



**Contra
Costa
County**

To: Board of Supervisors
From: Sharon L. Anderson, County Counsel
Date: February 25, 2020

Subject: APPROVE AND AUTHORIZE CONFLICT WAIVER WITH LIEBERT CASSIDY WHITMORE

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 Liebert Cassidy Whitmore continuing to represent the County in labor negotiations while, at the same time, representing the Town of Danville in an unrelated matter involving the investigation of the conduct of a County employee.

FISCAL IMPACT:

There is no financial impact.

BACKGROUND:

The County has a relationship with Liebert Cassidy Whitmore (LCW) in the area of labor negotiations. The Town of Danville has asked LCW to represent the Town by providing advice and counsel related to a complaint by a Town employee against a County employee who provides services to the Town. LCW has advised the County that the firm's representation of the Town in this matter is not adverse to the County's at present, but that

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/25/2020** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, 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: February 25, 2020

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

By: Stephanie Mello, Deputy

Contact: Kate Andrus,
925-335-1824

cc:

there is the potential for

BACKGROUND: (CONT'D)

a conflict of interest. LCW has also advised the County that (i) if an actual conflict arises, the firm will inform the County and the Town and seek additional conflict waivers, and (ii) different members of the firm represent the County and the Town and that an ethical wall exists between the attorneys representing the different agencies.

A copy of the letter from LCW asking for the County's consent is attached.

CONSEQUENCE OF NEGATIVE ACTION:

If the conflict waiver is not granted, LCW could not provide advice and counsel to the Town in the investigation of the complaint against a County employee.

ATTACHMENTS

Conflict Waiver