



AGENDA ITEM

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Reference No: **ADOPTED**

Meeting Date: August 15, 2023
Agenda Category: PUBLIC HEARINGS
Department(s): County Counsel
Presented by: Tom Carr, County Counsel

Status: **APPROVED**

CPO:

Agenda Title: **Conduct a Public Hearing and Second Reading of Ordinance 898 Codifying Resolutions and Orders Governing the County Counsel's Office and Repealing Resolutions and Orders Numbers 87-49, 89-33, 96-65, 99-39, 10-115**

REQUESTED ACTION:

Conduct a Second Reading of Ordinance 898 Codifying Resolutions and Orders Governing the County Counsel's Office and hold a public hearing. After the public hearing, Adopt Ordinance 898.

SUMMARY:

Over the years the Board has adopted a series of Resolutions and Orders providing authority to the County Counsel. These include the following:

1. Resolution & Order No. 87-49 Responsibilities of County Counsel
2. Resolution & Order No. 89-33 Personal Services re Legal/Other Expertise
3. Resolution & Order No. 96-65 Legal Representation of Employees
4. Resolution & Order No. 99-39 Conflict Waiver Policy
5. Resolution & Order No. 10-115 Authority to Initiate Litigation

The purpose of this agenda item is to conduct a first reading of Ordinance 898 repealing Resolutions and Orders and replacing with a new chapter 2.05 of the Washington County Code, which would codify and update the authority. Staff recommends the following changes, which are shown in redline in the attached draft chapter 2.05.

1. Resolution & Order No. 87-49 Responsibilities of County Counsel (Codified as WCCC § 2.05.010 Purpose and Duties) – Added a subsection A, requiring the Board to appoint a county counsel. There is currently no such requirement. Added to subsection C(3) a requirement that the County Counsel's office draft all resolutions and orders. This reflects current practice. Added to subsection F, that the County Counsel's review will be conducted in executive session.
2. Resolution & Order No. 89-33 Personal Services re Legal/Other Expertise (Codified as WCCC § 2.05.030 Retention of Outside Counsel. Added to Subsection B a requirement that contracts comply with county procurement rules and raised the maximum contact amount from \$25,000 to \$300,000, which is the current limit for administrative contracts without Board approval.
3. Resolution & Order No. 96-65 Legal Representation of Employees (Codified as WCCC § 2.05.040

Providing Legal Representation of Officers and Employees in Certain Proceedings Not Subject to the Oregon Tort Claims Act). Made some clarifying language changes in Subsection A. In Subsection C updated to the reference to the current legal ethics rules. In subsections D and E, clarified that it would be the County that would pay legal expenses, not the Board.

4. Resolution & Order No. 99-39 Conflict Waiver Policy (Codified as WCCC § 2.05.050 Conflict Waiver) Throughout changed the authorization from the County Administrator to the County Counsel. In subsection B updated the ethics code references. In subsection E removed the requirement that the Board be informed of every waiver.

5. Resolution & Order No. 10-115 Authority to Initiate Litigation (Codified as WCCC § 2.05.020 Authority to Initiate Litigation) In Subsection A, provided specific authorization to collect county taxes and initiate condemnation actions and raised the amount authorized without Board approval from \$75,000 to \$100,000. In subsection B, raised the amount from \$5,000 to \$50,000.

The Board conducted first reading on August 1, 2023.

ADDITIONAL INFORMATION:

Community Feedback (Known Support/Opposition):

N/A

Legal History/Prior Board Action:

The Board held a study session and first reading on August 1, 2023

Budget Impacts:

N/A

ATTACHMENTS:

[Ordinance 898 Presentation](#)

[Adopted - Ordinance 898 - Filed](#)

[Chapter 2 05 clean](#)

Approved by the
Washington County Board of Commissioners
also serving as the governing body of Clean Water Services and all other County Districts



Kevin Moss, Board Clerk

August 15, 2023

Date Signed

ADOPTED



Public Hearing and Second Reading of Ordinance 898 Codifying Resolutions and Orders Governing the County Counsel's Office and Repealing Resolutions and Orders

| August 15, 2023

County Counsel

www.co.washington.or.us



Background

Five Resolutions and Orders Govern the County Counsel's Office:

1. Resolution & Order No. 87-49 Responsibilities of County Counsel
2. Resolution & Order No. 89-33 Personal Services re Legal/Other Expertise
3. Resolution & Order No. 96-65 Legal Representation of Employees
4. Resolution & Order No. 99-39 Conflict Waiver Policy
5. Resolution & Order No. 10-115 Authority to Initiate Litigation

These Resolutions and Orders are not readily available to the public and are significantly dated.



