

# COUNCIL COMMUNICATION

**From:** The City Manager

**Subject:** Waiving a Potential Conflict of Interest

**Manager's Recommendation:**

I recommend that Council waive the potential conflict of interest present and allow the law firm of Dickenson Wright, PLLC to serve as underwriters' counsel for the proposed bond refinancing of the Saginaw-Midland Municipal Water Supply Corporation.

**Justification:**

The City of Saginaw, City of Midland and Counties of Saginaw, Bay and Midland are members of the Saginaw-Midland Municipal Water Supply Corporation, a public corporation formed pursuant to Act 233 of the Public Acts of 1955. That corporation has elected to refund its 1998 revenue bonds with an issue of refunding bonds in order to achieve interest expense savings. That decision was supported by a resolution of the Saginaw City Council on August 25, 2008.

In furtherance of that action, Terence M. Donnely of the law firm of Dickenson Wright, PLLC has been asked to serve as counsel to the underwriters in this bond reissue. Mr. Donnely frequently acts as bond counsel to the City of Saginaw in its various bond issues. Dickenson Wright, PLLC and the City do not expect any adverse effect to the City if Mr. Donnely acts in this capacity. However, Dickenson Wright, PLLC is obligated by ethical considerations to obtain the City's authorization prior to proceeding.

Dickenson Wright, PLLC requests that City Council confirm the City of Saginaw's waiver of the potential conflict of interest in this matter.

**Council Action:**

Council \_\_\_\_\_ moved that the recommendation of the City Manager be approved.