



Napa County

Board Agenda Letter

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Board of Supervisors

Agenda Date: 7/13/2021

File ID #: 21-616

TO: Board of Supervisors
FROM: Jeffrey M. Brax, County Counsel
REPORT BY: Thomas Zeleny, Chief Deputy
SUBJECT: Agreement with Best Best & Krieger LLP

RECOMMENDATION

County Counsel requests approval of and authorization for the Chair to sign an agreement with Best Best & Krieger LLP for a maximum of \$100,000 for Fiscal Year 21-22, with two one-year renewals not to exceed an additional \$100,000 per fiscal year, for specialized legal services related to the development of recreational uses and facilities at Lake Berryessa.

EXECUTIVE SUMMARY

Best Best & Krieger is a full-service law firm of approximately 200 attorneys with a primary practice representing public agencies. County Counsel requests a new agreement with Best Best & Krieger to assist County Counsel in providing legal services related to the development of recreational uses and facilities at Lake Berryessa. The County is pursuing development of recreational opportunities pursuant to the Managing Partner Agreement with the Federal Bureau of Reclamation executed last year. The County identified a potential developer earlier this year after issuing a Request for Proposals, and is preparing to negotiate the related agreements.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	County Counsel
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	Best Best & Krieger possesses resources and specialized expertise in the area of commercial development.
Is the general fund affected?	Yes
Future fiscal impact:	Funds will be appropriated in future years for up to 2 more years.

Consequences if not approved: County Counsel will not have the assistance of Best Best & Krieger in preparing the agreements necessary for the development of recreational uses and facilities at Lake Berryessa.

County Strategic Plan pillar addressed: Healthy, Safe, and Welcoming Place to Live, Work, and Visit

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by CEQA Guidelines section 15378; therefore the proposed action is not subject to CEQA pursuant to CEQA Guidelines section 15060(c)(3).

BACKGROUND AND DISCUSSION

County Counsel is the public officer vested by the State with exclusive authority to advise and represent the County and its officers in all legal matters and civil actions. (Gov. Code, §§ 26520, 26526, 26529, 27642.) The Board of Supervisors may employ outside counsel to assist the County Counsel in providing legal advice or litigation services (Gov. Code, §§ 31001, 25203) or where the County Counsel has a conflict of interest (Gov. Code, § 31000.6, subd. (a)) or the County refuses to provide representation. (Gov. Code, § 996.4.)

Best Best & Krieger is a full-service law firm of approximately 200 attorneys with a primary practice representing public agencies. County Counsel requests a new agreement with Best Best & Krieger to assist County Counsel in providing legal services related to the development of recreational uses and facilities at Lake Berryessa. The agreement would be for a maximum of \$100,000 for Fiscal Year 21-22, with two one-year renewals not to exceed an additional \$100,000 per fiscal year.

The County is pursuing development of recreational opportunities pursuant to the Managing Partner Agreement with the Federal Bureau of Reclamation executed last year. The County identified a potential developer earlier this year after issuing a Request for Proposals, and is preparing to negotiate the related agreements. The developer's investment in the projects will likely exceed \$100 million. The topics of the agreements may include, but not be limited to, site investigations, CEQA and NEPA studies and reports, public improvements, and development, operation, and maintenance of concessions, lodging, and other recreational amenities. Multiple agreements will be needed because the County cannot commit to development of new facilities without prior completion of the CEQA and NEPA processes, and there are up to three different sites that may be approved for recreational uses.

Nancy A. Park, Esq., is a partner at Best Best & Krieger who would be the lead attorney assigned to assist the County. Based in Sacramento, she has substantial commercial real estate experience, representing both the public and private sectors. Best Best & Krieger has expertise in many other disciplines that will also be available to the County if needed, such as CEQA and NEPA expertise.

SUPPORTING DOCUMENTS

Agreement