



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 3/17/2015

Agenda Placement: 6I

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: Jeffrey Richard for Minh Tran - County Counsel
County Counsel

REPORT BY: Jeffrey Richard, CHIEF DEPUTY COUNTY COUNSEL - 253-4234

SUBJECT: Amendment No. 13 to Agreement No. 3881 with Miller, Starr & Regalia

RECOMMENDATION

County Counsel requests approval of and authorization for the Chair to sign Amendment No. 13 to Agreement No. 3881 with the law firm of Miller, Starr & Regalia amending the following paragraphs of the Agreement:

1. Paragraph 1, Term of Agreement, specifies December 31, 2016 or completion of services, whichever occurs first, as end of term of this Amendment;
2. Paragraph 2, Scope of Services, to include legal representation of the County in the acquisition of real property interests; and
3. Paragraph 4, Compensation, setting a maximum amount of \$120,000 for services provided under this Amendment and establishing hourly rates and permissible reimbursements.

EXECUTIVE SUMMARY

Miller, Starr & Regalia (MSR) has been providing legal services relating to various land use matters for the County with great success. MSR has prevailed in a number of land use cases. Currently, the County is involved in a culvert replacement project on Greenwood Avenue in Calistoga which may involve acquisition of easement interests in real property. Because of the timing of the project, it is necessary to engage the assistance of MSR. County Counsel recommends approval of Amendment No. 13 to the Agreement with Miller, Starr & Regalia.

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:	Miller, Starr & Regalia provides specialized legal services within the land use area when the volume of work cannot be accommodated internally. Funding is included in the County Counsel's adopted FY 14-15 budget for such purposes.
Is the general fund affected?	Yes
Future fiscal impact:	County Counsel will continue to request appropriation for outside counsel; this particular amendment has a maximum amount of \$120,000.
Consequences if not approved:	The County will not receive the benefits of a firm who specializes in land use and real estate transactions.
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

Since November of 1996, the County of Napa has contracted with Miller, Starr & Regalia (MSR) to provide legal services relating to various land use matters with great success. For example, in February 2010, the Board approved engagement of MSR to handle representation of the County in Sierra Club v. County of Napa. The principal issue in that case and another case also handled by MSR was whether or not successive lot line adjustments are permitted as a matter of State law. Based in large part on MSR's services, the County prevailed in that action and received a favorable appellate court published decision.

In the present matter, the Greenwood Ave. culvert replacement project, the expertise and experience of MSR and its principal, Bill Speir, in real property acquisition matters for public entities will provide vital assistance to County staff in their effort to timely complete the project, both in negotiating solutions and, if necessary, engaging in litigation or arbitration. County Counsel will assist MSR and make every effort to achieve cost savings through preparation of documents, factual investigation, and coordination with County project staff and right-of-way consultants. Thus, County Counsel recommends approval of Amendment No. 13 to Agreement No. 3881 with the law firm of Miller, Starr & Regalia.

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Helene Franchi