



Legislation Text

File #: 2023-0202, **Version:** 1

To: County of Sonoma Board of Supervisors Sonoma County Water Agency Board of Directors Sonoma County Agricultural Preservation and Open Space District, Board of Directors Community Development Commission
Department or Agency Name(s): Human Resources / County Counsel
Staff Name and Phone Number: Reesha Ruel - 707-565-3563 and Josh Myers - 707-565-3737
Vote Requirement: 4/5th
Supervisory District(s): Countywide

Title:

Amendment to Outside Liability Counsel Agreements

Recommended Action:

Authorize County Counsel to execute amendments to three outside liability counsel agreements, extending the term through December 31, 2025, with contract maximum limits not to exceed \$1,500,000, with law firms (1) Beach Law Group LLP, (2) Ferguson, Praet & Sherman, APC, (3) Griens. (4/5th Vote Required)

Executive Summary:

This requested Board action authorizes County Counsel and Risk to execute amendments to agreements for outside liability counsel with three law firms who were selected through Request for Qualifications (RFQ) processes due to the specialized nature of their work.

Discussion:

The County of Sonoma has been self-insured for general and automobile liability since 1986. County Counsel is statutorily mandated to defend civil lawsuits brought against the County and its officers and employees. From time to time, the County has retained various outside defense firms to represent the County in tort claims and civil litigation filed in State and Federal Courts. Outside law firms are retained only when County Counsel either does not have the capacity, lacks the expertise to handle these lawsuits in-house, or has an ethical conflict. These law firms are assigned cases based upon their ability and specific experience with public entity defense. Board Resolution No. 85-2577 delegates responsibility for the oversight and management of civil litigation to County Counsel in consultation with the Risk Manager and both departments are responsible for the coordination and oversight of the work performed by outside counsel. Human Resources-Risk Management is responsible for the administration of all tort claims and litigation and County Counsel provides legal oversight and advice.

This is an amendment to the initial agreements with the law firms, to provide legal services, as needed, to represent the County in tort claims and civil litigation. The firms were selected based on competitive processes conducted by County Counsel and the HR Risk Management Division. The initial agreements were executed under County Counsel's delegated purchasing authority of \$50,000 per contract.

The agreements proposed in this report are all fee for service contracts with no minimum or maximum amount of work guaranteed to the firms. The agreements also contain a termination clause that allows the

County to terminate the agreements at any time. Actual costs will depend on future litigation or specific projects assigned to each firm. All assignments are reviewed by County Counsel and Human Resources-Risk Management, the law firm's proposed legal strategy is reviewed by County Counsel and Human Resources-Risk Management, and all legal services invoices are approved by the Liability Manager, who tracks all work and expenses of each firm. The amended contract term will expire on December 31, 2025, with contract maximum limits not to exceed \$1,500,000. Depending upon the number of case assignments to each firm and the size and scope of each case assigned, this limit may never be reached, or may require a contract amendment, which would be presented to your Board for authorization.

The County Counsel's Office and the Human Resources Department intend to conduct an RFP process for outside counsel tort defense legal services prior to the expiration of the amended agreements in 2025.

Strategic Plan:

N/A

Prior Board Actions:

None

FISCAL SUMMARY

Expenditures	FY 22-23 Adopted	FY23-24 Projected	FY 24-25 Projected
Budgeted Expenses	\$427,119	\$735,280	\$735,280
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other	\$427,119	\$735,280	\$735,280
Use of Fund Balance			
Contingencies			
Total Sources	\$427,119	\$735,280	\$735,280

Narrative Explanation of Fiscal Impacts:

Legal services are budgeted in the Self-Insurance Liability budget - Fund# 51230, Dept. ID # 23022500, Account# 51254 (mostly funded through contributions from all county departments/agencies). There are sufficient appropriations budgeted for FY 2022-2023.

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:

1. Draft Second Amendment to the Legal Services Agreement with Greines, Martin, Stein & Richland, LLP
2. Draft First Amendment to the Legal Services Agreement with Ferguson, Praet & Sherman, APC
3. Draft First Amendment to the Legal Services Agreement with Beach Law Group, LLP

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

1. Original Legal Services Agreement with Beach Law Group, LLP
2. Original Legal Services Agreement with Ferguson, Praet & Sherman, APC
3. Original Legal Services Agreement with Greines, Martin, Stein & Richland, LLP
4. First Amendment with Greines, Martin, Stein & Richland, LLP