

RESOLUTION NO. 2002-21

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
CONSENTING TO ONGOING REPRESENTATION OF THE CITY BY
KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD AND
DIRECTING THE MAYOR TO SIGN A WAIVER AND CONSENT LETTER**

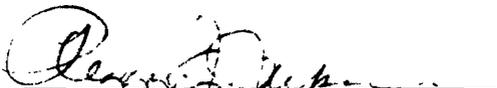
BE IT RESOLVED, that the City of Elk Grove does hereby consent to the ongoing representation by Kronick, Moskovitz, Tiedemann & Girard, a Professional Corporation ("KMTG") of the City of Elk Grove on the conditions which are described in that letter dated December 28, 2001, and as described in the materials presented and described at the January 9, 2002 City Council meeting;

BE IT RESOLVED AND ORDERED, that the Mayor of the City Council of the City of Elk Grove be and is hereby authorized and directed to execute and return to KMTG the letter dated December 28, 2001 providing consent on behalf of the City to the ongoing representation of the City by KMTG on the conditions described therein.

PASSED AND ADOPTED by the City Council of the City of Elk Grove on the 9th day of January 2002.


MICHAEL LEARY, MAYOR
CITY OF ELK GROVE

ATTEST:


PEGGY JACKSON, CITY CLERK
CITY OF ELK GROVE

APPROVED AS TO FORM:


ANTHONY MANZANETTI,
CITY ATTORNEY

AYES: Leary, Scherman,
Cooper, Briggs, Soares
NOES: None
ABSTAIN: None
ABSENT: None

COPY

**KRONICK
MOSKOVITZ
TIEDEMANN
& GIRARD**
A PROFESSIONAL CORPORATION

ANTHONY B. MANZANETTI

RECEIVED
JAN 03 2002

December 28, 2001

ELK GROVE CITY CLERK

**MAYOR LEARY
MAYOR PRO TEM SCHERMAN AND
COUNCIL MEMBERS BRIGGS, COOPER AND SOARES
CITY OF ELK GROVE
8400 Laguna Palms Way
Elk Grove, CA 95758**

**Re: *City of Elk Grove / Elk Grove Unified School District
Land Use Matters - Consent***

Dear Mr. Mayor and Council Members:

When Kronick, Moskovitz, Tiedemann & Girard ("KMTG") was appointed as the City Attorney we disclosed that we have relationships with many local businesses and agencies. One in particular that we identified was the Elk Grove Unified School District ("District"). Our firm represents the District as its general counsel.

This letter is to further discuss the City Attorney's ongoing service to the City of Elk Grove ("City") concerning matters in which the interests of the City and the District are potentially or actually adverse. Those matters include the location, acquisition and development of school sites by the District, and other land use matters, including planning, zoning, code enforcement, public works, building and safety, transportation, drainage, housing and environmental matters and issues (which we will refer to in this letter as "Land Use Matters"). Based on our discussion of these Land Use Matters the ethical rules which apply to our ongoing representation of the City under these circumstances, and the ethical screen we have established to protect client confidences, we request the City's consent to such ongoing representation.

Robert Rundstrom and P. Addison Covert, both partners of the firm, work with the District on various matters. Occasionally they are called upon by the District to provide legal services to the District on Land Use Matters. Messrs. Rundstrom and Covert have been advised by personnel at the District that it is the District's desire that they continue to provide legal services to the District on Land Use Matters.

Under the Rules of Professional Conduct, an attorney may, with the informed written consent of both clients, represent a client in a matter and at the same time represent a different client in the matter whose interest in the matter is adverse to the first

ATTORNEYS AT LAW

400 CAPITOL MALL, 27TH FLOOR SACRAMENTO, CALIFORNIA 95814-4416 TELEPHONE (916) 321-4500 FAX (916) 321-4555

client. In other words, KMTG may represent both the City and the District regarding Land Use Matters, if both the City and the District consent. With this letter, KMTG is asking for the City's consent to KMTG's representation of the City and the District in the above referenced "Land Use Matters."

The rules requiring written consent are meant to ensure that the City is informed and comfortable that our representation of the City and the District will not affect KMTG's willingness to zealously pursue the City's interests and to ensure that the City's interests would not be adversely affected. We are confident that this is the case, but the decision is yours to make.

