



# City of Broken Arrow

## Request for Action

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**File #: 16-992, Version: 1**

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**Broken Arrow City Council  
Meeting of: 08-16-16**

**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 Abatement Systems, Inc. and the City of Broken Arrow involving real property located at 2400 East College Street, Broken Arrow, Oklahoma**

### **Background:**

The law firm of Doerner, Saunders, Daniel & Anderson, L.L.P. (DSDA) currently represents Abatement Systems, Inc. in a condemnation case where the Oklahoma Department of Transportation and the City of Broken Arrow are likely to be adverse parties. While no litigation has been filed as of yet, there exists that possibility. The partner representing Abatement Systems, Inc. is Lewis Carter.

The City is currently represented in employment matters by Kristen Brightmire, another DSDA Partner, and other DSDA attorneys and staff acting under her direction and wishes to remain so.

The Waiver of Conflict of Interest provides that each party waives its right to assert a potential conflict of interest so that Abatement Systems may continue to be represented DSDA attorneys and the City may continue to be represented by Kristen Brightmire of DSDA and that every effort will be made to protect the confidentiality of each client's interest.

**Cost: \$0**

**Prepared By: Beth Anne Wilkening, City Attorney**

**Reviewed By: Assistant City Manager - Administration**

**Approved By: Michael L. Spurgeon, City Manager**

**Attachments: Waiver of Conflict of Interest Document**

### **Recommendation:**

**Approve and authorize execution of Waiver of Conflict of Interest**