

RESOLUTION NO. 216788

R 77-87  
SEP 15 1976

BE IT RESOLVED, that the City Council of The City of San Diego hereby authorizes and directs Mr. Coleman Conrad, special attorney for the police intelligence inquiry, to not reveal the specific findings of his inquiry as to actual persons or places or the specifics of any other information gained from confidential police files or sources to anyone and, if ever called upon to reveal such findings to anyone, the City Council of The City of San Diego hereby authorizes and directs Mr. Conrad: (1) to claim the privilege provided to a client under Evidence Code Section 954; (2) to claim the privileges provided to a public entity under Evidence Code Sections 1040 and 1041; (3) to claim the privilege provided to a local agency under Government Code Section 6254; and (4) to claim any other privileges that are available to The City of San Diego under State and Federal law.

BE IT FURTHER RESOLVED, that the City Council of The City of San Diego hereby authorizes Mr. Coleman Conrad, special attorney for the police intelligence inquiry, to apply to a court of competent authority in the State of California, County of San Diego, to designate Mr. Conrad as "a person authorized by law to receive a record" under the provisions of Penal Code Sections 11140 through 11144 and requests the Court to designate Mr. Conrad as "a person authorized by law to receive a record."


BE IT FURTHER RESOLVED, that the City Council of The City of San Diego hereby directs City Manager Hugh McKinley to provide Mr. Coleman Conrad, special attorney for the police intelligence inquiry, with the assistance and access to police intelligence files requested in the July 8, 1976 and July 9, 1976 memorandums to Hugh McKinley from Coleman Conrad attached hereto as "Exhibit I" and by this reference incorporated herein.

BE IT FURTHER RESOLVED, that the City Council of The City of San Diego hereby authorizes and directs Mr. Coleman Conrad, special attorney for the police intelligence inquiry, on behalf of The City of San Diego, to institute legal proceedings to compel Mr. McKinley to comply with the aforementioned directive of the City Council if Mr. McKinley refuses to do so, and/or to apply for such other and further relief as he may deem necessary.

APPROVED AS TO FORM ONLY AND  
NOT AS TO LEGALITY:

JOHN W. WITT, City Attorney

By

  
Robert S. Teaze  
Assistant City Attorney

RST:rb 535  
REV. 9-8-76  
Orig.Dept.: Mayor

-2-

216788

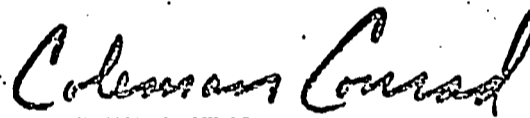
CITY of SAN DIEGO  
MEMORANDUM

FILE NO. :  
DATE : July 9, 1976  
TO : City Manager Hugh McKinley  
FROM : Coleman Conrad, Special Attorney for the Police Intelligence Inquiry  
SUBJECT: Request for Access to Police Intelligence Files -- Amended Request

By memorandum of July 8, 1976 (attached) I requested your assistance and, through your direction, the assistance of the Chief of Police, in immediately providing me with complete access to all information reposing in the files of the Police Department that relates to the past and present intelligence activities of the San Diego Police Department.

The City Council will soon be requested to authorize me to apply to a court of competent authority to be designated, "A person authorized to receive a record" under the provisions of Penal Code Sections 11140-11144. Until such time if and when a court so designates me it is not my intention to review "State summary criminal history informations" that may be contained in the intelligence files. Such being the case, I am amending my request to exclude access to "State summary criminal history informations." (See Penal Code Sections 11140-11144).

Your earliest response to this amended request will be appreciated.

  
COLEMAN CONRAD

CC/lg

c.c. Honorable Mayor and Members of the City Council  
City Attorney John W. Witt

EXHIBIT I

216788

CITY OF SAN DIEGO  
MEMORANDUM

FILE NO. :  
DATE : July 8, 1976  
TO : City Manager Hugh McKinley  
FROM : Coleman Conrad, Special Attorney for the Police Intelligence Inquiry  
SUBJECT: Request for Access to Police Intelligence Files

On June 10, 1976 the City Council adopted Resolution No. 216170 which designated me as a special attorney for the Police Intelligence Inquiry and which further provided, in part, "... that the City Manager and the Chief of Police are hereby directed to provide the special attorney with any assistance that the special attorney deems necessary to his conduct of a complete independent inquiry, on behalf of the City Council, including assistance in providing complete access to any and all written information contained in the files of the Police Department ...."

In order to properly proceed with this inquiry, I am hereby requesting your assistance and, through your direction, the assistance of the Chief of Police, in immediately providing me with complete access to all information reposing in the files of the Police Department that relates to the past and present intelligence activities of the San Diego Police Department.

Your earliest response to this request will be appreciated.

*Coleman Conrad*  
COLEMAN CONRAD

CC/lg

c.c. Honorable Mayor and Members of the City Council  
City Attorney John W. Witt

216788

Passed and adopted by the Council of The City of San Diego on SEP 15 1976,  
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Ellis	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON  
 Mayor of The City of San Diego, California.

EDWARD NIELSEN  
 City Clerk of The City of San Diego, California.

By Edward J. Suter Jr. Deputy.

(Seal)

RECEIVED  
 9/15/76 SEP 10 PM 12:02  
 SAN DIEGO, CALIF.  
 9-1276 (REV. 12-75)

Office of the City Clerk, San Diego, California

Resolution Number **216788** Adopted **SEP 15 1976**