

RESOLUTION NUMBER R- 311166

DATE OF FINAL PASSAGE JUN 06 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO AUTHORIZING THE MAYOR TO EXECUTE  
WAIVERS OF POTENTIAL CONFLICTS OF INTEREST.

WHEREAS, the City of San Diego (City) occasionally receives requests for waivers of potential conflicts of interest under the California Rules of Professional Conduct (CRPC); and

WHEREAS, the City's historic practice has been for the Mayor and City Attorney to confer on and execute waiver requests without this practice being formally documented; and

WHEREAS, the City has received requests from two law firms requesting that the City waive potential conflicts of interest on three matters; and

WHEREAS, CRPC, Rule 3-310 requires that the client give informed consent when its attorney or former attorney has a potential conflict of interest; and

WHEREAS, the City received one request from the Procopio law firm requesting a waiver on two matters because the former City Attorney is currently serving as "Of Counsel" for Procopio; and

WHEREAS, the City is informed that the former City Attorney has not and will not participate in any matter of Procopio's that involves the City; and

WHEREAS, the second law firm requesting a waiver from the City is Kane, Ballmer & Berkman (KBB) which formerly represented the City and the Redevelopment Agency in matters involving redevelopment and economic development; and

WHEREAS, KBB seeks to represent a client in a conveyance of land to the City which is completely separate from the matters on which KBB formerly represented the City and Redevelopment Agency; and

WHEREAS, the matters for which waivers are requested require informed consent from the City Council; and

WHEREAS, neither the potential conflict of interest of Procopio or KBB pose a risk of detrimental impact to the City; and

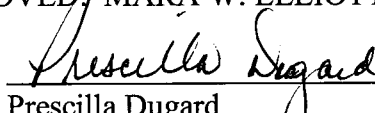
WHEREAS, this Resolution is not subject to Mayoral veto pursuant to City Charter section 280(a)(1); NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, including in its capacity as the Successor Agency to the former Redevelopment Agency, that the waiver of potential conflicts of interest as represented and requested by Procopio and KBB are given; and

BE IT FURTHER RESOLVED, that the Mayor or his designee is authorized to execute the requested waivers on behalf of the City including in its capacity as the Successor Agency to the former Redevelopment Agency.

APPROVED: MARA W. ELLIOTT, City Attorney

By

  
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Prescilla Dugard  
Chief Deputy City Attorney

PD:jvg:ccm:jdf

05/25/2017

05/31/2017 COR. COPY

06/16/2017 REV.

Or.Dept: City Attorney

Doc. No. 1511777\_4

Passed by the Council of The City of San Diego on JUN 06 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUN 06 2017

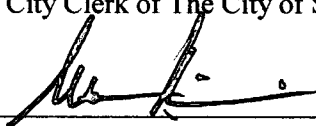
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

(Seal)

By , Deputy

Office of the City Clerk, San Diego, California  
Resolution Number R- 311166