
MENDOCINO COUNTY
AIR QUALITY MANAGEMENT DISTRICT
MEMORANDUM

DATE: September 6, 2016

TO: The Mendocino County
Air Quality Management District Board

FROM: Robert A. Scaglione
Air Pollution Control Officer

SUBJECT: Request to Continue the District's Contract with Ms. Terry Gross, For Separate Legal Representation following her Retirement Pursuant to Government Code § 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. Ms. Gross has 25 years of civil litigation experience and experience representing air quality districts

The District is facing two lawsuits from a community group opposed to an asphalt plant in their neighborhood and has been sued by the project applicant. Ms. Gross has been handling these matters for the District. In addition, under Ms. Gross' guidance the District sued the applicant for unresolved violations and filed a challenge to the applicant's lawsuit. These are unusual and complex cases and very "fact" intensive, involving; CEQA, California Health and Safety Code Violations and District Regulations.

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 District is very confident of Ms. Gross' handling of these matters and would like her to continue to do so. Her fees are reasonable and comparable with County rates and she is very mindful of the District's limited budget. There is no one currently employed with the County who has her combination of civil litigation and air quality experience.

Ms. Gross retired as of August 13, 2016 and began receiving retirement benefits from the County. The District would like to continue with Ms. Gross as District legal counsel under the current contract until the pending litigation is resolved. Therefore, pursuant to Government Code § 7522.56 (f)(1), District is requesting that the Board approve the continuance of Ms. Gross' contract and waive the 180 day waiting period to allow Ms. Gross to continue as the District's outside legal counsel without reinstatement or interruption of benefits until current litigation is resolved. There are no additional costs to the District associated with approval of the District's request.

Thank you.