RESOLUTION NO. MPD-7

A RESOLUTION OF THE OLYMPIA METROPOLITAN PARK DISTRICT, AUTHORIZING THE PRESIDENT TO SIGN AN INFORMED CONSENT FOR JOINT LEGAL REPRESENTATION OF THE OLYMPIA CITY COUNCIL AND THE OLYMPIA METROPOLITAN PARK DISTRICT BY THE OLYMPIA CITY ATTORNEY'S OFFICE.

WHEREAS, 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

WHEREAS, the Olympia Metropolitan Park District (hereinafter "OMPD") is also represented by the City Attorney with respect to the OMPD's legal affairs; and

WHEREAS, there is no apparent conflict of interest in the City Attorney representing both entities, but that the City Attorney's office has determined that 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. The City Attorney is confident that the City Attorney's office 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; and

WHEREAS, each client must determine for itself whether or not it wishes to give written informed consent for joint legal representation by the City Attorney; and

WHEREAS, either client, the City or OMPD, may refuse or revoke its' consent at any time and in the case of such refusal or revocation, the OMPD would be required to obtain legal counsel outside of the City Attorney's office; and

WHEREAS, the OMPD being so advised hereby authorizes the City Attorney to make any disclosure about the OMPD to the City whenever such disclosure is related to or necessary for joint representation; and

WHEREAS, the OMPD acknowledges that it 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; and

WHEREAS, the OMPD being fully informed of the potential for a concurrent conflict, the OMPD hereby consents to continued joint legal representation with the City;

NOW, THEREFORE, THE OLYMPIA METROPOLITAN PARK DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The OMPD Board hereby acknowledges the potential for future conflict with the City due to the joint legal representation of the City and OMPD by the City Attorney and City Attorney's office.

Section 2. The OMPD Board hereby gives consent to the City Attorney as well as the attorneys employed in the City Attorney's office for continued joint legal representation and the OMPD Board acknowledges that it may refuse or revoke its consent for continued joint legal representation at any time.

Section 3. On behalf of the OMPD, the OMPD Board authorizes the President to sign this Resolution and to sign the, "Informed Consent of City of Olympia & Olympia Metropolitan Park District for Joint Legal Representation" attached as **Exhibit 1**.

PASSED BY THE OLYMPIA CITY COUNCIL this 1st day of March, 2016.

OMPD PRESIDENT

ATTEST:

Jannie Roe

~~CLERK~~ Vice President

APPROVED AS TO FORM:

ATTORNEY

EXHIBIT 1 to Resolution _7_ of OMPD

INFORMED CONSENT OF CITY OF OLYMPIA & OLYMPIA METROPOLITAN PARK DISTRICT
FOR
JOINT LEGAL REPRESENTATION

The Olympia City Attorney's office provides legal representation to both the City of Olympia ("City") and the Olympia Metropolitan Park District ("OMPD"). While there is no apparent conflict of interest in representing both entities, there is the potential for a future conflict. For example, a situation could arise in which the OMPD's best interest is adverse to that of the City, or representation of the OMPD could be materially limited by the City Attorney's responsibilities to the City. Should such conflict arise, the City Attorney's office is confident that it will be able to provide competent and diligent representation to both the City and the OMPD, provided the representation is not prohibited by law and so long as such representation involves no claim by either client against the other[i]. Each client must determine for itself whether or not it wishes to give written informed consent for continued joint legal representation by the City Attorney's office. Either client may refuse or revoke its' consent at any time and, in the case of such refusal or revocation, the Olympia Metropolitan Park District would be required to obtain legal counsel outside the City Attorney's office. Each client hereby authorizes the City Attorney's office to make any disclosure about that client to the other whenever such disclosure is related to or necessary for joint representation[ii].

Each entity has the right to seek separate and independent legal counsel prior to signing this consent to continue joint legal representation.

OLYMPIA METROPOLITAN PARK DISTRICT:
After being fully informed of the potential for a conflict, the Olympia Metropolitan Park District hereby consents to joint legal representation by the City Attorney's office of both the City of Olympia and the Olympia Metropolitan Park District.

OMPD President _____ Date 3-1-16

CITY OF OLYMPIA:
After being fully informed of the potential for a conflict, the City of Olympia hereby consents to joint legal representation by the City Attorney's office of both the City of Olympia and the Olympia Metropolitan Park District.

City of Olympia Mayor _____ Date 3-15-16

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[i] *RULES of PROFESSIONAL CONDUCT, RULE 1.7. CONFLICT OF INTEREST; CURRENT CLIENTS*
(a) Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if: (1) the representation of one client will be directly adverse to another client; or (2) there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer. (b) Notwithstanding the existence of a concurrent conflict of interest under paragraph (a), a lawyer may represent a client if: (1) the lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client; (2) the representation is not prohibited by law; (3) the representation does not involve the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other proceeding before a tribunal; and [ii] *(4) each affected client gives informed consent, confirmed in writing (following authorization from the other client to make any required disclosures).*