

1 [Outside Counsel for Mayoral Succession Issues]

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3 **Resolution approving the retention of outside counsel to advise the City, in place of the**  
4 **City Attorney's Office, on legal issues relating to Mayoral succession.**

5

6 WHEREAS, City Attorney Dennis Herrera has informed the Board of Supervisors that  
7 on August 26, 2010, he took the first steps to raise funds as a possible candidate for Mayor,  
8 and by memorandum dated August 27, 2010, City Attorney Herrera set forth protocols for  
9 legal advice on matters concerning the Mayor's race during the campaign period for Mayor, a  
10 copy of which memorandum is on file with the Clerk of the Board of Supervisors in File No.  
11 101212, which is hereby declared to be a part of this Resolution, as if set forth fully herein;  
12 and,

13 WHEREAS, Under those protocols City Attorney Herrera advised the Board of  
14 Supervisors that his Office would not handle legal questions that directly involve the Mayoral  
15 election or campaign during the campaign period and that the City should select outside  
16 counsel in advance to advise or assist them in those matters, consistent with past practices;  
17 and,

18 WHEREAS, The Chief Assistant City Attorney issued a memorandum dated  
19 September 7, 2010, to the Board of Supervisors and the Mayor, recommending that  
20 consistent with City Attorney Herrera's August 27, 2010, memorandum, the City retain outside  
21 counsel to advise the City, in place of the City Attorney's Office, on legal issues relating to  
22 Mayoral succession and further recommending that we hire the Office of Santa Clara County  
23 Counsel, which is prepared to provide such legal representation without charge to the City  
24 under the reciprocal relationship that the City Attorney's Office has with the Santa Clara  
25 County Counsel's Office, a copy of which September 7, 2010, memorandum is on file with the

1 Clerk of the Board of Supervisors in File No. 101212, which is hereby declared to be a part of  
2 this Resolution, as if set forth fully herein; now, therefore, be it

3 RESOLVED, That the City retain \_\_\_\_\_ to advise  
4 the City, in place of the City Attorney's Office, on legal issues relating to Mayoral succession  
5 for such period as City Attorney Herrera continues to take steps as a possible Mayoral  
6 candidate or while he is a Mayoral candidate; and, be it

7 FURTHER RESOLVED, That the Clerk of the Board take such actions as are  
8 necessary or appropriate to retain \_\_\_\_\_ for such purposes; and, be  
9 it

10 FURTHER RESOLVED, That the City Attorney's Office assist the Clerk of the Board,  
11 as appropriate and consistent with City Attorney Herrera's August 27, 2010, memorandum, in  
12 finalizing such arrangements with outside counsel and facilitating the transition for such  
13 advice, all in furtherance of this Resolution.