



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 10/15/2019

Agenda Placement: 6I

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors

**FROM:** Jeffrey Richard for Jeffrey Brax - County Counsel  
County Counsel

**REPORT BY:** Jeffrey Richard, Chief Deputy County Counsel - 253-4234

**SUBJECT:** Amendment No. 3 to Agreement No. 190183B with Goodin, MacBride, Squeri & Day, LLP

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### **RECOMMENDATION**

County Counsel requests approval of and authorization for the Chair to sign Amendment No. 3 to Agreement No. 190183B with the law firm of Goodin, MacBride, Squeri & Day, LLP, increasing one attorney's billing rate in one of six matters from \$340 to \$425 per hour, with no change in maximum contract compensation.

### **EXECUTIVE SUMMARY**

In December 2018, the County executed a Professional Services Agreement ("Agreement") with Goodin, MacBride, Squeri & Day, LLP ("Goodin") for specialized legal services before the California Public Utilities Commission ("CPUC") related to PG&E and wildfire issues. In the CPUC's De-Energization proceeding relating to rules that will govern Public Safety Power Shutdowns ("PSPS"), Goodin is requesting an increase in the hourly rate charged by their principal, Megan Somogyi, from \$340 to \$425 per hour. The prior rates will continue to apply to all other proceedings. For reasons explained below, the increased rate will not have any fiscal impact on Napa County and County Counsel is recommending approval.

### **FISCAL & STRATEGIC PLAN IMPACT**

Is there a Fiscal Impact?

No

County Strategic Plan pillar addressed:

The ultimate aim of Goodin's services, among others, is to enhance protection of the community from the damaging effects of wildfires. Thus, the pillar of making Napa County a healthy, safe and welcoming place to live, work and visit, will be served.

**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**

Goodin now represents Napa County in six CPUC proceedings. Goodin has also been representing the Counties of Sonoma and Mendocino and the City of Santa Rosa in those six proceedings. Each of the four public entities has been paying a one-fourth share of the fees billed by Goodin.

In one of those six proceedings, the PSPS proceeding described above, the CPUC will adopt rules that will govern electrical utilities' implementation and use of PSPS to prevent wildfires. That proceeding has entered Phase 2, which will require extensive analysis and participation by Goodin in order to protect the public entities's interests in the CPUC's adoption of detailed PSPS rules that PG&E and the other investor-owned utilities will have to follow. The increasing complexity of the issues involved has prompted the firm to request that the public entities approve an hourly rate increase for Megan Somogyi's services in the PSPS proceeding (but not in the other five proceedings) from \$340 to \$425 per hour.

At the same time, however, Goodin is taking on representation in the PSPS proceeding of three additional public entities, the Counties of Marin, San Luis Obispo, and Santa Barbara, The addition of those public entities to the group will reduce each entity's share of Goodin's fees in the PSPS proceeding from one-fourth to one-seventh. Thus, the rate increase will not have any negative fiscal impact on Napa County, and County Counsel requests and recommends approval of the proposed new rate for Ms. Somogyi's services in the PSPS proceeding.

**SUPPORTING DOCUMENTS**

None

CEO Recommendation: Approve

Reviewed By: Helene Franchi