



SUMMARY REPORT

Agenda Date: 10/7/2025

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

Department or Agency Name(s): Human Resources Department, County Counsel's Office

Staff Name and Phone Number: Janell Crane, 707-565-2885; Joshua A. Myers, 707-565-3737

Vote Requirement: 4/5th

Supervisory District(s): Countywide

Title:

Second Amendment to the Legal Services Agreement with Bertrand, Fox, Elliot, Osman and Wenzel, LLP

Recommended Action:

In February 2024, the County executed a first amendment with Bertrand, Fox, Elliot, Osman and Wenzel, LLP ("Bertrand Fox") extending their legal services agreement through December 31, 2025, with a contract maximum of \$1,000,000 for the term of the first amendment. Due to increased litigation volume and complexity, staff is seeking Board approval for a second amendment to increase the contract amount by \$250,000 to ensure uninterrupted access to qualified legal defense services through the end of the amended contract period.

Executive Summary:

In February 2024, the County executed a first amendment with Bertrand, Fox, Elliot, Osman and Wenzel, LLP ("Bertrand Fox") extending their legal services agreement through December 31, 2025, with a contract maximum of \$1,000,000 for the term of the amendment. Due to increased litigation volume and complexity, staff is seeking Board approval to increase the amended contract amount by \$250,000 to ensure uninterrupted access to qualified legal defense services through the end of the amended contract period. As of June 30, 2025, \$907,980 has been expended since January 1, 2024.

Discussion:

The County of Sonoma has been self-insured for general and automobile liability since 1986 and, from time to time, retains outside legal counsel to represent the County in tort claims and civil litigation filed in State and Federal Courts. Outside firms are selected based on their demonstrated qualifications and expertise in public entity defense. Board Resolution Number 85-2577 delegates oversight of civil litigation to County Counsel in consultation with the Risk Manager, and both departments jointly manage the assignment and supervision of outside legal counsel.

In 2020, the County completed a comprehensive Request for Proposal (RFP) process to identify qualified firms to provide legal services for tort defense and related civil litigation. Twenty-four (24) firms submitted proposals; twelve (12) were interviewed; and six (6) were ultimately selected based on a combination of experience, qualifications, and cost-effectiveness. Bertrand, Fox, Elliot, Osman and Wenzel, LLP ("Bertrand Fox") was one of the six (6) firms awarded a contract through this process.

On December 8, 2020, the Board approved a three-year legal services agreement with Bertrand Fox for a total not-to-exceed amount of \$1,500,000 for the original contract term. The agreement included an option for a one-time two-year renewal, with an additional not-to-exceed limit of \$1,000,000. In early 2024, the County exercised that option and executed a first amendment to extend Bertrand Fox's services through December 31, 2025. (See Attachment 1.)

The firm currently represents the County in several high-profile and complex matters, including employment litigation, civil rights claims, and other high-risk tort cases. Human Resources - Risk Management, County Counsel, and the department clients are satisfied with the firm's work. Given the increasing volume and scope of cases, the County is on track to exceed the existing \$1,000,000 amended contract limit before the end of the current term.

As such, staff recommends amending the first amended agreement to increase the contract maximum by an additional \$250,000, bringing the revised not-to-exceed amount to \$1,250,000 for the 2025-2026 period. This increase ensures the County can continue to receive necessary and uninterrupted legal defense services without delay or risk of exceeding contract authority.

As with the original agreement, this is a fee-for-service contract with no minimum guaranteed payment. All case assignments and legal billings are reviewed and approved by County Counsel and the Liability Manager in

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Human Resources - Risk Management. The County maintains an active oversight of both the cost and performance of the outside counsel. The current hourly rate structure remains unchanged from the original agreement: \$265/hour for senior attorneys with 15+ years of public entity experience and \$300/hour for employment or complex litigation matters. These rates remain competitive and are consistent with rates charged by similar firms in neighboring jurisdictions.

Strategic Plan:

N/A

Racial Equity:

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

No

Prior Board Actions:

December 8, 2020 ([item 10; File Number 2020-1183](#)) - Authorized execution of legal services agreements for tort defense for a 3-year term ending 12/31/2023 with a contract maximum of \$1,500,000, and an optional 2-year extension ending 12/31/2025 up to \$1,000,000.

FISCAL SUMMARY

Expenditures	FY 25-26 Adopted	FY 26-27 Projected	FY 27-28 Projected
Budgeted Expenses	1,000,000		
Additional Appropriation Requested			
Total Expenditures	1,000,000		
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other	1,000,000		
Use of Fund Balance			
General Fund Contingencies			
Total Sources	1,000,000		

Narrative Explanation of Fiscal Impacts:

Costs for legal services are budgeted in the Liability internal services fund 51230 and are funded by internal services rates paid by all county departments/agencies.

No additional appropriations are requested and costs of services provided under the second amendment to the agreement will be absorbed using existing appropriations.

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

Narrative Explanation of Staffing Impacts (If Required):

None

Attachments:

1. First Amendment to the Legal Services Agreement with Bertrand, Fox, Elliot, Osman and Wenzel, LLP
2. Draft Second Amendment to the Legal Services Agreement with Bertrand, Fox, Elliot, Osman and Wenzel, LLP

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

N/A