



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 3/1/2016

Agenda Placement: 6H

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Jeffrey Richard for Minh Tran - County Counsel
County Counsel
REPORT BY: Helene Franchi, Principal Management Analyst - 253-4820
SUBJECT: Agreement for Election Services

RECOMMENDATION

County Counsel requests approval of and authorization for the Chairman to sign Agreements with the following firms for the term of March 1, 2016 through June 30, 2016 with an automatic renewal for a maximum amount of \$120,000 for legal services concerning election issues:

1. Nielsen Merksamer; and
2. Arnold & Porter.

EXECUTIVE SUMMARY

County Counsel recommends entering into agreements with the law firms Nielsen Merksamer and Arnold & Porter to provide specialized legal services concerning election issues with a maximum amount of \$120,000 each. Both the June and November ballots are expected to contain a number of measures that will require detailed analysis. Because of the number of measures and general staff workload in the department, staff recommends contracting with the firms of Nielsen Merksamer and Arnold & Porter. Both firms are well known for having attorneys who are recognized specialists in the area of elections law.

Nielsen Merksamer and Arnold & Porter are not local vendors.

FISCAL IMPACT

Is there a Fiscal Impact? Yes
Is it currently budgeted? No

What is the revenue source? General Fund

Is it Mandatory or Discretionary? Discretionary

Discretionary Justification: Nielsen Merksamer and Arnold & Porter are able to provide the needed specialized legal services as both firms have significant experience in this area of law. Sufficient funding is included in the County Counsel's adopted FY 15-16 budget.

Is the general fund affected? Yes

Future fiscal impact: Funds will be appropriated in future years if needed.

Consequences if not approved: Legal advice would be provided by County Counsel staff or the Board would have to proceed without receiving specialized legal advice regarding the matter.

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

County Counsel recommends entering into agreements with the law firms Nielsen Merksamer and Arnold & Porter to provide specialized legal services concerning election issues with a maximum amount of \$120,000 each. Both the June and November ballots are expected to contain a number of measures that will require detailed analysis. Because of the number of measures and general staff workload in the department, staff recommends contracting with Nielsen Merksamer and Arnold & Porter. The two firms are each recognized in the area of elections law as having a number of attorneys who are specialists in this field. Under the direction of the County Counsel, Marguerite Mary Leoni will be the principal attorney representing Napa County under the proposed agreement with Nielsen Merksamer, and Steven L. Mayer will be the principal attorney representing Napa County under the proposed agreement with Arnold & Porter. Both may be assisted as needed by other attorneys in the firms.

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Helene Franchi