



## Legislation Details (With Text)

**File #:** 2020-0586  
**Type:** Consent Calendar Item **Status:** Agenda Ready  
**File created:** 6/3/2020 **In control:** Auditor-Controller-Treasurer-Tax Collector  
**On agenda:** 7/7/2020 **Final action:**  
**Title:** Best Best & Krieger Conflict Waiver  
**Sponsors:** Auditor-Controller-Treasurer-Tax Collector, County Counsel  
**Indexes:**  
**Attachments:** 1. Agenda Summary, 2. Att A -- Conflict Waiver to Sonoma County re Shilo Cemetery District-c1

Date	Ver.	Action By	Action	Result
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**To:** Sonoma County Board of Supervisors  
**Department or Agency Name(s):** County Counsel and Auditor-Controller-Treasurer-Tax Collector  
**Staff Name and Phone Number:** Lauren Walker 565-2421  
**Vote Requirement:** Majority  
**Supervisory District(s):** All

**Title:**  
Best Best & Krieger Conflict Waiver

**Recommended Action:**  
Authorize County Counsel to approve a request from Best Best & Krieger for a limited conflict waiver.

**Executive Summary:**  
In March 2019, County Counsel retained the law firm of Best Best & Krieger LLP ("BBK") to assist the Auditor-Controller-Treasurer-Tax Collector with federal and state tax matters pertaining to the County's employee benefits ("County Matters"). The Shilo Cemetery District ("District") has recently approached BBK for representation on an appeal related to a denied use permit ("Use Permit Matter"). Although Use Permit Matter is unrelated to the County Matters, and no one from the BBK team assigned to work on the County Matters will be working on the Use Permit Matter, the Rules of Professional Conduct require that BBK obtain the County's consent to take on the Use Permit Matter.

**Discussion:**  
Since March 2019, BBK has assisted the ACTTC with complex public employee tax and benefits matters that are outside the scope of County Counsel expertise. The County's current agreement with BBK is for a three-year term of March 2019 through March 2022, at an annual amount that is not to exceed \$50,000. The attorneys assisting the County are located in BBK's Riverside office.

The District recently approached attorneys in BBK's Sacramento office to represent the District in its appeal to the County of a denied use permit. The Use Permit Matter is unrelated to the County Matters, and work on the Use Permit Matter will not be performed by any attorney working on the County Matters. However, the

Rules of Professional Conduct require that BBK obtain the County's consent to take on the Use Permit Matter by signing a conflict waiver.

By agreeing to the conflict waiver, the County agrees that BBK may represent the District in the Use Permit Matter while continuing to represent the County in the County Matters. Given the limited nature of the requested waiver and the unrelated nature of the representation, County Counsel recommends that your Board authorize County Counsel to approve the limited conflict waiver.

**Prior Board Actions:**

Click or tap here to enter text.

**FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY 19-20 Adopted</b>	<b>FY20-21 Projected</b>	<b>FY 21-22 Projected</b>
Budgeted Expenses			
Additional Appropriation Requested			
<b>Total Expenditures</b>			
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>			

**Narrative Explanation of Fiscal Impacts:**

None

<b>Staffing Impacts:</b>			
<b>Position Title (Payroll Classification)</b>	<b>Monthly Salary Range (A-I Step)</b>	<b>Additions (Number)</b>	<b>Deletions (Number)</b>

**Narrative Explanation of Staffing Impacts (If Required):**

None

**Attachments:**

Conflict Waiver Letter - Representation of Shilo Cemetery District

**Related Items “On File” with the Clerk of the Board:**