



Legislation Text

File #: 2022-0197, **Version:** 1

To: Board of Supervisors

Department or Agency Name(s): County Counsel

Staff Name and Phone Number: Robert Pittman, County Counsel and Verne Ball, Deputy County Counsel -707 565 2421

Vote Requirement: 4/5th

Supervisory District(s): Countywide

Title:

Legal Services Agreement Related to Sanitation Ratemaking

Recommended Action:

Authorize County Counsel to execute a legal services agreement for representation of the County of Sonoma and the Sonoma County Water Agency regarding sanitation rates and charges, and related fee disputes, for a term of three years and with a not to exceed amount of \$150,000. (4/5th Vote Required)

Executive Summary:

County Counsel recommends Your Board authorize County Counsel to execute a Legal Services Agreement with the law firm of Colantuono, Highsmith & Whatley, PC, with a not to exceed amount of \$150,000, to advise and represent the County and Sonoma Water in sanitation rate matters. Colantuono, Highsmith & Whatley, PC, has expertise in advising and defending public agencies in fee disputes.

Discussion:

The Sonoma County Water Agency's (Sonoma Water) Sanitation Zones include Airport-Larkfield-Wikiup, Geyserville, Penngrove, and Sea Ranch (Zones). The County Sanitation Districts include Occidental, Russian River, Sonoma Valley, and South Park (Districts), each of which are operated by Sonoma Water. Sanitation ratesetting is complex, and it occasionally results in ratepayer disputes. The Zones and Districts place their sewer service rates on the tax roll, which means that some sanitation rate dispute issues also involve the Sonoma County Tax Collector and legal issues under the Revenue and Taxation Code.

There is a need for additional legal assistance for Sonoma Water and Sonoma County in the area of sanitation ratesetting and rate disputes. The Colantuono, Highsmith & Whatley, PC law firm has extensive experience in advising and defending public agencies in fee disputes, and is already assisting County Counsel in related matters. County Counsel has executed two prior \$25,000 contracts with Colantuono, Highsmith & Whatley, PC for assistance in sanitation ratesetting and rate disputes.

Strategic Plan:

N/A

Prior Board Actions:

N/A

FISCAL SUMMARY

Expenditures	FY 21-22 Adopted	FY22-23 Projected	FY 23-24 Projected
Budgeted Expenses	\$50,000	\$50,000	\$50,000
Additional Appropriation Requested			
Total Expenditures	\$50,000	\$50,000	\$50,000
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other	\$50,000	\$50,000	\$50,000
Use of Fund Balance			
Contingencies			
Total Sources	\$50,000	\$50,000	\$50,000

Narrative Explanation of Fiscal Impacts:

Where Zone and District rates that have been placed on the tax roll are disputed, by agreement between Sonoma Water and the Tax Collector, Sonoma Water is responsible for all legal expenses.

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

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

Legal Services Agreement with Colantuono, Highsmith & Whatley, PC, to be approved by Your Board, with a not to exceed amount of \$150,000.

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

None