



# COUNTY OF SONOMA

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

## SUMMARY REPORT

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**Agenda Date:** 12/12/2023

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**To:** County Board of Supervisors

**Department or Agency Name(s):** County Counsel's Office

**Staff Name and Phone Number:** Joshua A. Myers (707) 565-3737

**Vote Requirement:** 4/5th

**Supervisorial District(s):** Countywide

**Title:**

Amendment to Outside Conflict Counsel Agreement for Sonoma County Sheriff's Office

**Recommended Action:**

Authorize County Counsel to execute amendment to outside conflict counsel agreement with the Jones & Mayer law firm, to extend the term from December 31, 2023, to December 31, 2025, with no change to the not to exceed amount of \$100,000. (4/5<sup>th</sup> Vote Required)

**Executive Summary:**

In the Spring of 2021, County Counsel, in conjunction with the Sheriff's Office, issued a Request for Proposals (RFP) to law firms who specialize in representing law enforcement agencies, in the event that a direct conflict arises between the representation of both the Sheriff's Office and the Sonoma County Independent Office of Law Enforcement Review and Outreach (IOLERO).

On May 23, 2021, your Board approved the legal services agreement, which would terminate on December 31, 2023.

County Counsel and the Sheriff's Office recommend Your Board authorize County Counsel to execute an amendment to the legal services agreement with Jones & Mayer for an additional two-years, with a new termination date of December 31, 2025, in order to ensure the Sheriff's Office has representation in the event that conflict counsel services are needed.

**Discussion:**

With the enactment of AB-1185 (signed by Governor Newsom on September 30, 2020) and the passage of Measure P in the November 2020 election (the Evelyn Cheatham Effective IOLERO Ordinance), the Director of the Sonoma County Independent Office of Law Enforcement Review and Outreach (IOLERO) now has the authority to issue subpoenas to the Sonoma County Sheriff's Office, among other new oversight roles. The Rules of Professional Conduct that govern attorneys prohibit County Counsel from representing clients with direct conflicts. The Sheriff's Office may believe it appropriate to challenge the legality of a subpoena issued by IOLERO, or other aspects of the IOLERO's new mandate. If this occurs, the Rules of Professional Responsibility would prohibit County Counsel from representing either IOLERO or the Sheriff's Office on that particular issue. Absent such a direct conflict, however, County Counsel will continue to represent both IOLERO and the Sheriff's Office with an ethical wall in place to separate the attorneys who represent each

department.

To ensure that the Sheriff’s Office has appropriate legal representation in the event of such a conflict, County Counsel worked with the Sheriff’s Office to issue a Request for Proposals (RFP) to law firms who specialize in representing law enforcement agencies. The RFP stated that the legal services were of an on-call nature and there was no guarantee that any work would be assigned to the law firm.

The law firm of Jones & Mayer submitted a response that conformed to all material requirements. County Counsel issued a notice of intent to award the contract.

On May 23, 2021, your Board authorized County Counsel to execute on-call legal services agreements with both the law firm of Jones & Mayer. The contract had a not to exceed amount of \$100,000.00 for the 3-year contract term. The contract has a termination date of December 31, 2023. The contract allows County Counsel to execute a two-year extension of the contract with Board approval.

The cost for these legal services agreements would come from the Sheriff’s Office’s Adopted Budget for legal services and has been included in subsequent budget requests. The execution of these agreements does not require additional appropriations.

The Sheriff’s Office has not used the services of the law firm of Jones & Mayer during the previous term of the contract. However, the need for such a contract still exists. Therefore, County Counsel and the Sheriff’s Office recommend Your Board approve an amendment to the contract to extend its term two years to December 31, 2025.

**Strategic Plan:**

N/A

**Racial Equity:**

**Was this item identified as an opportunity to apply the Racial Equity Toolkit?**

No

**Prior Board Actions:**

On May 23, 2021, your Board approved the legal services agreement Jones & Mayer.

**FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY23-24 Adopted</b>	<b>FY24-25 Projected</b>	<b>FY25-26 Projected</b>
Budgeted Expenses	50,000	50,000	
Additional Appropriation Requested			
<b>Total Expenditures</b>			
<b>Funding Sources</b>			
General Fund/WA GF	50,000	50,000	

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State/Federal			
Fees/Other			
Use of Fund Balance			
General Fund Contingencies			
<b>Total Sources</b>	50,000	50,000	

**Narrative Explanation of Fiscal Impacts:**

County Counsel is estimating that outside Conflict Counsel may spend up to 100 hours per year for services related to these contracts, even though no work has been performed pursuant to the contract to date. The Agreement has a not to exceed limit of \$100,000 over the two-year extended contract term. The fiscal summary shows the total does not exceed amount spread over two years. Any unspent funds will be returned to the General Fund and available for use in subsequent fiscal years. The fees for these outside legal services will be drawn from the Sheriff’s Office Adopted Budget and future proposed legal services budgets. No additional appropriations are required.

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

**Narrative Explanation of Staffing Impacts (If Required):**

N/A

**Attachments:**

- Attachment A: Amendment to Legal Services Agreement with Jones & Mayer
- Attachment B: Legal Services Agreement with Jones & Mayer

**Related Items “On File” with the Clerk of the Board:**

N/A