

**VILLAGE OF HOPKINS
ALLEGAN COUNTY, MICHIGAN**

Resolution 2021-007

**RESOLUTION WAIVING CONFLICT OF INTEREST
REGARDING ATTORNEY SERVICES**

WHEREAS, the Village of Hopkins (hereinafter, "Village") intends to negotiate a Public Act 425 Conditional Transfer of Land Agreement (hereinafter, "Agreement") with Hopkins Township (hereinafter, "Township") in order to provide sewer services to certain parcels located within Hopkins Township; and,

WHEREAS, the Village of Hopkins and Hopkins Township are both represented by the law firm of Bauckham, Sparks, Thall, Seeber & Kaufman, P.C.; and,

WHEREAS, the Village of Hopkins believes that the Village's and Township's interests in negotiating the Agreement are sufficiently aligned so as to allow Bauckham Sparks, P.C. to provide legal assistance to both the Village and the Township without conflict, at least until such time as it becomes apparent that the interests of the clients become divergent; and,

WHEREAS, if the Village's and the Township's interests regarding the Agreement diverge, Bauckham Sparks, P.C. would promptly withdraw from representation of both clients for the limited purposes of negotiating the Agreement.

NOW THEREFORE BE IT HEREBY RESOLVED, that the Village of Hopkins Council and the Hopkins Township Board of Trustees each waive any conflict and authorize Bauckham Sparks, P.C. to represent the Village regarding the negotiation of the Agreement with the Township, as long as the interests of the Village and the Township do not conflict; and,

IT IS FURTHER RESOLVED that if the interests of the Village and the Township regarding the negotiating or execution of the Agreement diverge, Bauckham Sparks, P.C. will promptly withdraw from representation of both the Village and the Township; and,

IT IS FURTHER RESOLVED that, notwithstanding any necessary withdrawal regarding the water franchise matter, Bauckham Sparks, P.C. shall remain general legal counsel for the Village of Hopkins.

IT IS FURTHER RESOLVED that all resolutions or parts of resolutions in conflict herewith are hereby repealed.

Motion was made by John VanderWall and seconded by Craig Osborn to adopt the foregoing Resolution.

Upon roll call vote the following voted "Aye": Kennedy, Buist, Osborn, Williams, Sebright, VanderWall.

The following voted "Nay":

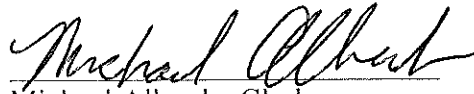
The following were absent:

The Village President declared the motion carried and the resolution duly adopted.

CERTIFICATE

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted at a regular/special meeting of the Village of Hopkins Council held on Sept 13th, 2021, that the meeting was conducted and public notice of the meeting was given pursuant to and in compliance with the Michigan Open

Meetings Act, as amended; that a quorum of the Council was present and voted in favor of the resolution; and that the minutes of the meeting will be or have been made available as required by the Open Meetings Act, as amended.

A handwritten signature in black ink, appearing to read "Michael Alberda", written over a horizontal line.

Michael Alberda, Clerk
Village of Hopkins
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