



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 2/26/2019

Agenda Placement: 6T

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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. 1 to Agreement No. 190183B with Goodin, MacBride, Squeri & Day, LLP

RECOMMENDATION

County Counsel requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 190183B with the law firm of Goodin, MacBride, Squeri & Day, LLP for specialized legal services to represent the County in California Public Utilities Commission ("CPUC") proceedings, increasing maximum compensation from \$67,000 to \$120,000.

EXECUTIVE SUMMARY

On December 11, 2018, the County entered into a Professional Services Agreement with Goodin, MacBride, Squeri & Day, LLP ("Goodin") for specialized legal services in representing the County in California Public Utilities Commission ("CPUC") proceedings relating to Pacific Gas & Electric, electrical utilities and their power generation and transmission infrastructure, and wildfire mitigation and disaster preparedness plans. The Agreement sets the maximum compensation payable to the firm at \$67,000. Now that the full scope of the five CPUC proceedings has been determined, it is clear that total billings for services will likely exceed \$67,000 and may reach \$120,000. Therefore, to ensure uninterrupted service to the County in those proceedings, it is necessary to increase the maximum compensation level for the law firm's services to \$120,000.

The existing contract indicates that Napa County shall bear a 33 percent of Goodin's billings for services rendered jointly to Sonoma, Mendocino and Napa counties. The proposed amendment will increase that maximum percentage to 37.5 percent, inasmuch as the County of Sonoma has agreed to bear a maximum 37.5 percent share and the County of Mendocino has agreed to bear a maximum 25 percent share. However, the Goodin firm is in discussions with one or more other counties and the City of Santa Rosa regarding potential representation in the CPUC matters, which will likely lead at least one entity to join the group. This would result in a reduction of Napa County's effective share of the billings for the firm's services to 25 percent or less.

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:	Goodin, MacBride, Squeri & Day, LLP engages almost entirely in the practice of law before the CPUC and has demonstrated success and experience in that arena. The nature of the practice is highly specialized and the scope of the proceedings is too great to be handled without outside counsel representation.
Is the general fund affected?	Yes
Future fiscal impact:	Funds will be appropriated in future years if needed.
Consequences if not approved:	Upon exhausting the law firm's present maximum compensation level under the Agreement, then legal services in the CPUC proceedings would have to be provided solely by County Counsel staff.
Additional Information:	

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 December 11, 2018, the County entered into a Professional Services Agreement with Goodin, MacBride, Squeri & Day, LLP ("Goodin"), for specialized legal services in representing the County in California Public Utilities Commission ("CPUC") proceedings relating to Pacific Gas & Electric, electrical utilities, and wildfire prevention. Goodin's representation of the County (and the counties of Sonoma and Mendocino) will cover five distinct CPUC proceedings including:

1. Proceedings to implement SB 901 (Dodd) to require electric utilities to present for approval their wildfire mitigation plans;
2. Proceedings to implement other aspects of SB 901 that focus on utility de-energization practices in particular;
3. Proceedings to examine whether CPUC Rule 20.A., concerning undergrounding of utility lines, should be amended;
4. Proceedings regarding a PG&E general rate increase application that seeks to pass along to ratepayers the costs of PG&E's Community Wildfire Safety Program; and
5. Proceedings pursuant to SB 901 to determine the financial ability of utilities to bear wildfire liabilities.

The sheer number and scope of the issues to be addressed in those proceedings by counsel for the County have

led staff to conclude (in consultation with outside counsel who has provided budgets for the various proceedings) to conclude that it is necessary to increase the maximum compensation payable to the Goodin firm under the Agreement from \$67,000 to \$120,000. However, as explained above, the County's share of Goodin's billings for its services rendered jointly to Napa County and other local public entities will be limited to 37.5 percent under the amended Agreement and may be reduced to 25 percent or less if one or more other entities join the group.

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Helene Franchi