



Mendocino County

Legislation Text

File #: 19-0466, **Version:** 1

To: Board of Supervisors

From: County Counsel

Meeting Date: June 18, 2019

Department Contact: Katharine L. Elliott

Item Type: Consent Agenda

Phone: 234-6885

Time Allocated for

Item: N/A

Agenda Title:

Approval of Third Amendment to Board of Supervisors Agreement No. 18-025 with Liebert Cassidy Whitmore to Provide Legal/Conflict Counsel Services in the *Amanda Carley v. County of Mendocino* Lawsuit in the Amount of \$33,000, for a New Agreement Total of \$158,000, and Extending the Termination Date from June 30, 2019 to June 30, 2020; Effective When Agreement Becomes Fully Executed through June 30, 2020

Recommended Action/Motion:

Approve third amendment to Board of Supervisors Agreement No. 18-025 with Liebert Cassidy Whitmore to provide legal/conflict counsel services in the *Amanda Carley v. County of Mendocino* lawsuit in the amount of \$33,000, for a new Agreement total of \$158,000, and extending the termination date from June 30, 2019 to June 30, 2020; effective when Agreement becomes fully executed through June 30, 2020; and authorize Chair to sign same.

Previous Board/Board Committee Actions:

The Board approved Amendment of Agreement (No. 18-025) extending the amount from \$75,000 to \$125,000 on March 27, 2018. On September 25, 2018, the Board approved the Second Amendment (No. 18-025-A1) extending the termination date to June 30, 2019.

Summary of Request:

On November 3, 2017, the County previously entered into an agreement with Liebert Cassidy Whitmore in order to provide conflict counsel for the defense of the District Attorney in the *Amanda Carley v. Mendocino County, et al.* (SCUK-CVG-2017-69021) for an amount of \$50,000. As there were extensive motions filed, on March 27, 2018, the Board approved an amendment to Board of Supervisors Agreement No. 18-025 extending the amount from \$75,000 to \$125,000. On September 25, 2018, the Board extended the termination date from November 1, 2018 to June 30, 2019. We are requesting to increase the amount of the agreement by \$33,000 for a total amount payable of \$158,000 in order to cover the costs of appeal and extend the termination date from June 30, 2019 to June 30, 2020.

The County is representing defendants Mendocino County District Attorney's Office, Mendocino County Probation Department and former Chief Probation Officer Albert Ganter. Plaintiff is suing David Eyster, District Attorney, personally. On June 20, 2018, Defendant David Eyster's Motion for Attorneys' Fees and Costs was granted. On July 5, 2018, Plaintiff filed a Notice of Appeal for this matter.

Alternative Action/Motion:

Do not approve.

Supplemental Information Available Online at: N/A

Fiscal Impact:

Source of Funding: GL-0713-863320

Current F/Y Cost: \$158,000

Budgeted in Current F/Y: Yes

Annual Recurring Cost: N/A

Supervisory District: All

Vote Requirement: Majority

Agreement/Resolution/Ordinance Approved by County Counsel: Yes

CEO Liaison: Carmel J. Angelo, CEO

CEO Review: Yes

FOR COB USE ONLY

Executed By: Lindsey Dunham,
Deputy Clerk I

Final Status: Approved

Date: JUNE 20, 2019

Executed Item Agreement Number: 18-125-A2

Note to Department Number of
Original Agreements Returned to
Dept: One Original Agreement
Delivered to Auditor? Yes

