



TIFFANY N. NORTH
COUNTY COUNSEL

September 10, 2024

JEFFREY E. BARNES
CHIEF ASSISTANT

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

ALBERTO BOADA
EMILY T. GARDNER
JOSEPH J. RANDAZZO
PRINCIPAL ASSISTANTS

Board of Ventura County Watershed Protection District
800 South Victoria Avenue
Ventura, CA 93009

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JASON CANGER
PHEBE W. CHU
MITCHELL B. DAVIS
DAVID EDSALL JR.
ALISON L. HARRIS
MARTHA ANN KNUTSON
CYNTHIA KRAUSE
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JACLYN SMITH
LINDA L. STEVENSON
THOMAS W. TEMPLE
FRANCESCA S. VERDIN
ERIC WALTZ

Boards of Ventura County Waterworks Districts Nos. 1 & 19
800 South Victoria Avenue
Ventura, CA 93009

SUBJECT: Approve, and Authorize the County Counsel to sign, a Third Amendment to the Professional Services Agreement with Hanson Bridgett LLP for Legal Services and Representation of the County, the Ventura County Watershed Protection District, and Ventura County Waterworks District Nos. 1 & 19 in Certain Water Resources Litigation to Extend the Term of the Agreement Through Fiscal Year 2024-25; Authorize the County Counsel to Extend the Term of the Agreement.

RECOMMENDATIONS:

1. Approve, and authorize the County Counsel or designee to sign, a third amendment to the professional services agreement with Hanson Bridgett LLP (Hanson Bridgett) for legal services and representation (Agreement) of the County, the Ventura County Watershed Protection District (District), and Ventura County Waterworks District Nos. 1 & 19 (Waterworks Districts) in certain water resources litigation to extend the term of the Agreement through Fiscal Year 2024-25.
2. Authorize the County Counsel or designee to extend the term of the Agreement, up to three times, each time for a period not to exceed a single fiscal year, on the same or more favorable conditions, so long as any amendment to extend is consistent with the purpose of the Agreement, does not result in additional costs to the County, the

District, and the Waterworks Districts, and is reviewed and approved
as to form by County Counsel.

FISCAL/MANDATES IMPACT:

Waterworks District No. 1 - Fiscal Section:

Mandatory: No
Source of Funding: Waterworks District No.1
Funding Match Required: No
Impact on Other Department(s): No

| Summary of Revenues and Costs: | <u>FY 2024-25</u> | <u>FY 2025-26</u> |
|--------------------------------|-------------------|-------------------|
| Revenue: | \$ 0 | \$ 0 |
| Costs: | | |
| Direct | \$ 152,000 | \$ 0 |
| Indirect - Agency/Dept. | \$ 0 | \$ 0 |
| Indirect - County CAP | \$ 0 | \$ 0 |
| Total Costs | \$ 152,000 | \$ 0 |
| Net Costs | \$ 152,000 | \$ 0 |
| Recovered Indirect Costs | \$ 0 | \$ 0 |

| Current FY 2024-25 Budget Projection for Waterworks District 1- Unit 4300 | | | | |
|--|-------------------|--------------------|---------------------|--------------------------------|
| | Adopted Budget | Adjusted Budget | Projected Budget | Estimated Savings/(Deficit) |
| Appropriations | \$30,899,831 | \$31,716,607 | \$31,716,607 | \$0 |
| Revenue | \$22,741,000 | \$22,741,000 | \$22,741,000 | \$0 |
| Net Cost | \$8,158,831 | \$8,975,607 | \$8,975,607 | \$0 |

Sufficient appropriations are available in the FY 2024-25 Adjusted Budget for Unit 4300.

Waterworks District No. 19 - Fiscal Section:

Mandatory: No
Source of Funding: Waterworks District No. 19
Funding Match Required: No
Impact on Other Department(s): No

Summary of Revenues and Costs: FY 2024-25 FY 2025-26

| | | | | |
|--------------------------|----|--------|----|---|
| Revenue: | \$ | 0 | \$ | 0 |
| Costs: | | | | |
| Direct | \$ | 38,000 | \$ | 0 |
| Indirect - Agency/Dept. | \$ | 0 | \$ | 0 |
| Indirect - County CAP | \$ | 0 | \$ | 0 |
| Total Costs | \$ | 38,000 | \$ | 0 |
| Net Costs | \$ | 38,000 | \$ | 0 |
| Recovered Indirect Costs | \$ | 0 | \$ | 0 |

| Current FY 2024-25 Budget Projection for Waterworks District 19 - Unit 4340 | | | | |
|--|-------------------|--------------------|---------------------|--------------------------------|
| | Adopted Budget | Adjusted Budget | Projected Budget | Estimated Savings/(Deficit) |
| Appropriations | \$8,927,839 | \$9,203,301 | \$9,203,301 | \$0 |
| Revenue | \$7,746,000 | \$7,746,000 | \$7,746,000 | \$0 |
| Net Cost | \$1,181,839 | \$1,457,301 | \$1,457,301 | \$0 |

Sufficient appropriations are available in the FY 2024-25 Adjusted Budget for Unit 4340.

