



Metropolitan Park District Board

Resolution to Authorize Joint Legal Representation and allow the OMPD President to Sign an Informed Consent

Agenda Date: 3/1/2016
Agenda Item Number: 4.H
File Number: 16-0258

Type: resolution **Version:** 1 **Status:** Passed

Title

Resolution to Authorize Joint Legal Representation and allow the OMPD President to Sign an Informed Consent

Recommended Action:

Staff Recommendation:

Move to approve the Resolution to Authorize Joint Legal Representation of the OMPD by the City of Olympia Attorney's Office and authorize the OMPD President to sign the Informed Consent

Report Issue:

This resolution will allow attorneys from the City Attorney's office to jointly represent the City of Olympia and the Olympia Metropolitan Park District and will allow the OMPD President to sign a conflict waiver agreeing to such joint representation.

Staff Contact:

Paul Simmons, Parks, Arts and Recreation Director, 360.753.8462

Presenter(s):

Paul Simmons, Parks, Arts and Recreation Director

Background and Analysis:

The City of Olympia and its City Council (hereinafter jointly "the City") is represented by the Olympia City Attorney (hereinafter "City Attorney") with regard to the City's legal affairs and the Olympia Metropolitan Park District (hereinafter "OMPD") has, thus far, also been represented by the City Attorney with respect to the OMPD's legal affairs. While there is no apparent conflict of interest in having the City Attorney represent both entities, the City Attorney has determined there is the potential for a future conflict if a situation arises where the OMPD's best interest is adverse to the City's interest. In such event, the City Attorney is confident that the City Attorney will be able to provide competent and diligent representation to both the City and OMPD, provided such representation is not prohibited by law and so long as such representation involves no claim by either client against the other.

Each client, however, must determine for itself whether or not it wishes to give written informed

consent for joint legal representation by the City Attorney's office and either client, the City or OMPD, may refuse or revoke its consent at any time. In the case of such refusal or revocation, the OMPD would be required to obtain legal counsel outside of the City Attorney's office.

The OMPD has the right to seek separate and independent legal counsel from an attorney prior to signing any informed consent for the joint legal representation of the City and OMPD by the City Attorney.

Neighborhood/Community Interests (if known):

N/A

Options:

1. Approve the Resolution to Authorize Joint Legal Representation and allow the OMPD President to Sign an Informed Consent.
2. Do Not Approve the Resolution to Authorize Joint Legal Representation and authorize the OMPD President to seek outside Legal Counsel to advise the OMPD Board before making a decision.

Financial Impact:

Seeking outside legal council will result in an additional operating expense for the OMPD.