



Legislation Details (With Text)

File #: 2022-0038
Type: Consent Calendar Item **Status:** Passed
File created: 1/5/2022 **In control:** County Counsel
On agenda: 3/1/2022 **Final action:** 3/1/2022
Title: Authorization to County Counsel to Provide Legal Services to the Great Redwood Trail Agency
Sponsors: County Counsel
Indexes:
Attachments: 1. Summary Report.pdf, 2. Proposed Legal Services Agreement.pdf

Date	Ver.	Action By	Action	Result
3/1/2022	1	Board of Supervisors	Approved as recommended	Pass

To: Sonoma County Board of Supervisors
Department or Agency Name(s): County Counsel
Staff Name and Phone Number: Elizabeth Coleman, Deputy County Counsel, 707-565-2421
Vote Requirement: Majority
Supervisory District(s): Countywide

Title:
Authorization to County Counsel to Provide Legal Services to the Great Redwood Trail Agency

Recommended Action:

Authorize County Counsel to enter into a legal services agreement with the Great Redwood Trail Agency, successor in interest to the North Coast Railroad Authority

Executive Summary:

Sonoma County Counsel currently serves as General Counsel for the North Coast Railroad Authority, a public entity created by the California Government Code. This item would authorize County Counsel to continue to serve in this capacity as the North Coast Railroad Authority is reformed into the Great Redwood Trail Authority pursuant to changes to the Government Code approved by the state legislature in 2022, to assist the staff and board of the new agency until it is fully operational. The proposed agreement does not have a firm termination date, and is proposed to be in place until terminated.

Discussion:

The North Coast Railroad Authority (NCRA) was created by the legislature under former provisions of Government Code sections 93000 et seq. to reestablish rail operations along a section of right of way running from Marin County to the Humboldt Bay. Based upon legislation that became effective January 1, 2019, NCRA was directed to divest certain assets and begin a process of preparation to wind down, for the purposes of transitioning the usage of much of the non-operational railroad right of way to the Great Redwood Trail. Pursuant to subsequent changes in law, Government Code sections 93000 et seq. now call for the NCRA to be reformed as the Great Redwood Trail Authority, a separate legal entity from the State of California, which will continue to meet the legal obligations of the soon-to-be-former NCRA, and bring the entity into service of its new mission.

Sonoma County Counsel currently serves as General Counsel for the NCRA under a legal services agreement entered into on January 29, 2019. The current item would authorize County Counsel to continue to serve in this capacity as the NCRA is reformed into the GRTA, to assist the staff and board of the new agency until it is fully operational. County Counsel's representation would include both operational matters such as advising the board and staff with respect to generally applicable public law, and also in seeing to completion ongoing projects, such as completion of the process of railbanking the northern portion of the railroad right of way.

The proposed legal services agreement, as with the currently operational agreement, would include provision for GRTA to pay the fully loaded hourly rate for counsel time, meaning that the County of Sonoma will not be required to commit any of its own financial resources in order

The North Coast Railroad Authority (NCRA) was created by the legislature under former provisions of Government Code sections 93000 et seq. to reestablish rail operations along a section of right of way running from Marin County to the Humboldt Bay. Based upon legislation that became effective January 1, 2019, NCRA was directed to divest certain assets and begin a process of preparation to wind down, for the purposes of transitioning the usage of much of the non-operational railroad right of way to the Great Redwood Trail. Pursuant to subsequent changes in law, Government Code sections 93000 et seq. now call for the NCRA to be reformed as the Great Redwood Trail Authority, a separate legal entity from the State of California, which will continue to meet the legal obligations of the soon-to-be-former NCRA, and bring the entity into service of its new mission.

Sonoma County Counsel currently serves as General Counsel for the NCRA under a legal services agreement entered into on January 29, 2019. The current item would authorize County Counsel to continue to serve in this capacity as the NCRA is reformed into the GRTA, to assist the staff and board of the new agency until it is fully operational. County Counsel's representation would include both operational matters such as advising the board and staff with respect to generally applicable public law, and also in seeing to completion ongoing projects, such as completion of the process of railbanking the northern portion of the railroad right of way.

The proposed legal services agreement, as with the currently operational agreement, would include provision for GRTA to pay the applicable fully loaded rate for County Counsel time, which is currently \$282.00 per hour, and will be automatically adjusted per the terms of the contract at the time of any updates to the adopted rate. This structure requiring full payment of County Counsel costs means that the County of Sonoma will not be required to commit any of its own financial resources in order to provide this service. County Counsel has in the past provided similar service to other outside legal entities, such as Sonoma-Marin Area Rail Transit and the Sonoma County Library.

Based on the forgoing, County Counsel requests the Board authorize the County Counsel to execute a proposed legal services agreement with GRTA, to continue to provide necessary legal services while it becomes fully operational under its new name and mission.

Strategic Plan:

N/A

Prior Board Actions:

01/29/2019- Board of Supervisors Approved County Counsel Representation of NRCA

FISCAL SUMMARY

Expenditures	FY 21-22 Adopted	FY22-23 Projected	FY 23-24 Projected
Budgeted Expenses	112,000	112,000	112,000
Additional Appropriation Requested			
Total Expenditures	112,000	112,000	112,000
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other	112,000	112,000	112,000
Use of Fund Balance			
Contingencies			
Total Sources	112,000	112,000	112,000

Narrative Explanation of Fiscal Impacts:

None.

Staffing Impacts:			
Position Title (Payroll Classification)	Monthly Salary Range (A-I Step)	Additions (Number)	Deletions (Number)

Narrative Explanation of Staffing Impacts (If Required):

None

Attachments:

Proposed Legal Services Agreement

Related Items "On File" with the Clerk of the Board:

None