



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
County Counsel



Date: October 1, 2012
Board Meeting Date: November 6, 2012
Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: John C. Beiers, County Counsel

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

RECOMMENDATION:

Adopt a Resolution authorizing:

- A) The County Counsel to execute an Amendment to the agreement with Fox, Shjeflo, Hartley & Babu, LLP for legal services for the term of March 28, 2012 through March 27, 2013, increasing the amount by \$150,000 to \$250,000; and
- B) The County Counsel or the County Counsel's designee to execute contract amendments which modify the County's maximum fiscal obligation by no more than \$50,000 (in aggregate), and/or modify the contract term and/or services so long as the modified term or services is/are within the current or revised fiscal provisions

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 the affected estates.

DISCUSSION:

Pursuant to Section 2.14.040, the County Counsel entered into an Agreement with the law firm in an amount not to exceed \$100,000. There is now a need to amend the Agreement to increase the amount payable thereunder by \$150,000 to \$250,000. 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.

The Amendment to the Agreement and the Resolution have been reviewed by my office as to form.

This Agreement contributes to the Shared Vision 2025 outcome of a Collaborative Community by ensuring the availability of services necessary to address the additional volume and intensity of legal work in the Public Administrator's office.

FISCAL IMPACT:

Funds for this agreement are included in the Adopted FY 2012-13 Budget.