



COUNTY OF SONOMA

575 ADMINISTRATION
DRIVE, ROOM 102A
SANTA ROSA, CA 95403

SUMMARY REPORT

Agenda Date: 5/19/2020

To: County of Sonoma Board of Supervisors Sonoma County Water Agency Board of Directors Sonoma County Agricultural Preservation and Open Space District, Board of Directors Community Development Commission Northern Sonoma County Air Pollution Control District

Department or Agency Name(s): Human Resources/ County Counsel

Staff Name and Phone Number: Janell Crane - 707-565-2885 and Debbie Latham - 707-565-3101

Vote Requirement: 4/5th

Supervisorial District(s): Countywide

Title:

Amendment to Outside Liability Counsel Agreements

Recommended Action:

Authorize the County Counsel to execute the following contract amendments for outside liability counsel agreements for civil defense legal services:

- 1) Extend the agreement terms for an additional 6 months (from 7/1/20 through 12/31/20) with law firms: Foster Employment Law; Geary, Shea, O'Donnell, Grattan & Mitchell, PC; Bluestone, Zanino & Hamilton, LLP; Bertand, Fox, Elliot, Osman & Wenzel, PC; and McNamara, Ney, Beatty, Slattery, Borges & Ambacher, LLP.
- 2) Extend the agreement term for an additional 6 months (from 7/1/20 through 12/31/20) and increase the contract maximum limit from \$200,000 to not to exceed \$300,000 with law firm Greines, Martin, Stein & Richland LLP.
- 3) Extend the agreement term for an additional 7 months (from 6/1/20 through 12/31/20) and increase the contract maximum limit from \$400,000 to not to exceed \$750,000 with law firm Berry Wilkinson Law Group.

Executive Summary:

This requested Board action authorizes the County Counsel to execute contract amendments for outside liability counsel agreements for civil defense legal services with seven law firms as described under "Recommended Actions" above.

The Risk Management Division of the Human Resources Department in collaboration with the County Counsel's office released an RFP (Request for Proposal) on 2/28/20, with the intention of implementing new legal services agreements for the period commencing 7/1/20. Due to the impracticality of conducting a quality RFP process under the current Covid-19 Public Health Orders, it is necessary to delay the RFP process and therefore amendments to current contracts are required.

Six of the seven agreements under consideration for amendment (Foster Employment Law; Geary, Shea, O'Donnell, Grattan & Mitchell, PC; Bluestone, Zanino & Hamilton, LLP; Bertand, Fox, Elliot, Osman & Wenzel, PC; and McNamara, Ney, Beatty, Slattery, Borges & Ambacher, LLP.) were implemented with Board of Supervisor authorization following an RFP (Request for Proposal) process conducted in 2015. Two agreements for specialized legal services (with the Berry Wilkinson Law Group, and Greines, Martin, Stein & Richland LLP) were implemented under Department Head / Purchasing Agent delegated authority. Amounts spent to date with each firm depend upon the number of case assignments to each firm, and the size and scope of each case assigned. As a result, some agreements have not yet used the maximum costs allowed under the contract and do not need an adjustment. Fee rates for all the agreements will remain constant.

Discussion:

The County of Sonoma has been self-insured for general and automobile liability since 1986. Although the Office of the County Counsel handles much of the litigation defense work in-house and is the statutory officer responsible for managing all civil actions in the County, specialized outside defense law firms are sometimes used to represent the County in tort claims and civil litigation filed in State and Federal Courts for reasons of capacity, conflict or need for specialized expertise. The law firms are assigned cases based upon their expertise and specific experience with public entity defense. Board Resolution No. 85-2577 further delegates responsibility for the oversight and management of civil litigation to County Counsel in consultation with the Risk Manager, with both County Counsel and the Human Resources Departments being responsible for the coordination and oversight of the work performed by outside counsel. The Risk Management Division of the Human Resources Department is responsible for the administration of all tort claims and litigation and County Counsel provides legal oversight and advice.

Although County Counsel continues to increase its in-house litigation capacity, outside counsel needs remain for some cases that require specialized expertise or for cases in which County Counsel may have a conflict or lack of internal capacity.

The amended agreements proposed in this report are all fee for service contracts with no minimum or maximum amount of work guaranteed to the firms. The Agreements also contain a termination clause which allows the County to terminate the agreements at any time. Actual costs will depend on future litigation or specific projects assigned to each firm. All assignments are reviewed by County Counsel and Human Resources' Risk Management staff, and all legal services invoices are approved by the Risk Manager, who tracks all work and expenses of each firm. Depending upon the number of case assignments to each firm, and the size and scope of each case assigned, contract limits may never be reached, or may require a contract amendment which would be presented to your Board for authorization.

Prior Board Actions:

5/22/18 - Authorized extension of agreement terms and/or increased contract limits.

6/6/17 - Authorized an additional contract resulting from RFP process.

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9/22/15 - Authorized scope of work amendment.

6/15/15 - Authorized award of agreements following an RFP process.

FISCAL SUMMARY

Expenditures	FY 19-20 Adopted	FY20-21 Projected	FY 21-22 Projected
Budgeted Expenses	\$1,041,000	\$1,041,000	
Additional Appropriation Requested			
Total Expenditures	\$1,041,000	\$1,041,000	
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other	\$1,041,000	\$1,041,000	
Use of Fund Balance			
Contingencies			
Total Sources	\$1,041,000	\$1,041,000	

Narrative Explanation of Fiscal Impacts:

Legal services are budgeted in the Self-Insurance Liability budget - Fund# 51230, Dept. ID # 23022500, Account#51254 (mostly funded through contributions from all county departments/agencies). There are sufficient appropriations budgeted for FY 2019-2020 and FY 2020-2021.

Staffing Impacts:			
Position Title (Payroll Classification)	Monthly Salary Range (A-I Step)	Additions (Number)	Deletions (Number)

Narrative Explanation of Staffing Impacts (If Required):

None.

Attachments:

None.

Related Items "On File" with the Clerk of the Board:

Seven Legal Services Agreement Amendments.

