



Legislation Text

File #: 2021-0179, **Version:** 1

To: Board of Supervisors

Department or Agency Name(s): County Counsel

Staff Name and Phone Number: Robert Pittman, County Counsel and Joshua Myers, Chief Deputy County Counsel -707 565 2421

Vote Requirement: 4/5th

Supervisorial District(s): Countywide

Title:

Legal Services Agreement for Sonoma County Sheriff's Office Conflict Counsel

Recommended Action:

Authorize County Counsel to execute two on-call legal services agreements for representation of the Sonoma County Sheriff's Office in the event that the Sonoma County Counsel's Office has a direct conflict in representing the Sheriff's Office; each agreement will have a term of three years and a not to exceed amount of \$100,000, for a combined total of \$200,000. (4/5th Vote Required)

Executive Summary:

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).

Two law firms, Jones & Mayer and Manning & Kass, submitted a response that conformed to all material requirements, and County Counsel issued a notice of intent to award the contract to both law firms. It is therefore recommended that the Board authorize County Counsel to execute on-call legal services agreements with both Jones & Mayer and Manning & Kass.

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.

Two law firms, Jones & Mayer and Manning & Kass, submitted a response that conformed to all material requirements. County Counsel issued a notice of intent to award the contract to both law firms.

Staff recommend that the Board authorize County Counsel to execute on-call legal services agreements with both Jones & Mayer and Manning & Kass, included as Attachments A and B. Each contract has a not to exceed amount of \$100,000.00 for the 3-year contract term. The cost for these legal services agreements would come from the Sheriff’s Office’s FY 20-21 Adopted Budget for legal services and will be included in future budget requests. Execution of these agreements does not require additional appropriations.

Prior Board Actions:

N/A

FISCAL SUMMARY

Expenditures	FY 20-21 Adopted	FY21-22 Projected	FY 22-23 Projected
Budgeted Expenses	\$200,000		
Additional Appropriation Requested			
Total Expenditures	\$200,000		
Funding Sources			
General Fund/WA GF	\$200,000		
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources	\$200,000		

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. Each of the two Agreements have a not to exceed limit of \$100,000 over the three-year contract term. The fiscal summary shows the total do not exceed amount encumbered in the current fiscal year. Any unspent funds will be rolled over and available for use in subsequent fiscal years.

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 A: Legal Services Agreement with Jones & Mayer

Attachment B: Legal Services Agreement with Manning & Kass

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

N/A