



Legislation Text

File #: 2022-0556, **Version:** 1

To: Board of Supervisors of Sonoma County

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

Staff Name and Phone Number: Robert Pittman, 565-2421; Angela Struckman, 565-5800

Vote Requirement: 4/5th

Supervisory District(s): Countywide

Title:

First Amendment to Legal Services Agreement with Rachel M. Bavis

Recommended Action:

Authorize the Sonoma County Counsel and Human Services Department to execute a First Amendment to the legal services agreement with Rachel M. Bavis for assistance with appellate work in the area of juvenile dependency to extend the term through June 30, 2024 and to increase the maximum amount to \$320,000 for three fiscal years (Increase maximum to \$80,000 for FY 21/22 and, \$120,000 each for FY 22/23 and FY 23/24.) (4/5th Vote Required)

Executive Summary:

County Counsel advises and represents the Family, Youth and Children's Division of the Human Services Department in child abuse and neglect cases filed in the juvenile court under Welfare and Institutions Code section 300 et seq. Rachel M. Bavis, Esq. is an experienced appellate attorney who previously provided services to the County as an extra help attorney to County Counsel in 2013, working exclusively on juvenile dependency appeals. In 2021, she opened up her own practice in Oregon, but remains licensed in California.

In September 2021, County Counsel entered into a contract with Rachel M. Bavis, Esq. for FY 21/22 in an amount not to exceed \$50,000 to provide outside counsel assistance with cases that are appealed to First District Court of Appeal. Additional services are needed in FY 21/22 to meet the increase in appellate cases, including a case in which the County is the appealing party. County Counsel anticipates it will also require Ms. Bavis' services on an as needed basis in FY 22/23 and 23/24.

Discussion:

County Counsel advises and represents the Family, Youth and Children's Division of the Human Services Department (the "Department") in child abuse and neglect cases filed in the juvenile court under Welfare and Institutions Code section 300 et seq. The Department files an average of 450-500 cases each year. Due to the constitutional rights implicated in these cases, parents have numerous opportunities to appeal the juvenile court's ruling during the life of the case. The children are also represented in court, and occasionally will file an appeal against the Department. On average, the Department is involved in eleven appeals per year, and some are filed as extraordinary writs which have a very short response time.

Because of a change in the law resulting from a California Supreme Court case, Sonoma County has experienced a significant increase in appeals in FY 21-22, which is consistent with other counties. We

anticipate the increase to remain constant for at least a few more years until the law is more settled.

Due to the increase in appeals, County Counsel needs assistance with overflow appellate work to represent the Department both at the trial and the appellate level. Ms. Bavis is an expert in juvenile dependency appellate work and assists the Office at the competitive rate of \$250/hour on an as needed basis. The Office's long-term goal is to build capacity to handle more appellate work in-house.

Strategic Plan:

N/A

Prior Board Actions:

None

FISCAL SUMMARY

Expenditures	FY 21-22 Adopted	FY22-23 Projected	FY 23-24 Projected
Budgeted Expenses		0	0
Additional Appropriation Requested		0	0
Total Expenditures		0	0
Funding Sources			
General Fund/WA GF		0	0
State/Federal		0	0
Fees/Other		0	0
Use of Fund Balance		0	0
Contingencies		0	0
Total Sources		0	0

Narrative Explanation of Fiscal Impacts:

For FY 21/22, the Human Services Department has a budget for legal services for juvenile dependency of \$1.5 million, paid for with state and federal dollars. No budgetary adjustment is needed to pay for this Agreement. The Human Services Department has budgeted the same amount for legal services for FY 22/23, and no budgetary adjustment is needed to pay for the anticipated amounts of outside legal services in FY 22/23. Since the Agreement is on an as needed basis, County Counsel can absorb the work in FY 23/24 if necessary to meet the Department's legal services budget.

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

Narrative Explanation of Staffing Impacts (If Required):

None

Attachments:

Rachel M. Bavis LSA

First Amendment to LSA with Rachel M. Bavis

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

None