



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 3/19/2019

Agenda Placement: 6G

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors

**FROM:** Jeffrey Richard for Jeffrey Brax - County Counsel  
County Counsel

**REPORT BY:** Erin Cossen, Legal Office Manager - 707-253-4520

**SUBJECT:** Amendment No. 5 to Agreement No. 160132B with Miller, Starr & Regalia

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### **RECOMMENDATION**

County Counsel requests approval of and authorization for the Chair to sign Amendment No. 5 to Agreement No. 160132B with the law firm of Miller, Starr & Regalia, increasing the maximum compensation for the present fiscal year, effective January 1, 2019, by \$100,000 for a new maximum of \$350,000, for unanticipated additional land use and real estate advisory services that are covered by the existing scope of work.

### **EXECUTIVE SUMMARY**

The County's existing contract with the law firm of Miller Starr & Regalia has a maximum compensation payable to the firm is \$250,000 per fiscal year. In the current fiscal year, the maximum amount has been reached. The County has an ongoing need for the firm's specialized expertise in pending land use and real estate matters. Thus, staff requests approval of a fifth amendment to the contract (Napa County Agreement No.160132B), effective January 1, 2019, to increase the maximum compensation for this fiscal year to \$350,000. The amendment will not increase the maximum compensation limit in future fiscal years.

### **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 areas of initiatives and elections law. Funding is included in the County Counsel's adjusted FY 18-19 budget for such purposes.

Is the general fund affected? Yes

Future fiscal impact: This amendment will not affect future fiscal years. County Counsel will continue to request appropriation for outside counsel, which may include \$250,000 for the Miller Starr firm if its contract is renewed, but this particular amendment will result in a \$100,000 increase only for this fiscal year, for a new maximum amount of \$350,000.

Consequences if not approved: The County will not receive the benefits of a firm who specializes in initiatives and elections law or land use and real estate matters.

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**

The County has a contract in place with the law firm of Miller Starr & Regalia, which covers a broad scope of work including election issues, code compliance litigation, and real estate and land use advisory services. The maximum compensation payable to the firm under the contract as previously amended is \$250,000 per fiscal year. For the present fiscal year, the majority of the maximum payment was exhausted in compensating the firm for its services in connection with a code compliance action, County v. Bremer, which has now been concluded in a way that will result in reimbursement to the County of the fees paid to the firm. But the County has an ongoing need for the firm's specialized expertise in pending land use and real estate matters, which will result in compensation (solely in the present fiscal year) exceeding \$250,000. Thus, staff requests and recommends approval of a fifth amendment to the firm's contract (Napa County Agreement No.160132B), effective January 1, 2019, to increase the maximum compensation for this fiscal year to \$350,000, without changing the scope of work. The amendment will not affect the annual compensation limit in future fiscal years, if the contract is renewed, which shall remain at \$250,000.

### **SUPPORTING DOCUMENTS**

None

CEO Recommendation: Approve

Reviewed By: Helene Franchi