

FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT
Memorandum
12/03/2018

TO: FRAQMD BOARD OF DIRECTORS

FROM: Christopher D. Brown AICP, APCO

SUBJECT: Approve Resolution #2018-12 consenting to County Counsel advising and representing the Feather River Air Quality Management District and waiving any actual or potential conflict of interest concerning the Agreement for Use of Motor Vehicle Registration Surcharge Fees and authorize the Chairman to execute related documents.

RECOMMENDATION:

Approve Resolution #2018-12 and authorize the Chairman to execute related documents.

BACKGROUND:

Upon the approval of the submission for the "Kill the Bug" project submitted by the Sutter County Agricultural Department with funding from the Blue Sky Fund (consisting of AB2766 Motor Vehicle Registration Surcharge Fees) in the amount of \$2,160 for the pesticide container recycling program, Resolution #2018-12 would waive any actual or potential conflict of interest as Feather River AQMD has designated Sutter County Counsel as its legal counsel.

The California Rules of Professional Conduct require that legal counsel disclose any actual or potential conflict of interest and obtain the informed written consent of the Board of Supervisors of the County of Sutter and the Board of Directors of FRAQMD before advising or representing FRAQMD regarding the agreement for use of Motor Vehicle Registration Surcharge Fees.

RESOLUTION #2018-12 OF THE BOARD OF DIRECTORS CONSENTING TO COUNTY COUNSEL ADVISING AND REPRESENTING THE FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT AND WAIVING ANY ACTUAL OR POTENTIAL CONFLICT OF INTEREST CONCERNING THE AGREEMENT FOR USE OF MOTOR VEHICLE REGISTRATION SURCHARGE FEES

WHEREAS, the Feather River Air Quality Management District (FRAQMD) has designated the Sutter County Counsel as its legal counsel pursuant to an agreement with the County of Sutter; and

WHEREAS, FRAQMD is considering entering into an agreement with the County of Sutter for the use of Motor Vehicle Registration Surcharge Fees; and

WHEREAS, the County Counsel will be advising and representing the County of Sutter concerning the agreement for use of Motor Vehicle Registration Surcharge Fees, and such representation could result in an actual or potential conflict of interest with FRAQMD; and

WHEREAS, the California Rules of Professional Conduct require that legal counsel disclose any actual or potential conflict of interest and obtain the informed written consent of the Board of Supervisors of the County of Sutter and the Board of Directors of FRAQMD before advising or representing FRAQMD regarding the agreement for use of Motor Vehicle Registration Surcharge Fees; and

WHEREAS, it will be beneficial to FRAQMD to have the Sutter County Counsel advise and represent both FRAQMD and the County of Sutter due to the commonality of issues and interests relating to the agreement for use of Motor Vehicle Registration Surcharge Fees;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors for the Feather River Air Quality Management District as follows:

The Board of Directors for the Feather River Air Quality Management District hereby waives any actual and/or potential conflict of interest and consents to the Sutter County Counsel advising and representing FRAQMD for all matters relating to the agreement for use of Motor Vehicle Registration Surcharge Fees.

This resolution was adopted on December 3, 2018.

AYES:

NOES:

ABSTAINS:

Dated: _____

Chair, Feather River Air Quality Management Board