



**Contra  
Costa  
County**

To: Board of Supervisors  
From: Sharon L. Anderson, County Counsel  
Date: November 3, 2020

Subject: DWR's Delta Conveyance Project Bond Validation Action - Joint Defense Agreement and Legal Services Contract

**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, a contract for legal services with The Freeman Firm, and a contract for legal services with the Law Office of Roger B. Moore, all effective August 6, 2020, in connection with *California Department of Water Resources v. All Persons Interested in the Matter, etc.*, Sacramento County Superior Court Case No. 34-2020-00283112.

**FISCAL IMPACT:**

The County and Water Agency will be jointly responsible for one-sixth of the attorneys' fees and costs charged by the two law firms to represent the above 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. 34-2020-00283112, filed August

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **11/03/2020** ☒ 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: November 3, 2020

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

Contact: Stephen M. Siptroth, Deputy  
County Counsel, (925) 655-2200

By: Stacey M. Boyd, Deputy

BACKGROUND: (CONT'D)

6, 2020. This board order authorizes the County Counsel, or designee, to execute three agreements in connection with that lawsuit.

The joint defense and fee allocation agreement will be executed by the cooperating co-defendants in the case - Contra Costa County and the Contra Costa County Water Agency, San Joaquin County, Solano County, Yolo County, Butte County, and Plumas County and the Plumas County Flood Control and Water Conservation District.

The above agencies will be represented by two law firms - The Freeman Firm and the Law Office of Roger B. Moore. Under these contracts, the County and Water Agency, together, and each of the other clients, will be responsible for paying one-sixth 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 firms, and there would be no agreement regarding the sharing of privileged documents and communications among the co-defendants in this lawsuit.