



Agenda Item Details

Meeting	Jun 05, 2018 - Regular Board Meeting
Category	3. Approval of Consent Calendar
Subject	M. Contracts for Legal Services for 2017-18 and 2018-19: It is recommended the Board authorize staff to increase budget allocation to Atkinson, Andelson, Loya, Ruud, and Romo and Cozen O'Connor, and enter into contracts for legal services for 2018-19 with Lozano Smith, Atkinson, Andelson, Loya, Ruud, and Romo, and Dannis Woliver Kelley. CONSENT
Access	Public
Type	Action (Consent)
Goals	D. Budget & Infrastructure

Public Content

To: Ms. Karen Hendricks, Interim Superintendent

From: Ms. Cathy Mak, Chief Business Officer

RECOMMENDATION

It is recommended the Board authorize staff to:

1. Increase budget allocation to Atkinson, Andelson, Loya, Ruud, and Romo by \$175,000 for 2017-18.
2. Increase budget allocation for Cozen O'Connor by \$125,000 for 2017-18.
3. Enter into contracts for legal services for 2018-19: Lozano Smith for \$25,000; Atkinson, Andelson, Loya, Ruud, and Romo for \$900,000; and Dannis Woliver Kelley for \$300,000.

BACKGROUND

The District currently contracts with four firms to provide the major part of necessary legal services. Dannis Woliver Kelley (DWK) provides the bulk of legal services for the District, including advice on human resources, business, construction, curriculum, and other matters. The DWK firm also provides facilities and construction related services for the bond program. The Atkinson, Andelson, Loya, Ruud and Romo (AALRR) firm provides services primarily in special education. The Cozen O'Connor firm conducted independent and external investigations in the current year. Staff does not anticipate continuing their contract beyond the current engagement. Lozano Smith (LS) provides services on open real property and personnel matters. District legal expenses can fluctuate from year to year depending on the situations that arise requiring legal assistance. Legal expenses have increased in recent years due to the increase in the number of special education cases, public information requests, Office for Civil Rights (OCR) cases, Title IX investigations, and personnel matters.

EXPENDITURE HISTORY

	Lozano Smith (LS)	Dannis Woliver Kelley (DWK) General Fund	Dannis Woliver Kelley (DWK) Measure A	Atkinson, Andelson, Loya, Ruud and Romo (AALRR)	Fagen Friedman & Fulfrost (FFF)	Cozen O'Connor	Total
2013-14	\$314,098	\$---	\$381,657	\$---	\$446,164	\$---	\$1,141,919
2014-15	\$265,436	\$---	\$374,912	\$---	\$233,215	\$---	\$873,563
2015-16	\$251,601	\$---	\$60,681	\$1,412	\$72,392	\$---	\$386,086
2016-17	\$232,595	\$---	\$13,104	\$518,737	\$464	\$232,155	\$997,055
2017-	\$45,798	\$153,000	\$3,820	\$790,870	\$119	\$955,474	\$1,949,081

18*							
2018-19 Estimate	\$25,000	\$200,000	\$100,000	\$900,000	\$---	\$---	\$1,225,000

*Partial year cost to March 2018 for DWK and Cozen O'Connor; April 2018 for AALRR; mid-May 2018 for Lozano Smith.

PROPOSAL 2017-18

The increase in attorney costs for 2017-18 is due to the increase in the number of special education cases, the resolution agreement with OCR, and Title IX investigations. Staff proposes increasing the legal budget by 435,000: \$175,000 to AALRR, from \$689,000 to \$864,000, and \$125,000 to Cozen O'Connor, from \$846,000 to \$971,000, and \$135,000 to investigators who are not listed in the table above.

2018-19

[Board Bylaw 9124](#) requires the Superintendent to annually evaluate the performance of the attorneys providing legal services in such areas as efficiency and adequacy of advice; results obtained for the district; reasonableness of fees; and responsiveness to and interactions with the Board, administration, and community. Staff has solicited feedback from District administrators and the results are positive for the above legal firms. Staff polled several neighboring districts on the attorneys they use and fees they pay. The rates of our attorneys are reasonable.

It is proposed contracts be issued to these firms for the 2018-19 fiscal year in the following allocations: Lozano Smith for \$25,000; AALRR for \$900,000; and DWK for \$300,000. District staff will be as conservative as is prudently possible in use of attorney funds.

Each firm's rate schedule is available in the Business Services office.

FISCAL IMPACT

The DWK contract will be funded by two budgets, \$200,000 from the General Fund budget and \$100,000 from the capital budget. The Special Education matters in the AALRR contract will be funded by the General Fund budget. The allocation of \$25,000 to LS for real property and open personnel matter will be funded by the General Fund.

These items are considered routine and will be approved in one action without discussion. If a Board member requests an item be removed from the Calendar or a citizen wishes to speak to an item, it will be considered under Action Items.