

RESOLUTION NO. 2013-45

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSENT TO
REPRESENTATION LETTER AUTHORIZING THE LAW FIRM OF KRONICK,
MOSKOVITZ, TIEDEMANN & GIRARD'S CONCURRENT REPRESENTATION OF
THE CITY OF ELK GROVE AND CAPITAL NURSERY COMPANY IN RELATION TO
POTENTIAL LAND USE DESIGNATION CHANGE AND/OR RE-ZONING OF
CAPITAL NURSERY'S PROPERTY, CONSISTENT WITH THE CALIFORNIA RULES
OF PROFESSIONAL CONDUCT GOVERNING ATTORNEYS**


WHEREAS, the law firm of Kronick, Moskovitz, Tiedemann & Girard ("KMTG") provides on-going legal services to the City of Elk Grove ("City") as City Attorney; and

WHEREAS, KMTG has disclosed to the City that it also serves as General Counsel to Capital Nursery Company ("Capital Nursery"); and

WHEREAS, Capital Nursery recently received a letter indicating that its site had been identified as a potential site for a land use designation and/or re-zoning to high-density residential ("Land Use Matter"), and Capital Nursery would like KMTG, through different attorneys at KMTG, to advise Capital Nursery on the Land Use Matter.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Elk Grove hereby consents to KMTG concurrently representing the City and Capital Nursery, as requested, subject to the ethical safeguards set forth in the accompanying letter from KMTG, and the City Council authorizes the City Manager to execute the Consent to Representation Letter presented with the accompanying staff report for this item.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 13th day of March 2013.




GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS
CITY ATTORNEY

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2013-45**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) **ss**
CITY OF ELK GROVE)

I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on March 13, 2013 by the following vote:

- AYES : COUNCILMEMBERS: *Davis, Detrick, Cooper***
- NOES: COUNCILMEMBERS: *Hume, Trigg***
- ABSTAIN : COUNCILMEMBERS: *None***
- ABSENT: COUNCILMEMBERS: *None***


**Jason Lindgren, City Clerk
City of Elk Grove, California**