



Legislation Text

File #: 2023-0139, **Version:** 1

To: County of Sonoma Board of Supervisors

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

Staff Name and Phone Number: Robert Pittman, 707-565-2421; Tina Rivera, 707-565-4774

Vote Requirement: 4/5th

Supervisorial District(s): Countywide

Title:

Legal Services Agreement Amendment No. 1 - Hooper, Lundy & Bookman, P.C.

Recommended Action:

- A) Authorize 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. (4/5th Vote Required)
- B) Adopt 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. (4/5th Vote Required)

(4/5th Vote Required)

Executive Summary:

On December 7, 2021, the Board authorized County Counsel to execute a three-year legal services agreement with Hooper, Lundy & Bookman, P.C., or HLB, 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 with a term ending on November 30, 2024. To provide for the continued provision of as-needed legal services, additional funding must be added to the agreement. This item requests authorization to execute the first amendment to the legal services agreement with HLB to increase the not-to-exceed amount from \$500,000 to \$1,000,000.

This item also requests approval of a resolution authorizing budgetary adjustments to the fiscal year 2022-2023 adopted budget for increased expenses and redirecting \$400,000 of Health Services General Fund Allocations to support contracted legal services.

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. Legal needs can arise in various settings on short notice, such as regulatory policy changes, business transactions, administrative proceedings, dispute resolution, or litigation. 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.

This Board item recommends approval to reallocate Health Services previously received General Fund for an existing legal services agreement with HLB to continue the provision of legal services and representation in legal matters involving health care and emergency medical services. Services will be provided on an ongoing advisory basis and to assist in addressing arising litigation needs when necessary.

Legal Services Agreement

HLB 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. The firm 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. Services would only be provided on an as-needed-basis under the oversight of County Counsel. It is further recommended that County Counsel be delegated the authority to execute amendments to the agreement as necessary.

HLB current contract for \$500,000 was approved on December 7, 2021. The December 2021 Item outlined that the contract was to be financed with Health Services Fund balance from Local EMS Agency funds, Litigation Contingency fund, and an undetermined funding source. DHS' General Fund allocation will fund the undetermined funding source amount of \$235,000 in the current contract with approval of this Item.

Budget Resolution

This item includes a request for approval of a resolution authorizing budgetary adjustments to the fiscal year 2022-2023 adopted budget, increasing expenditures for legal expenditures. DHS will utilize current 2022-2023 General Fund Allocations. DHS will be reducing the use of General Fund and transfer from the Substance Use Disorder program to redirect it for the legal fee costs of Hooper, Lundy, & Bookman, P.C. for health care and emergency medical services. \$400,000 of expenses in the Substance Use Disorder program will be covered by fund balance as a result of the reallocation.

Strategic Plan:

N/A

Prior Board Actions:

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	FY 22-23 Adopted	FY 23-24 Projected	FY 24-25 Projected
Budgeted Expenses		\$335,000	
Additional Appropriation Requested	\$400,000		
Total Expenditures	\$400,000	\$335,000	\$0
Funding Sources			
General Fund/WA GF	\$400,000	\$335,000	
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources	\$400,000	\$335,000	\$0

Narrative Explanation of Fiscal Impacts:

Staff estimates a contract expenditure increase of \$400,000 in FY 22-23 and \$335,000 in FY 23-24 to cover the remaining current contract amount of \$235,000 and the \$500,000 amendment. FY 21-22 contract expenditures totaled \$265,000. Increased legal expenses will be financed with a portion of DHS’s existing annual General Fund allocation.

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 - Amendment No. 1 to Legal Services Agreement
- Attachment 2 - Legal Services Agreement
- Attachment 3 - Budget Resolution

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

None