Resolution & Order No. 87-49 Responsibilities of County Counsel (Codified as WCCC § 2.05.010 Purpose and Duties)

Proposed Changes:

- Added a subsection A, requiring the Board to appoint a county counsel.
- Added to subsection C(3) a requirement that the County Counsel's office draft all resolutions and orders.
- Added to subsection F, that the County Counsel's review will be conducted in executive session.



Resolution & Order No. 89-33 Personal Services re Legal/Other Expertise (Codified as WCCC § 2.05.030 Retention of Outside Counsel.)

Proposed Change:

- Added to Subsection B a requirement that contracts comply with county procurement rules and raised the maximum contact amount from \$25,000 to \$300,000, which is the current limit for administrative contracts without Board approval..



Resolution & Order No. 99-39 Conflict Waiver Policy (Codified as WCCC § 2.05.050 Conflict Waiver)

Proposed Changes:

- Changed the authorization from the County Administrator to the County Counsel.
- In subsection B updated the ethics code references.
- In subsection E removed the requirement that the Board be informed of every waiver.



Resolution & Order No. 10-115 Authority to Initiate Litigation (Codified as WCCC § 2.05.020 Authority to Initiate Litigation)

Proposed Changes:

- In Subsection A, provided specific authorization to collect county taxes and initiate condemnation actions and raised the amount authorized without Board approval from \$75,000 to \$100,000.
- In subsection B, raised the amount from \$5,000 to \$50,000.

Board Consideration

1. Work Session and First Reading
August 1, 2023
2. Second Reading and Public Hearing
August 15, 2023





DOES THE BOARD HAVE ANY
QUESTIONS OR COMMENTS?
WHAT IS THE BOARD'S DIRECTION?



County Counsel

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1 IN THE BOARD OF COUNTY COMMISSIONERS

2 FOR WASHINGTON COUNTY, OREGON

3
4 ORDINANCE No. 898

5 **ADOPTED**

**An Ordinance Codifying Resolutions and Orders
Governing the County Counsel's Office and
Repealing Resolutions and Orders Numbers 87-
49, 89-33, 96-65, 99-39, 10-115**

6
7 The Board of County Commissioners of Washington County, Oregon, ordains as follows:

8 **SECTION 1.**

9 A. The Board has adopted the following Resolutions and Orders to direct and support
10 the work of the County Counsel:

- 11 1. Resolution & Order No. 87-49 Responsibilities of County Counsel
12 2. Resolution & Order No. 89-33 Personal Services re Legal/Other Expertise
13 3. Resolution & Order No. 96-65 Legal Representation of Employees
14 4. Resolution & Order No. 99-39 Conflict Waiver Policy
15 5. Resolution & Order No. 10-115 Authority to Initiate Litigation

16 B. These Resolutions and Orders provide a comprehensive framework for the
17 operation of the County Counsel's office. In the interest of transparency and in improving the
18 County Counsel's office's operations, the Board seeks to update and codify this framework.


19 **SECTION 2.**


- 20 A. A new chapter 2.05 is added to the Washington County Code as set forth in exhibit A.
21 B. Resolutions and Orders 87-90, 89-33, 96-65, 99-39 and 10-115 are repealed.

ENACTED this **15th** day of **August**, **2023**, being the **2nd**

1 reading and 1st public hearing before the Board of County Commissioners of Washington
2 County, Oregon.

3 BOARD OF COUNTY COMMISSIONERS
4 FOR WASHINGTON COUNTY, OREGON

5 
6 CHAIR

7 
8 RECORDING SECRETARY

9
10 READING

11 First 8/1/23
12 Second 8/15/23
13 Third _____
14 Fourth _____
15 Fifth _____

PUBLIC HEARING

First 8/15/23
Second _____
Third _____
Fourth _____
Fifth _____

14 VOTE: Aye: Harrington, Fai, Treece,
15 Rogers

Nay: _____

Excused:
Willey

16 Recording Secretary:  Date: 8/15/23

Washington County, Oregon, Code of Ordinances
Title 2 ADMINISTRATION AND PERSONNEL

