



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Sharon L. Anderson, County Counsel  
Date: January 5, 2016

Subject: APPROVE AND AUTHORIZE CONFLICT WAIVER WITH MEYERS NAVE

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**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the County Counsel, or her designee, to execute on behalf of the County a conflict waiver acknowledging a potential conflict of interest and consenting to Meyers Nave representing the Rodeo-Hercules Fire Protection District (Fire District), in connection with a petition for a writ of mandate and a complaint for declaratory and injunctive relief filed by the Contra Costa County Employees' Retirement Association (CCCERA) for missed or late unfunded actuarial liability payments. In this matter, the Contra Costa County Auditor-Controller and the Contra Costa County Treasurer-Tax Collector are named as real parties in interest.

**FISCAL IMPACT:**

There is no financial impact.

**BACKGROUND:**

The County is an existing client of Meyers Nave. Meyers Nave represents the County in various labor and employment matters. The Rodeo-Hercules Fire Protection District (District) is also an existing client of Meyers Nave. Meyers Nave serves as the District's General Counsel.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **01/05/2016** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

AYE: John Gioia, District I Supervisor  
Candace Andersen, District II  
Supervisor  
Mary N. Piepho, District III Supervisor  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: January 5, 2016

David Twa, County Administrator and Clerk of the Board  
of Supervisors

Contact: Kathleen Andrus, Deputy  
County Counsel, (925) 335-1800

By: Stephanie L. Mello, Deputy



### BACKGROUND: (CONT'D)

Meyers Nave has been asked to advise the District in connection with an action filed against the District by the Contra Costa County Employees' Retirement Association (CCCERA) for missed or late unfunded actuarial accrued liability payments. The action is entitled Contra Costa County Employees' Retirement Association v. Rodeo-Hercules Fire Protection District, Contra Costa County Superior Court, Case No. N15-1906. In this matter, the Contra Costa County Auditor-Controller and the Contra Costa County Treasurer-Tax Collector are named as real parties in interest. The County has been informed that since the action was filed, the District has paid all overdue monies to CCCERA.

In the absence of the informed written consent of each client, the California Rules of Professional Conduct prohibit an attorney from representing a client in one matter and at the same time representing a second client in a separate matter if the second client's interests in the separate matter are adverse to those of the first client (Rule 3-310(C)(3)).

In this instance, the representation Meyers Nave provides to the County is unrelated to the representation it provides to the District.

Attached is a letter from Meyers Nave that describes the conflict waiver request in more detail.

### CONSEQUENCE OF NEGATIVE ACTION:

If the conflict waiver is not granted, Meyers Nave could continue to represent the County in connection with unrelated labor and employment matters and continue to act as the District's General Counsel, but would be unable to advise the District with respect to the above-named action or any related litigation against the Auditor-Controller or Treasurer-Tax Collector while continuing to represent the County.

### ATTACHMENTS

Attachment 1 - Letter from Meyers Nave