Also, should circumstances arise in the representation of the City and the District, which involve a potential or actual conflict of interest regarding matters not addressed in this letter, it will be necessary for KMTG to obtain the informed written consent of each client, before we proceed with joint representation as to those new matters.

AN ETHICAL "SCREEN" HAS BEEN ESTABLISHED

To comply with the ethical standards applicable to this situation, our firm has implemented and has been operating under what is known as an ethical "screen." Such an ethical "screen" is approved by the applicable rules to ensure that any confidential information concerning the rights, liabilities, or interests of the City or the District regarding Land Use Matters is not exchanged within the firm or discussed without our clients' consent.

The elements of the "screen" that have been established include the assignment of matters to specified professionals, physical separation of professionals, physical and electronic protections against inadvertent disclosure or use of confidential information, and procedures preventing access to confidential information and files.

RESTRICTED ASSIGNMENTS TO SPECIFIC PROFESSIONALS

The legal professionals at our firm impacted by this "screen" are *Tony Manzanetti, Ann Siprelle, Mike Dean, Jeff Mitchell, Bob Murphy, Constantine C. Baranoff, Cindy Knighton, Irene Nubla, Jon Cristy, Jim Boyd, Dan O'Hanlan, Eric Robinson, Dorothy Landsberg, Anthony Cresap, Andy Pugno, Mark Wasser, Trudy Lim, Leigh Ann Weiss, Cynthia Park, Lacion Henderson and Jennifer Galenti* (hereinafter "City-Assigned Professionals"). City-Assigned Professionals will work exclusively on behalf of the City on Land Use Matters. One or more of these professionals may be called upon to work on other matters for the District, which are unrelated to the Land Use Matters addressed by this letter. The City-Assigned Professionals would not be allowed to work on other, unrelated matters for the District, without the prior written consent of the City, if KMTG possesses confidential City information on Land Use Matters material to such work.

Also impacted by these procedures are *Bob Rundstrom, Bob Shelburne, Addison Covert, Ann Murray, Jan Damesyn, Shelly Renner, Donna Matties, Jonathan Hobbs, Bill Chisum, Marilyn Jacobs, Scott Morris, Tom Barth, Kevin Dollison, Roman Munoz, Karen Natal, BarBara Sybert and Justin Fredrickson* (hereinafter “District-Assigned Professionals”). Likewise, District-Assigned Professionals will work exclusively on behalf of the District on Land Use Matters. One or more of these professionals may be called upon to work on other matters for the City, which are unrelated to the Land Use Matters addressed by this letter. The District-Assigned Professionals would not be allowed to work on other, unrelated matters for the City, without the prior written consent of the District, if KMTG possesses confidential District information on Land Use Matters material to such work.

OTHER ELEMENTS OF THE “SCREEN” – SUMMARY

1. None of the attorneys and other professionals involved share an office. All have single occupancy, private offices with interior space that can be secured.
2. The City-Assigned Professionals have agreed to scrupulously refrain from any and all discussions about the City’s confidential information concerning Land Use Matters with the District-Assigned Professionals.
3. Likewise, the District-Assigned Professionals have agreed to scrupulously refrain from any and all discussions about the District’s confidential information concerning Land Use Matters with the City-Assigned Professionals.
4. Confidential Land Use Matters are not and will not be discussed at any firm meetings or gatherings at which any of these professionals are present.
5. All attorneys, paralegals, secretaries and other staff have been informed of their obligation not to share confidential information with respect to Land Use Matters.
6. Confidential City or District related papers, information and files pertaining to the Land Use Matters are not and will not be circulated within the firm or be accessible generally to any KMTG personnel, except the respective professionals involved in the Land Use Matters.
7. Confidential papers, information and files regarding Land Use Matters will be kept in confidential files in a restricted area of the firm, with access to those files allowed only to authorized KMTG personnel through only Mr. Manzanetti (for the City) and Mr. Rundstrom (for the District).
8. Access to relevant confidential computer files has been restricted so that they cannot be retrieved by any inappropriate attorney or staff member.

