

1 RESOLUTION NO.

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
3 RIVERSIDE, CALIFORNIA DIRECTING THE CITY ATTORNEY TO
4 INFORM THE CITY COUNCIL OF THE OPTION TO USE OTHER
5 COUNSEL BEFORE ADVISING ON ISSUES AFFECTING CHARTER
6 OFFICERS.

7 WHEREAS, Section 702 of the City Charter provides that the City Attorney shall have the
8 power and may be required to represent and advise the City Council and all City officers in all matters
9 of law pertaining to their offices; and

10 WHEREAS, Section 702 of the City Charter also provides that the City Council shall have
11 control of all legal business and proceedings and may employ other attorneys to take charge of any
12 litigation or matter to assist the City Attorney therein; and

13 WHEREAS, Rule 1.13 of the Rules of Professional Conduct which govern the practice of law
14 in California provides that "A lawyer employed or retained by an organization shall confirm his or her
15 representation to the concept that the client is the organization itself, acting through its duly authorized
16 directors, officers, employees, members, shareholders, or other constituents overseeing the particular
17 engagement"; and

18 WHEREAS, the City Attorney, with the City Clerk and City Manager, is one of three Charter
19 Officers who are selected by, and serve at the pleasure of, the City Council; and

20 WHEREAS, the City Attorney has been, and may again be called upon, to advise on issues
21 affecting all three Charter Officers including him- or herself; and

22 WHEREAS, while his or her doing so may be fully compliant with applicable conflict of
23 interest laws, the City Council may still prefer in some instances to use other counsel to avoid even
24 the appearance that it might receive less than fully objective legal advice.

25 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Riverside as
26 follows:

27 Section 1: That when the City Attorney is requested or required to give legal advice to the City
28 Council pertaining to the terms and condition of employment of the Charter Officers, the City
Manager, City Attorney, or City Clerk, before doing so, the City Attorney shall advise the City Council
whether such advice might affect the terms and conditions of employment of the City Attorney.

Section 2: That if asked to advise the City Council on a matter which might affect the terms
and conditions of employment of the City Attorney, the City Attorney shall inform the Council of that

1 fact in writing, noting the City Council's authority under Section 702 of the Charter to allow the City
2 Attorney to provide that advice or to seek other counsel, either within the City Attorney's office or
3 outside the City.

4 Section 3: That if the City Council opts to use counsel other than the City Attorney for a matter
5 within the scope of Section 2 of this Resolution, the City Attorney shall recuse him- or herself from
6 the matter except as otherwise directed by the City Council.

7 ADOPTED by the City Council this _____ day of _____, 2020.

8 _____
9 WILLIAM R. BAILEY, III
10 Mayor of the City of Riverside

11 Attest:

12 _____
13 COLLEEN J. NICOL
14 City Clerk of the City of Riverside

15
16 I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the
17 foregoing resolution was duly and regularly introduced and adopted at a meeting of the City Council
18 on the _____ day of _____, 2020, by the following vote, to wit:

19 Ayes:

20 Noes:

21 Absent:

22 Abstain:

23
24 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the
25 City of Riverside, California, this _____ day of _____, 2020.

26
27 _____
28 COLLEEN J. NICOL
City Clerk of the City of Riverside

20-0881 KJS 09/08/20