



Midpeninsula Regional  
Open Space District

R-18-89  
Meeting 18-30  
July 25, 2018

## AGENDA ITEM 5

### AGENDA ITEM

Contract Amendment for Legal Services

### GENERAL MANAGER'S RECOMMENDATION

Authorize the General Manager to amend the contract with Gary Baum, Esq., for an additional \$75,000 to provide extended legal services during the recruitment and onboarding of the Assistant General Counsel position, for a total amount not to exceed \$225,000.

### SUMMARY

Gary Baum, Esq., entered into a contract with the Midpeninsula Regional Open Space District (District) in January 2018 to assist with the workload in the General Counsel's office following the retirement of former General Counsel Sheryl Schaffner. The Assistant General Counsel position was vacant from December 30, 2017 through July 10, 2018 while the Assistant General Counsel served as Acting General Counsel and the Board of Directors conducted its recruitment for a new General Counsel. With the recent appointment of Hilary Stevenson as General Counsel, there is now a vacancy in the Assistant General Counsel position. The purpose of this contract amendment is to continue to procure Mr. Baum's services during the recruitment and onboarding period for a new Assistant General Counsel.

### DISCUSSION

The District's internal attorney staffing was temporarily reduced by one-half, from two to one attorney, following the retirement of General Counsel Sheryl Schaffner at the end of calendar year 2017. The Assistant General Counsel position has been vacant since December 30, 2017 while the Assistant General Counsel served as Acting General Counsel and the Board of Directors conducted its recruitment for a new General Counsel. Given the staffing gap, the Board authorized a contract with Gary Baum, Esq., for \$150,000 to supplement staffing during a seven-month period while the Board recruited a new General Counsel (R-17-129). Since January 2018, Mr. Baum has served the District with a high degree of skill and responsiveness, and at a fair and reasonable rate.

With the recent appointment of the former Assistant General Counsel into the General Counsel position, recruitment and onboarding must now be conducted for a new Assistant. The General Counsel, in consultation with the Human Resources department, estimates that it will take three months to fill the vacancy. The General Counsel and General Manager recommend that the Board authorize an increase of \$75,000 to the District's contract with Mr. Baum, for a total not to exceed amount of \$225,000. This increase will fund approximately three additional

months of staffing coverage, plus an additional amount to allow for overlap with the new Assistant General Counsel, affording the legal department the opportunity to provide continuity and adequate service levels for the organization. The contract can be terminated for the convenience of either party at any time.

If there are further changes to this timeline, the General Counsel and General Manager will return to the Board to obtain additional contract authorization to fulfill staffing needs.

It is important to recognize that the proposed contract amount, funded out of salary savings, provides approximately half of the hours of service the District is accustomed to receiving from the Assistant General Counsel position, which is fairly typical when obtaining outside counsel services. Assuring the effective operation of the General Counsel's Office during the staffing vacancy continues to require the cooperation and patience of District staff during this transition period.

### **FISCAL IMPACT**

The Fiscal Year 18-19 budget for the General Counsel's office can adequately fund the continued use of Mr. Baum's services for three additional months, at the rate of approximately \$21,300 per month, until the Assistant General Counsel vacancy is filled. At such time as the legal department is fully staffed, it may be necessary to make a mid-year budget adjustment to reflect actual salary and benefits for the new General Counsel and Assistant General Counsel.

### **BOARD COMMITTEE REVIEW**

There was no committee review for this action.

### **PUBLIC NOTICE**

Public notice was provided as required by the Brown Act.

### **CEQA COMPLIANCE**

The award of contract is not a project subject to the California Environmental Quality Act.

### **NEXT STEPS**

Following Board approval, the General Manager will amend the contract with Gary Baum, Esq.

Responsible Department Head:  
Hilary Stevenson, General Counsel

Prepared by:  
Hilary Stevenson, General Counsel