

RESOLUTION NO. 2025-97

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA APPROVING A LEGAL SERVICES AGREEMENT WITH RICHARD, WATSON & GERSHON; APPROVING A WAIVER OF POTENTIAL CONFLICTS OF INTEREST AND CONSENTING TO CONCURRENT REPRESENTATION OF THE CITY OF MARINA, THE MARINA COAST WATER DISTRICT, AND THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT AND ACKNOWLEDGEMENT OF WAIVER AND CONSENT

WHEREAS, the City of Marina, the Marina Coast Water District, and the Monterey Peninsula Management District (collectively “Appellants”) have appealed the final decision in *City of Marina, et al., v. California Coastal Commission, et al.*, 22-CV-004063, Monterey Superior Court; and

WHEREAS, Appellants desire to be jointly represented by the firm of Richards, Watson & Gershon in the appeal of the above-referenced final decision; and

WHEREAS, joint representation of more than one party raises the issue of potential conflicts of interest between or among two or more parties; and

WHEREAS, the California Rules of Professional Conduct require informed consent from each affected client in a situation in which representation of a client is directly adverse to that of another client in the same or a separate matter, or where there is a significant risk that a lawyer’s representation of a client will be materially limited by such lawyer’s representation of another client, former client or third person; and

WHEREAS, the Appellants have asserted similar causes of action from the same set of facts and are subject to rulings identical to all three Appellants; and

WHEREAS, there are no potential claims between or among Appellants with regard to the above-referenced litigation; and

WHEREAS, the City desires to provide informed consent to concurrent representation and waive any potential conflict of interest or conflict of interest that may exist.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Marina does hereby:

1. Approve a Legal Services Agreement with Richard, Watson & Gershon to prosecute the City’s appeal of the final decision in *City of Marina, et al., v. California Coastal Commission, et al.*, 22-CV-004063, Monterey Superior Court;
2. Waive any potential conflict of interest or conflict of interest and consents to concurrent representation of the City of Marina, Marina Coast Water District, and the Monterey Peninsula Water District; and
3. Authorizes the City Manager to execute the Agreement and acknowledgement of waiver and consent to concurrent representation.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 6th day of August 2025 by the following vote:

AYES, COUNCIL MEMBERS: McAdams, McCarthy, Biala, Visscher, Delgado

NOES, COUNCIL MEMBERS: None

ABSENT, COUNCIL MEMBERS: None

ABSTAIN, COUNCIL MEMBERS: None

ATTEST:

---

Bruce C. Delgado, Mayor

---

Anita Sharp, Deputy City Clerk

August 1, 2025

Item No. **10g(7)**

Honorable Mayor and Members  
of the Marina City Council

City Council Meeting  
of August 6, 2025

**CITY COUNCIL TO CONSIDER ADOPTING RESOLUTION NO. 2025-,  
APPROVING A LEGAL SERVICES AGREEMENT WITH RICHARD, WATSON  
& GERSHON; APPROVING A WAIVER OF POTENTIAL CONFLICTS OF  
INTEREST AND CONSENTING TO CONCURRENT REPRESENTATION OF  
THE CITY OF MARINA, THE MARINA COAST WATER DISTRICT, AND THE  
MONTERERY PENINSULA WATER MANAGEMENT DISTRICT, AND  
AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT AND  
ACKNOWLEDGEMENT OF WAIVER AND CONSENT.**

**REQUEST:**

It is requested that the City Council consider adopting Resolution No. 2025-\_\_:

1. Approving a Legal Services Agreement with Richard, Watson & Gershon to prosecute the City's appeal of the final decision in *City of Marina, et al., v. California Coastal Commission, et al.*, 22-CV-004063, Monterey Superior Court;
2. Waiving any potential conflict of interest or conflict of interest and consenting to concurrent representation of the City of Marina, Marina Coast Water District, and the Monterey Peninsula Water District; and
3. Authorizing the City Manager to execute the waiver and consent to concurrent representation.

**BACKGROUND:**

The City of Marina, the Marina Coast Water District, and the Monterey Peninsula Management District (collectively "Appellants") have appealed the final decision in *City of Marina, et al., v. California Coastal Commission, et al.*, 22-CV-004063, Monterey Superior Court. Appellants desire to be jointly represented by the firm of Richards, Watson & Gershon in the appeal of the above-referenced final decision. Joint representation of more than one party raises the issue of potential conflicts of interest between or among two or more parties; and

**ANALYSIS:**

The California Rules of Professional Conduct require informed consent from each affected client in a situation in which representation of a client is directly adverse to that of another client in the same or a separate matter, or where there is a significant risk that a lawyer's representation of a client will be materially limited by such lawyer's representation of another client, former client or third person. Here, the Appellants have asserted similar causes of action from the same set of facts and are subject to rulings identical to all three Appellants. Additionally, there are no potential claims between or among Appellants with regard to the above-referenced litigation.

**FISCAL IMPACT:**

Sufficient funding is budgeted in legal services account for Cal-Am litigation

Respectfully submitted,

---

René Alejandro Ortega  
City Attorney  
City of Marina