



	Approved	Denied
Action taken	1/24/05	
Other:		
Verified by:	<i>[Signature]</i>	

WASILLA CITY COUNCIL ACTION MEMORANDUM

AM No. 05-03

TITLE: APPROVAL OF CONFLICT WAIVER FOR CITY ATTORNEY TO WORK ON NEGOTIATIONS BETWEEN THE CITY OF WASILLA AND THE MATANUSKA-SUSITNA BOROUGH CONCERNING OPERATION OF THE WASILLA PUBLIC LIBRARY.

Agenda of: January 24, 2005
 Originator: Jamie Newman, Deputy Clerk *JN*

Date: January 14, 2005

Route to:	Department	Signature/Date
	Police	
X	Recreational and Cultural Services Library, Museum	
	Public Works Planning	
X	Finance *signature required	<i>[Signature]</i>
X	Clerk	<i>[Signature]</i>

REVIEWED BY MAYOR DIANNE M. KELLER: *Dianne M. Keller*

FISCAL IMPACT: yes\$ or no Funds Available yes no

Attachments: Letter from Tom Klinkner, dated January 13, 2005, Library Operations in City of Wasilla.

SUMMARY STATEMENT: Administration has requested the city attorney to advise the city in connection with discussion between the city and borough on transferring the Wasilla public library operations from the city to the borough.

Because the law firm which represents the city also represents the borough in areas not related to library operations, the council is requested to waive any conflict that exists by virtue of representation of the city and borough. *(See attached correspondence from city attorney)*

STAFF RECOMMENDED ACTION: Approve a conflict waiver for the city attorney to work on negotiations between the City of Wasilla and the Matanuska-Susitna Borough concerning the library operation.

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January 13, 2005

Mayor and Members of the
City Council
City of Wasilla
290 East Herning Avenue
Wasilla, Alaska 99654

Re: Library Operation in City of Wasilla

Ladies and Gentlemen:

This letter is written to advise the City of Wasilla (the "City") of a conflict in representation and to request a conflict waiver. This law firm represents the Matanuska Susitna Borough (the "Borough") in the context of the authorization and issuance of special assessment bonds, and the defense of contractor claims on Borough construction projects. We also have represented the Borough as bond counsel on general obligation bond issues. We have been asked to advise the City in connection with discussion between the City and the Borough on transferring the Wasilla Library operations from the City to the Borough.

We expect that our representation of the City would include, but not be limited to, advice concerning state statutes and general principles of municipal law that would apply to the transfer of a governmental function from the City to the Borough.

While we have a professional relationship with the Borough, our services do not involve the Borough's library operations and we have not represented the Borough regarding the Borough's library operations in the past. We do not believe that our representation of the Borough, described above, would adversely affect our representation of the City in connection with the proposed transfer of library operations to the Borough. Moreover, we do not foresee that our representation of the Borough would cause us to use or disclose any confidential information that we have received through our attorney-client relationship with the City.

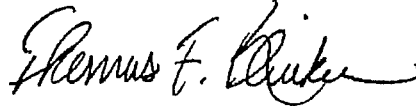
Under the rules of professional responsibility any conflict that exists by virtue of our representation of the City and the Borough can be waived by each party and that request is made of the City here. If the City is willing to waive the conflict described above, we would very much appreciate Council action approving the waiver. We will make the same request of

Mayor and Members of the
City Council, City of Wasilla
January 13, 2005
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the Borough. Thank you for your consideration. I will be pleased to answer any questions concerning this request.

Very truly yours,

BIRCH, HORTON, BITTNER and CHEROT



Thomas F. Klinkner

APPROVED this ____ day of January 2005.

CITY OF WASILLA

Dianne M. Keller, Mayor