

Agenda Date: August 17, 2017
Agenda Placement: Admin.
Estimated Time: N/A
Continued Item: No

Board Agenda Item

TO: Air Pollution Control District Board

FROM: Aeron Arlin Genet, Air Pollution Control Officer

CONTACT: Kristina Aguilar, Administrative Manager (961-8813)

SUBJECT: Membership in Liebert, Cassidy & Whitmore Consortium

RECOMMENDATION:

- A) Approve and authorize the Chair to execute an agreement for \$3,875 for Special Services with the law firm of Liebert, Cassidy & Whitmore for a 12-month term beginning July 1, 2017 and ending June 30, 2018; and
- B) Delegate authority to the Air Pollution Control Officer to extend the term of this agreement by a one year period up to three times for a total of up to three additional years on same terms and conditions.

DISCUSSION:

Liebert, Cassidy & Whitmore, a Los Angeles based law firm specializing in public sector labor law, provides the opportunity for public agencies to join together by means of a consortium to enable the provision of specialized training and consulting services in a cost-effective manner.

The attached agreement for Special Services will allow District managers, supervisors and team leaders to participate in four (4) days of group training workshops covering such employment relations subjects as management rights and obligations, negotiation strategies, employment discrimination and workplace bullying, succession planning, performance evaluations (administering evaluations), grievance and discipline actions, current court rulings, administrative and legislative developments in personnel administration and employment relations. The Agreement also provides for a monthly newsletter covering employment relations developments and the availability of attorneys to consult by telephone.

With your approval of this Agreement, the District will join approximately 15 other public agencies as a member of the Central Coast Consortium enabling us to take advantage of a cost-

effective method for receiving specialized training. The funds for this effort are budgeted in the current fiscal year.

As the District may wish to continue future membership of the Liebert, Cassidy & Whitmore consortium, rather than bringing an annual contract back to your Board for signature, we are asking that authority be delegated to the Control Officer to extend the term of this agreement by a one year period up to three times for a total of up to three additional years on the same terms and conditions. This will help streamline the signature process and ensure no gap in membership due to the length of time between District Board meetings. Your Board will have overall authority to continue the program, as the cost of membership will be included in future budget cycles to be considered by your Board.

FISCAL IMPACT:

The fiscal impact to enter into this agreement is a fee of \$3,875 and the membership cost was included in the FY 2017-18 budget that your Board approved at the June 15, 2017 board meeting. The cost of membership for future years will be included in future budget cycles. It should be noted the agreement states the fee is to be \$3,975 if paid after August 1, 2017, however we have received a waiver on the additional fee from Liebert, Cassidy & Whitmore.

ATTACHMENT:

Agreement for Special Services

AGREEMENT FOR SPECIAL SERVICES

This Agreement is entered into between the Santa Barbara County Air Pollution Control District, hereinafter referred to as "Agency," and the law firm of LIEBERT CASSIDY WHITMORE, A Professional Corporation, hereinafter referred to as "Attorney."

WHEREAS Agency has the need to secure expert training and consulting services to assist Agency in its workforce management and employee relations; and

WHEREAS Agency has determined that no less than fifteen (15) public agencies in the Central Coast area have the same need and have agreed to enter into identical agreements with Attorney; and

WHEREAS Attorney is specially experienced and qualified to perform the special services desired by the Agency and is willing to perform such services;

NOW, THEREFORE, Agency and Attorney agree as follows:

Attorney's Services:

During the year beginning July 1, 2017, Attorney will provide the following services to Agency (and the other aforesaid public agencies):

1. Four (4) days of group training workshops covering such employment relations subjects as management rights and obligations, negotiation strategies, employment discrimination and affirmative action, employment relations from the perspective of elected officials, performance evaluation (administering evaluations), grievance and discipline administration for supervisors and managers, planning for and responding to concerted job actions, current court, administrative and legislative developments in personnel administration and employment relations, etc., with the specific subjects covered and lengths of individual workshop presentations to be determined by Agency and the other said local agencies.

It is expressly understood that the material used during these presentations, including written handouts and projected power points are provided solely for the contracted workshops. This agreement warrants there will be no future use of Liebert Cassidy Whitmore material in other trainings or formats without the expressed written permission of Liebert Cassidy Whitmore. Any such use will constitute a violation of this agreement and copyright provisions.

2. Availability of Attorney for Agency to consult by telephone. Consortium calls cover questions that the attorney can answer quickly with little research. They do not include the review of documents, in depth research, written responses (like an opinion letter) or advice on on-going legal matters. The caller will be informed if the question exceeds the scope of consortium calls. Should the caller request, the attorney can assist on items that fall outside the service, but these matters will be billed at the attorney's hourly rate. (See additional services section.)
3. Providing of a monthly newsletter covering employment relations developments.

Fee:

Attorney will provide these special services to Agency for a fee of Three Thousand Eight Hundred Seventy Five Dollars (\$3,875.00) payable in one payment prior to August 1, 2017. The fee, if paid after August 1, 2017 will be \$3,975.00.

Said fee will cover Attorney's time in providing said training and consultative services and the development and printing of written materials provided to attendees at the training programs.

Independent Contractor:

It is understood and agreed that Attorney is and shall remain an independent contractor under this Agreement.

Term:

The term of this Agreement is twelve (12) months commencing July 1, 2017. The term may be extended for additional periods of time by the written consent of the parties.

Condition Precedent:

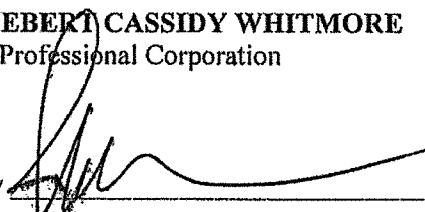
It is understood and agreed that the parties' aforesaid rights and obligations are contingent on no less than fifteen (15) local agency employers entering into a substantially identical Agreement with Attorney on or about July 1, 2017.

Dated: _____

6/5/17

LIEBERT CASSIDY WHITMORE
A Professional Corporation

By _____



Dated: _____

**SANTA BARBARA COUNTY AIR POLLUTION CONTROL
DISTRICT**

By _____

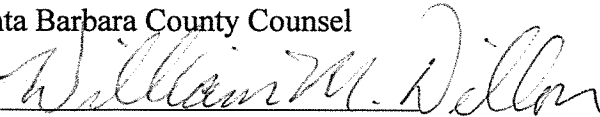
Liebert, Cassidy & Whitmore Consortium
Special Services Agreement July 1, 2017

This Special Services Agreement is by and between Liebert, Cassidy & Whitmore and the Santa Barbara County Air Pollution Control District.

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
Santa Barbara County Counsel

By


Deputy

APPROVED AS TO FORM:

RAY AROMATORIO
Risk Manager

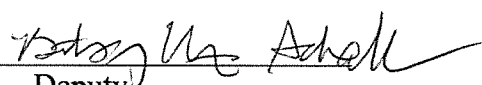
By


Risk Manager

APPROVED AS TO FORM:

THEODORE A. FALLATI, CPA, CPFO
Auditor-Controller

By


Deputy