653051.6

9. Appropriate warning memoranda have been, and periodically will be again, circulated among KMTG personnel.

10. Visible, obvious labels (a sample label is shown below) have been affixed to all confidential City and District file folders pertaining to Land Use Matters so that all KMTG personnel are aware of the “screen,” the need for confidentiality and the obligation to honor the “screen.”

Ethical Wall Enforcement

This folder is subject to an ethical wall.
Professionals working on behalf of
EGUSD are NOT allowed access. Access
is restricted to professionals specifically
assigned to work on City of Elk Grove
matters.

LITIGATION EXCEPTION

In the unlikely event of litigation between the City and the District arising from Land Use Matters, it would be necessary for the City, the District and KMTG to reassess the status of this representation.

CONSENT

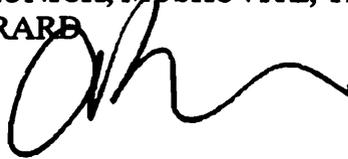
We advise that you consult with independent counsel of your choice, if you desire, regarding the contents of this letter and our joint representation of the City and the District. If, after consideration of the contents of this letter, the City consents to the representation by KMTG on Land Use Matters under the circumstances outlined above, the City should adopt a resolution to that effect. The City’s resolution should provide consent on behalf of the City by authorizing and directing the Mayor to sign at the bottom of this letter and return it to KMTG. Representation will also require the corresponding consent of the authorized individual at the District. We have sent a similar letter to the District. An extra original of this letter is enclosed for the City’s files.

We have asked the City Clerk to agendize this item for the City Council’s consideration at the January 9, 2002 City Council meeting.

City Council – City of Elk Grove
Re: *Land Use Matters – Waiver / Consent*
December 28, 2001

As always, if you have any questions or comments concerning this, please feel free to contact me directly.

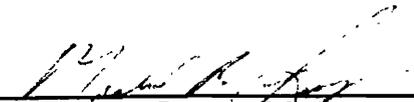
Very truly yours,
KRONICK, MOSKOVITZ, TIEDEMANN &
GIRARD



ANTHONY B. MANZANETTI
City Attorney

THE CITY OF ELK GROVE, THROUGH ITS CITY COUNCIL, CONSENTS TO ONGOING REPRESENTATION BY KMTG ON THE CONDITIONS DESCRIBED ABOVE.
CONSENT IS HEREBY GIVEN AND ACKNOWLEDGED.

