



Legislation Details (With Text)

File #: 23-1591 **Version:** 1

Type: Agreement **Status:** Agenda Ready

File created: 9/11/2023 **In control:** Board of Supervisors

On agenda: 9/26/2023 **Final action:**

Title: County Counsel requests approval and authorization for the Chair to sign the following agreements:
 1. Amendment No. 2 to Agreement No. 200114B with the law firm of Paris Kincaid & Wasiewski, LLP for the provision of specialized legal services pertaining to groundwater law and compliance, adjusting the billing rates included in Exhibit "B" with no change to the maximum compensation of \$150,000 per fiscal year;
 2. Amendment No. 2 to Agreement No. 190309B with the law firm of Liebert Cassidy Whitmore for the provision of specialized legal advice for labor and employment matters, adjusting the billing rates included in Exhibit "B" with no change to the maximum compensation of \$58,000 per fiscal year; and
 3. Amendment No. 4 to Agreement No. 160133B with the law firm of Hanson Bridgett for the provision of specialized legal advice in the areas of consultation, initiatives, election law and general legal advice, adjusting the term of the Agreement to expire June 30, 2024 with two automatic renewals at the end of each fiscal year, adjusting the billing rates, increasing the maximum compensation from \$50,000 to \$150,000 per fiscal year, and amending the scope of work.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Paris Agreement, 2. Liebert Agreement, 3. Hanson Agreement

Date	Ver.	Action By	Action	Result
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TO: Board of Supervisors

FROM: Sheryl Bratton, County Counsel

REPORT BY: Erin Cossen, Legal Office Manager

SUBJECT: Amendments to Agreements with Paris Kincaid & Wasiewski, Liebert Cassidy Whitmore, and Hanson Bridgett

RECOMMENDATION

County Counsel requests approval and authorization for the Chair to sign the following agreements:

1. Amendment No. 2 to Agreement No. 200114B with the law firm of Paris Kincaid & Wasiewski, LLP for the provision of specialized legal services pertaining to groundwater law and compliance, adjusting the billing rates included in Exhibit "B" with no change to the maximum compensation of \$150,000 per fiscal year;

2. Amendment No. 2 to Agreement No. 190309B with the law firm of Liebert Cassidy Whitmore for the provision of specialized legal advice for labor and employment matters, adjusting the billing rates included in Exhibit “B” with no change to the maximum compensation of \$58,000 per fiscal year; and

3. Amendment No. 4 to Agreement No. 160133B with the law firm of Hanson Bridgett for the provision of specialized legal advice in the areas of consultation, initiatives, election law and general legal advice, adjusting the term of the Agreement to expire June 30, 2024 with two automatic renewals at the end of each fiscal year, adjusting the billing rates, increasing the maximum compensation from \$50,000 to \$150,000 per fiscal year, and amending the scope of work.

EXECUTIVE SUMMARY

The County entered into Agreement No. 20114B, effective as of July 29, 2019, with Paris Kincaid & Wasiewski LLP (“Paris Kincaid”), formerly O’Laughlin & Paris LLP, for the provision of specialized legal services pertaining to groundwater law and compliance with the Sustainable Groundwater Management Act. The Agreement was amended on February 23, 2022 to increase the maximum compensation to \$150,000 per fiscal year and extend the term to June 30, 2023, with two one-year extensions at the end of each fiscal year. Paris Kincaid is now representing the County in the lawsuit Double Vee Properties, et al. v. County of Napa and the hourly rates need to be adjusted because they have not been adjusted since 2019.

The County entered into Agreement No. 190309B with Liebert Cassidy Whitmore in May of 2019. The Agreement was amended in 2021 to increase the maximum compensation, but the hourly rates were not adjusted at that time. The proposed amendment would adjust the hourly rates under the Agreement to reflect the current market conditions.

The County entered into Agreement No. 160133B with Hanson Bridgett LLP on September 20, 2013. The Agreement was subsequently amended in 2014 to adjust the term, in 2015 to adjust the maximum compensation and billing rates, and in 2016 to adjust the scope of work and maximum compensation. The proposed amendment would change the term to expire on June 30, 2024 with two renewals at the end of each fiscal year, adjust the billing rates and scope of work and increase the maximum compensation from \$50,000 to \$150,000 per fiscal year.

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: The County is involved in the lawsuit Double Vee Properties, et al. v. County of Napa. Paris Kincaid is representing Napa County in this matter. Liebert Cassidy Whitmore provides specialized legal advice related to labor and employment matters.

Is the general fund affected? Yes

Future fiscal impact: Funds will be appropriated in future fiscal years, if necessary.

Consequences if not approved: If the proposed amendments are not approved, litigation would have to be handled in-house, and County Counsel would not have the benefit of specialized legal advice related to groundwater and employment law.

County Strategic Plan pillar addressed: Effective and Open Government

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

The County periodically has a need for specialized legal services from firms with expertise in a particular area of law. The County entered into Agreement No. 200114B with Paris Kincaid & Wasiewski LLP for the provision of specialized litigation and advisory services related to groundwater law and compliance with the Sustainable Groundwater Management Act. Paris Kincaid has represented Napa County in a previous lawsuit related to groundwater issues and was successful in defending the County’s interests. A new complaint has been filed against Napa County in the case Double Vee Properties LLP, et al. v. County of Napa, also related to water rights and groundwater law. Paris Kincaid has again agreed to represent Napa County in this matter. The hourly rates under the agreement have not been adjusted since 2019. County Counsel is requesting an amendment adjusting the hourly rates.

The County entered into Agreement No. 190309B with Liebert Cassidy Whitmore for the provision of specialized legal advice regarding labor and employment law. The Agreement was amended on April 29, 2021 to increase the maximum compensation from \$30,000 to \$58,000 per fiscal year. The hourly rates were not adjusted at that time. Liebert Cassidy Whitmore has requested an adjustment of the hourly rates that have not been adjusted since 2019.

The County entered into Agreement No. 160133B (formerly Agreement No. 6838) with Hanson Bridgett LLP for the provision of specialized legal advice related to initiatives, election law, and general legal advice. The Agreement was amended several times previously in 2014, 2015 and 2016 to adjust the term, billing rates, scope of work and maximum compensation. The billing rates and maximum compensation have not been adjusted since 2016. County Counsel now wishes to amend the Agreement to limit the number of renewals at the end of each fiscal year to two, adjust the billing rates, amend the scope of work to include general legal advice from other attorneys with the firm, and increase the maximum compensation from \$50,000 to \$150,000 per fiscal year.

