



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 8/11/2020

Agenda Placement: 6G

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: Silva Darbinian for Jeffrey Brax - County Counsel
County Counsel

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

SUBJECT: Amendment No. 3 to Agreement No. 170438B with Goldfarb & Lipman, LLP

RECOMMENDATION

County Counsel requests approval of and authorization for the Chair to sign Amendment No. 3 to Agreement No. 170438B with the law firm of Goldfarb & Lipman, LLP, increasing the billable rates that have been in place since 2012 and increasing the maximum compensation by \$50,000 for a new maximum of \$150,000 for the provision of specialized legal services concerning housing and related matters.

EXECUTIVE SUMMARY

The County contracted with the law firm of Goldfarb & Lipman LLP to provide specialized legal services concerning housing and related issues with a maximum compensation of \$100,000. County Counsel is requesting an amendment to Agreement No. 170438B increasing the maximum compensation to \$150,000 to cover the increased cost of services provided by Goldfarb. The proposed amendment additionally updates the hourly rates that have been in effect since 2012.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	County Counsel Housing and Homeless Services
Is it Mandatory or Discretionary?	Discretionary

Discretionary Justification:	Goldfarb & Lipman LLP is able to provide the needed specialized legal services and has significant experience in this area of law. Sufficient funding is included in the County Counsel and Housing and Homeless Services adopted FY20-21 budgets.
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 have to be provided by County Counsel staff and the Board would have to proceed without receiving specialized legal advice regarding housing matters.
County Strategic Plan pillar addressed:	Effective and Open Government Livable Economy for All
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 October 21, 2008 the County entered into Agreement No. 170438B with the law firm of Goldfarb & Lipman LLP to provide specialized legal services concerning housing and related issues with a maximum compensation of \$100,000. The Agreement was first amended on May 25, 2010 to increase the maximum compensation to \$150,000 for FY09-10 only, then reverting back to \$100,000 for each subsequent renewal. The Agreement was amended a second time on January 31, 2012 to amend the scope of work and update the hourly rates. Hourly rates have not increased since 2012. The Amendment would update the hourly rates retroactive to May 1, 2020. The hourly rate for partners would increase from \$260 to up to \$295, with similar increases for associates, other attorneys, and paralegals. Additionally, the last fiscal year had an increase in legal expenditures, partly relating to work associated with a cannabis initiative, Napa Pipe, and other affordable housing development projects. County Counsel seeks an amendment to increase the maximum compensation to \$150,000 per fiscal year to cover those and future costs in the upcoming fiscal years.

SUPPORTING DOCUMENTS

A . Amendment

CEO Recommendation: Approve

Reviewed By: Helene Franchi