



Board Agenda Item 46

DATE: December 9, 2025

TO: Board of Supervisors

SUBMITTED BY: Douglas T. Sloan, County Counsel

SUBJECT: Legal Services Agreement for Litigation Counsel

RECOMMENDED ACTION(S):

- 1. Under Administrative Policy No. 34, for competitive bids or requests for proposals (AP 34), determine that an exception to the competitive bidding requirement under AP 34 is satisfied and a suspension of competition is warranted to obtain the services of legal counsel to assist the County, and that the best interests of the County would be served by entering into an Agreement with Whitney, Thompson & Jeffcoach, LLP; and**
- 2. Approve and authorize the Chairman to execute an Agreement with Whitney, Thompson & Jeffcoach, LLP to act as legal counsel in connection with employment litigation matters, effective December 9, 2025 through the pendency of all actions upon which they are engaged by the County Counsel, total not to exceed \$500,000.**

Approval of the recommended actions would allow the County Counsel to use legal services provided by Whitney, Thompson & Jeffcoach, LLP (WTJ) pertaining to employment litigation matters. This item is countywide.

ALTERNATIVE ACTION(S):

Your Board may choose not to approve the recommended actions, but then the County would not have access to the legal expertise of WTJ for employment litigation.

SUSPENSION OF COMPETITION/SOLE SOURCE CONTRACT:

Under AP 34, competitive bidding is not required to engage legal counsel. That is because the policy deems a contract to obtain the services of legal counsel to assist the County a circumstance that constitutes a suspension of competition.

FISCAL IMPACT:

There is no additional Net County Cost associated with the recommended actions. Sufficient appropriations and estimated revenues are included in the Interest and Miscellaneous Expenditures Org 2540 and Human Resources - Risk Management Org 89250100 FY 2025-26 Adopted Budgets and will be included in future Recommended Budget requests for the duration of the Agreement term.

DISCUSSION:

County Counsel recommends that your Board authorize the County to engage WTJ to provide employment

litigation services.

WTJ employs a variety of attorneys and is capable of quickly staffing County requests for employment litigation matters. For example, the recommended Agreement would allow the County Counsel's Office to obtain immediate legal services for possible employment litigation.

Under the recommended agreement, all of WTJ's services will be engaged by County Counsel as needed. As appropriate, County Counsel will consult with the affected County department regarding its need for WTJ's legal services. Under the recommended Agreement, WTJ would only provide services as requested and authorized by the County Counsel, subject to available funding, and the County Counsel would remain free to select other counsel as needed.

WTJ would render legal services at the hourly rates of \$425 for partner Mandy Jeffcoach, \$400 for other partners, \$300 for associates, and \$150 for paraprofessionals, legal assistants, and other litigation support. The County would only be obligated to pay for services rendered, and certain reasonable costs and expenses, up to the maximum compensation under the recommended Agreement, according to those hourly rates. If the total amount paid under the recommended Agreement approached the maximum and the County needed further services from WTJ beyond that maximum, the County Counsel would negotiate an amendment to the Agreement and return to your Board with that amendment.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Suspension of Competition
On file with Clerk - Agreement with WTJ

CAO ANALYST:

Amy Ryals