



# Mendocino County

## Legislation Text

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**File #:** 23-0466, **Version:** 1

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**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

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**CEO Liaison:** Executive Office

**CEO Review:** Yes

**CEO Comments:**

**FOR COB USE ONLY**

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**Executed By:** Atlas Pearson, Senior Deputy Clerk

**Date:** May 9, 2023

**Final Status:** Approved

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

