



# COUNTY OF HUMBOLDT

For the meeting of: 9/17/2019

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File #: 19-1325

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**To:** Board of Supervisors

**From:** County Counsel

**Agenda Section:** Consent

**SUBJECT:**

Retroactive Approval of Past Payments to Porter Scott and Approval of a New Agreement with the Firm

**RECOMMENDATION(S):**

That the Board of Supervisors:

1. Ratify past payments to the firm of Porter Scott in the amount of \$276,701 as detailed in Attachment 1; and
2. Approve an engagement agreement with Porter Scott for legal services from September 17, 2019 to June 30, 2020 in an amount not to exceed \$100,000 (Attachment 2).

**SOURCE OF FUNDING:**

Liability Fund

**DISCUSSION:**

The County of Humboldt has been using the legal services of Porter Scott (PS) since March 2017. Porter Scott provides legal representation to the county in litigation involving civil rights and negligence claims. Initially, services were provided pursuant to an agreement relating to the matter of *Magney v. County of Humboldt, et al.* (1:17-cv-02389-NJV) that was executed by the parties on March 16, 2017. Litigation payments to Porter Scott for other cases were generally approved by the Board, but the County Counsel (Jeffrey S. Blanck) did not prepare or submit additional retainer agreements for Board approval. Nevertheless, services and payments continued at the direction of the County Counsel without agreements in place. The Board's action today will ratify the payments that have been made to Porter Scott for past services as detailed in the attachment.

A new agreement is provided for your Board's approval. This agreement will take effect as of today's date and will continue through June 30, 2020. The agreement encompasses litigation expenses for ongoing cases. Future litigation expenses will be authorized and detailed through individual retainer

agreements.

FINANCIAL IMPACT:

The county has already paid Porter Scott for most of the services performed to date; this item only secures the Board's ratification of the prior payments. Ongoing expenses under the new agreement are funded through the Liability Fund. The new agreement from today's date through June 2020 sets a maximum payable amount of one hundred thousand dollars (\$100,000).

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by enforcing laws and regulations to protect residents.

OTHER AGENCY INVOLVEMENT:

County Administrative Office, Risk Management, Auditor.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could choose not to ratify the past payments and approve the agreement. This is not recommended as Porter Scott is currently representing the county in ongoing matters.

ATTACHMENTS:

1. Invoice Detail from Porter Scott June 30, 2017 through August 19, 2019;
2. Agreement for Legal Services with Porter Scott for September 17, 2019 through June 30, 2020;
3. Fee Agreement with Porter Scott dated March 16, 2017.

PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A

Meeting of: N/A

File No.: N/A