

July 21, 2022

The Honorable Eric Dial, Mayor
Town of Tyrone
881 Senoia Road
Tyrone, Georgia 30290

Re: Disclosure of possible conflict of interests

Honorable Mayor Dial:

Fayette County (the “County”) and the Town of Tyrone (the “Town”) are both parties to a 2022 agreement for Water Billing Services (“the Agreement”). McNally, Fox, Grant & Davenport, P.C. (the “Firm”), currently serves as legal counsel for both the County and the Town. The possibility of conflict between the parties is ever present. As such, a conflict of interest could arise for the Firm in representing both sides. However, the Firm reasonably believes it can provide competent and diligent representation to each client over the term of this Agreement and that any risk of material and adverse effect to either client can be avoided. This representation is not prohibited by law; the Firm intends to continue its representation of both the County and the Town, and extends its counsel to the matter of this Agreement.

The Firm is confident in its ability to represent both parties to this Agreement and has counseled representatives of the Town on the issue. Information that is reasonably sufficient to permit the Town to appreciate the significance of the matter at issue and the alternatives to Firm representation in this matter has been provided. Further, the Town has been advised to consider its consent carefully and, if necessary, seek independent legal counsel on the matter.

The Firm believes that it is the intent of the Town to retain the Firm for its legal representation in all matters, including this Agreement. Please execute the enclosed Acknowledgment of Disclosure and Confirmation of Informed Consent. The Firm appreciates this opportunity and looks forward to providing representation on this matter. Should any questions arise please do not hesitate to contact me.

Sincerely,

Dennis A. Davenport
Town Attorney

DAD/EAIC
enclosure

Acknowledgment of Disclosure and Confirmation of Informed Consent

Water Billing Services

On behalf of the Town, please sign below to indicate confirmation of the Firm's disclosure of a possible conflict of interest and discussions with the Town regarding same. This acknowledgment will serve to demonstrate the consent of the Town to the Firm's representation in this Agreement. We are also asking the County to execute an acknowledgment of disclosure and confirmation of informed consent to the Firm's representation as to this Agreement.

The Town hereby acknowledges the receipt of this disclosure and confirms the its informed consent to continued representation concerning this Agreement by the Firm by signing below.

This ____ day of _____, 2022.

MAYOR AND COUNCIL FOR
THE TOWN OF TYRONE

(SEAL)

By: _____
Eric Dial, Mayor

ATTEST:

Dee Baker, Town Clerk

Approved as to form:

Town Attorney