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2009 APR -8 PM 8:13

Approved as to Form and Legality

  
Oakland City Attorney's Office

## OAKLAND CITY COUNCIL

81910

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

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**RESOLUTION AUTHORIZING WAIVER OF ANY POTENTIAL CONFLICT OF INTEREST THAT THE LAW FIRM OF COX, CASTLE & NICHOLSON LLP, MAY HAVE AS A RESULT OF REPRESENTING: (1) THE DEVELOPER OF THE OAK TO NINTH PROJECT; AND (2) CLIENTS IN OBTAINING PROJECT APPROVALS FROM THE AGENCY OR CITY, TO ALLOW THE FIRM TO PROVIDE SPECIALIZED LEGAL ADVICE REGARDING BROWNFIELDS/HAZARDOUS MATERIALS LAW TO FACILITATE ECONOMIC AND REDEVELOPMENT PROJECTS IN THE CITY**

**WHEREAS**, Robert Doty, a partner in the law firm of Cox, Castle & Nicholson (the "Firm"), represents the City of Oakland (City) and the Redevelopment Agency as outside counsel in toxics and environmental matters; and

**WHEREAS**, economic and redevelopment projects in the City increasingly involve land with hazardous materials/toxics/brownfields ("environmental law") issues; and

**WHEREAS**, environmental law is a specialized area of law, and the City Attorney's office does not have an attorney trained this area; and

**WHEREAS**, Mr. Doty has previously provided excellent advice regarding environmental law strategies to lower or eliminate the cost of toxic cleanup to facilitate economic and redevelopment in the City; and

**WHEREAS**, Mr. Doty's Firm represents Oakland Harbor Partners (OHP) in connection with the Oak to Ninth project in Oakland and currently advises clients and will probably advise other clients in the future in obtaining from the Agency or City land use entitlements or other real estate project related approvals; and

**WHEREAS**, because Mr. Doty represents the Agency and the City in environmental matters, the Firm's representation of OHP and other clients in land use entitlement and other project related approvals potentially raises a conflict of interest; and

**WHEREAS**, Mr. Doty does not and would not represent OHP regarding the Oak to Ninth Project; other attorneys in the Firm would represent OHP; and

**WHEREAS**, the Firm has agreed not to represent any client in a matter which raises an actual potential conflict of interest unless the Agency or the City (as the case may be) first approves, and if it doesn't approve, the Firm could not represent that client in the matter; now therefore be it

**RESOLVED**: That the Agency waives the Firm's potential conflict of interest and allows the Firm to represent OHP and other clients in obtaining land use entitlements or other project approvals from the Agency without such representation being considered an actual conflict of interest; and be it

**FURTHER RESOLVED**: That this waiver of the conflicts of interest is conditioned on the Firm's agreement not to represent any client in a matter which raises an actual potential conflict of interest without first obtaining approval from the City or Agency, as the case may be, and that if approval is not obtained, the Firm will not represent the client in that matter.,

IN COUNCIL, OAKLAND, CALIFORNIA, **APR 21 2009**

PASSED BY THE FOLLOWING VOTE:

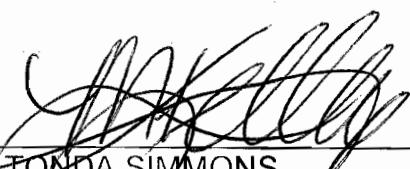
AYES - DE LA FUENTE, KERNIGHAN, NADEL, QUAN, BROOKS, REID,  
KAPLAN, AND PRESIDENT BRUNNER - **8**

NOES - **0**

ABSENT - **0**

ABSTENTION - **0**

ATTEST:

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