



Agenda Date: 8/28/2007  
Agenda Placement: 60

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** Susan Ingalls for Westmeyer, Robert - County Counsel  
County Counsel  
**REPORT BY:** Susan Ingalls, Paralegal, 259-8152  
**SUBJECT:** Agreement with Bartkiewicz, Kronick & Shanahan, P.C.

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### **RECOMMENDATION**

County Counsel requests approval of and authorization for the Chair to sign an agreement (formerly No. AUD 5919) with Bartkiewicz, Kronick & Shanahan, P.C. for a maximum of \$100,000 for the term August 28, 2007 through June 30, 2008 for legal services concerning water issues.

### **EXECUTIVE SUMMARY**

Napa County and Bartkiewicz, Kronick & Shanahan, P.C. entered into Agreement No. AUD 5919 to provide specialized legal services concerning water issues with a maximum amount of \$50,000. At this time, further specialized legal services concerning water issues are needed with a new maximum of \$100,000. Because the total compensation by the County to Bartkiewicz, Kronick & Shanahan, P.C. has now reached the maximum amount of \$50,000, a new Agreement is required with approval of the Board of Supervisors.

### **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:	Bartkiewicz, Kronick & Shanahan, P.C. is able to provide the needed specialized legal services as they have significant experience in this area of law. Sufficient funding is included in the County Counsel's adopted FY 07/08 budget.
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 be provided by County Counsel staff or the Board would have to proceed without receiving specialized legal advice regarding the matter.

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**

Napa County and Bartkiewicz, Kronick & Shanahan, P.C. entered into Agreement No. AUD 5919 signed by the County Purchasing Agent for a maximum compensation of \$50,000 to provide specialized legal services concerning water issues. According to County Code section 2.36.040 the Purchasing Agent may engage independent contractors to perform services for the County when the aggregate cost does not exceed \$50,000. An agreement exceeding the \$50,000 maximum must be approved by the Board of Supervisors. At this time, further specialized legal services concerning water issues are needed. Because the total compensation by the County to Bartkiewicz, Kronick & Shanahan, P.C. has totalled \$50,000, a new Agreement is recommended with approval of the Board of Supervisors for a new maximum compensation of \$100,000. Under the direction of the County Counsel, Alan B. Lilly (senior shareholder) will be the principal attorney representing Napa County under this proposed agreement. He will be assisted as needed by other attorneys in the firm.

### **SUPPORTING DOCUMENTS**

None

CEO Recommendation: Approve

Reviewed By: Karen Gratton