

ORDINANCE NO. 130942

Waiving a requirement of Section 2-83(a), Code of Ordinances; and waiving a conflict of interest for a law firm.

WHEREAS, the Land Clearance for Redevelopment Authority of Kansas City, Missouri (“LCRA”) issued a Request for Qualifications for legal services and, following an analysis of all responses, desires to retain the White Goss Bowers March Schulte & Weisenfels law firm (“White Goss”); and

WHEREAS, White Goss represents clients in litigation against the City in *First Bank of Missouri v. City of Kansas City*, 12CY-CV02974, and *Waterway Gas & Wash Company v. City of Kansas City*, 1316-CV1432; and

WHEREAS, since White Goss represents parties in litigation against the City, Section 2-83(a), Code of Ordinances does not allow LCRA to contract for professional services with White Goss unless the City Council has waived this requirement of Section 2-83; and

WHEREAS, White Goss has committed to seek an additional waiver from the City Council before it would accept an engagement which could potentially conflict with interests of the City of Kansas City, Missouri or any board, commission or authority thereof; and

WHEREAS, the law firm of Bryan Cave LLP (“Bryan Cave”) has current contracts with the City for the provision of legal services and also provides legal services to the Tax Increment Financing Commission of Kansas City, Missouri; and

WHEREAS, Bryan Cave represents one client which will be advocating for an ordinance change and another client which will be responding to a redevelopment Request for Proposal issued by the City; and

WHEREAS, Bryan Cave desires to represent its clients in these matters, but will not assert any claim against the City or represent these clients in any litigation that would be adverse to the interests of the City; and

WHEREAS, under the Rules of Professional Conduct governing Missouri lawyers, the City must waive any potential conflicts of interest in order for Bryan Cave to represent these clients; and

WHEREAS, Bryan Cave has committed to screen their attorneys who work on City projects from these two other matters; and

WHEREAS, the Council does not believe that the City’s interests will be adversely affected by White Goss’s representation of LCRA or Bryan Cave’s

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representation of its two clients under the circumstances set out above concerning each law firm; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the provision of Section 2-83(a), Code of Ordinances, prohibiting a board or commission such as LCRA from entering into a legal services contract with a law firm representing any party in litigation against the City is hereby waived with respect to the two lawsuits set forth above for the LCRA contract with White Goss for the provision of legal services.

Section 2. That the City waives any potential conflict of interest in Bryan Cave's representation of a client seeking an ordinance change and a client seeking to be a redeveloper on a City project, to the extent that a claim is not asserted against the City or litigation initiated that is adverse to the City's interests. The City Attorney is hereby authorized to execute a letter attesting to the waiver of such conflicts of interest on behalf of the City.

Approved as to form and legality:

Cecilia Abbott
Assistant City Attorney