

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

DEPT: CEO - Risk Management

BOARD AGENDA: 5.B.7  
AGENDA DATE: July 17, 2018

**SUBJECT:**

Approval to Authorize the Auditor-Controller, on Behalf of the Chief Executive Office- Risk Management Division, to Pay Prior Year Invoices Totaling \$1,540 for Services Provided in a Prior Year

**BOARD ACTION AS FOLLOWS:**

**RESOLUTION NO. 2018-0363**

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

Ayes: Supervisors: Olsen, Chiesa, Withrow, 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:   
ELIZABETH A. KING, Clerk of the Board of Supervisors

File No

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

DEPT: CEO - Risk Management

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CONSENT:

CEO CONCURRENCE: YES

4/5 Vote Required: No

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**SUBJECT:**

Approval to Authorize the Auditor-Controller, on Behalf of the Chief Executive Office-Risk Management Division, to Pay Prior Year Invoices Totaling \$1,540 for Services Provided in a Prior Year

**STAFF RECOMMENDATION:**

1. Authorize the Auditor-Controller, on behalf of the Chief Executive Office-Risk Management Division, to pay two prior year invoices totaling \$1,540, for services provided in a prior year.

**DISCUSSION:**

The Chief Executive Office-Risk Management Division (CEO-RMD) is requesting authorization to pay two invoices that are over one year old. Both invoices are payable to Liebert Cassidy Whitmore, one of the Department's contracted service providers, for services from June 2017.

The CEO-RMD contracts with Liebert Cassidy Whitmore to provide legal services for cases concerning the County. To streamline administrative processes within the CEO department, the Chief Executive Office-Human Resources Division (CEO-HR) also procures legal services under the CEO-RMD agreement for matters related to the firm's areas of expertise, including labor relations, employment and education.

Liebert Cassidy Whitmore submits all CEO-RMD agreement invoices via e-mail to the CEO-RMD where they are opened and either processed and paid by CEO-RMD, or forwarded via e-mail to CEO-HR to be processed and paid. Neither CEO-RMD nor CEO-HR has a record of receiving an invoice for the services provided last June; email logs are only maintained for a period of six months. In late June 2018, a follow up e-mail was sent to the CEO-RMD manager overseeing the legal services agreements requesting payment for the aged invoices. Staff in the Chief Executive Office have researched and verified that services were provided in support of County business, and that payment in the amount of \$1,540 is due to Liebert Cassidy Whitmore. At this time, more than a year has passed since services were provided and originally billed. The Auditor's Office has advised that Board of Supervisors' approval is required to pay these invoices since they are over one year old.

In order to avoid this type of situation in the future, corrective action will be implemented to centralize all Liebert Cassidy Whitmore invoice payments through the CEO-RMD who will charge back to CEO-HR and/or other County departments benefiting from the legal services provided. Improvements will be made to the CEO-RMD Invoice Tracking Worksheet to add the date an invoice is received, processed and paid; monthly monitoring will ensure thorough and timely follow up actions. Additionally, CEO-HR will consider executing a separate agreement with Liebert Cassidy Whitmore for future CEO-HR and other County department legal service needs.

**POLICY ISSUE:**

California Government Code, Title 1, Division 3.6, Part 3, Section 911.2 (a), states that a claim against a public entity "...shall be presented...not later than one year after the accrual of the cause of action." Since the invoices are more than one year old, approval for payment is requested from the Board of Supervisors.

**FISCAL IMPACT:**

The cost to pay the prior year invoices for Liebert Cassidy Whitmore totals \$1,540. In keeping with the centralized approach to handling these invoices, the CEO-RMD will provide immediate payment and charge back the appropriate department(s) for their respective charges.

There is no additional fiscal impact associated with this item as the CEO-RMD has sufficient funding in the Department's 2018-2019/2019-2020 Recommended Proposed Budget to absorb payment of these invoices.

**BOARD OF SUPERVISORS' PRIORITY:**

The recommended actions are consistent with the Board's priority of *Delivering Efficient Public Services and Community Infrastructure* by ensuring vendors are compensated for services delivered to the County.

**STAFFING IMPACT:**

Existing Chief Executive Office–Risk Management Division and Auditor-Controller staff will ensure payment is made to Liebert Cassidy Whitmore.

**CONTACT PERSON:**

Patrice Dietrich, Assistant Executive Officer      Telephone: (209) 525-6333