



MEMORANDUM  
FROM THE OFFICE  
OF COUNTY COUNSEL

TO: Board of Supervisors  
FROM: Anthony J. La Bouff, County Counsel  
DATE: May 22, 2012  
RE: Regional Sewer Project

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**ACTION REQUESTED:**

That the Board of Supervisors retain the law firm of Hanson Bridgett in an amount not to exceed \$75,000.00 to assist the County with implementation of the Regional Sewer project.

**SUMMARY:**

On March 13, 2012, your Board directed staff to pursue a Regional Solution to regulatory compliance for Sewer Maintenance District 1. The Regional Sewer project is currently proceeding in cooperation with the City of Lincoln. However, as indicated in Exhibit B to your March 13, 2012 Agenda this office anticipated returning to your Board to retain outside counsel to assist the County in this process.

**BACKGROUND:**

The office of County Counsel typically provides legal services to departments with regard to contractual items. The Office of County Counsel provided services to Facility Services with regard to the design, bid and award bid documentation relative to the SMD 1 upgrade. However, the Regional Sewer project involves both a complex multi-jurisdictional process with a relatively tight time frame. In addition, over the course of several years County Counsel's Office has been required to implement budgets constraining staffing. To some extent, this constraint has overlapped and during this period, the County Counsel has reduced its legal staff through three retirements with soon to be a fourth. Anticipating the continued responsibility for basic core work a recruitment has been commenced for an additional staff attorney.

During last year's budget cycle, it was not anticipated the Board would take the direction in December 2011 and ultimately March 2012. Given the urgency and substantial legal services needed to complete this project as well as meet the needs of the County and the City of Lincoln outside counsel will be necessary.

As indicated in Counsel's staff memorandum to your Board on March 13, 2012 there are significant legal issues to be resolved for long-term implementation of this project. Staff and County Counsel have provided an Advance Payment Agreement to the City of Lincoln approved

by your Board on May 8, 2012. County Counsel staff is currently working with Facility Services on the Design and Environmental Review Agreement and we anticipate that matter being brought to your Board in the future. Nevertheless, long-term involvement with construction contracts are necessary. In cooperation with the County Executive Office, Facility Services Department, Risk Management Division and this office, I recommended that the firm of Hanson Bridgett be retained to assist the County in this matter.

The firm of Hanson Bridgett is a well-known and well-respected law firm that has a regional office in Sacramento. The firm has done work for the County in the past and is particularly known for its expertise in construction and contractual relationships. The team will be led by William Taylor and it is proposed that his partners, Frank J. DeMarco, Andre Campbell, Tyson Shower and Michael Van Zandt will be available to assist in this matter. As compared to staff time, the retention of this firm is an additional expense. The expense is anticipated to be covered by project costs already designated for regulatory compliance for SMD 1 fund. Outside legal services will be managed by Risk Management with input of County Counsel. County Counsel will remain involved to assist staff on the day-to-day design and review of the environmental requirements and act as liaison for outside counsel and the various County departments. Given the complexity of the issues and current staffing this workload is beyond our staff to accomplish in the timely fashion necessary to comply with the regulatory compliance schedule. In order for the Board of Supervisors to be kept apprised of the project costs related to legal services we recommend a contract amount of \$75,000.00 with any future amendments returning to the Board of Supervisors for approval. A proposed contract has been reviewed and approved by Facility Services, Risk Management, County Counsel and outside counsel, and is on file with the Clerk of the Board.

**RECOMMENDED ACTION:**

That the Board of Supervisors retain the law firm of Hanson Bridgett in an amount not to exceed \$75,000.00 to assist the County with implementation of the Regional Sewer project.

**FISCAL IMPACT:**

The expense is anticipated to be covered by project costs already designated for regulatory compliance for SMD 1 fund.

AJL/dkp