



## Legislation Details (With Text)

**File #:** 18-1050      **Version:** 1

**Type:** Agenda Item      **Status:** Approved

**File created:** 6/28/2018      **In control:** Board of Supervisors

**On agenda:** 7/24/2018      **Final action:** 7/24/2018

**Title:** County Counsel recommending the Board authorize the Chair to execute Amendment 1 to Agreement for Legal Services Between El Dorado County and Abbott & Kindermann, Inc., Agreement 431-S1711 (Lunsmann litigation) to increase the not to exceed amount from \$50,000 to \$125,000.

**FUNDING:** General Fund and Non-General Fund.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Amd 1 Lunsmann 7-24-18, 2. B - Agreement 7-24-18, 3. Executed Amendment I to Agreement 431-S1711, 4. Executed Agreement #431-S1711

Date	Ver.	Action By	Action	Result
7/24/2018	1	Board of Supervisors	Approved	Pass

County Counsel recommending the Board authorize the Chair to execute Amendment 1 to Agreement for Legal Services Between El Dorado County and Abbott & Kindermann, Inc., Agreement 431-S1711 (Lunsmann litigation) to increase the not to exceed amount from \$50,000 to \$125,000.

**FUNDING:** General Fund and Non-General Fund.

**DEPARTMENT RECOMMENDATION**

County Counsel recommending the Board of Supervisors authorize the Chair to execute Amendment 1 to Agreement for Legal Services between El Dorado County and Abbott & Kindermann, Inc., Agreement #431-S1711 (Lunsmann litigation) that amends Section 2, Compensation, to increase the not to exceed amount from \$50,000 to \$125,000.

**DISCUSSION / BACKGROUND**

The County currently has an agreement for legal services with Abbott & Kindermann, Inc. to provide legal services to the County in the action entitled Jeffrey Lunsmann v. The County of El Dorado, El Dorado Superior Court case No.PC20170021. The existing agreement has a not to exceed amount of \$50,000, however, the case is ongoing and expected to exceed this amount. Since the total cost of the litigation is unknown at this time and as a result of fees incurred to date, the not to exceed amount on the contract needs to be increased to \$125,000 so that the representation and defense of the County can continue in this litigation.

**ALTERNATIVES**

There are no viable alternatives.

**OTHER DEPARTMENT / AGENCY INVOLVEMENT**

Human Resources - Risk Management

## **CAO RECOMMENDATION / COMMENTS**

It is recommended that the Board approve this item.

## **FINANCIAL IMPACT**

The contract is paid through the County's self insurance program, and budgeted in the Risk Management Liability Internal Service Fund. The amount budgeted in this fund is the amount required to be set aside to cover the potential cost of estimated claims and related liabilities, as calculated based on actuarial analysis and a 70% confidence level. There is adequate funding available in this budget unit, the increase to the agreement amount will not exceed the amount budgeted in this fund, and no budget transfer is necessary. There is the potential for the risk management reserves to be reimbursed for legal costs from the mitigation fee funds that are the subject of the litigation.

## **CLERK OF THE BOARD FOLLOW UP ACTIONS**

1. Obtain signatures on the amendment (3) originals
2. Return executed copies to County Counsel

## **STRATEGIC PLAN COMPONENT**

N/A

## **CONTACT**

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