



**Contra
Costa
County**

To: Board of Supervisors
From: Sharon L. Anderson, County Counsel
Date: April 9, 2019

Subject: DWR's State Water Project Contract Validation Action - Joint Defense Agreement and Legal Services Contracts

RECOMMENDATION(S):

APPROVE and AUTHORIZE the County Counsel, or designee, to execute, on behalf of the County and the Contra Costa County Water Agency, a joint defense and fee allocation agreement with other public agencies, and legal service contracts with The Freeman Firm and the Law Office of Roger B. Moore, all effective January 1, 2019, in connection with *California Department of Water Resources v. All Persons Interested in the Matter, etc.*, Sacramento County Superior Court Case No. 34-2018-00246183.

FISCAL IMPACT:

The County and Water Agency will be jointly responsible for one-seventh of the attorneys' fees and costs charged by The Freeman Firm and the Law Office of Roger B. Moore to represent the co-defendants in the litigation.

BACKGROUND:

The County and the Water Agency are defendants in *California Department of Water Resources v. All Persons Interested in the Matter, etc.*, Sacramento County Superior Court Case No. 34-2018-00246183, filed December

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **04/09/2019** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, 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: April 9, 2019

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

Contact: Stephen M. Siptroth, Deputy
County Counsel, (925) 335-1817

By: Stacey M. Boyd, Deputy

cc:

BACKGROUND: (CONT'D)

11, 2018. This Board Order authorizes the County Counsel, or her designee, to execute three agreements in connection with the lawsuit.

The joint defense and fee allocation agreement will be executed by the following co-defendants in the case - Butte County, Contra Costa County, the Contra Costa County Water Agency, Plumas County, the Plumas County Flood Control and Water Conservation District, San Joaquin County, Solano County, Yolo County, Central Delta Water Agency, and Local Agencies of the North Delta (LAND). This agreement authorizes the co-defendants to share privileged litigation-related communications and documents and describes how the co-defendants will pay the attorneys' fees and costs incurred in the litigation.

All of the above agencies, except LAND, will be represented by two law firms - The Freeman Firm and the Law Office of Roger B. Moore. The contracts for legal services with The Freeman Firm and the Law Office of Roger B. Moore authorize those law firms to represent all of the above agencies, except LAND, in this lawsuit. Under these contracts, the County and Water Agency, together, will be jointly responsible for paying one-seventh of all attorneys' fees and costs charged by the two law firms.

CONSEQUENCE OF NEGATIVE ACTION:

The County and Water Agency would not be represented by these law firms, and there would be no agreement regarding the sharing of privileged documents and communications among the co-defendants in this lawsuit.