Title 2

ADMINISTRATION AND PERSONNEL

Chapters:

Chapter 2.05 COUNTY COUNSEL

Sections:

2.05.010 Purpose and Duties.

- A. The board shall appoint a person, admitted to practice law in the state of Oregon, to serve as County Counsel as provided in state law currently codified at ORS 203.145.
- B. The County Counsel and Office of County Counsel, in the capacity described herein, acts in the express and direct interest of the Board of County Commissioners acting as the governing body of Washington county and all of its county service districts .
- C. The County Counsel's office shall provide the following legal services:
 - 1) Provide legal advice and counsel to the Board of County Commissioners and its various advisory boards and committees;
 - 2) Provide legal advice and counsel to county administration, all county departments and offices and county service districts;
 - 3) Drafting of all county ordinances, resolutions and orders and laws;
 - 4) Legal enforcement of all County ordinances and laws and any state laws appropriately delegated to the county for enforcement;
 - 5) Drafting or approval as to form of all Board Resolution and Orders;
 - 6) Drafting or approval as to form of all contracts entered into by the county, any of its departments or offices any county officer or agent on behalf of the county, and any county service district;
 - 7) Attendance at all Board of County commissioner meetings, unless excused, and at any County advisory committee or board meeting upon request;
 - 8) Provide legal counsel, representation and defense of county, its officers, agents and employees in legal actions brought against them in their official capacity or for actions arising from their official conduct;
 - 9) As authorized by the Board of County commissioners, initiate and represent County in legal proceedings against other parties and in the interest of Washington County; and
 - 10) Advise and represent county and any of its departments in administrative proceedings requiring legal representation.
- E. The County Counsel shall provide such other legal services to the county, its officers, agents and employees as the Board shall direct.
- F. The Board shall evaluate the performance of County Counsel, in an executive session as provided by ORS 192.660(2)(i), not less than once a year.

(Source: R&O 87-49)

2.05.020 Authority to Initiate Litigation.

- A. The Office of County Counsel is authorized to initiate and pursue the following litigation or claims for relief on behalf of Washington County, its officers and employees: enforcement of county ordinances, collection of county taxes, condemnation and delegated state law enforcement actions; recovery of amounts allegedly owed not exceeding \$100,000, including penalties and interest; payment for damage to property not to exceed \$100,000; trespass, eviction, ejectment, replevin or other actions to recover or secure possession of county property; foreclosures, temporary restraining orders, injunctions and similar equitable relief. In addition, County Counsel may seek attorney fees and costs in any proceeding as provided by law, including those brought against the county.
- B. Except for enforcement proceedings, the Office of County Counsel shall consult with the County Administrator or designee prior to filing litigation and shall not file such litigation without Board authorization if it is reasonably foreseeable that the litigation will raise significant policy issues or pose a significant risk of financial liability in excess of \$50,000.00.
- C. Notwithstanding the foregoing, County Counsel may initiate any litigation without prior authorization if immediate action is necessary to protect the substantial interests of the county. County Counsel shall make reasonable efforts to consult with members of the Board and the County Administrator prior to filing and shall present the matter for ratification at the first practicable opportunity.
- D. County Counsel may assert any defense, cross-claim, counterclaim or similar matter as deemed warranted in the defense of litigation against the county.
- E. County Counsel periodically shall inform and advise the Board of the status of litigation involving the county.
(Source R&O 10-115)

2.05.030 Retention of Outside Legal Counsel.

- A. The County Counsel is delegated the authority for the purpose of carrying out the functions set forth herein to enter into agreements with independent legal counsel and other specialized personnel as deemed necessary and appropriate by the County Counsel, to assist in the defense and/or prosecution of claims and litigation involving Washington County.
 - B. County Counsel shall have authority on behalf of Washington County to enter into such personal service contracts contemplated herein in compliance with County procurement policies, provided that no contract shall exceed \$300,000.
 - C. County Counsel shall take steps to qualify potential associated legal counsel and other specialized personnel for purposes of identifying competence and ability to assist in the defense and/or prosecution of claims and litigation on behalf of the County.
 - D. County Counsel, in pursuing the authority expressly provided herein, shall advise and inform the Office of County Administrator as to necessity of associating outside legal counsel and other specialized personnel and the anticipated costs.
 - E. County Counsel shall monitor the performance of outside legal counsel and provide necessary and appropriate assistance.
(Sources: R&O 89-33 & R&O 87-49)
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2.05.040 Providing Legal Representation of Officers and Employees In Certain Proceedings Not Subject to the Oregon Tort Claims Act.

