



City of Broken Arrow

Request for Action

File #: 17-2277, Version: 1

**Broken Arrow City Council
Meeting of: 06-5-2017**

**To: Mayor and City Council
From: Office of the City Attorney**

Title: Consideration, discussion, and possible approval of and authorization to execute a Waiver of Conflict of Interest between McAfee Taft and the City of Broken Arrow involving real property located at 304 North Main Street, Broken Arrow, Oklahoma

Background:

The law firm of McAfee & Taft (“McAfee”) currently represents the City in various legal matters. The City Staff is involved in negotiations with Milestone Capital, L.L.C. (“Milestone”) involving real property located at 304 North Main Street. Mark H. Allen, a partner in the McAfee firm has been asked to represent Milestone in the negotiation of an Economic Development Agreement, as well as other necessary legal documents.

Mr. Allen has prepared a letter requesting a formal Waiver of Conflict of Interest. This letter is attached and notifies the Council of a potential conflict of interest prior to accepting an engagement by Cowen to handle legal matters specifically related to this project. McAfee has requested that the Council waive any possible objections to this potential conflict of interest as a condition to their engagement by Cowen. If this is acceptable to the Council, McAfee will obtain a similar waiver from Cowen. Importantly, notes that every effort will be made to protect the confidentiality of each client’s interest.

The second page of the letter addresses the Council’s Waiver of the Conflict. It provides that McAfee will not represent Milestone in the event of a dispute or litigation related to the contracts. The Legal Department is satisfied that this Waiver will not compromise the City Council or the City in any way subject to these limitations. As such, the City Attorney recommends that the Council approve the Waiver of Conflict of Interest and authorize its execution.

Cost: \$0

Prepared By: Beth Anne Childs, City Attorney

Reviewed By: Assistant City Manager - Administration

Approved By: Michael L. Spurgeon, City Manager

Attachments: Waiver of Conflict of Interest Letter

Recommendation:

Approve the Waiver of Conflict of Interest and authorize its execution.