

KATHARINE L. ELLIOTT  
COUNTY COUNSEL



TELEPHONE:  
(707) 234-6885

FAX NUMBER:  
(707) 463-4592

DEPUTY COUNTY COUNSELS

BRINA A. BLANTON  
DOUGLAS V. PARKER  
MATTHEW T. KIEDROWSKI  
REBECCA L. CHENOWETH  
CHARLOTTE E. SCOTT  
MICHAEL J. MAKDISI  
CHRISTIAN M. CURTIS

OFFICE OF THE  
COUNTY COUNSEL  
ADMINISTRATION CENTER  
501 LOW GAP ROAD, RM. 1030  
UKIAH, CALIFORNIA 95482

**MEMORANDUM**

**DATE:** February 7, 2017

**TO:** BOARD OF SUPERVISORS

**FROM:** MICHAEL MAKDISI, DEPUTY COUNTY COUNSEL

**RE:** **Request to contract with Ms. Terry Gross for legal services within 180 days after her retirement pursuant to Government Code Section 7522.56**

On May 17, 2016, the Air Quality Management District Board approved a legal services contract with attorney Terry Gross as outside legal counsel to represent the District in legal matters related to the appeal of permits issued by the District in addition to other legal actions related to enforcement matters. These matters involve unusual and complex cases that are very fact intensive, involving CEQA, the California Health and Safety Code violation and District Regulations.

Ms. Gross retired as of August 13, 2016 and began receiving retirement benefits from the County. On September 20, 2016, the District Board waived the 180 day waiting period pursuant to Government Code section 7522.56(f)(1), and approved of a contract between the District and Ms. Gross for continued separate legal representation following her retirement. Since her retirement and after approval by the District Board, Ms. Gross has continued to represent the District in the pending litigation matters, which have expanded to include additional lawsuits.

The contract between Ms. Gross and the District has now expired, and County Counsel will now be taking over representation for the District. To ensure the highest quality representation of the District, it is critical that Ms. Gross remain an attorney of record and assist in the litigation of these matters even as County Counsel takes over as the District's attorney and lead representative. As attorney for the district since May 2016, Ms. Gross possesses a unique understanding and insight about the current litigation matters which will be lost without her participation. In addition to her unique understanding of the cases, Ms. Gross has 25 years of civil litigation experience and experience representing air quality

districts. Ms. Gross had previously been employed as a Deputy County Counsel for Mendocino County and worked as District Counsel during her employment with Mendocino County.

The ability for County Counsel to work with Ms. Gross during this transition period is critical to maintain the best possible representation of the District. Therefore, County Counsel requests that the Board of Supervisors approve the contract with Ms. Gross for legal services and waive the 180 day waiting period pursuant to Government Code section 7522.56(f)(1) to allow Ms. Gross to continue as a contract attorney, assisting County Counsel, without reinstatement or interruption of benefits. There are no additional costs to Mendocino County associated with this approval of County Counsel's request.