

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

July 23, 2024

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 U.S. Vets – E Street Affordable Housing Development Project.
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 June 11, 2024 (Item No. 44), the Board of Supervisors (Board) approved Resolution No. 2024-73 committing Housing Development Grant Funding in an amount not to exceed \$5,000,000 and support of an application for Low-Income Housing Tax Credits to the California Tax Credit Allocation Committee for the construction of the U.S. Vets – E Street Affordable Housing Development Project (Project).

Kingdom Development, Inc. (Kingdom) is expected to be a managing member of a limited liability company with U.S. Vets Housing Corporation that would be formed to be in a limited partnership with a tax credit investor to develop the Project.

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. Goldfarb has also represented Kingdom in other transactions but will not be representing Kingdom in connection with the Project.

While Goldfarb does not have a current conflict of interest, there is a potential conflict of interest due to its representation of Kingdom in other matters. Under the Rules of Professional Conduct, Goldfarb must disclose its existing relationships and get the consent of both the County and

**Consent to Waiver of a Potential Conflict of Interest
July 23, 2024**

Kingdom to proceed. County Counsel has 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 (Julie Surber, Principal Assistant County Counsel, 387-5455) on July 2, 2024; Finance (Carl Lofton, Administrative Analyst, 387-5404) on July 2, 2024; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on July 3, 2024.

**Consent to Waiver of a Potential Conflict of Interest
July 23, 2024**

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.), Dawn Rowe, Curt Hagman, Joe Baca, Jr.
Absent: Jesse Armendarez

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: July 23, 2024



cc: File - County Counsel/General
MBA 07/24/2024