

HABERSHAM COUNTY BOARD OF COMMISSIONERS

EXECUTIVE SUMMARY

SUBJECT: WAIVER OF CONFLICT OF INTEREST- NEGRRN RADIO SYSTEM IGA

DATE: AUGUST 17, 2026

(X) RECOMMENDATION

() POLICY DISCUSSION

BUDGET INFORMATION:

() STATUS REPORT

ANNUAL- 0.00

() OTHER

CAPITAL- 0.00

PRESENTED BY: County Attorney

COMMISSION ACTION REQUESTED ON: August 17, 2026

PURPOSE: To request approval of a limited waiver of any apparent, actual, or potential conflict of interest arising from Jarrard & Davis, LLP's simultaneous representation of Habersham County and Franklin County in connection with the proposed intergovernmental agreement for interconnecting radio systems, and to authorize the Chairman to execute the waiver on behalf of Habersham County.

BACKGROUND / HISTORY: Habersham County and Franklin County are working toward an intergovernmental agreement (IGA) concerning the interconnection and joint use of radio equipment and systems to coordinate and support emergency services. An IGA is needed under the Georgia Constitution to authorize the counties' joint use of the equipment and systems. Jarrard & Davis, LLP currently serves as County Attorney for both Habersham County and Franklin County. The parties propose that the firm assist both counties with the radio-system matter and draft the associated IGA. Although the project is described as cooperative, nominal, and non-adversarial, representing both counties in the same matter could create an actual conflict of interest or the appearance of a potential conflict.

FACTS AND ISSUES:

The attached waiver documents the counties' informed consent to Jarrard & Davis, LLP's joint representation for this specific matter. By approving the waiver, Habersham County acknowledges the possibility that the counties could have differing or competing interests concerning the radio-system project or the terms of the IGA and nevertheless consents to the firm's simultaneous representation of both parties.

- The waiver states that each governing body has been informed of the potential conflict and associated risks, has considered the option of obtaining separate legal representation, and has had the opportunity to consult independent counsel before deciding whether to consent.
 - This action waives the conflict only for the interconnecting radio systems and preparation of the associated IGA. It does not approve the IGA, commit County funds, authorize equipment transactions, or establish operating responsibilities. The finalized IGA should be presented separately for Board consideration.
 - Both counties must approve and execute the waiver. Habersham County's signature page provides for execution by Chairman Bruce Harkness, attestation by County Clerk Brandalin Carnes, and affixing the County seal. Franklin County has a separate signature page.
 - The waiver authorizes no annual or capital expenditure. Any financial obligations associated with the proposed radio-system IGA must be considered separately with the IGA or related budget action.
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OPTIONS:

- 1) Approve the conflict waiver and authorize its execution.
 - 2) Deny the conflict waiver and obtain separate legal representation for this matter.
 - 3) Provide an alternative direction or request revisions to the waiver.
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RECOMMENDED MOTION: I move to approve the Waiver of Conflict concerning Jarrard & Davis, LLP's simultaneous representation of Habersham County and Franklin County in connection with the interconnecting radio systems and preparation of the associated intergovernmental agreement; to authorize Chairman Bruce Harkness to execute the waiver on behalf of Habersham County; and to authorize the County Clerk to attest the Chairman's signature and affix the County seal.

DEPARTMENT:

Prepared by:

Director: _____

**ADMINISTRATIVE
COMMENTS:**

_____ **DATE:** _____

County Manager

WAIVER OF CONFLICT

WHEREAS, Habersham County, Georgia ("Habersham County"), is a political subdivision of the State of Georgia; and

WHEREAS, Franklin County, Georgia ("Franklin County"), is a political subdivision of the State of Georgia; and

WHEREAS, Habersham County and Franklin County may collectively be referred to hereinafter as the "Parties;" and

WHEREAS, Habersham County is now, and has been, represented by the law firm of Jarrard & Davis, LLP, as its County Attorney; and

WHEREAS, Franklin County is now, and has been, represented by the law firm of Jarrard & Davis, LLP, as its County Attorney; and

WHEREAS, Habersham County and Franklin County desire to enter into an intergovernmental agreement regarding interconnecting radio systems for purposes of coordinating and supporting emergency services; and

WHEREAS, as such, under the Georgia Constitution, an intergovernmental agreement ("IGA") will be required to authorize the joint use of equipment and systems; and

WHEREAS, because of the nominal and non-adversarial nature of the contemplated coordinated project, there is little risk of Jarrard & Davis, LLP's interest in drafting the IGA authorizing the use of equipment and systems being conflicted; and

WHEREAS, the Parties recognize that Jarrard & Davis, LLP's representation of both Parties in relation to interconnecting radio systems and the related IGA could result in a conflict of interest or the appearance of a potential conflict of interest; and

WHEREAS, the governing bodies of the Parties have considered and consulted with the law firm of Jarrard & Davis, LLP regarding the issue, been informed of the potential for conflicts or competing interests between the Parties and risks associated with the IGA, considered the alternative of obtaining independent representation in this matter, and have had the opportunity to consult with independent counsel.

NOW THEREFORE, in light of the above, the governing bodies of Habersham County and Franklin County do hereby waive any apparent, actual, or potential conflict of interest arising from or attributable to Jarrard & Davis, LLP's simultaneous representation of Habersham County and Franklin County regarding interconnecting radio systems and drafting the associated IGA.

This ____ day of _____, 2026.

HABERSHAM COUNTY, GEORGIA, by and
through its Board of Commissioners

By: _____
Bruce Harkness, Chairman

ATTEST:

By: _____
Brandalin Carnes, County Clerk

[AFFIX COUNTY SEAL]

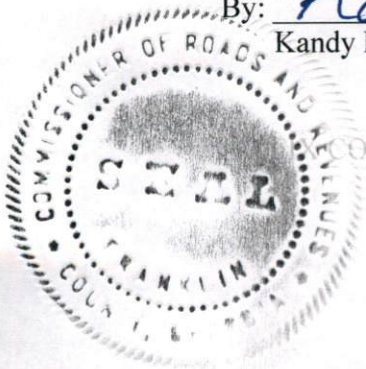
[SIGNATURES CONTINUE ON FOLLOWING PAGE]

FRANKLIN COUNTY, GEORGIA, by and
through its Board of Commissioners

By: Cathy Long
Courtney Long, Chairwoman

ATTEST:

By: Kandy Bond
Kandy Bond, County Clerk



FRANKLIN COUNTY SEAL