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NEVADA COUNTY BOARD OF SUPERVISORS
Board Agenda Memo

MEETING DATE: September 1, 2020

TO: Board of Supervisors

FROM: County Counsel

SUBJECT: Request to approve and authorize County Counsel to sign and submit a letter of waiver of potential conflicts of interest of outside counsel on matters before the Public Utilities Commission

RECOMMENDATION:

County Counsel requests the authority to waive potential conflicts of interest within the law firm of Goodin, MacBride, Squeri & Day, which represents both the County and CTIA (an association for wireless telecommunication service providers) on matters before the California Public Utilities Commission.

FUNDING:

N/A

BACKGROUND:

Megan Somogyi, a partner with the law firm Goodin, MacBride, Squeri & Day, represents Nevada County and other public agencies on several matters pending before the California Public Utilities Commission (CPUC). Another attorney in the same firm represents CTIA, a trade association for wireless telecommunications service providers, also on matters before the CPUC. Nevada County and CTIA have interests impacted by, and are parties to, some of the same proceedings at the CPUC (e.g. PSPS rulemaking, microgrids and resiliency planning, utility disaster preparedness), and could potentially take opposing positions in those or other CPUC proceedings in the future. The law firm has established an ethical wall between the two sets of attorneys to prevent any communication of confidential information.

The State Bar of California publishes Rules of Professional Conduct governing lawyers licensed in California. Rule 1.7 prohibits a lawyer from representing a client when “the lawyer has, or knows that another lawyer in the lawyer’s firm has, a legal, business, financial, professional, or personal relationship with or responsibility to a party or witness in the same matter” unless the lawyer provides the client with a written disclosure of the relationship and obtains the client’s written consent. Ms. Somogyi has provided a written disclosure of the relationship between another lawyer in her firm and CTIA in her draft letter included with this agenda item. The County Counsel’s Office is satisfied Ms.

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Somogyi's representation of Nevada County will not be compromised by her firm's representation of CTIA at the CPUC.

This action would authorize the Chair to waive the potential conflict of interest of Ms. Somogyi and her law firm by signing a letter substantially in the form of the letter included with this agenda item.

Item Initiated By: Katharine L. Elliott

Item Approved By: Katharine L. Elliott

Attachment: Exhibit A - Draft letter waiving potential conflicts of interest

Submittal Date: August 20, 2020