



Agenda Date: 2/15/2005
Agenda Placement: 6H

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Susan Ingalls for Robert Westmeyer - County Counsel
County Counsel
REPORT BY: Susan Ingalls, Paralegal , 259-8152
SUBJECT: Rossmann and Moore, LLP Agreement No. 3937, Amendment No. 2

RECOMMENDATION

County Counsel requests approval of and authorization for the Chair to sign Amendment No. 2 to Agreement No. 3937 with Rossmann and Moore, LLP, adding a new associate, increasing the hourly rate and modifying the Scope of Work for legal services related to groundwater matters involving the County.

EXECUTIVE SUMMARY

The County has utilized Rossmann & Moore, LLP as legal consultants on complex water law issues since 1998. Rossmann & Moore has requested an increase in compensation which continues to be near the lower range of hourly rates charged by other water law attorneys practicing in California with similar levels of expertise.

The Office of the County Counsel continues to develop expertise in the area of water law in general and groundwater law in particular, and the use of Rossmann & Moore is diminishing. However, maintaining the relationship for the next few years as other new groundwater issues come up is both prudent and necessary.

While Rossmann & Moore have added a third attorney to the firm, it is expected that Mr. Rossmann and Mr. Moore will continue to represent the County, with the associate being utilized occasionally to contain costs to the maximum extent possible.

It is recommended that the proposed amendment to the Agreement be approved.

FISCAL 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:	County Counsel will continue to occasionally need the expertise of Rossmann & Moore regarding groundwater issues during the 2005 calendar year.
Is the general fund affected?	Yes
Future fiscal impact:	County Counsel is continuing to develop expertise in water and groundwater law which is resulting in a diminishing need for the law firm's services. In 1998/1999 the billings of the firm were approximately \$40,000. In 2003 the billings were approximately \$20,000. The financial impact in future years is expected to continue to diminish.
Consequences if not approved:	County Counsel will be required to spend time researching complex or unusual water law issues which might be more economically addressed by Rossmann & Moore because water law is their principal area of expertise.
Additional Information:	None.

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: General Rule. It can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable [See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3)].

BACKGROUND AND DISCUSSION

Antonio Rossmann is an acknowledged water law expert who has represented Inyo County in their water disputes with Los Angeles for over twenty years as well as numerous other public jurisdictions. His firm, Antonio Rossmann, Attorney at Law, which is now doing business as Rossmann & Moore, LLP, has represented the County in water law related matters since FY1997/98. Rossmann & Moore, LLP has the expertise required to evaluate those groundwater matters presently beyond the expertise of the Office of the County Counsel. Rossmann & Moore, LLP has requested an increase in compensation from \$300 to \$350 per hour (Rossmann) and from \$210 to \$250 per hour (Moore). This is well within the rate charged by the various water law attorneys who practice in California.

The firm has also added a new mid-level associate, David Owen, who will be billing at \$200.00 per hour. The scope of work has been modified to add a provision for assistance from Rossmann & Moore, LLP in the event the County desires to implement a program to recharge any groundwater basin in the County. The total maximum amount per year remains unchanged.

The County Counsel recommends approval of the requested Amendment.

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Lorenzo Ziálcita