

HUMBOLDT UNIFIED SCHOOL DISTRICT

TO: Humboldt Unified School District Governing Board Item # 8L
FROM: Cole Young, Assistant Superintendent Reading
DATE: April 9th, 2019 Discuss
SUBJECT: Waiver of Conflict between Yavapai County Free Library District and HUSD - Procurement of Reference Materials Action
Consent X

OBJECTIVE: Board Governance

SUPPORTING DATA:

Currently, the Yavapai County Attorney's Office (YCAO) provides legal services to HUSD in connection with the current Library Support Agreement (IGA). This service includes legal counsel on any additional contracts, intergovernmental agreements, follow-on agreements, amendments, renewals or extensions. Mr. Corey Christians, current HUSD Board Member and Director of Yavapai County Free Library District has requested the Yavapai County Attorney's Office to provide to the HUSD Governing Board a 'Waiver of Conflict' with the Yavapai County Free Library District for the, '...procurement of reference or other library books pursuant to A.R.S. 11-532.' There may be conflicts that do arise between both parties, limiting the YCAO's ability to advocate on behalf of one or both parties, depending upon the circumstances. Also, in common representation situations such as this, "...No party would likely have any confidentiality or privilege relative to the other parties regarding information shared with the YCAO." Lastly, the YCAO could withdraw completely from representation related to an adverse dispute between both parties.

In summary, this 'Waiver of Conflict' allows for the, "...YCAO to provide services to both entities, if requested and if such dual representation is appropriate."

SUMMARY & RECOMMENDATION

HUSD does have independent legal council outside of the YCAO. This will assist in the mitigation of potential conflicts or problems that may arise concerning the procurement of reference or other library books through the Yavapai County Free Library District. This waiver of conflict has been vetted by the District's independent legal counsel who has found the document acceptable for board approval, if so moved.

Sample Motion:

I move to approve the 'Waiver of Conflict' of the Yavapai County Attorney's Office between the Humboldt Unified School District and that of the Yavapai County Free Library District for procurement of reference materials and/or library books.

Approved for transmittal to the Governing Board:



Mr. Daniel Streeter, Superintendent

Questions should be directed to: Cole Young, Assistant Superintendent (759-5016)

WAIVER OF CONFLICT OF INTEREST

Re: Waiver of Conflict regarding an intergovernmental agreement with the Yavapai County Free Library District for the procurement of reference or other library books pursuant to A.R.S. § 15-362(C), including any additional contracts, intergovernmental agreements, follow-on agreements, or renewals

The Governing Board of Humboldt Unified School District No. 22, having reviewed the conflict of interest letter dated August 24, 2018, from Deputy County Attorney Joy L. Biedermann of the Yavapai County Attorney's Office (the "YCAO"), affirms that it is fully informed and it consents to and understands the implications of waiving the conflict of interest of the YCAO between the Yavapai County Free Library District and Humboldt Unified School District No. 22, both of which are clients of the YCAO.

Therefore, the Governing Board of Humboldt Unified School District No. 22 approves the waiver of the conflict of interest and authorizes the YCAO to proceed with preparation and review of and provide legal services related to the above-referenced matter on behalf of the Yavapai County Free Library District and Humboldt Unified School District No. 22, if requested and if such dual representation is appropriate. The Governing Board of Humboldt Unified School District No. 22 also authorizes the YCAO to draft an agreement for the procurement of reference or other library books pursuant to A.R.S. § 15-362(C) and any other necessary contracts, intergovernmental agreements, follow-on agreements, or renewals with the Yavapai County Free Library District.

Dated this _____ day of _____, 2018.

Humboldt Unified School District No. 22

By: _____
Governing Board President