

1 [Outside Counsel for Mayoral Succession Issues]

2
3 **Resolution approving the retention of the Office of Santa Clara County Counsel to**
4 **advise the City, in place of the City Attorney's Office, on legal issues relating to**
5 **Mayoral succession.**

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

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

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

1 County Counsel's Office, a copy of which September 7, 2010, memorandum is on file with the
2 Clerk of the Board of Supervisors in File No. 101212, which is hereby declared to be a part of
3 this Resolution, as if set forth fully herein; now, therefore, be it

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

8 FURTHER RESOLVED, That the Clerk of the Board take such actions as are
9 necessary or appropriate to retain the Office of Santa Clara County Counsel for such
10 purposes; and, be it

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



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Resolution

File Number: 101212

Date Passed: October 05, 2010

Resolution approving the retention of the Office of Santa Clara County Counsel to advise the City, in place of the City Attorney's Office, on legal issues relating to Mayoral succession.

September 30, 2010 Rules Committee - RECOMMENDED AS COMMITTEE REPORT

October 05, 2010 Board of Supervisors - ADOPTED

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi
Noes: 1 - Alioto-Pier

File No. 101212

I hereby certify that the foregoing Resolution was
ADOPTED on 10/5/2010 by the Board of
Supervisors of the City and County of San
Francisco.

Angela Calvillo
Clerk of the Board

RETURNED UNSIGNED

Mayor Gavin Newsom

OCTOBER 14, 2010

Date Approved

Date: October 14, 2010

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter.

Angela Calvillo
Clerk of the Board

File No.
101212