



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 10/17/2023

ITEM NO: 6

DATE: October 5, 2023
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Authorize the Town Manager to Execute a Fourth Amendment to a Special Services Agreement with Liebert Cassidy Whitmore (LCW) to Increase Compensation in the Amount of \$150,000 for a Total Contract Amount Not to Exceed \$430,000; and Authorize an Expenditure Budget Adjustment in the Amount of \$117,283 from the Available General Fund Capital/Special Projects Reserve

RECOMMENDATION:

Authorize the Town Manager to execute a fourth amendment (Attachment 1) to a special services agreement with Liebert Cassidy Whitmore (LCW) to increase compensation in the amount of \$150,000 for a total contract amount not to exceed \$430,000; and authorize an expenditure budget adjustment in the amount of \$117,283 from the available General Fund Capital/Special Projects Reserve.

BACKGROUND:

In 2018, Liebert Cassidy Whitmore (LCW) was selected as a sole source provider for labor and employment relations services, and services were continued in 2020 as the result of a competitive interview process. LCW provides valuable negotiations and employee relations legal guidance and has established a good rapport with the Town's bargaining units.

On May 17, 2022, the Town Council authorized the Town Manager to execute a First Amendment (Attachment 2) to the Special Services Agreement with LCW to extend the term through June 30, 2024 and to increase compensation in the amount of \$15,000 for a total contract amount not to exceed \$180,000.

PREPARED BY: Katy Nomura
Assistant Town Manager

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Finance Director

BACKGROUND (continued):

On September 20, 2022, the Town Council authorized the Town Manager to execute a Second Amendment (Attachment 3) to the Special Services Agreement with LCW to increase compensation in the amount of \$50,000 for a total contract amount not to exceed \$230,000.

On September 19, the Town Council authorized the Town Manager to execute a Third Amendment (Attachment 4) to the Special Services Agreement with LCW to increase compensation in the amount of \$50,000 for a total contract amount not to exceed \$280,000.

DISCUSSION:

As mentioned in the staff report for the third amendment, cost estimates for LCW's support for the upcoming labor negotiations were still being developed at that time and a fourth amendment would return to the Town Council for consideration. LCW estimates that \$150,000 will be needed to provide legal services related to labor negotiations and employment relations matters for the remainder of the fiscal year. The Town will be negotiating with each of the three bargaining units: the Town Employees' Association (TEA), the American Federation of State, County and Municipal Employees (AFSCME), and the Police Officers' Association (POA). It is critical to have continuity of labor representation during negotiations.

CONCLUSION:

LCW has been highly effective in assisting the Town with labor negotiations and employment relations support.

Staff recommends that the Town Council authorize the Town Manager to execute a fourth amendment to the special services agreement with LCW to increase compensation in the amount of \$150,000 for a total contract amount not to exceed \$430,000 to continue providing employment relations support through June 30, 2024 (Attachment 1).

FISCAL IMPACT:

The existing agreement is for \$280,000. With this agenda item, there would be a total net increase of \$150,000 for a total contract amount not to exceed \$430,000. While \$32,717 of this increase has already been included in the existing Human Resources Department budget, an expenditure budget adjustment in the amount of \$117,283 from the General Fund Capital/Special Projects Reserve is necessary to cover the remaining amount.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

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SUBJECT: Fourth Amendment to Agreement with Liebert Cassidy Whitmore (LCW)

DATE: October 5, 2023

Attachments:

1. Fourth Amendment
2. First Amendment with Original Agreement
3. Second Amendment
4. Third Amendment