



Agenda Date: 2/27/2007  
Agenda Placement: 6V

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** Susan Ingalls for Robert Westmeyer - County Counsel  
County Counsel  
**REPORT BY:** Susan Ingalls, Paralegal, 259-8152  
**SUBJECT:** Approval of Fourth Amendment of Agreement No. 4097 with Shute, Mihaly & Weinberger

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### **RECOMMENDATION**

County Counsel requests approval of and authorization for the Chair to sign Amendment No. 4 to Agreement No. 4097 with Shute, Mihaly and Weinberger LLP for the term January 16, 2007 through June 30, 2007 for supplementary legal services in connection with the Soscol Gateway Redevelopment Plan.

### **EXECUTIVE SUMMARY**

In 1998 the County entered into an agreement with Shute, Mihaly & Weinberger to provide supplementary legal services on an as needed basis. County needs to amend the agreement to enable Shute, Mihaly & Weinberger to provide certain supplementary legal services in connection with the Soscol Gateway Redevelopment, including but not limited to providing the following legal services:

- a. Review all documents, plans reports and environmental documents as requested by the County Counsel;
- b. Draft opinions and letters;
- c. Participate in conference calls and meetings as needed;
- d. Provide legal advice concerning the strengths and weaknesses of the Redevelopment Plan.

### **FISCAL IMPACT**

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Funds are appropriated in County Counsel's FY 06/07 budget for use of outside counsel to complete various legal tasks that cannot be completed in house due to the nature of the subject, requiring specialized services. The maximum compensation of \$100,000 as set forth in the original contract and

	prior amendments will not change if the proposed amendment is adopted.
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	Shute, Mihaly & Weinberger is able to provide the needed specialized legal services as they have significant experience in this area of law. Sufficient funding is included in the County Counsel's adopted FY 06/07 budget.
Is the general fund affected?	Yes
Future fiscal impact:	Funds will be appropriated in the FY 07/08 budget.
Consequences if not approved:	The advice would have to be provided by County Counsel staff or the Conservation, Development and Planning Department would have to proceed without receiving legal advice regarding the matter. The housing, land use and environmental issues are of a specialized nature and thus without the involvement of Shute, Mihaly & Weinberger it is likely the Department would have to proceed without the benefit of legal advice.
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 8, 1998 the County entered into an agreement with Shute, Mihaly & Weinberger for the purpose of authorizing and funding the filing of an action in the Federal District court contesting the Schedule implementation of the Bureau of Land Management (BLM) Knoxville Final Recreation Area Management Plan (RAMP Plan) in the Knoxville/Berryessa area. The contract was later amended to allow for the provision of supplementary legal services on various other legal issues on an as needed basis.

County needs to amend the agreement today to enable Shute, Mihaly & Weinberger to provide certain supplementary legal services in connection with the Soscol Gateway Redevelopment Plan, including but not limited to providing the following legal services:

- a. Review all documents, plans reports and environmental documents as requested by the County Counsel;
- b. Draft opinions and letters;
- c. Participate in conference calls and meetings as needed;
- d. Provide legal advice concerning the strengths and weaknesses of the Redevelopment Plan.

### **SUPPORTING DOCUMENTS**

None

CEO Recommendation: Approve

Reviewed By: Maiko Klieman