



## Legislation Details (With Text)

**File #:** 17-1006      **Version:** 1      **Name:**  
**Type:** General Business      **Status:** Passed  
**File created:** 4/16/2017      **In control:** City Commission Regular Meeting  
**On agenda:** 4/25/2017      **Final action:** 4/25/2017  
**Title:** Conflict waiver for Bryant Miller Olive, the City's bond disclosure counsel.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Conflict Waiver - Bryant Miller Olive, 2. Disclosure Counsel Services Agreement

Date	Ver.	Action By	Action	Result
4/25/2017	1	City Commission Regular Meeting	consensus	

**TO:** Honorable Mayor & Members of the North Port Commission

**FROM:** Peter D. Lear, CPA, CGMA, Interim City Manager

**TITLE:** Conflict Waiver for Bryant Miller Olive, the City's bond disclosure counsel.

### **Recommended Action**

Authorize the City Manager to sign the Conflict Waiver for Bryant Miller Olive related to the Atlanta Braves deal.

### **Background Information**

The City's Disclosure Counsel, Bryant Miller Olive has requested that the City sign a Conflict Waiver, attachment 1, related to the Atlanta Braves deal. Bryant Miller Olive has been the City's Disclosure Counsel since June, 2000, attachment 2, when the City issued Utility Bonds. Bryant Miller Olive also represents Sarasota County and the West Villages Improvement District. The below language is from the Conflict Waiver:

Rule 4-1.7 of the Florida Bar Rules of Professional Conduct prohibits a lawyer from representing a client if that representation is directly adverse to the interests of another client because of the risk that the lawyer might favor one client's interests over another or might reveal or use one client's confidential information to the disadvantage of the other. In the instant case, we do not believe that our ongoing representation of the District and our representation of the City in providing ongoing Disclosure Counsel services will be materially limited by our responsibilities to the other, nor would the representation be limited by our own interests. Further, we do not believe that our representation of the District will be materially limited by our responsibilities to the District and the City.

Since the City does not have any plans to issue bonds for the Atlanta Braves deal, staff does not anticipate any issues with signing the waiver. This Disclosure Conflict is limited to the Atlanta Braves deal and will not affect any future needs to utilize Bryant Miller Olive as Disclosure Counsel.

The City Attorney has reviewed the Conflict Waiver.

### **Strategic Plan**

N/A

**Financial Impact**

N/A

**Procurement**

N/A

Attachments:

1. Conflict Waiver - Bryant Miller Olive
2. Disclosure Counsel Services Agreement

**Prepared by:** Peter Lear

**Department Director:** Peter Lear