



Contra
Costa
County

To: Board of Supervisors
From: David Twa, County Administrator
Date: August 2, 2016

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

RECOMMENDATION(S):

APPROVE Appropriations Adjustment No. 5001 transferring appropriations in the amount of \$250,000 from the County's Contingency Reserve (0990) to the County Administrator's budget (0003) to pay for legal services in connection with the *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) litigation.

FISCAL IMPACT:

\$250,000, 100% County General Fund. Under the related legal services contract, the County and Contra Costa County Water Agency will be jointly responsible for paying one-third of the fees charged by the law firm and one-third of costs incurred in this case. The other two participating public agencies will each be responsible for one-third of fees charged and costs incurred.

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. On May 10, 2016, the Board of

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **08/02/2016** ☒ 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: August 2, 2016

David Twa, County Administrator and Clerk of the Board of Supervisors

Contact: Julie DiMaggio Enea
(925) 335-1077

By: June McHuen, Deputy

cc:

Supervisors authorized the County Counsel to execute two agreements in connection with the lawsuit: (1) a joint representation and cost allocation agreement, executed by all six petitioners in the case – Contra Costa County, the Contra

BACKGROUND: (CONT'D)

Costa County Water Agency, San Joaquin County, Central Delta Water Agency, the Planning and Conservation League, and Food & Water Watch; and (2) a contract for legal services with 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 are 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.

The requested budget adjustment will appropriate funds to the County Administrator's budget to pay County Counsel costs and invoices from Shore, McKinley & Conger, LLP, in a total amount not to exceed \$250,000.

ATTACHMENTS

AP00 5001 Payments for Legal Services