



COUNTY OF HUMBOLDT

For the meeting of: 1/5/2021

File #: 21-52

To: Board of Supervisors

From: County Counsel

Agenda Section: Departmental

SUBJECT:

Agreement for Outside Counsel Representation of the Auditor-Controller

RECOMMENDATION(S):

That the Board of Supervisors:

1) Authorize the Chair of the Board to sign an Agreement for Recommended Outside Legal Representation of the Auditor-Controller.

SOURCE OF FUNDING:

Liability Fund 3524-354

DISCUSSION:

Your Board previously met on December 8th & 15th to consider the request of the Auditor-Controller for outside counsel representation regarding an investigation. On the 15th your Board authorized a legal services agreement and directed that options for outside counsel be provided to the Auditor-Controller. Subsequent to that meeting Ms. Day-Wilson filed an *ex parte* petition with the court on December 22 pursuant to Gov. Code § 31000.6 to be appointed as outside counsel for the Auditor-Controller. The Presiding Judge held a hearing on the petition on December 23rd. The Office of County Counsel appeared and offered alternative counsel, Ms. Amelia Burroughs from the Janssen Malloy Firm at an hourly rate of \$195.00. Ms. Day-Wilson made the case for appointment of her firm.

The Presiding Judge issued an order on the petition on December 30, (Attachment 1), which was received just prior to the publication deadline for this agenda. According to the terms of the order, direction is given to your Board to contract with counsel for outside representation of the Auditor-Controller in the investigation discussed in the prior meetings. The Court further stated that although Ms. Day-Wilson is the attorney of choice for the Auditor-Controller, your Board is not obligated to select her firm. The court also stated a belief that Ms. Day-Wilson should be compensated at a reasonable rate for the legal work to date, which was stated to be approximately 20 hours at the hearing on December 23rd. This request could be processed through the County's existing claim procedures. Pursuant to prior direction and the position at the *ex parte* hearing, Ms. Amelia Burroughs of the Janssen Malloy Firm is recommended as outside counsel for the Auditor-Controller in the

investigation.

Approval of this item will authorize the Chair of the Board and the Auditor-Controller to enter into an agreement for the representation in a form agreeable to the parties.

FINANCIAL IMPACT:

The financial impact is dependent on the time billed during the representation. The cost for the work performed by Ms. Cindy Day-Wilson is estimated to be between \$4,000 to \$8,000, depending upon the approved reasonable rate.

STRATEGIC FRAMEWORK:

This action does not relate to any of the Board's Strategic Frameworks

OTHER AGENCY INVOLVEMENT:

Auditor-Controller

ALTERNATIVE RECOMMENDATIONS:

Board discretion within the parameters of the order

ATTACHMENTS:

Attachment 1: Presiding Judge's Order of December 30, 2020

PREVIOUS ACTION/REFERRAL:

12/8 & 15