RECOMMENDED ACTION AND JUSTIFICATION:

It is respectfully recommended that your Board authorize the Department to enter into a Professional Service Agreement with Allen, Proietti and Fagalde, LLP for legal services for Human Services Programs.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

For the past twenty (20) years, the Department has enjoyed legal representation from Allen, Proietti & Fagalde for our Child Welfare/Protection unit. To continue to receive such services, an agreement needs to be authorized by your Board. This agreement and recommendation have been discussed with, and approved by, County Counsel.

It is the goal of Child Welfare to work with families to prevent removal. However, in cases of abandonment, imminent danger and/or sexual moleste, there is a need to remove children from the adults who are abusing them. Such action requires that we bring the matter before the Juvenile Court. Three separate court proceedings (detention, jurisdiction and disposition) are involved. Everyone in Court is represented by counsel, including the child and the parents. The Department must be legally represented to be able to act in the best interest of the child and to do so in a manner that is lawful and prevents civil litigation to the greatest extent possible. The laws surrounding Child Welfare are complex. It is difficult for most counties to find quality legal representation.

The agency is very pleased with the representation of Mike Fagalde. He has handled our cases for over 10 years. When he is on vacation, his partner, Susan Albertoni, has assisted us. They will not substitute attorneys without prior approval of the department.

This law firm has demonstrated that they have the professional expertise to deal with the complex laws surrounding child welfare. Upon appeal of certain contested cases, the law firm has prevailed.

This law firm can also provide paralegal services for the Public Guardian/Conservatorship function currently housed in the Behavioral Health Division of Human Services. They have the expertise to support our staff in accurately preparing documents for court.

Financial

The law firm has agreed to charge $145 per hour for these attorney-level services to Mariposa County. Their normal rate for a family law attorney is $250 per hour. Additionally, should we need to use one of their paralegals, the cost is $90 per hour. The annual cost for FY 06-07 was $38,471. The department has budgeted $40,000 for FY 2008/09. There are no local costs involved for the child welfare services. These costs are paid from federal, state and local realignment dollars. The services to support the Public Guardian/Conservator function are county general fund dollars and are budgeted in 2008/09 in the Behavioral Health Division.
ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Financial Impact? (X) Yes ( ) No  Current FY Cost: $35,000  Annual Recurring Cost:
Budgeted In 2008/09 FY? (X) Yes ( ) No ( ) Partially Funded
Amount in Budget: $40,000
Additional Funding Needed: $
Source:
Internal Transfer
Unanticipated Revenue
Transfer Between Funds
Contingency
( ) General ( ) Other

CLERK’S USE ONLY:
Res. No.: Ord. No. ______
Vote - Ayes: Noes: _____
Absent: _____
Approved
( ) Minute Order Attached ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Date: ____________________

Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California
By: ________________________
Deputy

COUNTY ADMINISTRATIVE OFFICER:
(X) Requested Action Recommended
( ) No Opinion
Comments:

CAO: ______________________

Revised Dec. 2002