

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 Braun, Kendrick, Finkbeiner, P.L.C. to represent the Temple Theatre Foundation in a proposed acquisition of a parking lot owned by the City of Saginaw and associated with the Morley Building.

Justification:

The City of Saginaw owns a parking lot adjacent to and used by tenants of the Morley Building pursuant to a long-term lease. The Saginaw Community Foundation contemplates purchase of the Morley Building and wishes to secure a longer-term interest or outright purchase of this parking lot. The Temple Theatre Foundation operates the Temple Theatre nearby and desires to enter into an agreement with the City and the Saginaw Community Foundation for the shared use of this parking lot.

The Temple Theatre Foundation has previously retained attorney David L. Turner of the local law firm of Braun, Kendrick, Finkbeiner, P.L.C. in this area of law and wishes to use his services for this project as well. That firm has routinely represented the City of Saginaw on a number of other matters, but will not be representing the City on the negotiation of this project. No adverse effects are expected, but Braun, Kendrick, Finkbeiner, P.L.C. is obligated by ethical considerations to obtain the City's authorization prior to proceeding.

Braun, Kendrick, Finkbeiner, P.L.C. 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.