



COUNTY OF SONOMA

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

SUMMARY REPORT

Agenda Date: 3/18/2025

To: County of Sonoma Board of Supervisors

Department or Agency Name(s): County Counsel, Department of Health Services

Staff Name and Phone Number: Robert Pittman 707-565-2421, Jennifer Solito, 707-565-4774

Vote Requirement: 4/5th

Supervisorial District(s): Countywide

Title:

Legal Services Agreement - Hooper, Lundy & Bookman, P.C.

Recommended Action:

- A) Authorize County Counsel, or designee and the Director of the Department of Health Services, or designee, to execute a three-year legal services agreement with Hooper, Lundy & Bookman, P.C. to provide legal advice and representation in legal matters involving health care law including emergency medical services, privacy, compliance, and other related matters, for a term of December 1, 2024 through November 30, 2027 and a not-to-exceed amount of \$1,629,750 , and to execute amendments to the agreement as necessary.
- B) Adopt a resolution authorizing budgetary adjustments to the fiscal year 2024-2025 adopted budget, increasing revenue and expenditures by \$193,689 to support the additional costs of contracted legal services. (4/5th Vote Required)

Executive Summary:

The Departments of County Counsel and Health Services are requesting Board authority to execute a three-year legal services agreement with Hooper, Lundy & Bookman, P.C. to provide legal advice and representation in legal matters involving health care law including emergency medical services, privacy, compliance, and other related matters, for a term of December 1, 2024 through June 30, 2027 in a not-to-exceed amount of \$1,629,750, and to execute amendments to the agreement as necessary.

This item also requests approval of a resolution authorizing budgetary adjustments to the fiscal year 2024-2025 adopted budget, increasing revenue and expenditures by \$193,689 for legal services provided to the administrative units. The additional funds will be reimbursed through an administrative allocation charged to various grants that fund Health Services operational costs.

Discussion:

The California Health and Safety Code requires that each county which develops an emergency medical services program must designate a local EMS Agency which is responsible for the administrative and regulatory oversight responsibilities for the local EMS system. In Sonoma County, the Board of Supervisors has designated the Sonoma County Department of Health Services (DHS) as the local EMS Agency. The Board has provided policy guidance during the process of updating the EMS ordinance and the development and execution of Sonoma County's EMS Exclusive Operating Area (EOA) model and continues to provide direction to DHS leadership to establish effective standards for the operation, equipment, and personnel of emergency

medical services. The EMS Agency is tasked with the licensing/permitting of ambulance provider companies, hospitals, coordination and monitoring of air and ground ambulances, certification/accreditation of pre-hospital care personnel (Emergency Medical Technicians (EMT), paramedics), policy development and implementation, medical control, quality improvement, and disaster medical response preparedness.

The complexity of tasks related to creating and maintaining a viable and effective emergency medical care system that serves the diverse needs of Sonoma County's population requires consideration of intricate laws and regulations in a legal area that is highly specialized and detailed. Legal needs can arise in various settings on short notice, such as regulatory policy changes, business transactions, administrative proceedings, dispute resolution, or litigation. These needs go beyond those that can be expected to be available in-house through County Counsel. Having a legal team available to respond to these issues in-depth through industry specialization and experience is key to ensuring and improving the availability, quality and sustainability of emergency medical services provided to the residents of and visitors to Sonoma County for their safety and welfare.

Legal Services Agreement

Agreements for consultation with outside legal counsel are secured by the County Counsel Department under Board of Supervisors resolution 95-0328 dated March 21, 1995, delegating authority to County Counsel.

In 2021, Hooper, Lundy & Bookman was selected following interviews of other law firms specializing in this highly complex practice of law. Market research was conducted, and references were solicited from County Counsels in other jurisdictions, for attorneys that have worked within this area of law. Sonoma County Counsel reviewed the various lawsuits in the state involving EMS services, eliminating the law firms who represented the providers, including one that has a current contract with DHS but represented an EMS provider in another jurisdiction. Their pricing structure has been verified against industry benchmarks and is in line with the competitive market rates for similar highly specialized legal services in this area of law.

