



# County of El Dorado

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## Legislation Text

**File #:** 10-0279, **Version:** 1

Environmental Management Department recommending the Board approve the continuance of a perpetual agreement 021-A-06/07-BOS with Thomas M. Bruen for on-going legal services and support through the remainder of Fiscal Year 2009-2010 and Fiscal Year 2010-2011; and authorize the Purchasing Agent to encumber funds for the same period.

BUDGET SUMMARY:		
Total Estimated Cost		\$100,000
Funding		
Budgeted	\$100,000	
New Funding	\$	
Savings	\$	
Other	\$	
Total Funding Available	\$100,000	
Change To Net County Cost		\$

Fiscal Impact/Change to Net County Cost: Funding is available in FY 09/10 and will be available in the FY10/11 proposed budget. There is no net county cost.

Background: On January 9, 2007, the Board approved Agreement 021-A-06/07-BOS with the law offices of Thomas M. Bruen in an amount not to exceed One Hundred Thousand Dollars (\$100,000.00) to provide critical legal support to County Counsel and the Environmental Management Department relating to litigation matters involving a variety of solid, liquid, hazardous waste and air quality matters. On October 30, 2007, there was an amendment to the contract which reflected a compensation increase. The increase in compensation was required due to speciality research, advisory services and extensive litigation matters involving the Air Quality Management District and the Bear Creek Quarry and Sears Deposition. In addition, there were several time intensive and critical issues that the Environmental Management Department was managing, such as the various solid waste disposal company rate increases and Franchise Agreement matters, and the ongoing Meyers Landfill Mediation. The Law Offices of Thomas M. Bruen provided legal support to County Counsel and the Environmental Management Department on all these matters. On August 5, 2008, the Board approved a second amendment to the contract which reflected an increase in the compensation amount and hourly rates and continued to find that this Agreement was in accordance with County Charter Article II, Section 210b(6), that it is appropriate to obtain an outside consultant for the provision of specialty research and advisory services regarding air quality management, solid, liquid, and hazardous waste.

Reason for Recommendation: The Department has used the legal services of this firm for over ten (10) years and it continues to be more economical and feasible to have an outside consultant

perform this work. As the Department continues to face litigation matters such as the closure of the Meyers Landfill and other ongoing issues such as solid waste management and Franchise Agreement matters, it is important to retain these critical legal services.

The Environmental Management Department is bringing this matter before the Board at the recommendation of County Counsel to make your Board aware of agreements that were previously approved by a prior board and/or current Board, and we are requesting authorization to continue this agreement.

Action to be taken following Board approval: 1) Procurements and Contracts shall encumber the funds necessary to continue this Agreement thru the end of the Fiscal Year and re-encumber the funds as needed for Fiscal Year 10-11.

2) Any future changes to the terms and conditions of this Agreement will be brought to the Board for additional consideration.

Contact:

Concurrences: