

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

DEPT: Chief Executive Office

BOARD AGENDA #: *B-3

AGENDA DATE: February 14, 2017

SUBJECT:

Approval to Amend the 2016 Agreement and to Finalize and Execute a 2017 Agreement with Burke, Williams and Sorensen, LLP for Legal Services for Capital Projects

BOARD ACTION AS FOLLOWS:

No. 2017-60

On motion of Supervisor Olsen, Seconded by Supervisor Withrow

and approved by the following vote,

Ayes: Supervisors: Olsen, Withrow, Monteith, DeMartini, and Chairman Chiesa

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

ATTEST: Elizabeth A. King
ELIZABETH A. KING, Clerk of the Board of Supervisors

File No.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: Chief Executive Office

BOARD AGENDA #: *B-3

Urgent Routine

AGENDA DATE: February 14, 2017

CEO CONCURRENCE: *pat*

4/5 Vote Required: Yes No

SUBJECT:

Approval to Amend the 2016 Agreement and to Finalize and Execute a 2017 Agreement with Burke, Williams and Sorensen, LLP for Legal Services for Capital Projects

STAFF RECOMMENDATIONS:

1. Approve an amendment of \$53,047 to the previously executed 2016 Agreement with Burke, Williams and Sorensen LLP for unanticipated legal costs associated with the Health Services Agency, Central Unit Flood.
2. Authorize the Chief Operations Officer and County Counsel to finalize and execute the 2017 Agreement with Burke, Williams and Sorensen LLP for legal services for Capital Projects.

DISCUSSION:

Stanislaus County continues to be in the midst of the largest Capital Projects efforts in the history of the County. The projects cover a full range of County functions and programs and are all part of the approved Capital Improvement Plan. Several specific projects include the \$44.5 million Senate Bill 1022 Re-Entry and Enhanced Alternatives to Custody Training (REACT) Center which is currently under construction. In addition, the County is in the process of completing the \$90.5 million AB 900 Phase II Project One, Maximum Security and Medical Mental Health, and the \$24 million Project Three, Intake, Release and Transportation Project for occupancy. A significant level of follow-on contract work and audit and annual reporting requirements must be completed and adhered to during the term of the State Lease Revenue Bond financing. The County is also completing the Stanislaus Veterans Center, replacing the Heating Ventilation and Air Conditioning System (HVAC) at the Community Services Facility, completing the Americans with Disabilities, Self-Evaluation and Transition Plan, undertaking Master Planning efforts for the Departments housed at the Community Services Facility, business planning and master planning for both the Health Services Agency and Behavioral Health and Recovery Services Department. The team is focused on negotiations for several key locations for County services in Modesto, Turlock and Patterson and initiating master planning work for the Turlock Library. This is not a comprehensive list of work underway, but represents some of the more significant efforts.

An important element to all Capital Projects is the expert legal counsel received on complex issues pertaining to the Public Contract Code as well as guidance on the intricate rules regarding funding, bidding, and preparation of documents for projects and efforts underway and planned. The County has had an annual contract with Burke, Williams and Sorensen LLP

Approval to Amend the 2016 Agreement and to Finalize and Execute a 2017 Agreement with Burke, Williams and Sorensen, LLP for Legal Services for Capital Projects

for the services of Deirdre Joan Cox, Esq. Ms. Cox brings over 20 years of experience regarding the Public Contract Code; she represents other counties and numerous other public and private agencies. Ms. Cox has been an integral expert for the Chief Executive Office-Capital Projects workload and success for the past decade, providing expert counsel for Capital Projects.

The legal work contemplated by the annual contract for 2016 was impacted by the need for expert legal services in connection with the June 12, 2016, emergency flood event at the Health Services Agency, when a catastrophic flood occurred at the Central Unit Building at County Center II. On June 14, 2016, the Board of Supervisors in accordance with Public Contract Code Sections 20134 and 22050 approved an emergency action and delegated authority to the Chief Operations Officer. Ms. Cox, serving as outside Legal Counsel has assisted the County through the emergency process, working directly with Chief Executive Office staff and the County's Risk Manager and the Contractors and the Insurer as well as the County Departments impacted. This unforeseen emergency required additional time for Ms. Cox outside her already allocated time for Capital Projects. It is fully expected that these expenses will be reimbursed by the County's insurer.

A new contract for 2017 has been negotiated and it is recommended that the Board of Supervisors delegate authority to the Chief Operations Officer and County Counsel to finalize and execute the 2017 Agreement with Burke, Williams and Sorensen LLP for continued Capital Projects legal services.

POLICY ISSUE:

County code requires approval of all Agreements that exceed \$100,000.

FISCAL IMPACT:

The cost of the 2016 amendment to Burke, Williams and Sorenson, LLP is \$53,750 and is expected to be fully reimbursed by the County's Insurer for costs associated with the Health Services Agency Central Unit flood. The expected cost of the 2017 agreement is \$343,750 and will be paid for using approved Capital Project funds and previously allocated funds in the Plant Acquisition Budget.

BOARD OF SUPERVISORS' PRIORITY:

Approval of this action will support the Board of Supervisors' Efficient Delivery of Public Services.

STAFFING IMPACT:

There is no staffing impact associated with the item.

CONTACT PERSON:

Patricia Hill Thomas, Chief Operations Officer. Telephone: (209) 525-6333

ATTACHMENT:

None.