



County of Monterey

Item No.36

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: WRAA 26-001

April 28, 2026

Introduced: 4/13/2026

Current Status: General Government -
Consent

Version: 1

Matter Type: WR Agreement

- a. Approve Amendment No. 2 to the Agreement for Specialized Advisory, Transactional and Pre-Litigation Attorney Services (“Agreement”) with Downey Brand, LLP, originally executed on January 1, 2021, and previously amended by Amendment No. 1 on April 14, 2023, to increase the contract amount by \$150,000 for a total amount not to exceed \$500,000; and
- b. Authorize the Water Resources Agency General Manager to execute Amendment No. 2.

RECOMMENDATION:

- a. Approve Amendment No. 2 to the Agreement for Specialized Advisory, Transactional and Pre-Litigation Attorney Services (“Agreement”) with Downey Brand, LLP, originally executed on January 1, 2021, and previously amended by Amendment No. 1 on April 14, 2023, to increase the contract amount by \$150,000, for a total amount not to exceed \$500,000; and
- b. Authorize the Water Resources Agency General Manager to execute Amendment No. 2.

SUMMARY/DISCUSSION:

On January 1, 2021, the Monterey County Water Resources Agency (“Agency”) entered into an Agreement with Downey Brand, LLP (“Downey Brand”) for specialized advisory, transactional, and pre-litigation attorney services, with a total contract amount not to exceed \$100,000.

On April 14, 2023, the Agency approved Amendment No. 1, which increased the contract amount by \$250,000, for a revised total amount not to exceed \$350,000. This increase included the transfer of unexpended funds from the Interlake Tunnel Agreement, allowing the Agency to consolidate services under a single agreement.

Downey Brand continues to provide specialized legal services to the Agency, including advisory, transactional, and pre-litigation services related to complex water resources matters, including the Interlake Tunnel project and other Agency priorities.

Amendment No. 2 will increase the contract amount by an additional \$150,000, for a new total contract amount not to exceed \$500,000, to allow for the continued provision of these services. All other terms and conditions of the Agreement, as previously amended, remain unchanged and in full force and effect.

OTHER AGENCY INVOLVEMENT:

County Counsel has reviewed and approved the Amendment as to form; the Auditor-Controller has reviewed and approved as to fiscal provisions; and Risk Management has reviewed insurance and

indemnity provisions.

FINANCING:

Approval of Amendment No. 2 will increase the total contract amount by \$150,000, for a cumulative total not to exceed \$500,000. Funding for these services is included in the Agency's adopted budget, and future appropriations will be included in subsequent fiscal year budgets as necessary.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The recommended action supports the Board's Strategic Plan Goals of Well-Being and Quality of Life and Safe and Resilient Communities by supporting legal services necessary to manage water resources, infrastructure, and environmental compliance.

Mark a check to the related Board of Supervisors Strategic Plan Goals:

- Well-Being and Quality of Life
- Sustainable Infrastructure for the Present and Future
- Safe and Resilient Communities
- Diverse and Thriving Economy

Prepared and Approved by: Kelly L. Donlon, Chief Assistant County Counsel, x5045

Attachments:

- 1: Draft Amendment No. 2
- 2: Fully Executed Amendment No. 1 dated April 14, 2023
- 3: Fully Executed Agreement dated January 1, 2021