



**Contra
Costa
County**

To: Board of Supervisors
From: Sharon L. Anderson, County Counsel
Date: April 14, 2020

Subject: APPROVE AND AUTHORIZE CONFLICT WAIVER WITH GREENAN, PEFFER, SALLANDER & LALLY, LLP

RECOMMENDATION(S):

APPROVE and AUTHORIZE County Counsel, or designee, to execute on behalf of the County a conflict waiver acknowledging a potential conflict of interest and consenting to Greenan, Pepper, Sallander & Lally, LLP representing the County in eminent domain litigation and property tax appeals, while, at the same time, representing the building owner in an unrelated lease negotiation for a building the County desires to lease in connection with the COVID-19 response.

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

The County is an existing client of Greenan, Pepper, Sallander & Lally (Greenan). Greenan represents the County in eminent domain litigation and property tax appeals and litigation matters. Greenan also represents East Bay Veterinary Properties, LLC (EBVP), the owners of a building located at 2055 Meridian Park Blvd., in Concord (the Building). The County is currently in negotiations with EBVP to lease the Building to house and care for persons who have been diagnosed with COVID-19, or for other purposes related to the existing health

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **04/14/2020** ☒ 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: April 14, 2020

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

By: June McHuen, Deputy

Contact: Kate Andrus
925-335-1824

cc:

emergency.

BACKGROUND: (CONT'D)

In the absence of the informed written consent of each client, the California Rules of Professional Conduct prohibit an attorney from representing a client if there is a significant risk the lawyer's representation of the client will be materially limited by the lawyer's responsibilities to or relationships with another client, a former client or a third person, or by the lawyer's own interests. (Rule 1.7)

In this instance, the representation Greenan provides to the County is unrelated to the representation it provides to EBVP.

CONSEQUENCE OF NEGATIVE ACTION:

If the conflict waiver is not granted, Greenan would not be able to continue to represent the EBVP in connection with the Building lease. The result would likely be a delay in the County's ability to lease the building for emergency purposes.

ATTACHMENTS

Conflict Waiver Request