



Midpeninsula Regional
Open Space District

R-22-66
Meeting 22-15
June 8, 2022

AGENDA ITEM 5

AGENDA ITEM

Contract with Liebert Cassidy Whitmore for Professional Legal Services

GENERAL MANAGER'S RECOMMENDATION *den*

Authorize the General Manager to amend the professional services contract with Liebert Cassidy Whitmore (LCW) to increase the contract amount by \$135,000 with expenditures to a total amount not to exceed \$185,000, for labor negotiations and employment relations matters, and to extend the contract end date from June 30, 2022 to June 30, 2024.

SUMMARY

As part of the Fiscal Year 2021-22 (FY22) Adopted Budget, \$50,000 was included for employment relations matters, including labor negotiations for ongoing contract negotiations with the Field Employees Association (FEA) and the Midpeninsula Rangers Peace Officers Association (MRPOA). The General Manager entered into an agreement with LCW for \$50,000 under her expenditure authority.

Labor negotiations remain active and ongoing. The existing \$50,000 is nearly exhausted and requires additional funding. In order to continue services from LCW for labor negotiations, the General Manager recommends an additional \$15,000 for a total not to exceed amount of \$65,000 during this fiscal year which would require amending the current contract to reflect the not to exceed amount change from \$50,000 to \$65,000. Labor negotiations is anticipated to continue into the next fiscal year. Additionally, LCW is needed to provide advice for updates to the District's Personnel Policies and Procedures to incorporate current applicable laws and public agency labor principles. Therefore, the General Manager also recommends authorization to extend the contract for up to two subsequent years (Fiscal Years 2022-23 and 2023-24) with a not to exceed amount of \$60,000 in each respective fiscal year; bringing the total contract amount to not to exceed \$185,000.

DISCUSSION

In 2013, District legal and management staff interviewed nine (9) firms to provide legal services for labor negotiations. The law firm of Liebert Cassidy Whitmore was determined by the General Counsel and General Manager to be the most qualified firm at a fair and reasonable price. LCW's labor and employment practice is uniquely positioned to provide a wide range of services, advice, and education to California public agencies.

Attorney Jack Hughes, a Partner at LCW, has served as the Chief Negotiator for the District and provided successful labor negotiation services since 2015. During the intervening years Mr.

Hughes has developed a strong familiarity with the District's labor agreements and has customized his services to complement the District's culture and practices. Mr. Hughes has extensive experience in labor relations specific to California public agencies and his firm strongly represents their client's interests while building relationships with the individual bargaining groups. Staff recommends continuation of an agreement with LCW to perform ongoing labor negotiations. LCW's rates remain competitive within the market.

The District entered into an agreement with LCW for the period of July 1, 2021 through June 30, 2022 for a not to exceed amount of \$50,000. This amount is nearly exhausted and requires additional funding. In order to continue services from LCW for labor negotiations, the General Manager recommends an additional \$15,000 for a total not to exceed amount of \$65,000 during this fiscal year which would require amending the current contract to reflect the not to exceed amount change from \$50,000 to \$65,000. Labor negotiations are anticipated to continue into the next fiscal year. Additionally, LCW is needed to provide advice for updates to the District's Personnel Policies and Procedures to incorporate current applicable laws and public agency labor principles. Therefore, the General Manager also recommends authorization to extend the contract for up to two subsequent years (Fiscal Years 2022-23 and 2023-24) with a not to exceed amount of \$60,000 in each respective fiscal year; bringing the total contract amount to not to exceed \$185,000.

FISCAL IMPACT

There are sufficient funds in the amended FY22 Budget to cover the cost of the recommendation for current fiscal year. Funds will be recommended in future fiscal year budgets as part of the annual Budget and Action Plan process.

BOARD AND COMMITTEE REVIEW

This item was not reviewed by any Board Committee.

PUBLIC NOTICE

Public notice was provided as required by the Brown Act.

CEQA COMPLIANCE

This item is not a project subject to the California Environmental Quality Act.

NEXT STEPS

Upon Board authorization, the General Manager will amend the contract with Liebert Cassidy Whitmore to increase the contract amount and extend the term as described in this report.

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