



Board Agenda Item 39

DATE: September 26, 2017

TO: Board of Supervisors

SUBMITTED BY: Paul Nerland, Director of Human Resources

SUBJECT: Law Firm of Campagne & Campagne Legal Service Agreement

RECOMMENDED ACTION(S):

- 1. Make a finding that it is in the best interest of the County to suspend the competitive bidding process consistent with Administrative Policy No. 34 when obtaining services of special counsel to assist the Fresno County Civil Service Commission; and,**
- 2. Approve and authorize the Chairman to execute an Agreement with the Law Firm of Campagne & Campagne to provide legal services to the Fresno County Civil Service Commission, effective September 29, 2017, not to exceed five consecutive years, which includes a three-year base contract with two optional one-year extensions, total not to exceed \$300,000.**

There is no increase in Net County Cost associated with the recommended actions. Approval would allow the Law Firm of Campagne & Campagne to continue providing advisory and legal services to the Fresno County Civil Service Commission in compliance with the Fresno County Charter, Section 44 - Civil Service, Fresno County Ordinance Code, Personnel, Chapters 3.08 - Civil Service System and 3.12 - Employee Relations - General Provisions, and the Fresno County Personnel Rules.

ALTERNATIVE ACTION(S):

Attorney services are essential to provide legal counsel to the Fresno County Charter mandated Civil Service Commission (CSC). Therefore, if your Board does not approve the recommended actions, it may be necessary to issue a request for proposals and renegotiate. A lapse in legal services could result in continued/delayed matters before the CSC.

SUSPENSION OF COMPETITION/SOLE SOURCE CONTRACT:

The Department of Human Resources' request to waive the competitive bidding process is consistent with Administrative Policy No. 34 when obtaining the services of special counsel to assist the CSC. To maintain continuity on several pending long-term, complex cases, the CSC requested, and the Department concurred with, the continuation of services by Campagne & Campagne. The Internal Services Department - Purchasing Division concurs with the Department's request to waive the competitive bidding process.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. The recommended agreement provides the same compensation as the previous agreement for these services and usage is estimated to remain consistent with the previous fiscal years. The annual cost associated with these services since FY 2006-07 has averaged approximately \$45,000. The maximum amount of the contract is not to exceed

\$300,000, with a \$60,000 annual maximum. Any issues before the CSC associated with a specific department will continue to be charged to the respective department for the actual CSC costs incurred, including attorney cost. Sufficient appropriations and estimated revenues are included in the Department's Org 1010 FY 2017-18 Adopted Budget.

DISCUSSION:

The CSC operates under the authority of Fresno County Charter, Section 44 - Civil Service, Fresno County Ordinance Code, Personnel, Chapters 3.08 - Civil Service System and 3.12 - Employee Relations - General Provisions and the Fresno County Personnel Rules. The CSC reviews and takes action on rejections while on probation alleged to be the result of unlawful discrimination, compulsory medical leaves, disciplinary orders, layoffs, contested bargaining unit establishment petitions and unfair practice charges. Additionally the CSC reviews and makes recommendations on investigations of conduct and operation of any department and appeals of action taken on matters governed by the Personnel Rules (unless another authority is designated).

The CSC is advised by a contracted attorney and the current agreement is with Campagne & Campagne. The law firm has been legal counsel to the CSC since March of 2007; the current contract expires September 28, 2017.

Following consultation with all members of the CSC, whom are appointed by your Board, the Department is recommending approval of the recommended agreement with Campagne & Campagne effective September 29, 2017, with a three-year base and two optional one-year extensions, upon written approval of both parties. The CSC unanimously requested that the County continue contracted services with Campagne & Campagne to maintain continuity on several pending long-term, complex cases before the CSC. Additionally, the CSC indicated that they have been satisfied with the service of the current law firm.

REFERENCE MATERIAL:

BAI #41, June 21, 2011
BAI #35, September 14, 2010

ATTACHMENTS INCLUDED AND/OR ON FILE:

Suspension of Competition Acquisition Request
On file with Clerk - Agreement with Campagne & Campagne

CAO ANALYST:

Sonia De La Rosa