



County of Monterey

Item No.

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: A 24-375

August 13, 2024

Introduced: 7/24/2024

Current Status: Agenda Ready

Version: 1

Matter Type: BoS Agreement

- a. Authorize the County Counsel to execute a non-standard Agreement with Best Best & Krieger, LLP for specialized attorney services for the Information Technology Department, in an amount not to exceed \$150,000 effective September 1, 2024; and
- b. Authorize the Chief Information Officer to sign up to two (2) future amendments, provided additional costs do not increase by more than ten percent (10%) of the cost of this Agreement, with an aggregate Not to Exceed amount of \$496,500 subject to County Counsel review and provided the terms of the agreement remain substantially the same.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Authorize the County Counsel to execute a non-standard Agreement with Best Best & Krieger, LLP for specialized attorney services for the Information Technology Department, in an amount not to exceed \$150,000 effective September 1, 2024; and
- b. Authorize the Chief Information Officer to sign up to two (2) future amendments, provided additional costs do not increase by more than ten percent (10%) of the cost of this Agreement, with an aggregate Not to Exceed amount of \$496,500 subject to County Counsel review and provided the terms of the agreement remain substantially the same.

SUMMARY:

Best Best & Krieger, LLP (BBK) provides advice and consultation with the Information Technology Department (ITD) regarding telecommunications law. The firm performs specialized legal attorney services. This Agreement would allow ITD to utilize BBK's services on an as-needed basis up to the total amount of \$150,000.

DISCUSSION:

Since 2012, BBK has provided specialized legal services to the County of Monterey on an as-needed basis. Services included agreement negotiations with cable internet providers, franchise audits, and legal services related to Public Educational and Government (PEG) fees paid by various providers, including AT&T, Charter, and Comcast telecommunication companies.

The updated agreement extends the scope of services to include all telecommunications law, which may include:

- Federal policy advocacy and litigation
- Protect local authority and consumer rights
- Advice on implementing local rules
- Compliance with new federal and state regulations

Legistar File Number: A 24-375

- Defense of local decisions in court

In addition, BBK may provide insights and guidance to include:

- Broadband grants and projects, and negotiation of strong agreements that control industry use of public rights-of-way and public property and structures for their networks, including:
 - Cable franchises
 - Cell site leases/licenses
 - Street light license agreements
 - Fiber and conduit leases

The County would benefit by continued access to BBK's telecommunications industry expertise on an as-needed basis.

The Chief Information Officer recommends that the Board of Supervisors approve this agreement.

OTHER AGENCY INVOLVEMENT:

County Counsel reviewed and approved this agreement as to legal form, and the Auditor-Controller reviewed and approved as to payment provisions. The agreement was reviewed and approved by the Chief Information Officer.

FINANCING:

ITD has sufficient appropriations to support the cost of this Agreement within the FY 2024-25 Adopted Budget, ITD 1930, Appropriations Unit INF002. Any future year budget requirements will be included with each respective fiscal year budget submission.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This agreement is for legal consulting services regarding telecommunication law-related matters on an as-needed basis.

☐ Economic Development
☒ Administration
☐ Health & Human Services
☐ Infrastructure
☐ Public Safety

Prepared by: Sandra Shaffer, Management Analyst III, 759-6957

Approved by:

DocuSigned by:

Eric Chatham

Date: 7/31/2024 | 8:58 AM PDT

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Eric A. Chatham, Chief Information Officer, 759-6920

Attachments:
 Agreement

Legistar File Number: A 24-375
