



County Counsel COUNTY OF TULARE AGENDA ITEM

BOARD OF SUPERVISORS

KUYLER CROCKER
District One

PETE VANDER POEL
District Two

AMY SHUKLIAN
District Three

J. STEVEN WORTHLEY
District Four

MIKE ENNIS
District Five

AGENDA DATE: November 6, 2018 **REVISED**

Public Hearing Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Published Notice Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Advertised Published Notice	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
County Counsel Sign-Off	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Meet & Confer Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Personnel Resolution attached	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>

CONTACT PERSON: Jeff Kuhn PHONE: 636-4950

SUBJECT: Agreement for Legal Services between the Tulare Public Cemetery District and the County of Tulare

REQUEST(S):

That the Board of Supervisors:

1. Approve an Agreement for Legal Services between the Tulare Public Cemetery District and the County of Tulare; and
2. Authorize the County Counsel to execute the Agreement on behalf of the County.

SUMMARY:

The Tulare Public Cemetery District has requested that the County Counsel's Office provide the District with legal services on matters the District may refer to the office, and has requested the County enter into an agreement to provide such services. The County Counsel's office is authorized by Government Code section 26520 to provide such services, is willing and able to do so, and has prepared the attached agreement for that purpose.

The proposed agreement is modeled after standard attorney retainer agreements and was approved by the Cemetery District's governing board at its October 22, 2018 meeting. Significantly, the agreement provides that if a legal representation conflict arises between the District and the County, or another County Counsel client, then the District will retain new counsel and waive the right to disqualify the County Counsel's office from continuing to represent the County or other County Counsel client in that or other matters. This will ensure continuity in representation of the County, the County Counsel's primary client.

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It is anticipated that the proposed agreement will serve as a template for the County Counsel office's representation of other local agency clients in the future.


FISCAL IMPACT/FINANCING:

The Cemetery District will pay for services monthly at the hourly rates for the relevant attorneys and paralegals established by the Auditor's office for direct-bill clients. It is estimated that revenues from the services will be approximately \$5,844.15 for the balance of the 2018-19 fiscal year.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's five-year strategic plan includes the Organizational Performance Initiative to promote continuous improvement of organization effectiveness and fiscal stability. One of the goals of this Initiative is to provide the public with easy access to quality information and services that are both timely and responsive. This action meets that goal by providing top notch, cost-effective legal services to the Tulare Cemetery District.

ADMINISTRATIVE SIGN-OFF:



Jeffrey L. Kuhn
Chief Deputy County Counsel

Cc: County Administrative Office

Attachment: Agreement for Legal Services between the Tulare Public Cemetery District
and the County of Tulare

JLK/20181577/10/25/2018 1231284

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF Approval of)
Agreement for Legal Services between the) Agreement No. _____
Tulare Public Cemetery District and the) Resolution No. _____
County of Tulare)

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____
_____, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JASON T. BRITT
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

- 1. Approved an Agreement for Legal Services between the Tulare Public Cemetery District and the County of Tulare; and
- 2. Authorized the County Counsel to execute the Agreement on behalf of the County.