



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 9/17/2019

Agenda Placement: 6G

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

---

**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. 3 to Napa County Agreement No. 170947B with Napa River Reclamation District for Legal Services

---

### **RECOMMENDATION**

County Counsel requests approval of and authorization for the Chair to sign Amendment No. 3 to Agreement No. 170947B (formerly Agreement No. 7279) with the Napa River Reclamation District (NRRD), increasing the amount of fees to be paid by NRRD to County Counsel by \$7,241.55 for a new maximum of \$27,241.55 for County Counsel's legal services during Fiscal Year 2018-19.

### **EXECUTIVE SUMMARY**

County Counsel's Office provides legal services to the Napa River Reclamation District through Napa County Agreement No. 170947B, which was approved by the Board of Supervisors on August 18, 2009 (formerly Agreement No. 7279). Due to an increase in the essential services requested from County Counsel by NRRD's Board during Fiscal Year 2018-19, County Counsel performed services and billed NRRD for amounts that exceeded the maximum compensation for legal services of \$20,000. County Counsel has requested that NRRD agree to an amendment to Agreement No. 170947B to increase the maximum compensation amount for legal fees by \$7,241.55 for Fiscal Year 18-19, for a new maximum of \$27,241.55, retroactive to July 1, 2018. NRRD has executed the amendment.

### **FISCAL & STRATEGIC PLAN 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:	The County Counsel's Office provides legal services to NRRD through an agreement approved by the Board of Supervisors. The agreement currently provides for the County to provide NRRD up to \$20,000 of legal services and \$1,000 for expenses per fiscal year. For Fiscal Year 2018-19, that maximum has been exceeded by \$7,241.55. The amendment would increase the maximum amount to cover the overage.
Is the general fund affected?	Yes
Future fiscal impact:	There is no future fiscal impact.
Consequences if not approved:	The existing contract will remain in place and County Counsel will not receive \$7,241.55 in revenue that has already been earned.
County Strategic Plan pillar addressed:	
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**

County Counsel's Office provides legal services to Napa River Reclamation District (NRRD) through Napa County Agreement No. 170947B, which was approved by the Board of Supervisors on August 18, 2009 (formerly Agreement No. 7279). In Fiscal Year 2018-19, NRRD requested County Counsel's assistance on a project that went beyond the services typically performed for NRRD in any given year, relating to sale by NRRD of two parcels of real property. Those essential services performed by County Counsel at NRRD's request resulted in billings that exceeded the contract maximum of \$20,000 per fiscal year for Fiscal Year 18-19 by \$7,2451.55. Thus, County Counsel has requested, and NRRD has consented, to amend the Agreement, retroactive to July 1, 2018, to increase the contract maximum for legal services contribution by \$7,241.55. As amended, the County will have been compensated \$27,241.55 for legal services provided in Fiscal Year 2018-19.

### **SUPPORTING DOCUMENTS**

None

CEO Recommendation: Approve

Reviewed By: Helene Franchi