

MEMORANDUM
OFFICE OF THE
COUNTY EXECUTIVE
COUNTY OF PLACER

TO: Honorable Board of Supervisors
FROM: David Boesch, County Executive Officer
BY: Maryellen Peters, Deputy County Executive Officer
DATE: October 9, 2012
SUBJECT: Regional Sewer Project

ACTION REQUESTED:

That the Board of Supervisors amend the contract with the Law Firm of Hanson Bridgett to increase the amount by \$75,000 to an amount not to exceed \$150,000.

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 in your May 22, 2012 Agenda, your Board approved the office of Hanson Bridgett to draft and negotiate the construction and operating agreements with the City of Lincoln.

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. 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, and Joel Darrington 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 an initial contract amount of \$75,000.00 was approved on May 22, 2012. 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 amend the contract with 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. This is a \$75,000 increase over the initial contract amount of \$75,000 for a total contract of \$150,000 to prepare multiple agreements for the construction and operation of the regional Sewer Project.