

Approval of Legal Services Contract with the Department of Justice

Requested Action: Direct the Executive Officer to execute a new 3-year agreement with the Department of Justice (DOJ) to continue to provide legal services to the Delta Stewardship Council (DSC).

Background

The DSC has a long standing relationship with DOJ as it has been providing legal services to the organization since the enactment of the 2009 Delta Reform Act, and prior to that, to the California Bay-Delta Authority (the predecessor to the DSC) and CALFED since 1995. This new contract will be for a term of 3 years, from July 1, 2012 through June 30, 2015. It will replace an existing 3-year contract with DOJ (with the same terms and conditions) that will expire on June 30, 2012.

DOJ will continue to be available at the request of the Executive Officer or Chief Counsel and will provide legal services related to the preparation and adoption of the Delta Plan and other in-house support and litigation services as needed. DOJ will also advise on issues related to the Delta Science Program, Independent Science Board, oversight and integration of program elements, and pre-litigation counseling. Issues include, but are not limited to, review of environmental documents and compliance with state contract and grant laws and procedures, and open meeting laws. On an as needed basis, at the request of the Chief Counsel, DOJ attorneys will attend meetings of the DSC and other meetings.

Fiscal Information

Funding for legal services from DOJ is a line item in the DSC's baseline budget. The total amount of this 3-year contract (like the contract it will replace) shall not exceed \$1,500,000. The funding for this contract will be General Fund. The breakdown for the funding, by fiscal year, is as follows:

<u>Fiscal Year</u>	<u>Amount</u>
12/13	\$ 500,000
13/14	\$ 500,000
14/15	\$ 500,000
Total	\$1,500,000

Cost Detail

This contract is a "capacity" type contract, meaning that charges are made against the contract on an "as needed" basis. Moneys that are not expended in a given fiscal year revert to the General Fund. DOJ's billing rates are as follows:

<u>Classification</u>	<u>Rate</u>
Deputy Attorney General III	\$170.00/hr
Deputy Attorney General IV	\$170.00/hr
Senior Legal Analyst	\$120.00/hr

List of Attachments

Attachment 1: Exhibit A, Scope of Work for Legal Services Contract

Contact

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