

BOARD OF DIRECTORS  
SUTTER - BUTTE FLOOD CONTROL AGENCY

ADDENDUM TO AGENDA

**February 13, 2008**

**Sutter-Butte Flood Control Agency  
Yuba-Sutter Economic Development Corporation's Conference Room  
1227 Bridge Street, Suite C  
Yuba City, CA 95991**

IN ADDITION TO THE OTHER ITEMS OF BUSINESS SET FORTH IN THE MAIN AGENDA SUMMARY, THE FOLLOWING MATTER WILL BE CONSIDERED AND POSSIBLY ACTED UPON:

**1:30 P.M. – Regular Meeting**

Approval of a Waiver of a Possible Conflict of Interest with the County of Sutter in County Counsel's Representation of Sutter County and the Agency in Preparation of the Loan Agreement between Sutter County and the Agency.

BOARD OF DIRECTORS  
**SUTTER - BUTTE FLOOD CONTROL AGENCY**

**AGENDA SUMMARY**

**February 13, 2008**

**1:30 P.M. Regular Meeting  
Yuba-Sutter Economic Development Corporation's Conference Room  
1227 Bridge Street, Suite C  
Yuba City, CA 95991**

<u>County of Sutter</u> 1. Dan Silva 2. Larry Montna Alt. Jim Whiteaker	<u>County of Butte</u> 1. Curt Josiassen 2. Bill Connelly Alt. Jane Dolan and Kim Yamaguchi
<u>City of Yuba City</u> 1. John Miller 2. Kash Gill Alt. Rory Ramirez, Tej Maan	<u>City of Gridley</u> 1. Marlena Sparks Alt. Jerry Anne Fichter
<u>City of Live Oak</u> 1. Harold Childers Alt. Judy K. Richards	<u>City of Biggs</u> 1. John Busch Alt. Jon Crawford
<u>Levee District 1</u> 1. Francis Silva 2. Al Montna Alt. Mike Vinsonhaler	<u>Levee District 9</u> 1. David Lamon 2. Dave Schmidl Alt. Chris Schmidl

Persons wishing to address the Board during consideration of matters listed on the agenda will be allowed to do so. Testimony should always begin with the speaker giving his or her name and place of residence. The times listed on the agenda are approximate and items may be brought up for discussion within a reasonable length of time before or after the time scheduled.

**1:30 P.M. REGULAR MEETING/CALL TO ORDER**

Roll Call

Pledge of Allegiance to the Flag

**DISCUSSION AND ACTION ITEMS**

- 1) Approval of the minutes for the Regular Board Meeting of January 9, 2008.

- 2) Approval of the Statement of Facts Roster of Public Agencies Filing and authorize the Chairman to sign.
- 3) Presentation by Lincoln Crow, Strategic Communications of proposed work plan for public information, education, and strategic communication services, and Board consideration, modification and/or approval of the first amendment to the Communications Consulting Service Agreement.
- 4) Adoption of the JPA Budget for the 2007-08 Fiscal Year.
- 5) Approval of loan agreement with Sutter County and authorize the Chairman to sign the Agreement.
- 6) JPA Board Workshop – Road Map and Identification of major issues that lie ahead for the Sutter-Butte Flood Control Agency.
- 7) Discussion regarding consideration and placement of items on the agenda for the Sutter-Butte Flood Control Agency regular meeting on March 12, 2008.

**JPA BOARD AD HOC COMMITTEE (John Miller, Larry Montna, and Curt Josiassen)**

- 8) Report of the Ad Hoc Committee and possible action to accept recommendation and appointment of General Counsel of the Board.

**PUBLIC COMMENT**

Members of the public will be allowed to address the Sutter-Butte Flood Control Agency's Board of Directors on items of interest to the public that are within the subject matter jurisdiction of the Board. Any member of the audience who may wish to bring a matter before the Board that has not been agendaized may do so at this time; however, State law provides that no action may be taken on any item not appearing on the posted Agenda.

**OTHER BUSINESS – BOARD OF DIRECTORS**

Requests for assistive listening devices or other accommodations, such as interpretive services, should be made through the Clerk of the Board at (530) 822-7106. Requests should be made at least 72 hours prior to the meeting. Later requests will be accommodated to the extent feasible.

# SUTTER - BUTTE FLOOD CONTROL AGENCY

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February 13, 2008

**TO:** Board of Directors  
**FROM:** William H. Edgar, Interim Executive Director  
**SUBJECT:** Approval of a Waiver of a Possible Conflict of Interest with the County of Sutter

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## **Recommendation**

Approval of a Waiver of a Possible Conflict of Interest with the County of Sutter in County Counsel's Representation of Sutter County and the Agency in Preparation of the Loan Agreement between Sutter County and the Agency.

## **Background**

The California Rules of Professional Conduct require an attorney to obtain the informed written consent of each client in order to represent both clients in a matter in which the interests of the clients could potentially conflict. County Counsel as interim general counsel for the Agency prepared the Loan Agreement on behalf of both the Agency and the County. County Counsel requests that the Board sign a waiver of potential conflict of interest. County Counsel has requested that the County also sign a waiver at its next meeting.

Thank you.



*Office of the County Counsel*  
*County of Sutter*

RONALD S. BRICKSON  
COUNTY COUNSEL

1160 Civic Center Blvd., Ste. C  
Yuba City, California 95993  
Tel (530) 822-7110 FAX (530) 822-7194

RICHARD STOUT  
JANET E. BENDER  
DEPUTIES

ROBERT A. MULLER  
ASSISTANT

February 8, 2008

TO: Board of Directors  
Sutter-Butte Flood Control Agency

**Re: Waiver of Potential Conflict of Interest With Sutter County**

As you are aware, Sutter County is a member agency of the Sutter-Butte Flood Control Agency ("SBFCA"). County Counsel was appointed as interim general counsel for the Agency until the Agency selects and hires its own independent general counsel. County Counsel was asked to prepare the loan agreement on behalf of both parties for the loan from the County to the Agency for \$258,150.

Rule 3-310(C) of the California Rules of Professional Conduct states as follows:

"A member shall not, without the informed written consent of each client:

(1) Accept representation of more than one client in a matter in which the interest of the clients potentially conflict."

It is our opinion that County Counsel needs the written consent of the Board of Supervisors and the Agency in order to represent both clients in this transaction because of the potential conflict, and the purpose of this letter is to obtain your written consent.

We are required to disclose the potential adverse aspects of such multiple representation. Under the circumstances, we do not believe there are any because both parties are in agreement with the terms of the loan. Please confirm that you consent to County

Board of Directors  
February 8, 2008  
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Counsel's representation of Sutter County as described above by signing this letter below and returning it to us.

Very truly yours,

RONALD S. ERICKSON  
SUTTER COUNTY COUNSEL

  
JANET R. BENDER  
DEPUTY COUNTY COUNSEL

JEB:kms

Acknowledgment and Consent:

The Board of Directors of the Sutter-Butte Flood Control Agency consents to County Counsel's legal representation of Sutter County as described in the above letter.

Dated: \_\_\_\_\_

SUTTER-BUTTE FLOOD CONTROL AGENCY

By: \_\_\_\_\_  
John Miller  
Chairman

Dated: \_\_\_\_\_