



Mendocino County

Legislation Details (With Text)

File #: 23-0466 **Version:** 1 **Name:**
Type: Agreement **Status:** Consent Agenda
File created: 4/11/2023 **In control:** County Counsel
On agenda: 5/9/2023 **Final action:**
Title: Approval of First Amendment to BOS Agreement No. 22-217 with Colantuono, Highsmith & Whatley, PC for Legal Services Extending the Expiration Date from June 30, 2023 through June 30, 2024
Sponsors: County Counsel
Indexes:
Code sections:
Attachments: 1. Agreement 22-217-A1, 2. Agreement 22-217

Date	Ver.	Action By	Action	Result
5/9/2023	1	Board of Supervisors		

To: Board of Supervisors

From: County Counsel

Meeting Date: May 9, 2023

Department Contact: Christian Curtis

Phone: 707-234-6885

Item Type: Consent Agenda

Time Allocated for Item: N/A

Agenda Title:

Approval of First Amendment to BOS Agreement No. 22-217 with Colantuono, Highsmith & Whatley, PC for Legal Services Extending the Expiration Date from June 30, 2023 through June 30, 2024

Recommended Action/Motion:

Approve first amendment to BOS Agreement No. 22-217 with Colantuono, Highsmith & Whatley, PC for legal services extending the expiration date from June 30, 2023 through June 30, 2024; and authorize Chair to sign same.

Previous Board/Board Committee Actions:

On July 12, 2022, the Board approved an agreement for the same amount and similar terms. Since that contract was executed, the parties determined that the agreement needed to be revised to reflect a retroactive start date and to accommodate a requested revision from the contractor.

On September 12, 2022, the Board approved Agreement No. 22-217 with Colantuono, Highsmith & Whatley, PC in the amount of \$85,000 for legal services for the period of May 1, 2022 through June 30, 2023.

Summary of Request:

County Counsel is requesting the Board to approve the amendment to Agreement No. 22-217 with Colantuono, Highsmith & Whatley, PC extending the expiration date from June 30, 2023 to June 30, 2024 to continue to

provide legal defense in the litigation matter of Ann Marie Borges & Chris Gurr v. County of Mendocino for the appeal currently pending before the United States Court of Appeals - Ninth Circuit in the matter of Ann Marie Borges, et al. v. County of Mendocino, et al., Appellate Case No. 20-cv-04537-SI. On April 19, 2023, the United States Court of Appeal, Ninth Circuit ruled in favor of the County, but it may be a few months before the case is finally closed. This firm's strong background in municipal law issues is assisting in the County's defense of these matters.

Alternative Action/Motion:

Provide direction to staff.

Does This Item Support the General Plan? N/A

Strategic Plan Priority Designation: An Effective County Government

Supervisory District: All

vote requirement: Majority

Supplemental Information Available Online At: n/a

Fiscal Details:

source of funding: 0713-863320

current f/y cost: \$85,000

annual recurring cost: N/A

budget clarification: N/A

budgeted in current f/y: Yes

if no, please describe:

revenue agreement: No

Agreement/Resolution/Ordinance Approved by County Counsel: Yes

CEO Liaison: Executive Office

CEO Review: Yes

CEO Comments:

FOR COB USE ONLY

Executed By: Atlas Pearson, Senior Deputy Clerk

Date: May 9, 2023

Final Status: Approved

Executed Item Type: Agreement Number: 22-217-A1