- A. It is within the Board's sole discretion to consider requests to pay for legal representation for County officials and employees involving circumstances arising from their official duties but not covered under the Oregon Tort Claims Act. The Board has determined that it is in the public interest that County officials and employees be free of fear of personal financial hardship associated with such matters. However, nothing herein should be construed to entitle any County official or employee to a legal defense or representation, nor is it the intent of the Board to have the County pay for independent legal counsel for a County official or employee involving matters for which the County has established formal administrative procedures and processes, including but not limited to Article 5 (Prohibited Conduct, Discipline and Appeals) and Article 10 (Non-Disciplinary Appeals Procedure) of the County Personnel Rules and Regulations, and the County's Reporting of Improper Governmental Conduct ("whistleblowing") policy. Further, the Board shall in all cases, in the light of new or additional information, retain the right to revisit and alter any decision to pay for a defense or representation and, in so doing, seek reimbursement of any public monies expended and, if warranted, pursue disciplinary action through appropriate channels.
- B. A request for the County to pay for legal representation must be submitted in writing to the County Administrator, who will consult with County Counsel and forward the request to the Board of Commissioners with or without a recommendation. Any such request must be submitted by the official or employee at the earliest opportunity and, preferably, prior to the employee or official making any arrangement for representation or incurring any cost or payment obligation.
- C. In no event shall the Office of County Counsel provide primary representation to the official or employee. County Counsel may, however, provide information and assistance to the retained attorney as County Counsel deems consistent with the interests of the County and with the Rules of Professional Conduct governing attorneys.
- D. In considering a request, it shall not be construed that the Board of Commissioners has undertaken or is required to undertake more than a preliminary assessment. Where claims or charges against an official or employee are involved, the presumption is that such claims or charges are unfounded unless or until otherwise proven. Should it later appear that the official or employee misstated or failed to disclose facts which, if known, would have influenced a decision or, in the event that claims or charges are validated through subsequent review, the County shall be entitled to recover any public funds expended on that person's behalf and to pursue discipline through existing processes. Further, if the County pays for legal representation for an employee or official charged with violating a law, rule or regulation and such law, rule or regulation provides for payment of costs and/or attorney fees if the official or employee prevails, then the County shall be entitled to reimbursement of any costs and/or attorney fees incurred by the County .
- E. In the event the Board chooses to have the County pay for representation, the Board may impose certain terms and conditions including, but not limited to, monetary and scope of work limits. In no event will the County's payment of expenses exceed what is determined by the Board to be reasonable and prudent. Unless expressly provided for otherwise, the official or employee shall be principally responsible for payment . A commitment to pay for legal representation pursuant to this policy may involve direct payment of costs, as incurred, or the Board may elect to commit only to reimbursement upon satisfying certain conditions, such as exoneration of any claims or charges made against the official or employee.
- F. The Board of Commissioners shall be the final decision maker in these matters.
- G. Any claims for representation or reimbursement arising from events occurring prior to adoption of this policy shall be submitted within ninety (90) days to be considered.

(Source: R&O 96-65)

2.05.050 Conflict Waiver.

- A. The County Counsel is is authorized to execute attorney conflict waivers on behalf of Washington County consistent with this policy. This shall include firms retained on Board executed contracts.
- B. County Counsel shall review all waiver requests. County Counsel shall consider: the nature and subject matter of the work for the County and the prospective client, the standards set forth in RPC 1.7 and 1.8 and other factors deemed appropriate. County Counsel shall consult with the director of any departments potentially impacted by the waiver and inform the County Administrator of any concerns.
- C. The County Counsel shall deny the request if the County Counsel determines that waiver would be adverse to the interests of the County in a particular matter or to the long-term interests of the County. Factors shall include whether the firm is currently representing the County or is likely to do so in the near term and whether the position to be advanced by the firm would impact only routine or isolated matters or may impact County policies or future cases.
- D. The County Counsel shall consider whether the position to be advanced by the firm would be adverse to public entities generally in determining whether to grant the waiver or whether to retain the firm in the future.
- E. BOARD REVIEW - The County Counsel may seek Board review of any waiver request..

