



San Bernardino County

Legislation Text

File #: 4957, Agenda Item #: 29

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

October 5, 2021

FROM

MICHELLE D. BLAKEMORE, County Counsel

SUBJECT

Conflict Disclosure and Waiver of Actual or Potential Conflict of Interest

RECOMMENDATION(S)

1. Approve conflict disclosure and waiver of actual or potential conflict of interest arising out of the representation of San Bernardino County by the Cox Castle & Nicholson, LLP law firm with respect to land use and planning matters.
2. Authorize the County Counsel or a Principal Assistant County Counsel to execute the conflict disclosure and consent to the actual or potential conflict of interest.

(Presenter: Michelle D. Blakemore, County Counsel, 387-5455)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

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

FINANCIAL IMPACT

Approval of the conflict disclosure and waiver of conflicts will not impact Discretionary General Funding (Net County Cost).

BACKGROUND INFORMATION

San Bernardino County (County) intends to utilize the services of Cox Castle & Nicholson, LLP (Cox Castle) as special counsel to advise on land use and planning matters related to the project entitlements for the Rancho Lucerne project. Outside legal counsel specialized in land use and planning law is needed to evaluate and, if necessary, defend the County against opposition raised by the project applicant regarding the validity of the project entitlements, including the validity of a settlement agreement and mutual release entered into by and between the County and project applicant in connection with *Pacific Golf Community Development, LLC, et al. vs. County of San Bernardino*, Case No. SCVSS128878.

Cox Castle has identified two clients with pending unrelated matters within the County that may develop into conflicts with the County, although no actual conflicts exist at this time. The potential conflicts relate to Cox Castle's representation of Clearway Energy Group, LLC, on the Daggett Solar Power Facility project and San Bernardino Valley Municipal Water District for habitat planning issues in the upper Santa Ana River. Cox Castle has requested the County execute a waiver of the actual or potential conflicts of interest. Should actual conflicts develop, appropriate ethical screens would be installed by Cox Castle and the County so Cox Castle's representation of the County in the Rancho Lucerne project would not be jeopardized. County

Counsel has reviewed the conflict disclosure and waiver request and believes there would be minimal risk associated with Cox Castle's representation of the County on the Rancho Lucerne project.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Jason M. Searles, Deputy County Counsel, 387-5455) on September 28, 2021; Finance (Carl Lofton, Administrative Analyst, 387-5404) on September 29, 2021; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on September 29, 2021.