

**ACTION ITEM
BOARD OF SUPERVISORS**

DATE: April 17, 2007

TO: Board of Supervisors

FROM: Joseph L. Howard, Jr. *Joseph L. Howard, Jr.*
County Attorney

ISSUE: Extend Contract for Outside Legal Counsel

RECOMMENDATION: Approval

BUDGET IMPACT: N/A

ATTACHMENTS: (2)

[1] Memo dated 4/4/07

[2] Reso/Ord/Proc # R07-166

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[] Reso/Ord/Proc #

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[] Reso/Ord/Proc #

REVIEW: [X] County Administrator's Office *Paul J. Romerell*

[] Finance _____

[] Budget _____

[X] **Consent Agenda**

[] **Other Business**

[] **Public Hearing**

[] **Discussion Item**

[] **Presentation**

[] **Unfinished Business**

[] **New Business**


PRESENTATION BY: N/A

ELECTION DISTRICT: N/A

Office of the
County Attorney

MEMORANDUM

TO: Members of the Board of Supervisors

FROM: Joseph L. Howard, Jr., County Attorney 

DATE: April 4, 2007

RE: **EXTENSION OF OUTSIDE LEGAL COUNSEL
LETTER OF AGREEMENT CONTRACTS**

The Board of Supervisors approved a mid-year budget adjustment concerning outside legal counsel in connection with important ongoing litigation of significance to the County and its residents. In order to continue paying outside counsel for their work on these proceedings, it is necessary for the Board to authorize the County Attorney to extend the current letter agreement contracts for these cases.

The involved cases are the Dominion Power Transmission Line case pending before the State Corporation Commission (SCC); the Board of Supervisors v. Stafford Lakes L.P., involving the condemnation of Crow's Nest for a public park; and the Ward Corporation v. Board of Supervisors, involving the denial of a high density residential rezoning on Truslow Road. All of these cases are now heavily involved in the discovery and trial preparation phases of litigation, requiring additional expenditures during this fiscal year. This was the reason for the requested mid-year budget adjustment in this line item. The involved letter agreement contracts have now reached a level of expenditure that necessitates Board authorization for the County Attorney to extend the agreements and encumber the funds to pay for the services being rendered. In addition to the legal fees, these funds are also used to pay for the expert witnesses hired by outside counsel to testify on behalf of the County in these cases.

The specific request is to authorize the County Attorney to extend the letter agreement contract an additional \$200,000 for Christian Barton for the Dominion case; an additional \$100,000 for the Crow's Nest condemnation case; and an additional \$50,000 for the Ward Corporation case. These cases are all scheduled for hearing either before the end of the current fiscal year or in the first portion of FY 2008. Any funds encumbered through the extended letter agreements that are not expended this fiscal year would be requested for roll-over into FY 2008. The funds have already been budgeted and appropriated for this purpose by the Board in the FY 2007 budget at mid-year.

I am available to respond to any questions concerning this request. A resolution is attached for your consideration.

JLH/vaw

Attachment

PROPOSED

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, Stafford County Administration Center, Stafford, Virginia, on the 17th day of April 2007:

MEMBERS:

Jack R. Cavalier, Chairman
Mark Dudenhefer, Vice Chairman
M. S. "Joe" Brito
Peter J. Fields
Robert C. Gibbons
Paul V. Milde III
George H. Schwartz

VOTE:

On motion of , seconded by , which carried by a vote of , the following was adopted:

A RESOLUTION TO AUTHORIZE THE PAYMENT OF OUTSIDE
LEGAL FEES AND COSTS REGARDING THE CROW'S NEST
CONDEMNATION, DOMINION POWER RIGHT-OF-WAY
MATTER, AND THE MATTER OF WARD V. BOARD OF
SUPERVISORS OF STAFFORD COUNTY, VIRGINIA

WHEREAS, because of the complex nature of the legal matters listed above, the Board has found it necessary to employ outside legal counsel to represent and protect the interests of the County; and

WHEREAS, the estimated cost of such representation in these matters for the remainder of FY2007 is expected to be as follows: Crow's Nest Condemnation - \$100,000; Dominion Power Right-of-Way - \$200,000; and Ward v. Board of Supervisors of Stafford County, Virginia - \$50,000; and

WHEREAS, these funds were budgeted and appropriated for this purpose by the Board in the mid-year budget adjustment; and

WHEREAS, the continued employment of outside legal counsel is imperative to protect and represent the interests the County in the above-listed matters;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of April, 2007, that the County Attorney be and he hereby is authorized to extend the Letter of Agreement contracts to pay legal fees in the amount of Three Hundred Fifty Thousand Dollars (\$350,000) to outside legal counsel as follows: Two Hundred Thousand Dollars (\$200,000) to Christian & Barton, LLP (Dominion Power Right-of-Way); One Hundred Thousand Dollars (\$100,000) to Blankenship & Keith (Crow's Nest Condemnation); and Fifty Thousand Dollars (\$50,000) to Carl F. Bowmer (Ward Corporation v. Board of Supervisors of Stafford County, Virginia).

SC:JLH:vaw