



Board Agenda Item 25

DATE: June 18, 2024

TO: Board of Supervisors

SUBMITTED BY: Daniel C. Cederborg, County Counsel

SUBJECT: Amendment to Master Schedule of Fees - Section 600 (County Counsel)

RECOMMENDED ACTION(S):

Conduct second hearing to amend the Master Schedule of Fees, Charges and Recovered Costs Ordinance by amending Section 600 - County Counsel, Subsection 601 - renaming Legal Services as Attorney Services and increasing the fee rate for such services to \$169 per hour for each attorney; and Subsection 602 - adding Child Welfare Services (CWS) Legal Assistant Services at a new fee rate of \$72 per hour for each CWS legal assistant; adopt the Ordinance; waive reading of the Ordinance in its entirety.

Your Board's approval of the recommended actions will amend County Counsel's fees in the Master Schedule of Fees, Charges, and Recovered Costs (MSF) ordinance by increasing the existing attorney service fee rate (from \$159 per hour to \$169 per hour for each attorney), and by adding a new Child Welfare Services (CWS) legal assistant service fee (\$72 per hour for each CWS legal assistant) all based on actual County Counsel Office costs for such services. Such ordinance amendment, if adopted by your Board, would be effective 30 days after final passage of the recommended ordinance, but such fee rates would be implemented starting the first full pay period immediately following such effective date for ease of administration.

The increased attorney service fee rate, if approved by your Board, would be charged by County Counsel's Office to third-party funded departments and to all other non-County public agencies to which County Counsel provides legal services.

The new CWS legal assistant service fee, if approved by your Board, would be charged by County Counsel's Office to the Department of Social Services (DSS), which has third party funding for the cost of receiving such services.

This item is countywide.

ALTERNATIVE ACTION(S):

Your Board may choose not to amend the MSF ordinance and direct County Counsel as follows: (1) County Counsel to charge its paying clients at the current fee rate of \$159 per hour for each attorney, or propose an alternate fee rate that may not recover 100% of departmental attorney costs, and/or (2) County Counsel to propose an alternate fee rate that may not recover 100% of departmental CWS legal assistant costs, or not charge any fee to DSS for CWS legal assistants.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions.

It is anticipated that the proposed attorney service fee rate increase of \$10 per hour from \$159 per hour to \$169 per hour for each attorney is a 6.29% rate increase for each attorney. This increase, if approved by your Board, would allow the County Counsel's Office to recover the full cost of providing attorney services to third-party funded departments and to all other non-County public agencies to which County Counsel provides attorney services.

County Counsel has three CWS legal assistants who support attorneys who advise or represent DSS; those CWS legal assistants are currently funded by the General Fund. It is anticipated that the proposed new CWS legal assistant service fee would allow the County Counsel's Office, if approved by your Board, to recover the full cost of providing CWS legal assistant services to DSS, which has third party funding for receiving such services.

DISCUSSION:

The recommended adjustment for the attorney service fee rate and the addition of the new CWS legal assistant service fee rate reflects current costs for salaries, benefits, services, supplies and overhead as noted on Exhibit A of the recommended ordinance.

The recommended rate and methodology applied for cost recovery have been reviewed and approved by the Auditor-Controller/Treasurer-Tax Collector (See Attachment A - County Counsel Hourly Rate for Attorney Services and Legal Assistants Services for Fiscal Year 2024-2025).

The County Counsel hourly fee rate for each attorney was last updated by your Board, effective June 16, 2022.

If your Board approves the recommended actions in this item, and adopts the recommended fee rates, the adopted fee rates will be effective 30 days after final passage of the recommended ordinance amendment. But such fee rates would be implemented starting the first full pay period immediately following such effective date for ease of administration. If your Board adopts the recommended fee rates on June 18, 2024, the adopted fee rates would be effective on Thursday, July 18, 2024, and County Counsel's Office would begin billing such rates, as stated above, starting Monday, July 22, 2024.

REFERENCE MATERIAL:

BAI #6, June 4, 2024
BAI #31, May 17, 2022

ATTACHMENTS INCLUDED AND/OR ON FILE:

Ordinance including Exhibit A
Attachment A - County Counsel Hourly Rates for Fiscal Year 2024-2025

CAO ANALYST:

Ahla Yang