



Agenda Date: 8/2/2005  
Agenda Placement: 6G

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** Susan Ingalls for Robert Westmeyer - County Counsel  
County Counsel  
**REPORT BY:** Susan Ingalls, Paralegal, 259-8152  
**SUBJECT:** Second Amendment to Agreement with Martha Romero for Legal Services.

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### **RECOMMENDATION**

County Counsel requests approval of and authorization for the Chair to sign Amendment No. 2 to Agreement No. 4488 with Martha Romero establishing new rates to provide specialized legal services related to bankruptcy law.

### **EXECUTIVE SUMMARY**

Since May of 2001 the County of Napa has contracted with Martha Romero to provide certain specialized legal services relating to Bankruptcy Law. Due to the expertise that Martha Romero provides in that area, it is recommended that the County continue to retain Martha Romero and amend the agreement with the proposed rates.

### **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:	Martha Romero provides specialized legal services with significant experience in Bankruptcy Law related matters. Sufficient funding is included in the County Counsel's adopted FY05-06 budget.
Is the general fund affected?	Yes
Future fiscal impact:	The County Counsel department is a General Fund budget. Its Net County cost, however, is reduced to the extent it generates fees for legal services

County Counsel provides to other non-General Fund agencies and departments. This contract is automatically renewed annually for a maximum compensation of \$25,000 each year. Actual compensation is dependent on actual use of the firm. Costs for the past few years have been in the \$1,200 to 1,800 range.

Consequences if not approved: The advice would have to be provided by County Counsel staff. The time required to adequately research issues that might arise, due to the fact that this is not one of the areas in which the County Counsel's office works on a regular basis, would be significant. Thus, if the County does not continue to retain Martha Romero, the potential cost savings arising from her expertise being available to County staff would not be achieved.

Additional Information: None

### **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 May 22, 2001, the Board approved a professional services agreement with Martha Romero to provide legal services relating to Bankruptcy Law. On March 19, 2002 the Board approved the first Amendment to the Agreement to increase the rate paid to associate attorneys.

Ms. Romero's legal services have been retained by the County over the past three years to assist on a variety of cases, primarily Wards & PG&E. The bills for handling these cases have been very low since the charges were shared with 9 other counties. Ms. Romero is currently assisting the County with the Chardonnay Golf Course bankruptcy. She has not increased the majority of her hourly rates for over 4 years. Contractor now wishes to increase her hourly rates as follows:

- | Pre-litigation matters and for training of staff from \$175 per hour to \$225 per hour
- | Litigation matters from \$195 per hour to \$250 per hour
- | Non-litigation and training services from \$75 per hour to \$112.50 per hour
- | Travel time from \$92.50 per hour to \$125 per hour
- | Associate attorneys' rate from \$150 per hour to \$250 per hour.

### **SUPPORTING DOCUMENTS**

None

CEO Recommendation: Approve

Reviewed By: Lorenzo Zíalcita