



Midpeninsula Regional  
Open Space District

R-15-77  
Meeting 15-14  
May 27, 2015

## AGENDA ITEM 3

### AGENDA ITEM

Contract with Liebert Cassidy Whitmore for Professional Legal Services

### GENERAL MANAGER'S RECOMMENDATIONS

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Authorize the General Manager to extend the professional services contract with Liebert Cassidy Whitmore as follows:

1. Authorize extension of the contract for Fiscal Year 2015-16 with expenditures not to exceed \$80,000, for employment relations and labor negotiations consulting services.
2. Authorize the General Manager to extend the contract for up to two subsequent years (Fiscal Years 2016-17 and 2017-18) with a not to exceed amount of \$50,000 in each respective fiscal year.

### SUMMARY

The District has maintained an annual agreement with Liebert Cassidy Whitmore (LCW) for employment relations consulting services for a not to exceed amount for \$55,000 in FY2014-15. As part of the FY2015-16 Adopted Budget, \$70,000 was included for these services in anticipation of contract negotiations with the Field Employees Association (FEA). After reviewing the Human Resources' FY2015-16 work plan, the General Manager recommends an additional \$10,000 for a total not to exceed amount of \$80,000 during this fiscal year which would require amending the current contract to reflect the not to exceed amount change from \$55,000 to \$80,000 and extending the term to June 30, 2016.

The Board Public Contract Bidding, Vendor and Professional Consultant Selection and Purchasing Policy, Section III.D.4 ("Renewal of Contracts with Professional Consultants"), allows the Board to authorize the General Manager to extend this contract for two subsequent years for a not to exceed amount of \$50,000 annually without returning to the Board for contract approval as long as the Board approves the \$50,000 in each year's budget. Therefore, the General Manager also recommends authorization to extend the contract for up to two subsequent years (FY2016-17 and FY2017-18) with a not exceed amount of \$50,000 in each year.

**DISCUSSION**

The District entered into an agreement with LCW for the period of July 1, 2014 through June 30, 2015 for a not to exceed amount of \$55,000. This amount is comprised of approximately \$3,500 for participation in the labor consortium which provides the District access to five days of group training workshops on employee relations, telephone consultations with special counsel for employment and labor issues, and a monthly newsletter covering employment relations developments. The balance of the contract is for representational, litigation, and other employment relations services requested by the District and is billed at an hourly rate for attorney staff (\$180 to \$325 per hour) and paraprofessional staff (\$105 to \$140 per hour).

Anticipating an increased need for employment relations consulting services in FY2015-16, an additional \$15,000 was included in the Adopted Budget, for a total of \$70,000, for a Chief Negotiator to represent the District in negotiation and implementation of a new Memorandum of Agreement (MOA) with the Field Employees Association, as well as continued consultation on grievances, occasional disciplinary actions, and other complex labor issues. In April 2015, staff conducted a review of the Human Resources FY2015-16 work plan and identified additional services that will be needed from LCW, including additional staff trainings and review of District Human Resources policies, which are an estimated \$10,000. In order to secure these services, the General Manager recommends increasing the contract amount to a not-to-exceed amount of \$80,000 through June 30, 2016.

As part of recent efforts to streamline processes and operational efficiency, the Board has granted the General Manager expanded approval authorities. Consistent with this action, the General Manager is requesting Board authority to approve contract amendments extending the term from June 30, 2016 to June 30, 2017 and then again to June 30, 2018 for a not-to-exceed amount of \$50,000 annually. With FEA negotiations anticipated to be completed during FY2015-16, the LCW contract can be decreased accordingly in subsequent years.

**FISCAL IMPACT**

The FY2015-16 Adopted Budget approved by the Board on March 25, 2015 (Report R-15-44) includes \$70,000 for employment relations legal services. An additional \$10,000 will be shifted from Other Professional Services to fund the full \$80,000 contract.

**BOARD COMMITTEE REVIEW**

This item was not reviewed by any Board Committee.

**PUBLIC NOTICE**

Notice has been provided as required by the Brown Act. No additional notice is required.

**CEQA COMPLIANCE**

The proposed action is not a project under the California Environmental Quality Act (CEQA) and no environmental review is required.

**NEXT STEPS**

Upon Board authorization, the General Manager will amend the contract with Liebert Cassidy Whitmore for an additional \$25,000, raising the current \$55,000 contract to a not-to-exceed \$80,000, and extend the term to June 30, 2016.

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