

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, WAIVING CONFLICT OF INTEREST TO PERMIT CITY ATTORNEY SHAWN SMITH AND THE OFFICE OF THE KEY WEST CITY ATTORNEY TO JOINTLY REPRESENT MONROE COUNTY IN CASE NUMBER 2011-CA-911-K; WAIVING CONFLICT OF INTEREST TO PERMIT CHIEF ASSISTANT COUNTY ATTORNEY ROBERT B. SHILLINGER AND THE OFFICE OF THE MONROE COUNTY ATTORNEY TO JOINTLY REPRESENT THE CITY OF KEY WEST IN CASE NUMBER 2011-CA-911-K; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Sunset Marina Residences Of Key West Condominium Association, Inc. has filed suit against the City of Key West and Monroe County regarding the establishment, operation and maintenance of the KOTS facility; and

WHEREAS, it is desirable that the City and County work collaboratively on the lawsuit; and

WHEREAS, Florida Bar rules prohibit such dual representation unless a written waiver of conflict is executed by the client;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the City waives any conflict of interest so as to allow City Attorney Shawn Smith and the office of the Key

West City Attorney to jointly represent Monroe County in case number 2011-CA-911-K.

Section 2: That the City further waives any conflict of interest so as to allow Chief Assistant County Attorney Robert B. Shillinger and the office of the Monroe County Attorney to jointly represent the City of Key West in case number 2011-CA-911-K.

Section 3: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this _____ day of _____, 2012.

Authenticated by the presiding officer and Clerk of the Commission on _____, 2012.

Filed with the Clerk _____, 2012.

ATTEST:

MARK ROSSI, VICE MAYOR

CHERYL SMITH, CITY CLERK