



Board Agenda Item 8

DATE: May 3, 2022
TO: Board of Supervisors
SUBMITTED BY: Daniel C. Cederborg, County Counsel
SUBJECT: Amendment to Master Schedule of Fees - Section 600

RECOMMENDED ACTION(S):

- 1. Conduct first hearing to amend the Master Schedule of Fees, Charges and Recovered Costs Ordinance by amending Section 600 - County Counsel, Subsection 601 - Legal Services (\$159 per hour for each attorney); waive reading of the Ordinance in its entirety and set the second hearing for May 17, 2022;**
- 2. Designate County Counsel to prepare a fair and adequate summary of the proposed Ordinance; and**
- 3. Direct the Clerk of the Board to post and publish the required summary in accordance with Government Code, Section 25124(b)(1).**

Your Board's approval of the recommended actions will set a second hearing to enable your Board to amend County Counsel's existing fee in the Master Schedule of Fees, Charges, and Recovered Costs (MSF) based on actual County Counsel costs, to be \$159 per hour for each attorney, effective June 16, 2022. The fee is charged to departments with third-party funding and all other public agencies to which County Counsel provides legal services. This item is countywide.

ALTERNATIVE ACTION(S):

Your Board may choose not to amend the MSF Ordinance and direct County Counsel attorneys to use the current fee of \$150 per hour for each attorney or propose an alternate fee that may not recover 100% of departmental attorney costs. As well, your Board may direct County Counsel to further review its costs and return to your Board with an alternate tiered fee structure based on each attorney classification. If your Board wishes to entertain a tiered fee structure, County Counsel recommends that your Board approve the recommended actions so that County Counsel may recover its cost increases addressed in this item, as time would be needed for County Counsel to develop such an alternate tiered fee structure.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. It is anticipated that the proposed fee, \$159 per hour for each attorney, a 6% (\$9 per hour) increase over the current, adopted fee of \$150 per hour for each attorney, will allow the County Counsel's Office to recover the cost of providing services to third-party funded departments and all other public agencies to which County Counsel provides legal services.

DISCUSSION:

The County Counsel's Office has completed a review of its hourly rate charged to third-party funded departments and public agencies for legal services. As a result, it has been determined that there should be an increase from the current hourly fee of \$150 for each attorney to a new hourly fee of \$159 for each attorney. The adjustment requested reflects current costs for salaries, benefits, services, supplies and overhead as noted on Exhibit A of the Ordinance. The County Counsel hourly fee for each attorney was last updated by your Board, effective June 28, 2021.

The recommended rate and methodology applied for cost recovery have been reviewed and approved by the Auditor-Controller/Treasurer-Tax Collector (See Attachment A - Hourly Rate 2022).

If your Board adopts the recommended actions in this item, and adopts the recommended fee on May 17, 2022, the fee will be effective on June 16, 2022.

REFERENCE MATERIAL:

BAI #26, May 11, 2021

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Ordinance including Exhibit A
On file with Clerk - Ordinance Summary
Attachment A - Hourly Rate 2022

CAO ANALYST:

Moises Mendoza