



## Legislation Details (With Text)

**File #:** 23-0854      **Version:** 1

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

**File created:** 4/17/2023      **In control:** Board of Supervisors

**On agenda:** 6/6/2023      **Final action:** 6/6/2023

**Title:** Human Resources Department recommending the Board:  
 1) Find in accordance with County Ordinance 3.13.030 that it is appropriate to contract with Liebert Cassidy Whitmore, for professional employment and labor relations legal services and training because (B) “specialty skills and qualifications not expressly identified in County classifications are involved in the performance of the work;”  
 2) Approve and authorize the Chair to sign Amendment I to Agreement 5657 with Liebert Cassidy Whitmore to increase the not-to-exceed amount by \$170,000, making a new not-to-exceed amount of \$600,000, with no change to the rates; and  
 3) Authorize the Purchasing Agent to execute any necessary amendments relating to Agreement 5657, excluding term extensions and increases to the not-to-exceed amount, contingent upon approval by County Counsel and Risk Management.

**FUNDING:** General Fund.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - 23-0854 C# 5657 Amd I PE, 2. B - 23-0854 C# 5657 Amd I Blue Route, 3. C - 23-0854 C# 5657 Agmt FE, 4. Executed 23-0854 C# 5657 Amd I

| Date     | Ver. | Action By            | Action   | Result |
|----------|------|----------------------|----------|--------|
| 6/6/2023 | 1    | Board of Supervisors | Approved | Pass   |

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 3) Authorize the Purchasing Agent to execute any necessary amendments relating to Agreement 5657, excluding term extensions and increases to the not-to-exceed amount, contingent upon approval by County Counsel and Risk Management.

**FUNDING:** General Fund.

### DISCUSSION / BACKGROUND

On April 3, 2018, the Board approved Agreement 2889 between the County and Liebert Cassidy Whitmore (LCW) to provide professional employment and labor relations legal services and training through June 30, 2021. On June 22, 2021, the Board approved renewal Agreement 5657 for LCW to continue providing these services through June 30, 2024. Agreement 5657 includes services that are provided for a flat fee to the County as part of the Gold Country Consortium, which includes a

number of group training sessions concerning various topics as well as attorney consultation by telephone and provision of a monthly newsletter.

Over the last several years, the representation and legal advice provided by this law firm relating to employment matters have proven professional and thorough. As the County continues to experience bargaining unit negotiations, LCW's expertise is imperative to the negotiations process.

Due to unanticipated litigation costs, Amendment I to Agreement 5657 has been requested to increase the not-to-exceed amount by \$170,000, making the new not-to-exceed amount \$600,000 through the end of the contract term.

### **ALTERNATIVES**

The Board could choose to not approve the contract and Human Resources could find another vendor to provide these services; however, this would have an impact on current labor negotiations.

### **PRIOR BOARD ACTION**

18-0549 - On April 3, 2018, the Board approved Agreement 2889.

20-0324 - On March 24, 2020, the Board approved Amendment I to Agreement 2889.

21-0137 - On March 16, 2021, the Board approved Amendment II to Agreement 2889.

21-0888 - On June 22, 2021, the Board approved renewal Agreement 5657.

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel and Risk Management have reviewed the Amendment. The Auditor-Controller has been notified.

### **CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

### **FINANCIAL IMPACT**

Funding for this Agreement is available in the Human Resources' Budget for Fiscal Year (FY) 2022-23 and was included in the FY 2023-24 Budget request. Any costs associated with litigation will be reimbursed through the Risk Fund.

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

Clerk of the Board to obtain Board Chair signature on Amendment I to Agreement 5657 and forward to CAO Fiscal, attention Kelley Lawrie.

### **STRATEGIC PLAN COMPONENT**

N/A

### **CONTACT**

Joseph Carruesco, Director of Human Resources