

**Mayor**  
John Murray  
**Mayor Pro Tem**  
John Grego  
**Council Members**  
Mary Hornsby  
Ed Martin  
Willard Rodarmel



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City Manager**

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**To:** Lemoore City Council Item #  
**From:** Jeff Britz, City Manager  
**Date:** January 30, 2007  
**Subject:** City Attorney Conflict of Interest Waiver

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**Discussion:**

Council will recall that on January 16<sup>th</sup>, you discussed whether on not to waive the conflict of interest that involves the City Attorney's firm because of their prior representation of Council Member Mary Hornsby. After some discussion, the item was tabled, and I was asked to have former City Attorney Dale Bacigalupi issue an independent opinion on the matter.

Attached to this report are several items for your review:

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1. Letter addressed to Mayor Murray from Dale Bacigalupi
  2. Letter from Hilda Cantu Montoy dated February 1, 2007
  3. Letter from Hilda Cantu Montoy dated January 22, 2007
  4. Staff Report from January 16, 2007 Council Meeting, with attachments
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After additional research on this matter, it is clear that Hilda Cantu Montoy will not be able to advise the City on matters related to Council Member Hornsby's property (water and sewer connection request, specifically), regardless of the Council's action on a waiver. The City will need to use independent counsel for that item until such time as the City Attorney's firm has not done work or received payment from Mary Hornsby for one year. The waiver, however, is still, recommended, as City issues could arise in the future, and the waiver may allow the City Attorney to provide advice. Additionally, certain issues concerning or related to Council Member Hornsby's property may arise in the future; each issue will have to be evaluated on a case by case basis to determine if the City Attorney can provide advice to the City. In cases where she cannot, independent counsel will be needed.

As you can see, we will be dealing with this conflict

**Budget Impact:**

**Recommendation:**