Watershed Protection District - Fiscal Section:

Mandatory: No
Source of Funding: Watershed Protection District Admin
Funding Match Required: No
Impact on Other Department(s): No

| | | |
|--------------------------------|-------------------|-------------------|
| Summary of Revenues and Costs: | <u>FY 2024-25</u> | <u>FY 2025-26</u> |
| Revenue: | \$ 0 | \$ 0 |
| Costs: | | |
| Direct | \$ 5,000 | \$ 0 |
| Indirect - Agency/Dept. | \$ 0 | \$ 0 |
| Indirect - County CAP | \$ 0 | \$ 0 |
| Total Costs | <u>\$ 5,000</u> | <u>\$ 0</u> |
| Net Costs | \$ 5,000 | \$ 0 |
| Recovered Indirect Costs | \$ 0 | \$ 0 |

| Current FY 2024-25 Budget Projection for Watershed Protection District Administration - Unit 4200 | | | | |
|--|-------------------|--------------------|---------------------|--------------------------------|
| | Adopted Budget | Adjusted Budget | Projected Budget | Estimated Savings/(Deficit) |
| Appropriations | \$5,659,982 | \$5,659,982 | \$5,659,982 | \$ 0 |
| Revenue | \$5,300,900 | \$5,300,900 | \$5,300,900 | \$ 0 |
| Net Cost | \$359,082 | \$359,082 | \$359,082 | \$ 0 |

Sufficient appropriations are available in the FY 2024-25 Adjusted Budget for United 4200.

GSA Parks - Fiscal Section:

Mandatory: No
Source of Funding: GSA Parks
Funding Match Required: No
Impact on Other Department(s): No

| Summary of Revenues and Costs: | <u>FY 2024-25</u> | <u>FY 2025-26</u> |
|--------------------------------|-------------------|-------------------|
| Revenue: | \$ 0 | \$ 0 |
| Costs: | | |
| Direct | \$ 0 | \$ 5,000 |
| Indirect - Agency/Dept. | \$ 0 | \$ 0 |
| Indirect - County CAP | \$ 0 | \$ 0 |
| Total Costs | <u>\$ 0</u> | <u>\$ 5,000</u> |
| Net Gain/(Loss) | \$ 0 | \$ 5,000 |
| Recovered Indirect Costs | \$ 0 | \$ 0 |

| FY 2024-25 Budget Projection | | | | |
|--|-------------------|--------------------|---------------------|----------------------------|
| GSA - 4760 - Parks | | | | |
| | Adopted Budget | Adjusted Budget | Projected Budget | Est. Savings/ (Deficit) |
| Appropriations | \$ 8,460,856 | \$ 8,460,856 | \$ 8,460,856 | \$ 0 |
| Revenue | \$ 7,946,274 | \$ 7,946,274 | \$ 7,946,274 | \$ 0 |
| Net Gain/(loss) | (\$ 514,582) | (\$ 514,582) | (\$ 514,582) | \$ 0 |
| *The table above includes interest earnings and contributions. | | | | |

DISCUSSION:

On October 30, 2018, your Boards entered into a professional services agreement with the law firm Hanson Bridgett LLP (“Hanson Bridgett”) to represent the County, the Ventura County Watershed Protection District (District), and the Ventura County Waterworks District Nos. 1 and 19 (“Waterworks”) in certain water resources litigation involving the water rights of the County, District, and Waterworks (the Agreement). Specifically, Hanson Bridgett was hired to represent Waterworks in *Las Posas Valley Water Rights Coalition, et al. v. Fox Canyon Groundwater Management Agency, et al.*, Santa Barbara Sup. Ct. Case No. VENC100509700 (“LPV Adjudication”), a comprehensive adjudication of the groundwater rights to the Las Posas Valley Groundwater Basin. Hanson Bridgett was also hired to represent the County and District in *Santa Barbara Channelkeeper v. State Water Resources Control Board et al.*, Los Angeles Sup. Ct. Case No. 19SSTCP01176 (“Ventura River Adjudication”), another comprehensive groundwater adjudication implicating the County’s water right and the District’s regulatory authority in the Ventura River Watershed.

Since its approval in October 2018, the professional services agreement with Hanson Bridgett has been amended twice. In November 2019, the agreement was first amended to increase the annual contract amount to \$750,000 in any fiscal year to provide budgets for increased representation and work by Hanson Bridgett on behalf of County, District, and Waterworks in both cases. In May 2023, the agreement was amended a second time to reduce the annual contract amount back to \$200,000 and extend the term of the Agreement. However, when the second amendment was approved, delegated authority to approve future amendments to extend the term of the agreement was not obtained.

Staff recommends your Boards approve, and authorize the County Counsel or designee to sign, a third amendment to the Agreement to extend its term through Fiscal Year 2024-25. Additionally, in order to ensure the efficient administration of the Agreement, staff also recommends your Boards authorize the County Counsel or designee to approve future amendments to extend the term of the Agreement, up to three times, each time for a period not to exceed a single fiscal year, on the same or more favorable conditions, so long as any such amendment is consistent with the purpose of the Agreement (as may be amended), does not result in additional costs to the County, the District, and/or the Waterworks Districts, and is reviewed and approved as to form by County Counsel.

This item has been reviewed by the County Executive Office, the Auditor-Controller’s Office and County Counsel. If you have any questions regarding this item, please call me at (805) 654-2581.

Sincerely,

TIFFANY N. NORTH
County Counsel



Jason Canger
Assistant County Counsel

Attachments: Third Amendment to Professional Services Agreement Between the
County of Ventura, Ventura County Watershed Protection District,
Ventura County Waterworks District Nos. 1 and 19, and Hanson
Bridgett LLP