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2006 JAN -5 PM 2: 32

  
Oakland City Attorney's Office

# OAKLAND CITY COUNCIL

79684

Resolution No. \_\_\_\_\_ C.M.S.

INTRODUCED BY COUNCILMEMBER

**A RESOLUTION APPROVING A CONFLICT WAIVER FOR THE NATURAL HERITAGE INSTITUTE TO PERMIT IT TO CONTINUE TO REPRESENT THE MILLSMOUNT HOMEOWNERS ASSOCIATION IN MATTERS RELATED TO CHIMES CREEK AND THE DESILVA GATES LEONA QUARRY PROJECT**

**WHEREAS**, the Natural Heritage Institute ("NHI") has represented the City of Oakland *pro bono* (without charge) in environmental litigation, to wit, *Friends of the Earth et.al. v. Watson*, (N.D. Cal. Civ. No. 02-4106 [JSW]) since August, 2002, and;

**WHEREAS**, NHI has represented the Millsmount Homeowners Association ("MHA") interest in Chimes Creek in the use permit and regulatory proceedings related to the DeSilva Gates Leona Quarry Project ("Leona Quarry") since October, 2004, and;

**WHEREAS**, Richard Roos-Collins of NHI has requested that the City waive any conflict of interest that might arise in the course of NHI's continued representation of MHA, and;

**WHEREAS**, NHI has not obtained any confidential information in its representation of the City that would be material to the interests of MHA in the Leona Quarry/Chimes Creek matters and the matter in which NHI currently represents the City would not give NHI access to any confidential or privileged information that would give the firm or MHA an advantage in dealing with the City, and; now, therefore, be it;

**RESOLVED**, That the City Council hereby waives any conflict of interest that the National Heritage Institute may have by virtue of serving as legal counsel to the Millsmount Homeowners Association;

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE: **OAN 17 2006**

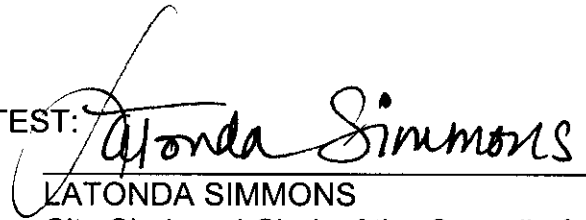
AYES - ~~BRUNNER~~, KERNIGHAN, NADEL, QUAN, BROOKS, REID,  
CHANG, AND PRESIDENT DE LA FUENTE **-7**

NOES - **Brunner-1**

ABSENT - **0**

ABSTENTION - **0**

ATTEST:

  
LATONDA SIMMONS

City Clerk and Clerk of the Council of  
the City of Oakland, California