

CLARK COUNTY STAFF REPORT

DEPARTMENT: *Treasurer's Office*

DATE: November 6, 2018

REQUESTED ACTION:

The Clark County Treasurer's Office requests the County Council authorize the County Manager to approve a one-year contract extension with Foster Pepper, the County's current bond counsel.

Consent Hearing County Manager

BACKGROUND

The Treasurer's Office, in coordination with the Clark County's Prosecuting Attorney's Office (PA), manages the bond counsel contract on behalf of the County Council. Bond counsel provides highly specialized legal advice on issues of public finance and debt.

The original contract with Foster Pepper was awarded through a public procurement process, request for proposal (RFP) number 682. The original contract included a term of three years, effective January 1, 2015, with the option of two one-year extensions. This request utilizes the first of the available extensions. This extension has been approved by Foster Pepper, the Prosecuting Attorney's Office, and Presiding Court Judge Scott Collier (as required Section 8 of the original contract).

There are no changes to the hourly rates in this extension.

COUNCIL POLICY IMPLICATIONS

None.

ADMINISTRATIVE POLICY IMPLICATIONS

None.

COMMUNITY OUTREACH

None.

BUDGET IMPLICATIONS

YES	NO	
X		Action falls within existing budget capacity.
		Action falls within existing budget capacity but requires a change of purpose within existing appropriation
		Additional budget capacity is necessary and will be requested at the next supplemental. If YES, please complete the budget impact statement. If YES, this action will be


referred to the county council with a recommendation from the county manager.

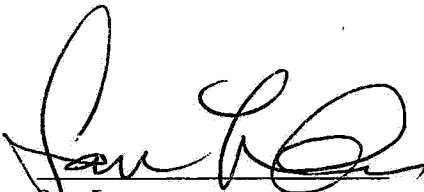
BUDGET DETAILS

Local Fund Dollar Amount	
Grant Fund Dollar Amount	
Account	General fund;
Company Name	

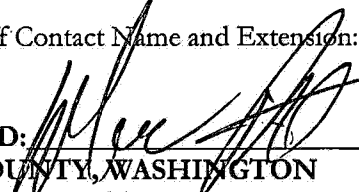
DISTRIBUTION:

Board staff will post all staff reports to The Grid. <http://www.clark.wa.gov/thegrid/>


 Adriana Prata
 Finance Manager


 Sara Lowe
 Deputy Treasurer

Primary Staff Contact Name and Extension: Sara Lowe ext. 4466


 APPROVED:
 CLARK COUNTY, WASHINGTON
 BOARD OF COUNTY COUNCILORS

DATE: NOV. 16, 2018
 SR# 184-18



APPROVED: _____
 Shawn Hennessee, County Manager

DATE: _____

BUDGET IMPACT ATTACHMENT

Part I: Narrative Explanation

I. A – no budget action required. The Treasurer’s Office has sufficient budget capacity to cover costs incurred by this contract.

Part II: Estimated Revenues

Fund #/Title	2017-2018 Biennium		2019 Annual Budget		2020 Annual Budget	
	GF	Total	GF	Total	GF	Total
Total						

II. A – Describe the type of revenue (grant, fees, etc.)

Part III: Estimated Expenditures

III. A – Expenditures summed up

Fund #/Title	FTE's	2017-2018 Biennium		2019 Annual Budget		2020 Annual Budget	
		GF	Total	GF	Total	GF	Total
Total							

III. B – Expenditure by object category

Fund #/Title	2017-2018 Biennium		2019 Annual Budget		2020 Annual Budget	
	GF	Total	GF	Total	GF	Total
Salary/Benefits						
Contractual						
Supplies						
Travel						
Other controllables						
Capital Outlays						
Inter-fund Transfers						
Debt Service						
Total						

AGREEMENT EXTENDING EMPLOYMENT OF
FOSTER PEPPER PLLC AS BOND COUNSEL TO
CLARK COUNTY, WASHINGTON

This Agreement is entered into by and between Clark County, Washington (the "County"), and Foster Pepper PLLC ("Bond Counsel") as of this 6th day of NOV., 2018.

WHEREAS, pursuant to Resolution No. 2014-12-11, adopted December 16, 2014, the County retained the law firm of Foster Pepper PLLC of Seattle, Washington as Bond Counsel to the County for a term ending December 31, 2018; and

WHEREAS, it is deemed in the best interests of the County that, pursuant to Section 8 of Resolution No. 2014-12-11, the contract with Bond Counsel be extended for an additional one-year term through December 31, 2019; and

WHEREAS, Bond Counsel has requested that the individuals designated in Section 4 of Resolution No. 2014-12-11 to perform non-Bond Counsel services be updated to reflect the lawyers and public finance project manager currently employed by Bond Counsel who would be assigned to perform those services, and the County concurs in that request; and

WHEREAS, RCW 36.32.200 authorizes the county legislative authority to employ or contract with any attorney or counsel to perform any duty which any prosecuting attorney is authorized or required by law to perform, provided that the contract of employment of such attorney or counsel has been first reduced to writing and approved by the presiding superior court judge of the county in writing endorsed thereon;

NOW, THEREFORE, IT IS AGREED by and between the County and Bond Counsel as follows:

Section 1. Extension of Engagement of Bond Counsel. The terms of Resolution No. 2014-12-11 providing for the employment of Foster Pepper PLLC and its responsible

attorneys as Bond Counsel to the County are incorporated herein by this reference, and the term of such employment is extended through December 31, 2019.

Section 2. Updating of Bond Counsel Personnel to Perform Non-Bond Counsel Services. The table contained in Section 4 of Resolution No. 2014-12-11 listing Bond Counsel personnel designated to perform non-Bond Counsel services for the County is updated to read as follows:

Individual Attorneys	Adjusted Hourly Rates
William Tonkin	\$455
Marc Greenough	\$405
Lee Marchisio	\$315
Public Finance Project Manager	
Kimberly Hubbard	\$160

Section 3. All Other Terms to Remain in Effect. Except as provided by Section 1 and Section 2 of this Agreement, all other terms of Resolution No. 2014-12-11 providing for the employment of Foster Pepper as Bond Counsel to the County shall remain in full force and effect.

EXECUTED by the County and Bond Counsel as of the date first above written.

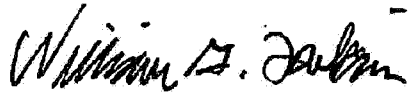
CLARK COUNTY, WASHINGTON

By  _____
County Manager

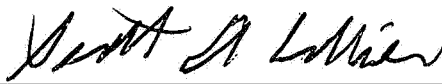
Approved As To Form Only:
ANTHONY F. GOLIK
Prosecuting Attorney

By  _____
Deputy Civil Prosecutor

FOSTER PEPPER PLLC

By  _____
William G. Tonkin, Member

The foregoing contract is approved this 17 day of Oct, 2018.

 _____
Presiding Judge of the Superior Court of the State
of Washington in and for Clark County