(Source: R&O 99-39)

Title 2

ADMINISTRATION AND PERSONNEL

Chapters:

Chapter 2.05 COUNTY COUNSEL

Sections:

2.05.010 Purpose and Duties.

- A. The board shall appoint a person, admitted to practice law in the state of Oregon, to serve as County Counsel as provided in state law currently codified at ORS 203.145.
- B. The County Counsel and Office of County Counsel, in the capacity described herein, acts in the express and direct interest of the Board of County Commissioners acting as the governing body of Washington county and all of its county service districts .
- C. The County Counsel's office shall provide the following legal services:
 - 1) Provide legal advice and counsel to the Board of County Commissioners and its various advisory boards and committees;
 - 2) Provide legal advice and counsel to county administration, all county departments and offices and county service districts;
 - 3) Drafting of all county ordinances, resolutions and orders and laws;
 - 4) Legal enforcement of all County ordinances and laws and any state laws appropriately delegated to the county for enforcement;
 - 5) Drafting or approval as to form of all Board Resolution and Orders;
 - 6) Drafting or approval as to form of all contracts entered into by the county, any of its departments or offices any county officer or agent on behalf of the county, and any county service district;
 - 7) Attendance at all Board of County commissioner meetings, unless excused, and at any County advisory committee or board meeting upon request;
 - 8) Provide legal counsel, representation and defense of county, its officers, agents and employees in legal actions brought against them in their official capacity or for actions arising from their official conduct;
 - 9) As authorized by the Board of County commissioners, initiate and represent County in legal proceedings against other parties and in the interest of Washington County; and
 - 10) Advise and represent county and any of its departments in administrative proceedings requiring legal representation.
- E. The County Counsel shall provide such other legal services to the county, its officers, agents and employees as the Board shall direct.
- F. The Board shall evaluate the performance of County Counsel, in an executive session as provided by ORS 192.660(2)(i), not less than once a year.

(Source: R&O 87-49)

2.05.020 Authority to Initiate Litigation.

- A. The Office of County Counsel is authorized to initiate and pursue the following litigation or claims for relief on behalf of Washington County, its officers and employees: enforcement of county ordinances, collection of county taxes, condemnation and delegated state law enforcement actions; recovery of amounts allegedly owed not exceeding \$100,000, including penalties and interest; payment for damage to property not to exceed \$100,000; trespass, eviction, ejectment, replevin or other actions to recover or secure possession of county property; foreclosures, temporary restraining orders, injunctions and similar equitable relief. In addition, County Counsel may seek attorney fees and costs in any proceeding as provided by law, including those brought against the county.
- B. Except for enforcement proceedings, the Office of County Counsel shall consult with the County Administrator or designee prior to filing litigation and shall not file such litigation without Board authorization if it is reasonably foreseeable that the litigation will raise significant policy issues or pose a significant risk of financial liability in excess of \$50,000.00.
- C. Notwithstanding the foregoing, County Counsel may initiate any litigation without prior authorization if immediate action is necessary to protect the substantial interests of the county. County Counsel shall make reasonable efforts to consult with members of the Board and the County Administrator prior to filing and shall present the matter for ratification at the first practicable opportunity.
- D. County Counsel may assert any defense, cross-claim, counterclaim or similar matter as deemed warranted in the defense of litigation against the county.
- E. County Counsel periodically shall inform and advise the Board of the status of litigation involving the county.
(Source R&O 10-115)

2.05.030 Retention of Outside Legal Counsel.

- A. The County Counsel is delegated the authority for the purpose of carrying out the functions set forth herein to enter into agreements with independent legal counsel and other specialized personnel as deemed necessary and appropriate by the County Counsel, to assist in the defense and/or prosecution of claims and litigation involving Washington County.
 - B. County Counsel shall have authority on behalf of Washington County to enter into such personal service contracts contemplated herein in compliance with County procurement policies, provided that no contract shall exceed \$300,000.
 - C. County Counsel shall take steps to qualify potential associated legal counsel and other specialized personnel for purposes of identifying competence and ability to assist in the defense and/or prosecution of claims and litigation on behalf of the County.
 - D. County Counsel, in pursuing the authority expressly provided herein, shall advise and inform the Office of County Administrator as to necessity of associating outside legal counsel and other specialized personnel and the anticipated costs.
 - E. County Counsel shall monitor the performance of outside legal counsel and provide necessary and appropriate assistance.
(Sources: R&O 89-33 & R&O 87-49)
-

2.05.040 Providing Legal Representation of Officers and Employees In Certain Proceedings Not Subject to the Oregon Tort Claims Act.