CITY OF ELK GROVE

By: 
MICHAEL LEARY, Mayor

cc: City Manager – John Danielson
City Clerk – Peggy Jackson

ABM/PAC/vm/sp

653051.6

Client/Matter	Description	Bill Atty	Resp Atty	Orig Atty	Opened	Closed
10784	Elk Grove, City of					
10784.001	General	ABM	ABM	ABM	03/09/00	
10784.002	Pro Bono Work	ABM	ABM	ABM	05/17/00	
10784.003	Newspaper Clippings & Articles	ABM	ABM	ABM	05/17/00	
10784.004	Incorporation Documents	ABM	ABM	ABM	05/17/00	
10784.005	Council Agendas & Minutes	ABM	ABM	ABM	05/17/00	
10784.006	Ordinances	ABM	ABM	ABM	05/17/00	
10784.007	Resolutions	ABM	ABM	ABM	05/17/00	
10784.008	City Council File	ABM	ABM	ABM	05/17/00	
10784.009	City Attorney	ABM	ABM	ABM	05/17/00	
10784.010	City Manager	ABM	ABM	ABM	05/17/00	
10784.011	City Clerk	ABM	ABM	ABM	05/17/00	
10784.012	City-County Transition Issues	ABM	ABM	ABM	05/17/00	
10784.013	Cable Franchise	ABM	ABM	ABM	05/17/00	
10784.014	City Office Space	ABM	ABM	ABM	05/17/00	
10784.015	Boards & Commissions of City	ABM	ABM	ABM	05/17/00	
10784.016	Insurance	ABM	ABM	ABM	05/17/00	
10784.017	Claims against the City	ABM	ABM	ABM	05/17/00	
10784.018	Lent Ranch Mall - Costs Only	ABM	ABM	ABM	05/17/00	
10784.019	City Contracts	ABM	ABM	ABM	05/17/00	
10784.020	Personnel	ABM	ABM	ABM	05/17/00	
10784.021	Finance	ABM	ABM	ABM	05/17/00	
10784.022	Public Works	ABM	ABM	ABM	05/17/00	
10784.023	Sphere of Influence	ABM	ABM	ABM	05/17/00	
10784.024	Statement of Economic Interest	ABM	ABM	ABM	06/13/00	
10784.025	Proposition 1A Lawsuit	ABM	ABM	ABM	06/13/00	
10784.026	LAFCo	ABM	ABM	ABM	06/13/00	
10784.027	Police	ABM	ABM	ABM	06/13/00	
10784.028	Suburban Propane	ABM	ABM	ABM	06/13/00	
10784.029	FICHEGGS	ABM	ABM	ABM	06/13/00	
10784.030	Solid Waste	ABM	ABM	ABM	06/13/00	
10784.031	Library	ABM	ABM	ABM	06/13/00	
10784.032	Pro Bono - Client Intake	ABM	ABM	ABM	06/12/00	
10784.033	Reuse (Dixon Landfill)	ABM	ABM	ABM	06/15/00	11/21/01
10784.034	Eden House Care Home	ABM	ABM	ABM	06/20/00	
10784.035	Reuse (Metsoma Laguna Project)	ABM	ABM	ABM	07/11/00	11/21/01
10784.036	Reuse (Laguna Gateway)	ABM	ABM	ABM	07/13/00	11/21/01
10784.038	Reuse (Silver Creek)	ABM	ABM	ABM	07/13/00	11/21/01
10784.039	Reuse (Van Ruiten Acres)	ABM	ABM	ABM	07/13/00	11/21/01
10784.040	Water Issues	ABM	ABM	ABM	07/13/00	
10784.041	* Planning - Project Chargeable	ABM	ABM	ABM	07/17/00	
10784.042	Code Enforcement	ABM	ABM	ABM	07/20/00	
10784.043	Administrative Policies	ABM	ABM	ABM	08/01/00	
10784.044	Transportation	ABM	ABM	ABM	08/18/00	
10784.046	Drainage	ABM	ABM	ABM	09/21/00	
10784.047	Telecommunications	ABM	ABM	ABM	01/12/01	
10784.048	Planning Commission	ABM	ABM	ABM	02/02/01	
10784.049	Reuse (East Franklin)	ABM	ABM	ABM	03/19/01	11/21/01
10784.050	Reuse (Laguna Ridge)	ABM	ABM	ABM	03/29/01	11/21/01
10784.051	Sacramento Local Agency	ABM	ABM	ABM	06/04/01	
10784.053	Reuse (Laguna South Fee)	ABM	ABM	ABM	04/20/01	11/21/01
10784.054	Reuse (Rock Church)	ABM	ABM	ABM	04/23/01	11/21/01
10784.055	Housing - General	ABM	ABM	ABM	05/01/01	

Report: ap0308.R

Produced: 01/07/20

From 01/01/00 thru 01/31/02

Open and closed matters

Client/Matter	Description	Bill Atty_	Resp_ Atty_	Orig_ Atty_	Opened	Closed
10784.056	Swainson's Hawk Mitigation Fee	ABM	ABM	ABM	05/01/01	
10784.057	Reuse (Southpointe)	ABM	ABM	ABM	05/01/01	11/21/01
10784.059	Reuse (Laguna Creek South)	ABM	ABM	ABM	06/01/01	11/21/01
10784.060	Adult Entertainment	ABM	ABM	ABM	06/01/01	
10784.061	General Plan	ABM	ABM	ABM	07/05/01	
10784.062	Reuse (Arcadian Village)	ABM	ABM	ABM	07/09/01	11/21/01
10784.063	10000 Teddington Wy (Stringer)	ABM	ABM	ABM	07/18/01	
10784.064	8938 Truman Street (Yount)	ABM	ABM	ABM	07/18/01	
10784.065	8774 Bottle Brush Ct (Connell)	ABM	ABM	ABM	07/18/01	
10784.066	9620 Webb Street (Yenowine and	ABM	ABM	ABM	07/18/01	
10784.067	Reuse (Bell South)	ABM	ABM	ABM	08/17/01	11/21/01
10784.068	<u>Building Safety and Inspection</u>	ABM	ABM	ABM	09/17/01	
10784.069	Reuse (Newport Beach)	ABM	ABM	ABM	10/24/01	11/21/01
10784.070	Reuse (Waterman and Elk Grove)	ABM	ABM	ABM	10/24/01	11/21/01
10784.071	Reuse (Elk Grove Landing)	ABM	ABM	ABM	10/24/01	11/21/01
10784.074	Reuse (Fieldston Unit 2)	ABM	ABM	ABM	10/24/01	11/21/01
10784.075	Reuse (Mikey's Christmas)	ABM	ABM	ABM	10/24/01	11/21/01
10784.080	Reuse (Safeway-Windsor Downs)	ABM	ABM	ABM	11/08/01	11/21/01
10784.081	Bel Air - Town Center	ABM	ABM	ABM	11/09/01	
10784.084	Grand Jury Matters	ABM	ABM	ABM	12/07/01	
10784.999	Risk Management	Firm	Firm	Firm	03/14/00	

