



# COUNTY OF HUMBOLDT

## Legislation Details (With Text)

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**File created:** 4/30/2019      **In control:** Human Resources  
**On agenda:** 5/7/2019      **Final action:** 5/7/2019  
**Title:** Retroactive Approval of Past Payments to Liebert Cassidy Whitmore and Approval of a New Agreement with the Firm  
**Sponsors:** Amy Nilsen  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Staff Report, 2. LCW Payments, 3. LCW Agreement, 4. Executed LCW Agreement

Date	Ver.	Action By	Action	Result
5/7/2019	2	Board of Supervisors	approved	Pass

**To:** Board of Supervisors

**From:** Human Resources

**Agenda Section:** Consent

### SUBJECT:

Retroactive Approval of Past Payments to Liebert Cassidy Whitmore and Approval of a New Agreement with the Firm

### RECOMMENDATION(S):

That the Board of Supervisors:

1. Ratify past payments to the firm of Liebert Cassidy Whitmore in the amount of \$1,407,676.62 as detailed in Attachment 1.
2. Approve an agreement with Liebert Cassidy Whitmore for legal service from May 7, 2019 to June 30, 2020 in an amount not to exceed \$150,000.

### SOURCE OF FUNDING:

Liability Fund

### DISCUSSION:

The County of Humboldt has used the services of the employment law firm of Liebert, Cassidy, Whitmore (LCW) for many years. LCW provides representation to the county on employment litigation and administrative hearings, labor negotiations, and special employment law services. The county is also a member of LCW's Humboldt County training consortium (along with most local cities and other local agencies) which provides ongoing staff training and development on employment law

issues.

Services related to labor negotiations, administrative hearings, and special projects have been provided under an agreement entered into with LCW and signed by the Personnel Director in 2008. Litigation payments have been previously authorized by the Board but not reduced to separate retainer agreements. While that 2008 agreement has an open-ended term, due to administrative oversight, it was not taken to the Board for approval once it surpassed the purchasing authority of the signer. However, services and payments have continued under the existing agreement. The Board's action today will retroactively ratify the payments that been made to LCW for past services provided as detailed in the attachment. In order to be comprehensive, the ratification request includes all LCW payments since 2008, although litigation payments have been previously authorized and other payments fall within the consortium contract.

A new agreement is provided for your Board's approval, which will take effect as of today's date and continue through June 30, 2020. This agreement encompasses labor negotiations, administrative proceedings, and legal advice on special employment projects. Future litigation expenses will be authorized and detailed through individual retainer agreements.

FINANCIAL IMPACT:

The past payments have been made, 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 contract from today's date through June 2020 sets a maximum payable amount of \$150,000.

STRATEGIC FRAMEWORK:

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

OTHER AGENCY INVOLVEMENT:

County Administrative Office, County Counsel, and Human Resources

ALTERNATIVES TO STAFF RECOMMENDATIONS:

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

ATTACHMENTS:

1. Past Payments to be Ratified
2. Agreement with LCW for May 7, 2019 through June 30, 2020

PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A

Meeting of: N/A

File No.: N/A