

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

654 P



FROM: County Counsel

SUBMITTAL DATE:
December 17, 2014

SUBJECT: Waiver of Conflict of Interest for the law firm of Best Best & Krieger LLP to represent the San Jacinto Basin Resource Conservation District (SJBRCD) regarding a potential memorandum of understanding and conservation easement over real property located in the Juniper Flats area; District 5

RECOMMENDED MOTION: That the Board of Supervisors:

Consent to the waiver of conflict of interest and authorize County Counsel to sign the letter of consent for the law firm of Best Best & Krieger LLP to represent SJBRCD regarding a potential memorandum of understanding between the County and SJBRCD and conservation easement over real property located in the Juniper Flats area proposed to be granted in favor of SJBRCD by the County of Riverside.

BACKGROUND:

Summary

Currently, the County retains the law firm of Best Best & Krieger LLP (BBK) to represent the County's interest in a number of environmental transactions and California Environmental Quality Act litigation. (continued on page 2)

Gregory P. Priamos
County Counsel

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$	\$	\$	\$	Consent <input checked="" type="checkbox"/> Policy <input type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

SOURCE OF FUNDS:

Budget Adjustment:

For Fiscal Year:

C.E.O. RECOMMENDATION:

APPROVE

BY:

County Executive Office Signature

Denise C. Harden

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Benoit and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Benoit and Ashley
Nays: None
Absent: None
Date: January 6, 2015
xc: Co.Co., District, BB&K, COB_{cm}

Kecia Harper-Ihem
Clerk of the Board

By:

Deputy

Prev. Agn. Ref.:

District: 5

Agenda Number:

2-25

Positions Added
☐ A-30
☐ 4/5 Vote
Change Order

BACKGROUND:

Summary (continued)

BBK also desires to now represent SJBRC D regarding a potential conservation easement over real property located in the Juniper Flats area. In this matter, BBK plans to represent SJBRC D in reviewing a memorandum of understanding and conservation easement as well as advising SJBRC D on any issues relevant to negotiating and finalizing the conservation easement real estate transaction. It may be possible that BBK may advise SJBRC D in the future on matters related to the enforcement of the conservation easement if warranted. In the event that conflicts arise concerning the transaction between the County and SJBRC D, BBK would need to withdraw from representing either one or both parties.

The request for a conflict of interest waiver by the law firm of BBK is prompted by Rule 3-310 of the California Rules of Professional Conduct, which provides, in pertinent part:

“(C) A member [of the Bar] shall not, without the informed written consent of each client:

(1) Accept representation of more than one client in a matter in which the interests of the clients potentially conflict; or

(2) Accept or continue representation of more than one client in a matter in which the interests of the clients actually conflict; or

(3) Represent a client in a matter and at the same time in a separate matter accept as a client a person or entity whose interest in the first matter is adverse to the client in the first matter.”

County Counsel and Transportation staff have reviewed the attached waiver of conflict of interest letter and are of the opinion that a conflict of interest would not arise in connection with the firm's representation of SJBRC D or that the County's interests would be adversely affected by the firm's representation of SJBRC D in this matter concurrently with representing and advising the County on CEQA issues and litigation.

Impact on Citizens and Businesses

N/A

SUPPLEMENTAL:

Additional Fiscal Information

N/A

Contract History and Price Reasonableness

N/A

ATTACHMENTS (if needed, in this order): Conflict of Interest Waiver Request Letter

BEST BEST & KRIEGER

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December 2, 2014

Greg Priamos, County Counsel
Office of County Counsel
3960 Orange Street, Suite 500
Riverside, CA 92501

Re: Juniper Flats Memorandum of Understanding and Conservation Easement

Dear Greg:

The San Jancinto Basin Resource Conservation District ("SJBRCD") plans to negotiate and enter into Memorandum of Understanding ("MOU") with the County of Riverside. The MOU will govern the rights and responsibilities of the SJBRCD and the County related to the conveyance of the Juniper Flats Conservation Easement. SJBRCD has asked Best Best & Krieger LLP ("BBK") to represent SJBRCD in the review and documentation of the MOU and the Conservation Easement, as well as reviewing other documents related to conducting due diligence in preparation for accepting the Conservation Easement. It may be possible that SJBRCD would ask us for advice in the future related to the enforcement of the Conservation Easement as well.

As you know, BBK currently represents and advises the County on other legal matters. As a result of our relationship with the SJBRCD, there is a potential that the County's interests and the SJBRCD's interests could conflict, creating a conflict of interests for BBK. When a potential or actual conflict of interest exists, a law firm must disclose the conflict to the clients and obtain their waiver and written consent to continue with the representation.

RULES OF PROFESSIONAL CONDUCT

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