Clients: 1

Matters: 73

Budget	Class	Symb	Billing Code	Description	Firm Code	Description
10784.041	Activity	clt	EG-00-042	Newport Ranch		
			EG-00-078	Country Oaks		
			EG-00-208	Metsoma		
			EG-01-157	Retreat at Valley Hi CC		
			EG-01-177	Chezimme Estates		
			EG-01-195	Laguna Estates		
			EG-01-205	Verizon Bruceville		
			EG-01-207	Harvest Festival		
			EG-00-00A	West Vineyard Public Financing		
			EG-00-059	Laguna Creek South		
			EG-00-042	Sheldon Business Park		
			Planning	Planning - General		
			EG-01-214	Poppy Ridge Plaza		
			EG-01-210	Backer Ranch-Boundary Line Adj		
			EG-01-206	Kelly-Moore Paint Store		
			EG-01-209	Stoecker BLA		
			EG-01-211	Backer Ranch-Rezone		
			EG-01-212	Beverages & More!		
			EG-01-191	Sheldon Lakes		
			EG-00-004	Bell South		
			EG-00-007	Dixon Landfill-Recycling		
			EG-00-00B	East Franklin		
			EG-00-017	Newport Beach		
			EG-00-055	Arcadian Village		
			EG-01-200	Fieldstone Unit 2		
			EG-01-201	Mikey's Christmas Tree Land		
			EG-01-203	Waterman and Elk Grove Blvd		
			EG-01-204	Elk Grove Landing		
			EG-00-00C	Laguna Creek South		
			EG-00-039	Laguna Gateway		
			EG-00-062	Laguna Ridge		
			EG-00-00E	Laguna South Fee Program		
			EG-00-038	Lent Mall Ranch		
			EG-00-035	Metsoma Laguna Project		
			EG-00-001	Rock Church		
			EG-00-112	Safeway-Windsor Downs		
			EG-00-029	Silver Creek		
			EG-01-130	Southpointe		
			EG-00-025	Van Ruiten Acres		
			EG-01-201	Krispy Kreme		
			EG-01-215	Calvine Self Storage		
			EG-01-217	D.R. Stephens & Co.		
			EG-00-037	Elk Grove Auto Mall		
			EG-01-228	Elk Grove-Backer Ranch		
			EG-01-229	McDonald 2nd Family Residence		
			EG-00-00C	Disability Advisory Committee		
			EG-00-00D	Bikeway Advisory Committee		
			EG-01-220	Verizon Valley Hi Country Club		
			EG-01-222	East Franklin Specific Plan		
			EG-01-191	Sheldon Lakes		
			EG-01-219	Wilton Station		
			EG-01-221	Cingular Wireless Big Horn		
			EG-01-218	Mundell Land & Livestock, Inc.		

ALL MATTERS
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Budget				Billing			Firm		
Ta'	Class	Symb	Code	Description	Code	Description	Code	Description	

			EG-01-230	Feletto Development Company					
			EG-01-175	BelAir Project					
			EG-01-230	Lent Ranch Boundary Line Adj.					
			EG-01-188	Schuler Ranch					
			EG-01-232	Waterman Plaza Subdivision					
			EG-01-233	Chocker 2nd Family Residence					

ALL MATTERS
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