

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

March 11, 2025

FROM

TOM BUNTON, County Counsel

SUBJECT

Consent to Waiver of a Potential Conflict of Interest

RECOMMENDATION(S)

1. Approve a waiver of a potential conflict of interest with Goldfarb & Lipman LLP in connection with the Highland Senior Apartments, an affordable housing project in Highland.
2. Authorize the County Counsel or Chief Assistant County Counsel to execute any required documentation to waive the potential conflict of interest consent letter with Goldfarb & Lipman LLP.

(Presenter: Tom Bunton, County Counsel, 387-5455)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Operate in a Fiscally-Responsible and Business-Like Manner.

Ensure Development of a Well-Planned, Balanced, and Sustainable County.

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost).

BACKGROUND INFORMATION

On February 25, 2025 (Item No. 13), the Board of Supervisors (Board) approved the Negotiating Agreement with Wakeland Highland LP (Developer) committing up to \$5,850,000 of Permanent Local Housing Allocation and HOME Investment Partnerships Program funds to develop the Highland Senior Apartments (Project), an affordable housing project in Highland, and approved a funding commitment letter required to support Wakeland Highland LP's Low-Income Housing Tax Credit funding application, referencing the \$5,850,000 of Permanent Local Housing Allocation and HOME Investment Partnerships Program funding commitment.

The law firm of Goldfarb & Lipman LLP (Goldfarb) provides outside legal counsel services to San Bernardino County on matters that require specialized legal services including, community development and affordable housing. The Developer is also an existing client of Goldfarb. As the Project progresses through the Low-Income Housing Tax Credit funding application process and the drafting of loan documents, the County will be represented by separate counsel at Goldfarb and the Developer will be represented by separate counsel at Goldfarb. Each separate counsel will maintain independent judgment and the duty of loyalty.

Under the Rules of Professional Conduct, Goldfarb must disclose its existing relationships and get the consent of both the County and the Developer to proceed. County Counsel has

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reviewed the consent to waive the potential conflict of interest and believes there would be minimal risk regarding Goldfarb's representation and that it would be appropriate for the Board to approve the waiver of the potential conflict of interest and authorize County Counsel or a Chief Assistant County Counsel to execute the consent to waive the potential conflict of interest.

PROCUREMENT

Not applicable

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Suzanne Bryant, Deputy County Counsel, 387-5455) on February 21, 2025; Finance (Penelope Chang, Administrative Analyst, 387-4886) on February 24, 2025; County Finance and Administration (Stephenie Shea, Deputy Executive Officer, 387-5423) on February 24, 2025.

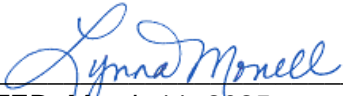
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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Curt Hagman Seconded: Joe Baca, Jr.
Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: March 11, 2025



cc: File - County Counsel
CCM 03/13/2025