



Legislation Text

File #: 17-0721, **Version:** 1

County Counsel recommending the Board authorize the Chair to sign an Agreement for Legal Services between El Dorado County and Abbott & Kindermann, Inc., for legal services associated with the representation and defense of the County in the case of George Sheetz and Friends of El Dorado County v. County of El Dorado, El Dorado Superior Court Case PC20170255, Verified Petition for Writ of Mandate; Complaint for Declaratory and Injunctive Relief.

FUNDING: General Liability Risk Fund.

DEPARTMENT RECOMMENDATION

County Counsel recommending the Board authorize the Chair to sign Agreement for Legal Services between El Dorado County and Abbott & Kindermann, Inc., for representation and defense of the County in the case of George Sheetz & Friends of El Dorado County v. County of El Dorado, El Dorado Superior Court Case No. PC20170255

DISCUSSION / BACKGROUND

At the June 20, 2017 board meeting, the Board of Supervisors authorized the defense of the Sheetz & Friends case which is a challenge to the County's imposition of the Traffic Impact Mitigation (TIM) fees to a particular project and a challenge to the validity of the TIM Fees. The BOS also authorized the execution of the Notice and Acknowledgment of Receipt for the summons and complaint and the engagement of the law firm Abbott & Kindermann, Inc. for representation and defense of the County in the case. As per the Board direction to engage Abbott & Kindermann, Inc., this item is being brought forward to that end. The County has existing agreements for legal services with Abbott & Kindermann, Inc. for representation and defense in two other Mitigation Fee Act cases (Austin v. County of El Dorado, El Dorado Superior Court Case No. PC20150633 and Lunsman v. The County of El Dorado, El Dorado Superior Court Case No. PC20170255).

County Counsel will work with Abbott and Kindermann on all legal services connected to and associated with the representation and defense of the County in this matter.

This agreement is for professional services and as such does not require competitive bidding.

ALTERNATIVES

N/A

OTHER DEPARTMENT / AGENCY INVOLVEMENT

Department of Transportation.

CAO RECOMMENDATION

Approve and authorize the Chair to sign the Agreement.

FINANCIAL IMPACT

Currently General Liability Risk fund. 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. Compensation under the agreement is not to exceed \$50,000.

CLERK OF THE BOARD FOLLOW UP ACTIONS

Following Board approval, the Board Clerk will obtain signatures on the Agreement and forward 3 fully executed originals of the Agreement to County Counsel.

STRATEGIC PLAN COMPONENT: N/A

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