

RESOLUTION NUMBER R- 313532

DATE OF FINAL PASSAGE MAY 19 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING WAIVER OF POTENTIAL
CONFLICTS OF INTEREST REQUESTED BY NOSSAMAN
LLP AND CONSENTING TO NOSSAMAN'S
REPRESENTATION OF AY OIL, INC., IN *CITY OF SAN
DIEGO V. EASTGATE MIRAMAR ASSOCIATES, ET AL.*, SAN
DIEGO SUPERIOR COURT CASE NO. 37-2018-00027801-CU-
EI-CTL.

WHEREAS, in April 2020, the City of San Diego (City) entered into a contract for
Outside Legal Counsel resulting from Request for Proposal Number 10089538-19-W (RFP) with
Nossaman LLP to provide legal services on an as-needed basis involving water rights and public-
private partnerships as well as regulatory compliance with water planning and management
mandates

WHEREAS, Nossaman LLP, now seeks a conflict-of-interest waiver from the City so
that it may represent AY Oil, Inc., in an eminent domain action titled *City of San Diego v.
Eastgate Miramar Associates, et al.*, San Diego Superior Court Case No. 37-2018-00027801-
CU-EI-CTL;

WHEREAS, under the California Rules of Professional Conduct, Rule 1.7, an attorney
shall not, without the informed written consent of each client, represent a client if the
representation is directly adverse to another client in the same or separate matter;

WHEREAS, Nossaman LLP's representation of AY Oil in the eminent domain action is
completely unrelated to the legal services to be performed under the RFP and the as-needed legal
services contract; and

WHEREAS, granting Nossaman LLP's request for a conflict-of-interest waiver does not pose a detrimental risk to the City as Nossaman LLP has obtained no confidential City information related to the eminent domain action and it will implement appropriate screening measures to protect against the sharing of confidential City information within the law firm;

NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the Council:

1) Approves the waiver of potential conflicts of interest requested by Nossaman LLP and consenting to Nossaman LLP's representation of AY Oil, Inc., in *City of San Diego v. Eastgate Miramar Associates, et al.*, San Diego Superior Court Case No. 37-2018-00027801-CU-EI-CTL.

2) Authorizes the Mayor or his designee to execute the requested waiver on behalf of the City.

By s/David J. Karlin
David J. Karlin
Senior Deputy City Attorney

DJK:slc
Or.Dept: City Attorney
Doc. No. xxx

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of 05/18/2021.

ELIZABETH S. MALAND
City Clerk

By /s/ Matthew R. Hilario
Deputy City Clerk

Approved: 5/19/21
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on MAY 18 2021, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAY 19 2021.

(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:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

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

By , Deputy

Office of the City Clerk, San Diego, California

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