Hooper, Lundy & Bookman is a leading law firm countrywide with the required substantive and procedural expertise and knowledge in matters related to complex health care laws. They offer a depth of understanding based on industry specialization and experience dedicated to the intricacies of the health care industry. Hooper, Lundy & Bookman represents local government service providers, health care providers and suppliers in all aspects of operations, including business and regulatory transactions, litigation, arbitration and dispute resolution needs, as well as advocacy and public policy.

The recommendation to contract with Hooper, Lundy & Bookman is grounded in their extensive expertise in healthcare law, specifically in areas critical to the County of Sonoma, such as Emergency Medical Services (EMS), privacy regulations, compliance, and healthcare-related litigation. Over the years, this provider has developed specialized knowledge of both state and local regulations, as well as an in-depth understanding of the County's unique legal landscape. Their familiarity with the County's internal policies, governance structures, and past legal matters ensures they can continue to offer efficient and effective legal support tailored to the County's specific needs.

On February 7, 2025, a Single/Sole Source Waiver for the recommended contract was approved by the County of Sonoma Purchasing Agent. Services would only be provided on an as-needed-basis under the oversight of County Counsel.

County Counsel Legal Support

In addition, County Counsel time is needed to help manage the legal services contract, serve as liaison for

outside counsel, and provide support through information gathering and coordination amongst County departments and agencies. County Counsel reviews all legal services invoices for payment.

Strategic Plan:

N/A

Racial Equity:

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

No

Prior Board Actions:

On January 23, 2024, the Board authorized County Counsel to execute the second amendment to the three-year legal services agreement with Hooper, Lundy & Bookman, P.C. to provide legal advice and representation in legal matters involving health care and emergency medical services, increasing the contract maximum from \$1,000,000 to a not-to-exceed amount of \$1,750,000, adding additional key personnel, and to execute amendments to the agreement as necessary. The Board also adopted a resolution authorizing budgetary adjustments to the fiscal year 2023-2024 adopted budget, redirecting \$750,000 in Health Services annual General Fund Allocation to support contracted legal services, the redirection will require Health Services to utilize \$750,000 of 1991 Health Realignment Fund balance to cover the expenses previously funded with the General Fund Allocation.

On May 9, 2023, authorized County Counsel to execute the first amendment to the three-year legal services agreement with Hooper, Lundy & Bookman, P.C. to provide legal advice and representation in legal matters involving health care and emergency medical services, increasing the not-to-exceed amount from \$500,000 to \$1,000,000, and to execute amendments to the agreement as necessary. Adopted a resolution authorizing budgetary adjustments to the fiscal year 2022-2023 adopted budget, redirecting \$400,000 in Health Services General Fund Allocation to support contracted legal services.

On December 7, 2021, the Board authorized County Counsel to execute a three-year legal services agreement with Hooper, Lundy & Bookman, P.C. to provide legal advice and representation in legal matters involving health care and emergency medical services up to a not-to-exceed amount of \$500,000 as needed, and to execute amendments to the agreement as necessary.

FISCAL SUMMARY

Expenditures	FY24-25 Adopted	FY25-26 Projected	FY26-27 Projected
Budgeted Expenses	\$335,000	\$576,583	\$576,583
Additional Appropriation Requested	\$193,689		
Total Expenditures	\$528,689	\$576,583	\$576,583
Funding Sources			
General Fund/WA GF			
State/Federal	\$528,689	\$576,583	\$576,583
Fees/Other			
Use of Fund Balance			

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General Fund Contingencies			
Total Sources	\$528,689	\$576,583	\$576,583

Narrative Explanation of Fiscal Impacts:

The FY 2024-25 budget currently includes \$335,000 for legal services, funded through reimbursements from an administrative allocation charged to various grants that fund DHS operational costs, including the Future of Public Health (FOPH), Women, Infants, and Children (WIC), and California Children's Services (CCS).

The new legal services agreement for FY 2024-25 is \$316,896 in Year 1 in addition to County Counsel costs of \$211,793, requires an increase of \$193,689 to the adopted budget.

Approval of this resolution will amend the budget to accommodate this increase, bringing the total for legal services in FY 2024-25 to \$528,689. The additional \$193,689 in expenditures will be reimbursed through an administrative allocation charged to various grants as described above. Future year funding for the legal services contract totaling \$1,312,854 will be included in the appropriate fiscal year budgets.

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

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

Attachment 1 - Budget Resolution

Attachment 2 - Legal Services Agreement

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

None