

AGENDA: September 21, 2006

TO: Regional Transportation Commission - TPW
FROM: Tegan Speiser, Senior Transportation Planner *TS*
Leslie Haynes, Administrative Services Officer
REGARDING: RTC Autonomy – Legal Services

RECOMMENDATIONS

The Budget and Administration/Personnel Committee and staff recommend that the Santa Cruz County Regional Transportation Commission:

Adopt a resolution (Attachment 1) authorizing and directing the Executive Director to enter into and amend an agreement for legal services between the County of Santa Cruz (County Counsel) and the Santa Cruz County Regional Transportation Commission (RTC), and to use outside legal services when specialized legal expertise is necessary or the potential for a conflict of interest between the County and the RTC exists.

BACKGROUND

The Commission approved establishing the RTC as an autonomous governmental entity in June 2005 and, at that time, authorized the Budget and Administration/Personnel Committee (B&A/P) to direct staff and consultants in the implementation of autonomy tasks. One of the tasks outlined on the work plan is to contract for post-autonomy legal services for the Commission.

DISCUSSION

Today's report provides the Committee with staff recommendations regarding continuing to contract for legal services with the County of Santa Cruz through the County Counsel's Office and directing RTC staff to take the necessary steps to execute and implement an agreement with the County of Santa Cruz for legal services.

Past experience has shown that County Counsel will exercise special skill in their role as general legal counsel to the RTC for purposes such as legal review of policies, contracts and agreements, resolutions, and sensitive correspondence. Occasionally when projects or issues arise where specialized legal expertise is needed or desired, or there is a perceived conflict of interest between the County and the RTC, the Executive Director in cooperation with County Counsel recommend the use of outside legal counsel.

On July 1, 2006, County Counsel increased rates to all customers. The RTC currently pays County Counsel \$177/hour for attorney time plus any necessary expenses on receipt of invoice and approval by the Executive Director. As part of the fall budget amendment, staff will recommend the necessary increase to the amount currently budgeted for legal services in order to accommodate the July 1st fee increase.

The Budget and Administration/Personnel Committee and staff recommend that the RTC adopt a resolution (Attachment 1) authorizing the Executive Director to enter into and amend an agreement for legal services between the County of Santa Cruz (County Counsel) and the Santa Cruz County Regional Transportation Commission and authorizing the Executive Director to use outside legal services when specialized legal services are needed or the potential for a conflict of interest between the County and the RTC exists.

County Counsel has prepared a draft agreement for legal services and it is included as Attachment 2 for your review and comment.

SUMMARY

Staff has provided the Committee with a Resolution (Attachment 1) authorizing the Executive Director to contract with the County of Santa Cruz (County Counsel) for legal services or to use outside legal counsel when specialized legal services are needed or when there could be a conflict of interest. This action is consistent with the RTC's FY06-07 Budget.

Attachments:

1. Resolution Authorizing an Agreement with the County of Santa Cruz for Legal Services
2. Draft Agreement with the County of Santa Cruz for Legal Services

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