

**BEFORE THE BOARD OF SUPERVISORS OF THE
COUNTY OF YUBA, STATE OF CALIFORNIA**

**RESOLUTION CONSENTING TO COUNTY COUNSEL ADVISING)
AND REPRESENTING THE COUNTY OF YUBA AND THE THREE)
RIVERS LEVEE IMPROVEMENT AUTHORITY AND WAIVING)
ANY ACTUAL OR POTENTIAL CONFLICT OF INTEREST)
CONCERNING REPRESENTATION)**

RESOLUTION NO. 2025-14

WHEREAS, the Three Rivers Levee Improvement Authority ("TRLIA") Joint Exercise of Powers Agreement ("JPA") provides for TRLIA to retain attorneys to act as legal advisors and in specialized areas of law; and

WHEREAS, TRLIA desires for the Yuba County Counsel's Office ("County Counsel") to provide general counsel legal services on its behalf; and

WHEREAS, County Counsel is employed by, and currently serves as general counsel for, the County of Yuba ("County") and also serves as the legal advisor for a number of other separate legal entities that are governed by the same five (5) individuals that sit as the Board of Supervisors for the County ("Related Public Entities"); and

WHEREAS, The County of Yuba ("County") is a party to the JPA; and

WHEREAS, County Counsel's ability to represent County and TRLIA is governed by what are commonly called the California Rules of Professional Conduct, which include, but are not limited to, rules regarding conflicts of interest which require County Counsel to notify clients of any actual or potential conflicts of interest that exist or may arise during the course of such representation and obtain a written waiver from each client of those actual or potential conflicts of interest; and

WHEREAS, before undertaking representation of County and TRLIA, County Counsel must receive an acknowledgment from both parties that: (1) The County and TRLIA have been advised of the potential conflicts associated with each party's respective interests; (2) Nevertheless, both the County and TRLIA want County Counsel to represent them; and (3) Both parties are completely free to seek independent counsel at any time even if this resolution is adopted; and

WHEREAS, although County Counsel is not presently aware of a conflict created by the proposed representation of TRLIA, the nature and scope of County Counsel's work for the

County and its Related Public Entities, may give rise to such conflicts of interest in the future and prior to adopting this resolution, both the County and TRLIA must be made aware that the interests and objectives of the County and TRLIA individually on certain issues may, at some time in the future, become inconsistent with the interests and objectives of the other party and that both parties understand this waiver and are comfortable with County Counsel representing both parties; and

WHEREAS, County Counsel shall endeavor to avoid providing any services that would create a conflict of interest but in the event that a conflict does arise between the County or other Related Public Entities on the one hand and TRLIA on the other hand, or if for any reason the County Counsel's office declines to or resigns from providing services to TRLIA, then TRLIA agrees that the County Counsel's Office may thereafter continue to act as legal counsel for the County and that the County Counsel's Office shall not be disqualified from representing or otherwise carrying out any of its powers and duties on behalf of the County; and

WHEREAS, the parties understand and acknowledge that County Counsel's representation of the parties may also result in the loss of the attorney-client privilege for communications between the parties and County Counsel, because anything disclosed by one client on a matter of common interest may be disclosed to a jointly represented client in a civil proceeding between the parties and that in the event of a dispute among the parties, County Counsel may be precluded from representing any individual party without first obtaining the consent of all concerned.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Yuba acknowledges that it has been advised by County Counsel that authorizing County Counsel to represent both the County and TRLIA may give rise to a conflict of interest between the County and TRLIA; and, by adopting this resolution, elects to have County Counsel undertake the joint representation of the County and TRLIA and waives any and all claims against County Counsel which may arise or accrue by reason of any such joint representation by County Counsel.

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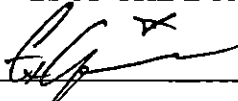
PASSED AND ADOPTED this day of February 25, 2025, by the Board of Supervisors of the County of Yuba, by the following vote:

AYES: Supervisors Vasquez, House, Fuhrer, Bradford, Messick
NOES: None
ABSENT: None
ABSTAIN: None



CHAIRMAN GARY BRADFORD

ATTEST: MARY PASILLAS
CLERK OF THE BOARD OF SUPERVISORS



Esméralda Garcia, Board Clerk

JANET BENDER
YUBA COUNTY COUNSEL
APPROVED AS TO FORM:

