



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 10/16/2018

Agenda Placement: 6J

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors

**FROM:** Thomas Capriola for Jeffrey Brax - County Counsel  
County Counsel

**REPORT BY:** Thomas Capriola, Deputy County Counsel - (707) 259-8251

**SUBJECT:** Conflict Waiver Agreement with Burke, Williams & Sorensen, LLP

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### **RECOMMENDATION**

County Counsel requests approval of and authorization to execute a conflict waiver with Burke, Williams & Sorensen, LLP as part of contracting for specialized legal services to assist in connection with enforcing leases at the Napa County Airport.

### **EXECUTIVE SUMMARY**

On occasion the County needs to engage in litigation to address violations of leases at the Napa County Airport ("Airport"). County Counsel recommends retaining Burke, Williams & Sorensen, LLP, a legal firm with expertise in commercial real estate and local government law, to assist in litigation related to these Airport matters. Burke, Williams & Sorensen, LLP has indicated that members of its Public Law group represent the cities of Calistoga and St. Helena as general counsel. Due to separate negotiations that do not involve the Airport as well as the possibility for conflicts that could arise between the County and these existing municipal clients of Burke, Williams & Sorensen, LLP, County Counsel recommends the execution of a conflict waiver to enable the County to retain Burke, Williams & Sorensen, LLP to assist with litigation in connection with leases at the Airport.

### **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

### **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

### **BACKGROUND AND DISCUSSION**

Recently, the Board approved the termination of a private hangar lease at the Airport and County Counsel recommends retaining Burke, Williams & Sorensen, LLP to assist in litigation related to this and other real estate matters at the Airport. Burke, Williams & Sorensen, LLP has indicated that members of its Public Law group represent the cities of Calistoga and St. Helena as general counsel. For reasons described above, County Counsel recommends the execution of a conflict waiver to enable the County to retain Burke, Williams & Sorensen, LLP to assist with litigation and other real estate matters in connection with leases at the Napa County Airport.

### **SUPPORTING DOCUMENTS**

None

CEO Recommendation: Approve

Reviewed By: Leigh Sharp