- A. It is within the Board's sole discretion to consider requests to pay for legal representation for County officials and employees involving circumstances arising from their official duties but not covered under the Oregon Tort Claims Act. The Board has determined that it is in the public interest that County officials and employees be free of fear of personal financial hardship associated with such matters. However, nothing herein should be construed to entitle any County official or employee to a legal defense or representation, nor is it the intent of the Board to have the County pay for independent legal counsel for a County official or employee involving matters for which the County has established formal administrative procedures and processes, including but not limited to Article 5 (Prohibited Conduct, Discipline and Appeals) and Article 10 (Non-Disciplinary Appeals Procedure) of the County Personnel Rules and Regulations, and the County's Reporting of Improper Governmental Conduct ("whistleblowing") policy. Further, the Board shall in all cases, in the light of new or additional information, retain the right to revisit and alter any decision to pay for a defense or representation and, in so doing, seek reimbursement of any public monies expended and, if warranted, pursue disciplinary action through appropriate channels.
- B. A request for the County to pay for legal representation must be submitted in writing to the County Administrator, who will consult with County Counsel and forward the request to the Board of Commissioners with or without a recommendation. Any such request must be submitted by the official or employee at the earliest opportunity and, preferably, prior to the employee or official making any arrangement for representation or incurring any cost or payment obligation.
- C. In no event shall the Office of County Counsel provide primary representation to the official or employee. County Counsel may, however, provide information and assistance to the retained attorney as County Counsel deems consistent with the interests of the County and with the Rules of Professional Conduct governing attorneys.
- D. In considering a request, it shall not be construed that the Board of Commissioners has undertaken or is required to undertake more than a preliminary assessment. Where claims or charges against an official or employee are involved, the presumption is that such claims or charges are unfounded unless or until otherwise proven. Should it later appear that the official or employee misstated or failed to disclose facts which, if known, would have influenced a decision or, in the event that claims or charges are validated through subsequent review, the County shall be entitled to recover any public funds expended on that person's behalf and to pursue discipline through existing processes. Further, if the County pays for legal representation for an employee or official charged with violating a law, rule or regulation and such law, rule or regulation provides for payment of costs and/or attorney fees if the official or employee prevails, then the County shall be entitled to reimbursement of any costs and/or attorney fees incurred by the County .
- E. In the event the Board chooses to have the County pay for representation, the Board may impose certain terms and conditions including, but not limited to, monetary and scope of work limits. In no event will the County's payment of expenses exceed what is determined by the Board to be reasonable and prudent. Unless expressly provided for otherwise, the official or employee shall be principally responsible for payment . A commitment to pay for legal representation pursuant to this policy may involve direct payment of costs, as incurred, or the Board may elect to commit only to reimbursement upon satisfying certain conditions, such as exoneration of any claims or charges made against the official or employee.
- F. The Board of Commissioners shall be the final decision maker in these matters.
- G. Any claims for representation or reimbursement arising from events occurring prior to adoption of this policy shall be submitted within ninety (90) days to be considered.

(Source: R&O 96-65)

2.05.050 Conflict Waiver.

- A. The County Counsel is is authorized to execute attorney conflict waivers on behalf of Washington County consistent with this policy. This shall include firms retained on Board executed contracts.
- B. County Counsel shall review all waiver requests. County Counsel shall consider: the nature and subject matter of the work for the County and the prospective client, the standards set forth in RPC 1.7 and 1.8 and other factors deemed appropriate. County Counsel shall consult with the director of any departments potentially impacted by the waiver and inform the County Administrator of any concerns.
- C. The County Counsel shall deny the request if the County Counsel determines that waiver would be adverse to the interests of the County in a particular matter or to the long-term interests of the County. Factors shall include whether the firm is currently representing the County or is likely to do so in the near term and whether the position to be advanced by the firm would impact only routine or isolated matters or may impact County policies or future cases.
- D. The County Counsel shall consider whether the position to be advanced by the firm would be adverse to public entities generally in determining whether to grant the waiver or whether to retain the firm in the future.
- E. BOARD REVIEW - The County Counsel may seek Board review of any waiver request..

(Source: R&O 99-39)