



County of Fresno

Hall of Records, Rm. 301
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Fresno, California
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Legislation Text

File #: 17-0790, **Version:** 1

DATE: July 11, 2017

TO: Board of Supervisors

SUBMITTED BY: Daniel C. Cederborg, County Counsel

SUBJECT: Agreement for County Counsel to Provide Legal Services to Kingsburg Cemetery District

RECOMMENDED ACTION(S):

Approve and authorize Chairman to sign Agreement for Legal Services authorizing County Counsel to provide legal services to Kingsburg Cemetery District

The recommended action will establish a legal services agreement between the County and Kingsburg Cemetery District (District). Under that agreement, County Counsel will provide general legal services to the District. The District will pay hourly compensation to County Counsel at its then-current rate provided in the County's Master Schedule of Fees, and reimburse County Counsel for reasonable and necessary out-of-pocket costs related to legal services provided. County Counsel's current rate is \$122 per hour.

ALTERNATIVE ACTION(S):

The Board may decline to enter into the agreement and the District will need to seek legal services elsewhere.

FISCAL IMPACT:

The recommended agreement will have no effect on Net County Cost. The cost for County Counsel to provide services will be paid by the District under the agreement. Compensation paid by the District will include hourly compensation for County Counsel's services at its then-current rate provided in the County's Master Schedule of Fees, Charges, and Recovered Costs. The District will also reimburse the County for reasonable and necessary out-of-pocket expenses. That compensation would not exceed the total cost to the County for the services rendered. The total amount received by County Counsel for services rendered will depend on the extent to which the District uses the services available under the recommended agreement.

DISCUSSION:

The Public Cemetery District Law provides that the District may engage legal counsel. Under Government Code section 26529 and 26520, County Counsel may provide legal services to the District for a fee, which shall not exceed the total cost to the County for the services rendered.

The District has approved the recommended agreement. Under that agreement, County Counsel would provide the types of legal services that County Counsel customarily provides to County departments. That includes, for example, legal research, legal advice and opinions, as well as drafting, preparing, and reviewing legal documents such as contracts, resolutions, and ordinances. The recommended agreement does not cover litigation services (such as administrative hearings, court proceedings, mediation, or arbitration) or specialized legal services (such as those related to employment, workers compensation, health care, insurance, collections, bankruptcy, municipal securities and public finance, or federal taxation).

The recommended agreement is effective when signed by both parties. The termination date is June 30, 2018, but the recommended agreement provides for automatic annual renewals, unless either party gives written notice of termination at least 90 days before the agreement expires.

Under the recommended agreement, the District acknowledges that County Counsel's primary client is the County. County Counsel may withdraw from the recommended agreement for good cause as determined by County Counsel. For example, there might be good cause for County Counsel to withdraw from the recommended agreement if the interests of the District are in conflict with the interests of the County. County Counsel may also withdraw with the District's consent, or, if permitted under the rules of Professional Conduct of the State Bar of California and applicable law, upon giving no less than five days' prior written notice to the District.

The District also has the ability under the recommended agreement to discharge County Counsel at any time, upon giving at least five days' written notice to the County.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On File with Clerk - Agreement for Legal Services

CAO ANALYST:

Deborah Paolinelli