



## Legislation Details (With Text)

**File #:** 18-00904 **Version:** 1  
**Type:** Agenda Item **Status:** Passed  
**File created:** **In control:** BOARD OF SUPERVISORS  
**On agenda:** 11/13/2018 **Final action:** 11/13/2018  
**Title:** HEARING - Consider recommendations regarding New Rule 3.5 of California's Rules of Professional Conduct for Lawyers: Recommended Local Rule(s) for Communications with Members of County Boards and Commissions Acting in an Adjudicative Capacity; and Recommended Local Rule Against Gifts Beyond the Limits of California's Political Reform Act, as follows: (EST. TIME: 30 MIN.)

a) Pursuant to new Rule 3.5(b) of California's Rules of Professional Conduct for lawyers which became effective on November 1, 2018, reinforce and adopt as a local rule for communications with members of the Board of Supervisors and all other County boards and commissions for which the Board of Supervisors is the governing legislative body, that the County Counsel (and Deputy County Counsels and Outside Counsel hired by the County) as the statutory legal advisor to the Board of Supervisors and the County, may continue to provide confidential attorney-client legal advice on the merits of adjudicative matters, including planning, zoning and subdivision matters;

b) Pursuant to new Rule 3.5(b) of California's Rules of Professional Conduct for lawyers which became effective on November 1, 2018 -- and in addition to the local rule at Recommended Action (a), above -- provide direction about any other potential local rule(s) concerning communications with members of the Board of Supervisors and all other County boards and commissions acting in an adjudicative capacity by: 1) County officers, employees or appointees who are lawyers, but do not practice law from within the Office of County Counsel; and/or 2) all other lawyers;

c) Pursuant to new Rule 3.5(a) of California's Rules of Professional Conduct for lawyers which became effective on November 1, 2018, reinforce and adopt as a local rule that any gifts from lawyers to members of the Board of Supervisors and/or members of all other County boards and commissions and/or to County employees, shall be regulated by the Political Reform Act; and

d) Find that the proposed actions are not a "project" under California Environmental Quality Act Guidelines Section 15378(b)(5) in that they are organizational or administrative activities of the government that will not result in direct or indirect physical changes to the environment.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: APPROVE

**Sponsors:** COUNTY COUNSEL

**Indexes:**

**Code sections:**

**Attachments:** 1. Board Letter, 2. New Rule 3.5 of California's Rules of Professional Conduct for Lawyers, 3. Presentation

Date	Ver.	Action By	Action	Result
11/13/2018	1	BOARD OF SUPERVISORS	Acted on as follows:	Pass

HEARING - Consider recommendations regarding New Rule 3.5 of California's Rules of Professional Conduct for Lawyers: Recommended Local Rule(s) for Communications with Members of County Boards and Commissions Acting in an Adjudicative Capacity; and Recommended Local Rule Against Gifts Beyond the Limits of California's Political Reform Act, as follows: (EST. TIME: 30 MIN.)

a) Pursuant to new Rule 3.5(b) of California's Rules of Professional Conduct for lawyers which became

effective on November 1, 2018, reinforce and adopt as a local rule for communications with members of the Board of Supervisors and all other County boards and commissions for which the Board of Supervisors is the governing legislative body, that the County Counsel (and Deputy County Counsels and Outside Counsel hired by the County) as the statutory legal advisor to the Board of Supervisors and the County, may continue to provide confidential attorney-client legal advice on the merits of adjudicative matters, including planning, zoning and subdivision matters;

b) Pursuant to new Rule 3.5(b) of California's Rules of Professional Conduct for lawyers which became effective on November 1, 2018 -- and in addition to the local rule at Recommended Action (a), above -- provide direction about any other potential local rule(s) concerning communications with members of the Board of Supervisors and all other County boards and commissions acting in an adjudicative capacity by: 1) County officers, employees or appointees who are lawyers, but do not practice law from within the Office of County Counsel; and/or 2) all other lawyers;

c) Pursuant to new Rule 3.5(a) of California's Rules of Professional Conduct for lawyers which became effective on November 1, 2018, reinforce and adopt as a local rule that any gifts from lawyers to members of the Board of Supervisors and/or members of all other County boards and commissions and/or to County employees, shall be regulated by the Political Reform Act; and

d) Find that the proposed actions are not a "project" under California Environmental Quality Act Guidelines Section 15378(b)(5) in that they are organizational or administrative activities of the government that will not result in direct or indirect physical changes to the environment.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: APPROVE