



SUMMARY REPORT

Agenda Date: 4/5/2022

To: Sonoma County Board of Supervisors
Department or Agency Name(s): Human Resources
Staff Name and Phone Number: Victoria Willard, 707-565-2955
Vote Requirement: Majority
Supervisorial District(s): All

Title:
Investigator Agreement Amendment

Recommended Action:
Authorize the Director of Human Resources to execute amendment to the agreement for the Van Dermyden Makus Investigations Law Firm by increasing the agreement annual maximum amount from \$175,000 to \$250,000 for the contract periods October 1, 2021, through September 30, 2022.

Executive Summary:
The requested Board action authorizes the Human Resources Director to execute an amendment to the agreement with Van Dermyden Makus Investigations Law Firm by increasing the total maximum payments from \$175,000 to \$250,000 for contract year October 1, 2021 to September 20, 2022 for employment related investigatory services provided during the contract year. Van Dermyden Makus was selected through a Request for Proposal (RFP) process conducted in July, 2017.

Discussion:
Background:
The Equal Employment Opportunity (EEO) Unit of the Human Resources (HR) Department is responsible for providing consultation and support to County departments and agencies on employment-related matters. Typically, these consultations are in the areas of equal employment opportunity (harassment, discrimination, retaliation, etc.), hostile work environment, hiring and promotion practices, etc., but could also include other areas affecting the employment relationship or which may place the County at risk. In some cases, presenting circumstances require the need to conduct an investigation.

It is the intent for the Human Resources EEO Unit to conduct most investigations. Under some circumstances however, investigations are assigned to an outside investigative firm. Reasons may include: high risk of future litigation; large investigations which will require extensive time to complete due to a high number of witnesses and particularly complex situations; need to maintain the integrity of the investigation where the use of internal County personnel may pose a conflict of interest. Additionally, Departments may also have the need to conduct personnel investigations by utilizing an outside investigator. These requests are filtered through Human Resources and paid for out of the Department's budget.

Van Dermyden Makus was selected through a Request for Proposal (RFP) process conducted in July, 2017. Human Resources executed an initial agreement with two, one year options to renew, for a total contract

period not to exceed five years. Human Resources will be engaging in the RFP process again later this year. Each agreement is a fee for service arrangement with the current maximum expenditure limited to \$175,000 per contract year. Because the demand for utilizing outside investigators is unpredictable, it can be difficult to estimate the expenditure when an agreement is executed. To allow the continuation of investigations currently in progress without incurring delays and to meet the County's legal obligation to ensure investigations are completed in a timely manner, it is necessary to increase the annual maximum allowable payments for one of the firms to \$250,000 for the contract year October 1, 2021, through September 30, 2022. The firm is Van Dermyden Makus Investigations Law Firm.

It is recommended that authorization be granted to the Human Resource Director to amend the agreement and increase annual maximum payments for fee for services on an as needed basis with the with Van Dermyden Makus Investigations Law Firm to \$250,000 for the remainder of the contract term to facilitate the increased demand for investigative services. These agreements are all fee-for-service contracts with no minimum amount of work guaranteed to any firm, and services are paid by the requesting department.

Strategic Plan:

N/A

Prior Board Actions:

9/12/2017 - Approved initial master service agreement

FISCAL SUMMARY

Expenditures	FY 21-22 Adopted	FY22-23 Projected	FY 23-24 Projected
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources			

Narrative Explanation of Fiscal Impacts:

Cost for services requested by the Human Resources Department EEO Unit are administered within the General Liability Internal Services Fund (ISF). Services requested by Department will be absorbed within the respective Departmental budgets which utilize investigative contract services.

Staffing Impacts:

Agenda Date: 4/5/2022

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

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

Draft Amendment

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

Original Agreement for Investigative Services

First Amendment to the Agreement

Second Amendment to the Agreement