



# County of El Dorado

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## Legislation Text

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**File #:** 18-1049, **Version:** 1

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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 552-S1711 (Sheetz litigation) to increase the not-to-exceed amount from \$50,000 to \$125,000 with an effective date retroactive to March 1, 2018. (Est. Time: 5 Min.)

**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 #552-S1711 (Sheetz litigation) that amends Section 2, Compensation, to increase the not to exceed amount from \$50,000 to \$125,000 with an effective date retroactive to March 1, 2018.

### **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 George Sheetz & Friends of El Dorado County v. County of El Dorado, El Dorado Superior Court case No.PC20170255. 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.

This Agreement is to be retroactive to March 1, 2018 to ensure that all legal work performed after that date is covered by the Agreement. The need for retroactivity became apparent when billing for work performed after March 1, 2018 caused the amount due the Law Firm to exceed the contract "not-to-exceed" amount. It is estimated that the contract is over the not-to-exceed amount by approximately \$6,000. County Counsel has instituted a tracking mechanism to ensure that this circumstance does not occur again.

### **ALTERNATIVES**

There are no viable alternatives.

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

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 3 original amendments
2. Return an executed copy to County Counsel

**STRATEGIC PLAN COMPONENT**

N/A

**CONTACT**

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