



Agenda Date: 11/15/2005  
Agenda Placement: 6Y

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** Margaret Woodbury for Robert Westmeyer - County Counsel  
County Counsel  
**REPORT BY:** Margaret Woodbury, Chief Deputy County Counsel, 259-8246  
**SUBJECT:** Amendment to agreement 4044

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### **RECOMMENDATION**

County Counsel requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 4044 with the Napa County Mosquito Abatement District modifying the provision relating to maximum annual compensation to replace the variable cap with a fixed cap in the amount of \$5,000, updating the provisions relating to hourly rates, and modifying the provision relating to conflict of interest to include the District's assent to concurrent legal representation by the County Counsel of two additional special districts.

### **EXECUTIVE SUMMARY**

On July 1, 1998 the Napa County Mosquito Abatement District entered into Napa County Agreement No. 4044 to obtain legal services for the District from the Napa County Counsel's office. The proposed Amendment No. 1 will replace the variable annual cap on compensation in the original agreement with a fixed annual cap in the amount of \$5,000. The proposal will also update the provisions relating to hourly rates so that the rates charged more closely reflect the actual cost to the County to provide these services. Finally, the proposed amendment contains the District's approval of concurrent legal representation by the Napa County Counsel of the District and two additional special districts, the Spanish Flat Water District and the Los Carneros Water District.

### **FISCAL IMPACT**

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	No
What is the revenue source?	Fees for legal services paid by the Napa County Mosquito Abatement District.
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	The requested changes relating to replacing the variable cap with a fixed

annual cap, updating the hourly rates, and permitting hourly rate adjustments mid-year to reflect County Counsel staffing changes are all designed so that the existing legal services agreement will result in no net cost to the County. The change relating to concurrent representation consent has no direct financial effect.

Is the general fund affected?	Yes
Future fiscal impact:	If adopted, the changes will result in the provision of legal services to this District resulting in no net cost to the County, both in the current fiscal year and future fiscal years.
Consequences if not approved:	If the changes are not approved, the County will be subsidizing almost all legal services provided to this District during fiscal year 2005-2006 because under the variable cap system an unusually low amount of legal services requested during fiscal year 2004-2005 would mean that the cap for fiscal year 2005-2006 has already been met even though the heaviest work load will not occur until later in the year.
Additional Information:	None

### **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**

On July 1, 1998 the Napa County Mosquito Abatement District entered into Napa County Agreement No. 4044 to obtain legal services for the District from the Napa County Counsel's office. The proposed Amendment No. 1 will replace the variable annual cap on compensation in the original agreement with a fixed annual cap in the amount of \$5,000, which District and County Counsel staff believe past service history shows will be more than sufficient to avoid the cap being exceeded in any future fiscal year.

The proposal will also update the provisions relating to hourly rates so that the rates charged more closely reflect the actual cost to the County to provide these services. This includes a provision allowing the rate schedule to be adjusted during a fiscal year to accommodate changes in rates due to midyear hiring or promotions of staff or changes in individual benefit costs.

Finally, the proposed amendment formalizes the District's written assent of the Napa County Counsel's concurrent legal representation of the District and two additional special districts, the Spanish Flat Water District and the Los Carneros Water District.

**SUPPORTING DOCUMENTS**

None

CEO Recommendation: Approve

Reviewed By: Lynn Perez