

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

DEPT: CEO-Risk Management Division

BOARD AGENDA # \*B-10

Urgent

Routine

AGENDA DATE June 26, 2012

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval to Pay Shute, Mihaly & Weinberger LLP for Legal Services up to \$40,000 in Fiscal Year 2011-2012

STAFF RECOMMENDATIONS:

Approve payment to Shute, Mihaly & Weinberger LLP for legal services up to \$40,000 in Fiscal Year 2011-2012.

FISCAL IMPACT:

The current legal services agreement with Shute, Mihaly & Weinberger LLP expires on June 30, 2012. The compensation included in the agreement allows for payments up to \$100,000 per year or \$300,000 over the term of the agreement. As of June 19, 2012, the total paid to this firm was \$165,186 since July 1, 2009. In the 2011-2012 First Quarter Report, the Risk Management Division requested approval for \$10,000 in expenditures for the fiscal year. At this time, it is anticipated that the firm will spend up to \$40,000 through June 30, 2012. Sufficient appropriations exist in the General Liability Budget for this cost.

BOARD ACTION AS FOLLOWS:

No. 2012-314

On motion of Supervisor Chiesa, Seconded by Supervisor De Martini  
and approved by the following vote,

Ayes: Supervisors: Chiesa, Withrow, Monteith, De Martini, and Chairman O'Brien

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1)  Approved as recommended

2)  Denied

3)  Approved as amended

4)  Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Pay Shute, Mihaly & Weinberger LLP for Legal Services up to \$40,000 in Fiscal Year 2011-2012

**DISCUSSION:**

A legal services agreement for Shute, Mihaly & Weinberger LLP has been in place for three years, since July 1, 2009. Shute, Mihaly & Weinberger LLP provides legal services to the County that pertain to land use, land development, and environmental law. The compensation included in the current agreement allows for payments up to \$100,000 per year or \$300,000 over the term of the agreement.

In the fall of 2011, only one case was assigned to this firm and was nearing its conclusion. To cover all anticipated expenses associated with that case, the Risk Management Division requested approval for \$10,000 in expenditures for the fiscal year. This approval was included as part of the contracts attachment in the First Quarter Report. Expenditures of \$2,068 were paid to this firm and the case was closed.

On April 23, 2012, the County was served a lawsuit that staff deemed would be best represented by Shute, Mihaly & Weinberger LLP. The firm began work on this case on May 7, 2012. The total estimated to be spent on this case through June 30, 2012 is approximately \$35,000.

As of June 19, 2012, the total paid to this firm was \$165,186 since the beginning of the contract period of July 1, 2009. In order to cover all possible expenditures for the current fiscal year, the Risk Management Division requests approval to spend up to \$40,000 through June 30, 2012. This is within the current contract authority.

**POLICY ISSUE:**

Approving contract payments allows the Risk Management Division to effectively defend claims against the County, and supports the Board of Supervisors' priority of maintaining Efficient Delivery of Public Services.

**STAFFING IMPACT:**

There is no staffing impact associated with the recommended actions. All contracts are managed and monitored by the Chief Executive Office - Risk Management Division.

**CONTACT PERSON:**

Jody Hayes, Deputy Executive Officer. Telephone: 525-5714