

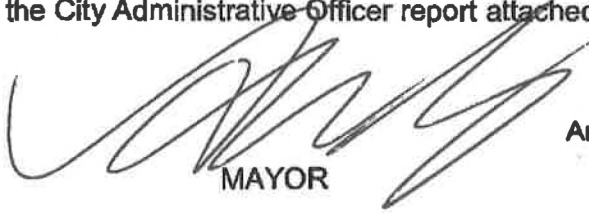
**TRANSMITTAL**

0220-05663-0000

TO Eugene D. Seroka, Executive Director Harbor Department	DATE DEC 02 2019	COUNCIL FILE NO.
FROM The Mayor	COUNCIL DISTRICT 15	

**REQUEST FOR WAIVER OF POTENTIAL CONFLICT OF INTEREST FOR BEVERIDGE & DIAMOND, P.C. – CONCURRENT REPRESENTATION OF THE CITY AND NUSTAR ENERGY**

Transmitted for further processing and Council consideration.  
See the City Administrative Officer report attached.



Ana Guerrero

MAYOR

RHL:JCY:10200061t

REPORT FROM

## OFFICE OF THE CITY ADMINISTRATIVE OFFICER

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Date: November 27, 2019  
To: The Mayor  
From: Richard H. Llewellyn, Jr., City Administrative Officer  
Reference: Correspondence from the Harbor Department dated September 17, 2019  
Subject: **REQUEST FOR WAIVER OF POTENTIAL CONFLICT OF INTEREST FOR BEVERIDGE & DIAMOND, P.C. – CONCURRENT REPRESENTATION OF THE CITY AND NUSTAR ENERGY**

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CAO File No. 0220-05663-0000  
Council File No.  
Council District: 15



### RECOMMENDATION

That the Mayor approve Harbor Department (Port) Resolution No. 19-9527 to authorize the City Attorney to execute a written conflict waiver for Beveridge & Diamond, P.C. and return the document to the Port for further processing, including Council consideration.

### SUMMARY

The Office of the City Attorney (City Attorney) requests approval of a conflict waiver request for the law firm of Beveridge and Diamond, P.C. (B&D) to represent NuStar Energy (NuStar) in its proposal to repair and make improvements to its leased wharf at the Port of Los Angeles (POLA). NuStar has a current lease agreement with the Harbor Department. B&D will be assisting NuStar with any environmental review that may be necessary under the California Environmental Quality Act (CEQA) related to the project. B&D currently separately represents the City of Los Angeles in connection with issues related to biosolids and related litigation. Although the issues are unrelated, B&D is required to seek waiver in order to represent both parties. The City Attorney has reviewed and the Harbor Board of Commissioners has approved the request.

To ensure separation of the two matters, B&D has agreed to create an ethical screen between the B&D attorneys working on behalf of NuStar and those working on behalf of the City. No information will be shared between the attorney teams and B&D will not share with NuStar any privileged, sensitive, proprietary or other confidential information of a nonpublic nature it has acquired as a result of its representation of the City.

### FISCAL IMPACT STATEMENT

Approval of Harbor Department Resolution No. 19-9527 will have no impact on the General Fund or financial impact on the Harbor Department.

RHL:JCY:10200061