



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
County Counsel



Date: April 2, 2013
Board Meeting Date: May 7, 2013
Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: John C. Beiers, County Counsel

Subject: Second Amendment to Agreement with Fox, Shjeflo, Hartley & Babu, LLP

RECOMMENDATION:

Adopt a Resolution authorizing an amendment to the agreement with Fox, Shjeflo, Hartley & Babu, LLP for legal services, extending the term through March 27, 2014, and increasing the amount by \$200,000 to \$450,000.

BACKGROUND:

As a component of the FY 2011-12 Recommended Budget, the Public Administrator's program was transferred from the District Attorney's Office to the Health System. After the transfer, it came to light that two former Deputy Public Administrators improperly administered estates that they were assigned to process through the probate court. Due to the volume and intensity of the legal work that needs to be performed as a result of this improper activity, the County Counsel, County Manager, and Chief of the Health System determined that the law firm of Fox, Shjeflo, Hartley & Babu LLP should assist in providing legal services for the processing and closing of affected estates.

DISCUSSION:

Pursuant to Section 2.14.040 of the San Mateo County Ordinance Code, the County Counsel entered into an Agreement with the Fox, Shjeflo law firm in an amount not to exceed \$100,000. In November 2012, this Board authorized an amendment to the Agreement, increasing the maximum amount payable thereunder by \$150,000, to \$250,000. Given the amount of work performed to date, the number of estates that still need to be administered and the amount of time it will take to complete this work, we recommend that the Agreement with the Fox Shjeflo firm be further amended to extend the term through March 27, 2014, and to increase the maximum amount payable by \$200,000, to \$450,000. The contractor has assured compliance with the County's Contractor Employee Jury Service Ordinance, as well as all other contract provisions that are required by County ordinance and administrative memoranda, including but not limited to insurance, hold harmless, non-

discrimination and equal benefits.

FISCAL IMPACT:

Funds for this agreement are included in the Adopted FY 2012-13 Budget and the proposed FY 2013-2014 Budget.