

HARBOR DIVISION

425 S. PALOS VERDES ST.

P.O. BOX 151

SAN PEDRO, CA 90733-0151

FACSIMILE

(310) 831-9778

(310) 732-3750



OFFICE OF THE CITY ATTORNEY
MICHAEL N. FEUER
CITY ATTORNEY

JANNA B. SIDLEY
GENERAL COUNSEL

JOY M. CROSE
ASSISTANT GENERAL COUNSEL

ESTELLE M. BRAAF
CARL CHEA
BRIAN DALUIO
JOHN T. DRISCOLL
JUSTIN HOUTERMAN
JANET KARKANEN
KENNETH F. MATTFELD
HEATHER M. McCLOSKEY
STEVEN Y. OTERA
MINAH PARK
HELEN J. SOK

DATE: MAY 4, 2021

FROM: OFFICE OF THE CITY ATTORNEY

SUBJECT: RESOLUTION NO. _____ - WAIVING THE POTENTIAL CONFLICT FOR THOMPSON COBURN'S REPRESENTATION OF SIX CITIES

SUMMARY:

The Office of the City Attorney ("Office") requests approval of a waiver of a potential conflict of interest of the law firm of Thompson Coburn LLP (Thompson Coburn). The Office recommends approval of this request for a conflict waiver to allow Thompson Coburn to assist the Office with legal services for the Harbor Department's Clean Air Action Plan (CAAP) and Federal Clean Air Act (FCAA) regulatory and litigation matters, while continuing the firm's representation of Six Cities in state and federal energy regulatory matters.

RECOMMENDATION:

It is recommended that the Board of Harbor Commissioners (Board):

1. Find that the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of the California Environmental Quality Act ("CEQA") under Article II Section 2(f) of the Los Angeles City CEQA Guidelines;
2. Formally waive any potential conflict that might arise from Thompson Coburn's representation of Six Cities in California state and federal energy regulatory matters;
3. Authorize the Office of the City Attorney to execute a written conflict waiver; and
4. Adopt Resolution No. _____

DATE: MAY 4, 2021

PAGE 2 OF 3

SUBJECT: WAIVING THE POTENTIAL CONFLICT FOR THOMPSON COBURN'S REPRESENTATION OF SIX CITIES

DISCUSSION:

Thompson Coburn provides ongoing representation to the Cities of Anaheim, Azusa, Banning, Colton, Pasadena, and Riverside, California (the "Six Cities") in matters related to California state and federal energy regulatory matters. The firm has provided a detailed description of such energy regulatory matters in its conflict request letter, including representing the Six Cities' interests in energy transmission and generation facilities, i.e., power plants (Transmittal 1). The firm's letter also discloses a potential conflict with the Los Angeles Department of Water and Power (LADWP): "Some positions that Thompson Coburn advocates on behalf of the Six Cities at times may be inconsistent or not congruent with positions advocated by LADWP and may be considered in some circumstances to be adverse to LADWP."

Internally, the Office of the City Attorney has approved the competitive selection of Thompson Coburn to represent the Harbor Department in CAAP and FCAA matters through a professional legal services agreement with the Harbor Department, subject to the approval of the conflict waiver by the City. The Office's Outside Counsel Committee reviewed the Thompson Coburn waiver disclosure and determined the conflict can be waived if approved by this Board and the Board of Water and Power Commissioners (BWPC). Our Office therefore recommends the Board approve this request for conflict waiver to enable our Office to bring a Legal Services Agreement with Thompson Coburn for Board approval.

ENVIRONMENTAL ASSESSMENT:

The proposed action is for approval of a proposed waiver of any potential conflict that might arise from Thompson Coburn's continued representation of Six Cities while representing the Harbor Department in CAAP and FCAA matters, which is an administrative activity. Therefore, the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of CEQA in accordance with Article II Section 2(f) of the Los Angeles City CEQA guidelines.

FINANCIAL IMPACT:

The proposed action is for the approval of a proposed waiver of any potential conflict that might arise from Thompson Coburn's continued representation of Six Cities while representing the Harbor Department in CAAP and FCAA matters. Approval of the proposed resolution is not anticipated to have a financial impact on the Harbor Department.

DATE: MAY 4, 2021

PAGE 3 OF 3

SUBJECT: WAIVING THE POTENTIAL CONFLICT FOR THOMPSON COBURN'S REPRESENTATION OF SIX CITIES

CITY ATTORNEY:

The Office of the City Attorney has reviewed Thompson Coburn's request for waiver of potential conflict of interest, and finds the Board can make the decision for the firm's representation in Harbor Department's CAAP and FCAA matters, and the BWPC can make the decision for potential conflict with LADWP positions, which this Office shall execute following their respective approvals.

TRANSMITTAL:

1. Conflict Waiver Request

FIS Approval: MB

CA Approval: SO

Steven Otera
JOY M. CROSE
Assistant City Attorney

APPROVED:

APPROVED:

By *Steven Otera*
JANNA B. SIDLEY
General Counsel, Harbor Department

By *Marla Bleavins*
EUGENE D. SEROKA
Executive Director