



WASHOE COUNTY

Integrity Communication Service

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STAFF REPORT

BOARD MEETING DATE: January 28, 2020

DATE: Thursday, February 20, 2020

TO: Board of County Commissioners

FROM: Kate Thomas, Assistant County Manager
328-2008, kathomas@washoecounty.us

THROUGH: Eric P. Brown, County Manager

SUBJECT: Recommendation for waiver of six month cooling off period for independent contractor Krista Meier, retroactively beginning July 2019, appointed counsel administrator [annual cost \$52,000] (All Commission Districts).

SUMMARY

Independent contractor Krista Meier has been serving as Appointed Counsel Administrator under contract since July 2019. Ms. Meier was nominated to serve as the County's Appointed Conflict Administrator by the Appointed Attorney Oversight Committee and entered into a contract with Washoe County on July 25, 2019 for an annual amount of \$50,000. Amendment #1 to the agreement clarifying the first two installments due to the reduced year was signed on August 29, 2019 by the Purchasing and Contracts Manager.

The Comptroller's Office recommends an independent contract agreement versus the professional services agreement that is currently in place as approved by the Board on April 26, 2016. As a result of the new agreement, and because Krista Meier was a former employee, a cooling off period is required. Krista Meier has been performing the appointed counsel administrator duties, per the existing contract, since July 2019 therefore a waiver of the cooling off provision is retroactively recommended due to the change in agreement. Additionally, because of the new agreement, there is an insurance requirement therefore the contract has been modified to \$52,000 to cover those costs that were not present under the contract

Washoe County Strategic Objective supported by this item: Safe, Secure and Healthy Communities – vulnerable populations.

PREVIOUS ACTION

On June 26, 2019, The Board approved a 6-month renewal of the Agreement for Appointed Counsel Administrator Services between the County of Washoe and Robert

AGENDA ITEM # _____

Bell, Esq., for professional legal services for the period July 1, 2018 through December 31, 2018 [not to exceed \$77,250.00]. The abbreviated contract was the first step in reducing overflow cases and increasing staff support to the Public and Alternate Public Defenders' offices by adding one (1) deputy to each office to handle family cases while reducing reliance on appointed counsel.

On September 12, 2017, the Board approved a renewal of the Agreement for appointed Counsel Administrator Services between the County of Washoe and Robert Bell, Esq., for professional legal services as the Appointed Counsel Administrator for the period October 1, 2017 through June 30, 2018 [not to exceed \$115,875.00] with the intent for staff to prepare an RFP for Counsel Administrator Services.

On June 27, 2017, the Board approved a renewal of the Agreement for appointed Counsel Administrator Services between the County of Washoe and Robert Bell, Esq., for professional legal services as the Appointed Counsel Administrator for the period July 1, 2017 through September 30, 2017 [not to exceed \$38,625.00].

On March 28, 2017, the Board approved the renewal of the Agreement for appointed Counsel Administrator Services between the County of Washoe and Robert Bell, Esq., for professional legal services as the Appointed Counsel Administrator for the period of April 1, 2017 through June 30, 2017 [not to exceed \$38,625.00] and authorized the County Manager to execute contract.

On December 13, 2016, the Board approved the renewal of the Agreement for appointed Counsel Administrator Services between the County of Washoe and Robert Bell, Esq., for professional legal services as the Appointed Counsel Administrator for the period of January 1, 2017 through March 31, 2017 [not to exceed \$38,625.00] and authorized the County Manager to execute the contract.

On October 25, 2016, the Board approved a renewal of the Agreement for appointed Counsel Administrator Services between the County of Washoe and Robert Bell, Esq., for professional legal services as the Appointed Counsel Administrator for the period of November 1, 2016 through December 31, 2016 [not to exceed \$25,750.00]

On June 28, 2016, the Board approved a renewal of the Agreement for appointed Counsel Administrator Services between the County of Washoe and Robert Bell, Esq., for professional legal services as the Appointed Counsel Administrator for the period of July 1, 2016 through October 31, 2016 [not to exceed \$51,500]

On April 26, 2016, the Board approved the uniform process for independent contractor agreements by County Departments, including a six month "cooling off" period for former employees and officials and the use of an independent contract agreement template.

On June 25, 2013, the Board approved a three-year agreement between the County of Washoe and Robert C. Bell, Esq. for professional legal services as the Appointed Counsel Administrator pursuant to the Model Court Plan of the Second Judicial District filed with the Supreme Court under ADKT No. 411

On June 12, 2012, the Board approved an addendum extending the contract for an additional year.

On June 28, 2011, the Board approved awarding Agreement for Appointed Counsel Administrator Services between the County of Washoe and Robert Bell, Esq., for one-year effective July 1, 2011 with the option to renew for two additional one-year terms.

On June 14, 2011, the Board deferred an item to clarify the term of the agreement was for one-year effective July 1, 2011, with the option to renew for two additional one-year terms.

On May 25, 2010, the Board approved a second and final addendum to renew for one year, the contract with Bell for professional legal services as the ACA.

On June 23, 2009, the Board approved an addendum to renew for one year, the contract with Bell for professional legal services as the ACA.

On June 24, 2008, the Board approved a one-year agreement with Bell for professional legal services as the ACA.

BACKGROUND

From 2008 through 2018, the Appointed Counsel Administrator (ACA) function was handled through a professional services agreement, renewing annually, with one individual via annual Board action. In June 2019 the board approved an abbreviated contract with Robert Bell, Esq. while transitioning to a new, reduced contract and adding staff to the Public and Alternate Public Defender offices to decrease the number of cases overflowed to appointed counsel. The new contract for Appointed Counsel Administrator functions was awarded by the County Manager as it was below the amount for Board approval. The first contractor served for 6 months then resigned. Krista Meier, formerly with the Alternate Public Defender's Office, was contracted via recommendation and vetting by the Appointed Attorney Oversight Committee in July 2019. Ms. Meier's contract was executed by the County Purchasing Manager in the Comptroller's Office.

The Comptroller's Office is recommending an independent contract agreement (vs. the existing professional services agreement) for the ACA function. As a result of using an independent contract agreement a six month "cooling off" period would be triggered for former employees as approved by the Board. This item is bringing the process in conformance with the Board-approved action.

FISCAL IMPACT

The County Manager's Office has budget authority to execute the Independent Contractor Agreement for \$52,000 annually in GL 710800 Cost Center 101010.

RECOMMENDATION

It is recommended that the Board of County Commissioners approve a waiver of the cooling off period for former employee/independent contractor Krista Meier.

POSSIBLE MOTION

Should the Board agree with staff's recommendation, a possible motion would be: "Move to approve a waiver of the cooling off period for former employee/independent contractor Krista Meier."