



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 7/10/2018

Agenda Placement: 6Q

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors

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

**REPORT BY:** Jeffrey Richard, Chief Deputy County Counsel - 253-4234

**SUBJECT:** Amendment No. 1 to Agreement No. 180359B with Allen, Glaessner, Hazelwood & Werth

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### **RECOMMENDATION**

County Counsel requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 180359B with the law firm of Allen, Glaessner, Hazelwood & Werth for specialized litigation services in the case of Napa County v. John Bremer, etc., et al., increasing maximum compensation from \$65,000 to \$200,000.

### **EXECUTIVE SUMMARY**

On June 21, 2018, the County entered into a Professional Services Agreement with Allen, Glaessner, Hazelwood & Werth for specialized litigation services in the case of Napa County v. John Bremer, etc., et al. The Agreement set the maximum compensation payable to the firm at \$65,000. Because it has since been determined that the case will proceed to trial, the County's anticipated needs for the firm's specialized legal services may increase. In order to ensure continuity of such professional services, it is therefore necessary to increase the maximum compensation level for the law firm's services to \$200,000.

### **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:	Allen, Glaessner, Hazelwood & Werth has expertise and extensive experience

in civil litigation and is able to provide the needed specialized legal services in the case of Napa County v. John Bremer, etc., et al. Sufficient funding is including in County Counsel's adopted FY18-19 budget.

Is the general fund affected? Yes

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

Consequences if not approved: Once the law firm's present maximum compensation level were reached under the Agreement, then legal services in the litigation would be provided solely by County Counsel staff and the County would have to proceed in prosecuting the litigation without the benefit of receiving the law firm's specialized services and the benefit of its expertise.

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 June 21, 2018, the County, through the County Executive Officer acting as Purchasing Agent, contracted with the law firm of Allen, Glaessner, Hazelwood & Werth for specialized litigation services in the case of Napa County v. John Bremer, etc., et al. The case is being ably handled by the Office of County Counsel, including Chief Deputy Jeff Richard and Deputies Jason Dooley and Shana Bremer, who have substantial trial and litigation experience. The initial agreement anticipated that if the case goes to trial, County Counsel would benefit from specialized legal services to provide support at trial, assist on specific issues, and provide administrative and document management support.

Since the initial agreement, settlement efforts failed and it has been determined that the case will proceed to trial, which may last five days or more and would likely be followed by various post-trial proceedings and motions. Thus, the County's anticipated needs for the firm's specialized legal services may increase during the next month to two months. Because the present maximum compensation level of \$65,000 may not be sufficient to allow the firm to perform its necessary services in support of County Counsel through the end of trial and post-trial proceedings, it is necessary for the sake of continuity of services and representation of the County to increase the maximum compensation amount to \$200,000.

### **SUPPORTING DOCUMENTS**

None

CEO Recommendation: Approve

Reviewed By: Helene Franchi