



## Legislation Text

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**File #:** 2021-1283, **Version:** 1

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**To:** Board of Supervisors

**Department or Agency Name(s):** Office of the County Counsel

**Staff Name and Phone Number:** Adam Radtke, Petra Bruggisser, Deputy County Counsel, 707-565-2421

**Vote Requirement:** Majority

**Supervisory District(s):** Countywide

**Title:**

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

**Recommended Action:**

Authorize 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.

**Executive Summary:**

The Board is requested to authorize 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. The Board is further requested to approve funding, through the County Administrator, for County Counsel to oversee and coordinate the legal services in the amount of \$100,000.

**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 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 the Department of Health 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 the retention of specialized legal counsel to provide legal advice and expertise to the County on an ongoing advisory basis and arising litigation needs when necessary. Specifically, this Board item asks to authorize County Counsel to execute a three-year legal services agreement with Hooper, Lundy & Bookman, P.C. in a not-to-exceed amount of \$500,000 as needed, and to execute amendments to the agreement as necessary.

#### Legal Services Agreement

Hooper, Lundy & Bookman are 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.

The County has worked with attorneys from Hooper, Lundy & Bookman on a limited scope and has been most impressed with their services, substantive knowledge and responsiveness. While County Counsel has interviewed other law firms, Hooper, Lundy & Bookman stood out as the best choice. Their range of fees (\$435-985) reflect competitive market rates for specialized attorneys in this area of law. In order to ensure the availability of legal expertise for a potential broad range of legal matters in the highly specialized area of health care and EMS laws, County Counsel recommends to retain the legal services of Hooper, Lundy & Bookman for a three-year agreement with a not-to-exceed amount of \$500,000. 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.

#### 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. It is recommended to approve funding, through the County Administrator, for County Counsel in the amount of \$100,000.

#### **Strategic Plan:**

N/A

#### **Prior Board Actions:**

None

#### **FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY 21-22 Adopted</b>	<b>FY22-23 Projected</b>	<b>FY 23-24 Projected</b>

Budgeted Expenses	\$50,000	\$225,000	\$25,000
Additional Appropriation Requested	\$200,000		
<b>Total Expenditures</b>	<b>\$250,000</b>	<b>\$225,000</b>	<b>\$25,000</b>
<b>Funding Sources</b>			
General Fund/WA GF	\$50,000		
State/Federal			
Fees/Other	\$200,000	\$225,000	\$25,000
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>	<b>\$250,000</b>	<b>\$225,000</b>	<b>\$25,000</b>

**Narrative Explanation of Fiscal Impacts:**

\$500,000 would be allocated for the legal services agreement with Hooper, Lundy & Bookman, P.C., and \$100,000 would be allocated for County Counsel services over the term of the agreement. FY 21-22 costs will be financed with \$200,000 in available Health Services Fund balance from Local EMS Agency funds, and \$50,000 in available appropriations from the Litigation Contingency fund in the Non-Departmental Budget. A budget adjustment for the Health Services budget will be included in Q2 Consolidated Budget Adjustments.

Funding for the remaining years will be requested in future year budgets. Staff will determine availability of Health Services funding for future year costs and possible use of Litigation Contingencies as part of budget development.

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

**Narrative Explanation of Staffing Impacts (If Required):**

N/A

**Attachments:**

Legal Services Agreement

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

N/A