



**Contra
Costa
County**

To: Board of Supervisors
From: Sharon L. Anderson, County Counsel
Date: May 10, 2016

Subject: Joint Litigation and Contract for Legal Services in County of San Joaquin, et al. v. Metropolitan Water District of Southern California, et al.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the County Counsel or her designee to execute, on behalf of the County and the Contra Costa County Water Agency, a joint litigation and cost allocation agreement, and a contract for legal services with Shore, McKinley & Conger, LLP, effective April 1, 2016, in connection with *County of San Joaquin, et al. v. Metropolitan Water District of Southern California, et al.* (San Joaquin Co. Super. Ct. Case No. STK-CV-UWM-2016-3596).

FISCAL IMPACT:

100% General Fund. The County will be responsible for one-third of the fees charged at hourly rates by the law firm Shore, McKinley & Conger, LLP, and one-third of costs incurred in the lawsuit.

BACKGROUND:

The County and the Water Agency are petitioners in the lawsuit *County of San Joaquin, et al. v. Metropolitan Water District of Southern California, et al.* (San Joaquin Co. Super. Ct. Case No. STK-CV-UWM-2016-3596), filed April 14, 2016. This Board Order authorizes the County Counsel, or her designee, to execute two agreements in connection with the

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **05/10/2016** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor

Candace Andersen, District II Supervisor

Mary N. Piepho, District III Supervisor

Karen Mitchoff, District IV Supervisor

Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: May 10, 2016

, County Administrator and Clerk of the Board of Supervisors

By: Chris Heck, Deputy

Contact: 925-335-1800

cc:

lawsuit.

The joint representation and cost allocation agreement will be executed by all six petitioners in the case – Contra Costa County, the Contra Costa County Water Agency, San Joaquin County, Central Delta Water Agency, the Planning and Conservation League, and Food & Water Watch. This agreement authorizes the petitioners to share

BACKGROUND: (CONT'D)

privileged litigation-related communications and documents.

The contract for legal services authorizes the law firm of Shore, McKinley & Conger, LLP, to represent the four public agencies in the lawsuit. Under this contract, the County and Water Agency will be jointly responsible for paying one-third of the fees charged by the firm and one-third of costs incurred in this case. The other two public agencies will each be responsible for one-third of fees charged and costs incurred.

CONSEQUENCE OF NEGATIVE ACTION:

The County and Water Agency would not be represented by this firm, and there would be no agreement regarding the sharing of privileged documents and communications among the petitioners in this lawsuit.