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July 8, 2019

Lara DeLaney
Senior Deputy County Administrator
Acting Director, Office of Reentry & Justice
County of Contra Costa
651 Pine Street, 10th floor
Martinez, CA 94553

Re: Disclosure of Information

Dear Ms. DeLaney:

Nossaman LLP (“Nossaman”) submitted a proposal to provide State Legislative Advocacy Services to the County (the “Advocacy Services”). Nossaman is confident that we can fulfill the terms of the contract as outlined in our proposal to provide the Advocacy Services, and wants to inform the County about legal services Nossaman provides out of our Orange County office to Kern County Water Agency and Coalition for a Sustainable Delta. Although we previously requested a conflict waiver from the County, upon further review by our General Counsel we determined that no conflict currently exists and therefore waivers are not needed. If a future representation may result in a conflict, we would evaluate whether waivers are needed at that time. However, given the different positions of the County compared to Kern County Water Agency and Coalition for a Sustainable Delta regarding ongoing operations of the State Water Project as well as the Delta conveyance project, we propose implementing an ethical wall between the professionals who work on Kern County Water Agency and Coalition for a Sustainable Delta matters and the professionals who will work on County matters.

Nossaman is long-time counsel to Kern County Water Agency and Coalition for a Sustainable Delta. Kern County Water Agency is the second largest State Water Contractor. The Department of Water Resources delivers water to the Agency and other State Water Contractors via the State Water Project, which extends from Oroville in northern California to San Diego in southern California. Nossaman serves as outside counsel to the Agency with respect to endangered species and water supply issues, principally arising from the Agency’s use of the State Water Project as a critical piece of its water portfolio. In this capacity, Nossaman has participated in Delta Stewardship Council, Fish and Game Commission, and State Water Resources Control Board proceedings. Nossaman has also represented Kern County Water Agency in litigation involving the State Water Project in federal and state court, including litigation in which Contra Costa County was an adverse party.

The Coalition for a Sustainable Delta is non-profit formed by water users who rely on the Delta for their water supplies and for recreation. The Coalition is dedicated to creating a healthy Delta ecosystem by easing or resolving the many stressors affecting the estuary. Nossaman serves as outside counsel to the Coalition with respect to endangered species and water supply issues. In this capacity, Nossaman has

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participated in Delta Stewardship Council, Fish and Game Commission, and State Water Resources Control Board proceedings. Nossaman has also represented the Coalition in litigation involving the State Water Project in federal court, including cases filed under citizen suit provisions against federal, state, and local agencies for violation of federal environmental laws such as the federal Endangered Species Act.

Nossaman will continue to represent Kern County Water Agency and Coalition for a Sustainable Delta with respect to endangered species and water supply issues in the Sacramento-San Joaquin Delta, including with respect to Governor Newsom's Delta conveyance project.

Although Nossaman previously believed its legal work for Kern County Water Agency and Coalition for Sustainable Delta in matters including the CDWR Environmental Impact Cases and the State Water Resources Control Board California WaterFix proceedings were adverse to the County, those matters are effectively over. None of the legal work Nossaman is presently undertaking for Kern County Water Agency and the Coalition for a Sustainable Delta, as outlined above, is adverse to the County to our knowledge. Therefore our General Counsel has determined that no conflicts exist and no waivers are necessary.

If there are instances in the future where our representation of Kern County Water Agency and/or the Coalition for a Sustainable Delta is adverse to the County, Nossaman would then inform the relevant parties and evaluate if conflict waivers are needed.

Although no conflict waivers are needed, we emphasize that Kern County Water Agency and the Coalition for a Sustainable Delta have adverse or potentially adverse positions to the County with regard to State Water Project operations and the Delta conveyance project. As a result, Nossaman proposes to erect and maintain an ethical wall between the professionals who represent Kern County Water Agency and the Coalition for a Sustainable Delta on the one hand and the professionals who will represent the County on the other hand. We respectfully request that the County acknowledge this arrangement and confirm that it is amenable to Nossaman's continued representation of the Coalition for a Sustainable Delta and Kern County Water Agency with respect to State Water Project operations and the Delta conveyance project even if the County decides to oppose some facet of such operations or that project.

If you have any questions, please give me a call.

Sincerely,



Ashley Walker
Nossaman LLP

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ACKNOWLEDGEMENT

The undersigned has read the foregoing and hereby acknowledges and understands Nossaman's representation of the Coalition for a Sustainable Delta and Kern County Water Agency with respect to State Water Project operations and the Delta conveyance project as stated above.

Date: July ____, 2019

Contra Costa County ("the County")

By: _____

Name:

County Counsel