



Agenda Submittal

Agenda #: 10 **Status:** Approved
Type: Contract **Department:** County Counsel
File #: 19-805 **Contact:** Dan Wolk, 784-6150
Agenda date: 10/22/2019 **Final action:** 10/22/2019
Title: Approve participation with the counties of Contra Costa, San Joaquin, and Yolo in a contract with Soluri Meserve, for \$35,000 per county (\$140,000 total), to provide legal services on issues related to the Delta from October 22, 2019 through December 31, 2021; and Authorize the County Counsel to execute the contract and any amendments within budgeted appropriations
Governing body: Board of Supervisors
District: All
Attachments: 1. A - Contract, 2. Executed Contract, 3. Minute Order

Date	Ver.	Action By	Action	Result
10/22/2019	1	Board of Supervisors		

Published Notice Required? Yes ☐ No ☒
Public Hearing Required? Yes ☐ No ☒

DEPARTMENTAL RECOMMENDATION:

It is recommended that the Board approve participation with the counties of Contra Costa, San Joaquin, and Yolo in a contract with Soluri Meserve, for \$35,000 per county (\$140,000 total), to provide legal services on issues related to the Delta from October 22, 2019 through December 31, 2021; and Authorize the County Counsel to execute the contract and any amendments within budgeted appropriations.

SUMMARY:

The Delta Counties Coalition (DCC) is a consortium of the five counties that comprise the Sacramento-San Joaquin River Delta - including Contra Costa, Sacramento, San Joaquin, Solano, and Yolo counties - and advocates on behalf of the region in various forums and processes since its informal inception in 2008. While the DCC has been active on a number of issues and forums related to the Delta, it has been a challenge to be vigilant about every process, including attending the many relevant meetings and providing timely responses, including written documents when required. With a new State administration have come additional higher-visibility opportunities for the collective Delta voice to be heard and concerns addressed.

As such, four of the members of the DCC - the Counties of Contra Costa, San Joaquin, Solano, and Yolo - are seeking to participate in a contract with the law firm of Soluri Meserve to assist the Delta counties in advancing the shared interests and goals of the DCC in areas that the DCC is unable to effectively participate in due to those resource constraints. Sacramento County currently contracts with an outside counsel to handle similar matters and has chosen not to participate in this agreement at this time.

FINANCIAL IMPACT:

The maximum amount of the contract is \$140,000 over approximately two years, to be split between the four county signatories - Contra Costa, San Joaquin, Solano, and Yolo. For Solano County, this amounts to \$35,000 over approximately two fiscal years, or around \$17,500 per year. The Delta Water Activities

FY2019/20 adopted budget included appropriations for this purpose.

The costs associated with preparing the agenda item are nominal and absorbed by the department's FY2019/20 Adopted Budget.

DISCUSSION:

The Delta Counties Coalition (DCC) is a consortium of the five counties that comprise the Sacramento-San Joaquin River Delta - including Contra Costa, Sacramento, San Joaquin, Solano, and Yolo Counties - that has been advocating on behalf of the region in various forums and processes since its informal inception in 2008. While the DCC has been active on a number of issues and forums related to the Delta, it has been a challenge for the DCC to be vigilant about every process, including attendance at the many relevant meetings and providing timely responses, including written documents when required.

In January 2018, the five counties agreed to fund staffing to coordinate DCC efforts and agreed to fund a coordinator position. Sacramento County is currently the contracting agency for purposes of the designated coordinator position, and has a funding agreement with the remaining four counties, including Solano County, to fund the position through December 31, 2020, for an annual amount of \$35,000 for each county.

However, individual county staffs, elected officials, and the designated Sacramento County staff member, are limited in the ability to provide the necessary level of support on programs of direct consequence to the counties. Furthermore, with a new State administration have come additional higher-visibility opportunities for the collective Delta voice to be heard and concerns addressed.

As such, four of the members of the DCC - the counties of Contra Costa, San Joaquin, Solano, and Yolo - are seeking to participate in a contract with the law firm of Soluri Meserve to assist the Delta counties in advancing the shared interests and goals of the DCC in areas that the DCC is unable to effectively participate in due to those resource constraints. (Sacramento County has chosen not to participate in this agreement due to the fact that it already contracts with outside counsel to handle similar matters.) Such areas include the development of the Governor's Water Resilience Portfolio Initiative, the State Water Resources Control Board Water Quality Control Plan ("WQCP"), the Voluntary Agreement process, and the Design and Construction Authority work on a single tunnel.

Soluri Meserve is already providing outside legal counsel services to Solano County, among others, regarding the WaterFix Litigation, and has represented the County before the Delta Stewardship Council.

The agreement among the counties of Contra Costa, San Joaquin, Solano, Yolo, and Soluri Meserve will be executed in counterparts with each entity signing separately, each of which shall be deemed an original agreement.

ALTERNATIVES:

The Board could choose not to enter into this contract. This option is not recommended as the services are important to Solano County's efforts vis-à-vis the Delta, there are economies of scale as the other counties have signed on, and the contract would provide needed assistance.

OTHER AGENCY INVOLVEMENT:

County Counsel worked with Resource Management to develop this contract and approves the contract as to form.

APPROVE DEPARTMENTAL RECOMMENDATION