



## Legislation Text

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**File #:** 17-0175, **Version:** 1

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County Counsel recommending the Board authorize the Chair to sign an Agreement for Legal Services #431-S1711 between El Dorado County and Abbott & Kindermann, Inc., for legal services associated with the representation and defense of the County in the case of Jeffrey Lunsman v. The County of El Dorado, El Dorado Superior Court Case PC20170021, Complaint for Recovery of Impact Fees.

**FUNDING:** General 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 Jeffrey Lunsman v. The County of El Dorado, El Dorado Superior Court Case No. PC20170021.

### **DISCUSSION/BACKGROUND**

At the February 7, 2017 board meeting, the Board of Supervisors authorized the defense of the Lunsman case which is a challenge to the County's imposition of the Traffic Impact Mitigation (TIM) fees to a particular project. The County has an existing agreement for legal services with Abbott & Kindermann for representation and defense in the Austin v. County of El Dorado litigation which relates to the Mitigation Fee Act. Some of the issues in the Lunsman case are similar or related to some of the issues in the Austin case; therefore, it is recommended that Abbott & Kindermann also represent and defend the County in the Lunsman case.

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**

Community Development Agency

### **CAO RECOMMENDATION**

Approve and authorize the Chair to sign the Agreement.

### **FINANCIAL IMPACT**

Compensation under the agreement is not to exceed \$50,000. The cost is currently planned to be charged against the Risk Management (General Liability) fund. There is the potential for the risk management reserves to be reimbursed for legal costs from the various mitigation fee funds that are the subject of the litigation.

**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

**CONTACT:**

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