

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Chief Executive Office Risk Management Div

BOARD AGENDA # *B-5

Urgent

Routine

AGENDA DATE December 8, 2009

CEO Concurs with Recommendation YES NO

4/5 Vote Required YES NO

(Information Attached)

SUBJECT:

Approval to Increase the Contract with the Law Firm of Liebert, Cassidy and Whitmore for Fiscal Year 2009-2010

STAFF RECOMMENDATIONS:

Authorize an increase to the Liebert, Cassidy and Whitmore contract of \$600,000 for a total contract amount of \$1,000,000 for Fiscal Year 2009-2010.

FISCAL IMPACT:

In Fiscal Year 2009-2010 the agreement with Liebert, Cassidy and Whitmore was approved with a contract amount of \$400,000 per year for outside defense counsel costs. This agreement is funded through the General Liability Self-Insurance Fund. An increase in the contract amount is required to continue to fund outside defense counsel for current and future litigation cases. Based on the ongoing costs of current litigation cases assigned to this firm, it is estimated that an additional \$600,000 will be required for Fiscal Year 2009-2010. Currently appropriations within the General Liability Self-Insurance Fund are sufficient, however, additional appropriations in the budget may be required at a later date.

BOARD ACTION AS FOLLOWS:

No. 2009-800

On motion of Supervisor Chiesa, Seconded by Supervisor Grover

and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Grover, Monteith, and Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Increase the Contract with the Law Firm of Liebert, Cassidy and Whitmore for Fiscal Year 2009-2010

Discussion:

The current contract amount of \$400,000 for Liebert, Cassidy and Whitmore was approved by the Board of Supervisors on September 15, 2009. Due to the cost of defense for litigation cases currently assigned to this firm, it is necessary to increase the contract amount in Fiscal Year 2009-2010 by \$600,000 for a total cost in Fiscal Year 2009-2010 of \$1,000,000.

Based on litigation cases assigned to Liebert, Cassidy and Whitmore, including settlements and ongoing defense at this time, it is projected that an additional \$600,000 will be required for Fiscal Year 2009-2010. At this time budgeted appropriations within the General Liability Self-Insurance fund as approved by the Board in the Final Budget are sufficient; however, a review at mid-year will determine whether increased appropriations will be recommended.

Policy Issue:

The Board of Supervisors should determine if the recommendation supports the Board of Supervisors' priority of Efficient Delivery of Public Services.

Staffing Impact:

There are no staffing impacts associated with this item. Staff from County Counsel, the Chief Executive Office, and the Risk Management Division will continue to work with this outside defense firm.