



**Contra
Costa
County**

To: Board of Supervisors
From: Sharon L. Anderson, County Counsel
Date: May 26, 2020

Subject: APPROVE AND AUTHORIZE CONFLICT WAIVER WITH NIXON PEABODY LLP

RECOMMENDATION(S):

APPROVE and AUTHORIZE the County Counsel, or her designee, and the Treasurer-Tax Collector, or his designee, to consent to Nixon Peabody LLP representing the County in connection with the issuance and sale of the West Contra Costa Unified School District General Obligation Bonds, 2010 Election, 2020 Series F, while, at the same time, representing the West Contra Costa Unified School District in the same transaction.

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

The County has appointed Nixon Peabody LLP (the Firm) as counsel to the County with regard to various bond matters, including the issuance and sale on behalf of the West Contra Costa Unified School District ("District") of its General Obligation Bonds, 2010 Election, 2020 Series F ("Bonds"). The Firm also represents the District in connection with the issuance.

The District is not considered to be an adverse party to the County in the bond issuance.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **05/26/2020** ☒ 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: May 26, 2020

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

By: Stephanie Mello, Deputy

Contact: Rebecca Hooley,
(925) 335-1854

cc:

Nevertheless, the Firm believes that its professional obligations require it to advise the County of the relationship with

BACKGROUND: (CONT'D)

the District in this matter. The Firm advises that the Firm's work for the County and the District in connection with the issuance and sale of the District's Bonds will be handled by different lawyers within the Firm. The Firm also advises that it will not share the District's confidential information with the County or the County's confidential information with the District.

The Firm is requesting that the County consent to the Firm's simultaneous representation of the County and the District in the bond issuance. A copy of the letter from the Firm asking for the County's consent is attached.

CONSEQUENCE OF NEGATIVE ACTION:

If the County does not consent, it is likely that either the County or the District will need to engage new counsel in connection with the District's Bond issuance and sale.

ATTACHMENTS

Conflict Waiver Letter