Department, and he did so.</p> <p>This issue is one that will continue to arise, as law firms merge and become larger, with departments that represent clients across a wide range. It is not unusual to grant waivers like this as long as circumstances show that the City's position will not be compromised.</p>	
<b>Options &amp; Alternatives:</b> <p>If Mr. Gulya, Chief Howard's preferred choice, is to work with the Fire Department, there is no alternative. If the waivers are not given, he will not be able to be hired, and another firm will have to be engaged. There are other firms that can be engaged, but they do not have the established working relationship that makes Chief Howard most comfortable with Mr. Gulya.</p>	
<b>Financial Remarks:</b> <p>There are no financial impacts from the waivers.</p>	

**Staff Recommendation:**

Approval of the waivers, and authorization for the City Attorney to execute, if the Council is satisfied that the City's position will not be materially compromised.