



**Contra
Costa
County**

To: Board of Supervisors
From: Sharon L. Anderson, County Counsel
Date: April 28, 2020

Subject: APPROVE AND AUTHORIZE CONFLICT WAIVER WITH HANSON BRIDGETT LLP

RECOMMENDATION(S):

APPROVE and AUTHORIZE County Counsel or her designee to execute on behalf of the County a conflict waiver acknowledging a potential conflict of interest and consenting to Hanson Bridgett LLP representing the County in litigation and employee benefits matters, while, at the same time, representing the East Contra Costa Fire Protection District in connection with the negotiation and implementation of an agreement between the District and the County regarding the administration of development fire impact fees collected for the District.

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

The County is an existing client of Hanson Bridgett LLP. The firm represents the County in litigation and employee benefits matters. The firm has been asked to represent the East Contra Costa Fire Protection District (District) in connection with the negotiation and implementation of an agreement between the District and the County regarding the administration of development fire impact fees collected for the District (the Subject

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **04/28/2020** ☒ 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 28, 2020

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

By: Stephanie Mello, Deputy

Contact: Kate Andrus,
925-335-1824

cc:

Matter).

In the absence of the informed written consent of each

BACKGROUND: (CONT'D)

client, the California Rules of Professional Conduct prohibit an attorney from representing a client if the representation is directly adverse to another client in the same or a separate matter. (Rule 1.7)

In this instance, the interests of the County and the District are adverse with respect to the Subject Matter because the County and the District may have different goals and objectives with respect to that matter. The Subject Matter, however, is unrelated to the work the firm does for the County. And the firm has expressed the belief that representing the District in the Subject Matter will not compromise its ability to represent the County competently or its ability to maintain its duty of loyalty and confidentiality to the County.

Attached is a letter from Hanson Bridgett that describes the conflict waiver request in more detail.

CONSEQUENCE OF NEGATIVE ACTION:

If the conflict waiver is not granted, Hanson Bridgett would not be able to represent the District in connection with the Subject Matter. The result would likely be a delay in the negotiation between the County and the District.

ATTACHMENTS

Conflict Waiver