

**Mayor**  
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**Mayor Pro Tem**  
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**To:** Lemoore City Council  
**From:** Jeff Britz, City Manager  
**Date:** April 25, 2007  
**Subject:** City Attorney Services – General Plan Update

Item # 3

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**Discussion:**

As Council is aware, our City Attorney's firm, Dowling, Aaron, & Keeler, Inc. has a potential conflict of interest related to the General Plan Update. Independent Counsel, Dale Bacigalupi, advised earlier this year that in order for Hilda Montoy, or other attorneys in her firm, to advise the City on matters related to the General Plan Update adoption that the City should issue a waiver concerning the potential conflict. The City Council did this on February 6.

Furthermore, Council will recall the potential conflict stems from Dowling, Aaron & Keeler, Inc. prior representation of Council Member Mary Hornsby in probate related matters; Mary Hornsby was also asked to sign a waiver of the conflict by the firm in order to permit the firm to move forward on General Plan Update related matters. I was informed on April 24 that Ms. Hornsby will not be signing the requested waiver.

I am now seeking direction on how to proceed with the legal review and ultimate advice as it relates to the General Plan Update adoption. At least one viable option exists; that is to have former City Attorney Dale Bacigalupi represent the City as Special Counsel. Dale has indicated his availability and interest in serving the City in this capacity. There may be other alternatives you wish to discuss Tuesday as well.

In addition, I seek direction on when to have Special Counsel in attendance, only at meetings where General Plan Adoption is on the agenda, or meetings where items related to the General Plan may come up. If we take the latter approach, there may be times when items come before the Council, and if the GPU topic is broached, you will not have representation present.

**Budget Impact:**

It is difficult to determine the increased costs associated with using separate attorneys for general City business and the General Plan Update. Up to now, there have likely been no increased costs associated, however, in the future, if multiple attorneys are required to attend City Council or Planning Commission meetings, due to both general City business content and General Plan content on the same meetings, an additional estimated \$450 will be spent on each occurrence. Further, costs and time keeping two attorneys up to speed and informed on matters will have an additional unknown fiscal impact.

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**Recommendation:**

Unless directed differently, staff will make arrangements for Dale Bacigalupi to represent the City on all matters related to the General Plan Update adoption, and have him present at meetings when General Plan Update related items are on the agenda.