



# County of El Dorado

330 Fair Lane, Building A  
 Placerville, California  
 530 621-5390  
 FAX 622-3645  
 www.edcgov.us/bos/

## Legislation Details (With Text)

**File #:** 07-199      **Version:** 3

**Type:** Agenda Item      **Status:** Adopted

**File created:** 1/26/2007      **In control:** Board Of Supervisors

**On agenda:** 1/30/2007      **Final action:** 1/30/2007

**Title:** County Counsel recommending Chairman be authorized to sign Agreement for Legal Services with Diepenbrock Harrison to provide representation for the County in regard to the Congregate Care Facility in Cameron Park, Ca., El Dorado County Superior Court Case No. PC20070021, California Native Plant Society, et al., v. County of El Dorado, et al.

**FUNDING:** No Net County Cost

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Diepenbrock Native Plant Agenda Letter.pdf, 2. Diepenbrock Native Plant Contract Routing Sheet.pdf, 3. Ltr - Taxpayers Assoc. - Native Plant Society 1/29/07.pdf, 4. EDC - Agreement for Legal Services with Diepenbrock Harrison.pdf

Date	Ver.	Action By	Action	Result
1/30/2007	3	Board Of Supervisors	Adopted As Amended	Pass

County Counsel recommending Chairman be authorized to sign Agreement for Legal Services with Diepenbrock Harrison to provide representation for the County in regard to the Congregate Care Facility in Cameron Park, Ca., El Dorado County Superior Court Case No. PC20070021, California Native Plant Society, et al., v. County of El Dorado, et al.

**FUNDING: No Net County Cost**

<b>BUDGET SUMMARY:</b>		
Total Estimated Cost		\$
Funding		
Budgeted	\$	
New Funding	\$	
Savings	\$	
Other	\$	
Total Funding Available	\$	
Change To Net County Cost		\$

Fiscal Impact/Change to Net County Cost: None.

Reason for Recommendation: A lawsuit has been filed by the California Native Plant Society challenging the Board's approval of a congregate care facility (Pilegaard project) in the Cameron

Park area. The lawsuit names the County and related entities as the respondents and defendants. The project proponents are named as real parties in interest. The real parties in interest are represented by the law firm of Remy, Thomas, Moose and Manley, LLP. We anticipate that counsel for the real parties in interest will play an active, if not lead, role in the defense of the lawsuit. However, the lawsuit has implications beyond simply this specific project moving forward. The lawsuit relates to broader County policies and programs related to mitigating impacts of development on rare plants in the vicinity. Because of the potential effect of the lawsuit on issues beyond just this project, we believe the County should retain its individual counsel and remain actively involved in the litigation. A hearing on a preliminary injunction has been scheduled for February 15, 2007, and the County's brief is due on February 2, 2007, necessitating rapid action to retain counsel.

Action to be taken following Board approval: Board approve and authorize the Chair to execute the attached Agreement for Legal Services.

Contact: Lou Green