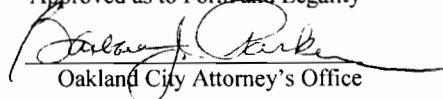


2009 NOV -5 PM 2:36

Approved as to Form and Legality


Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. 82396 C.M.S.

INTRODUCED BY COUNCILMEMBER

A RESOLUTION APPROVING A CONFLICT WAIVER FOR THE LAW FIRM OF BINGHAM MCCUTCHEN WHICH HAS REPRESENTED PARTIES ON VARIOUS LAND USE AND DEVELOPMENT MATTERS THAT REQUIRE THE PARTIES TO SECURE PERMITS OR OTHER APPROVALS FROM THE CITY OF OAKLAND AND TO ALLOW THE FIRM TO REPRESENT THE CITY OF OAKLAND ON CERTAIN BANKING REGULATORY MATTERS ARISING FROM THE CITY'S CONSIDERATION OF A DEBIT FUNCTION IN OAKLAND'S MUNICIPAL IDENTIFICATION CARD PROGRAM

WHEREAS, the law firm of Bingham McCutchen ("Bingham") has represented parties on various land use and development matters that require the parties to secure permits or other approvals from the City of Oakland; and

WHEREAS, on October 20, 2009, the City Council approved issuance of a Request for Proposals ("RFP") that would include consideration of a debit function on its municipal identification ("ID") card, allowing use of the ID Card to make certain purchases; and

WHEREAS, the RFP requires the review of specialized and experienced banking law counsel familiar with the vast and changing landscape of state and federal banking laws and regulations; and

WHEREAS, neither the City Attorney's Office, nor any other municipal law office possesses banking law expertise; and

WHEREAS, the City Attorney's Office wishes to retain Maureen Young, a partner at Bingham who possesses banking law expertise; and

WHEREAS, Bingham's representation of parties on various land use and development matters is completely unrelated to the work Ms. Young and Bingham will perform in relation to the debit component for the City of Oakland; and

WHEREAS, attorneys have strict ethical rules governing potential conflicts of interest; and based on those ethical rules, Bingham has disclosed its representation of parties on various land use and development matters that require the parties to secure

permits or other approvals from the City of Oakland and Bingham has requested that the City Council consent to the firm's representation of the City in this debit component matter relating to the ID Card; and

WHEREAS, notwithstanding the fact that the matters as to which Bingham represents parties and unrelated, there is a possibility that in the future the law firm may learn confidential information that would create a conflict of interest and the law firm will endeavor to apprise the City of any potential future conflicts and resolve them; and

WHEREAS, Bingham will erect an ethical wall at its firm to prevent any attorney in the firm who handles the debit matter from working on or having access to confidential information regarding the matters that the firm handles for parties on the various land use and development matters; now therefore be it

RESOLVED, that the City Council hereby waives any conflict of interest that the law firm of Bingham McCutchen may have by virtue of serving as counsel to parties o various land use and development matters that require permits or other approvals from the City of Oakland.

IN COUNCIL, OAKLAND, CALIFORNIA,

NOV 17 2009

PASSED BY THE FOLLOWING VOTE:

AYES - ~~BROOKS~~, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, AND

~~PRESIDENT BRUNNER~~ - 6

NOES - 0

ABSENT - 0

ABSTENTION - Brooks - 1

Excused - Brunner - 1

ATTEST:



LATONDA SIMMONS

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