

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



958

FROM: Transportation and Land
Management Agency

SUBMITTAL DATE: May 12, 2003

SUBJECT: Extension of the Agreement with Best, Best, and Krieger LLP
for Professional Services in Connection with the Riverside County
Integrated Project

RECOMMENDED MOTION: That the Board of Supervisors: 1) approve and authorize County
Counsel to extend the attached agreement with Best, Best, and Krieger LLP and, 2) authorize
the County Auditor Controller to make the budget adjustments shown in Attachment 1.

BACKGROUND: In March 2001, the Board approved an agreement with Best, Best, and Krieger
LLP (BBK) to provide legal services to the County in connection with the Western Riverside
County Multiple Species Habitat Conservation Plan (MSHCP). This agreement is attached
as Attachment 2. Michelle Ouellette has served as lead counsel under this agreement. On
November 5, 2003, your Board approved an amendment to the agreement to increase the cap
in expenditures from \$170,000 to \$305,000 without further authorization from the Board.
Billings as of May 2003 will likely exceed the \$305,000 cap.

FISCAL PROCEDURES APPROVED
ROBERT E. BYRD, Auditor-Controller

BY Dee Ward
5/13/03 Deputy

FORM APPROVED
COUNTY COUNSEL

MAY 13 2003

BY K. Watts Bay

Attachments

Richard Lashbrook

Richard Lashbrook
TLMA Director

FINANCIAL DATA:

CURRENT YEAR COST \$ 250,000
NET COUNTY COST \$0

ANNUAL COST \$0

IN CURRENT YEAR BUDGET: YES/ NO/X

BUDGET ADJUSTMENT: YES/X NO/ FOR FY: 2001-2002

SOURCE OF FUNDS: 50% Federal NCCP grant and 50% County Match (Habitat Fund)

REQUIRES
4/5 VOTE

C.E.O. RECOMMENDATION:

APPROVE

County Executive Officer Signature

Jennifer L. Buehler

Department Recommendation: Consent Consent
Per Executive Office: Policy Policy

Form 11 - BB&K MSHCP Contract
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BBK has provided valuable legal support. They continue to assist with the finalization of the Implementing Agreement; preparation of the public record; negotiations with the Wildlife Agencies and the local stakeholder groups; development of and refinements to implementing ordinances/resolutions; providing legal counsel concerning the Nexus Report; developing CEQA findings for inclusion in Board and city resolutions; attend additional meetings with staff, cities, and others as needed; and responding to other CEQA and MSHCP legal issues. It is recommended that the Board approve an extension of the agreement with BBK and increase the budget by an additional \$250,000 (Attachment A). This estimate is based on a permit issuance date of September 2003. Should issuance of MSHCP permits be delayed beyond that date, it is likely that legal cost will incur and an additional amendment to the BBK contract will be necessary.

Staff anticipates a budget adjustment for the RCIP project will be required to cover this recommended increase and other ongoing project costs.

Attachment 1

Request for Budget Adjustment:

Increase Estimated Revenue:

20200-3100400000-781540	Contribution from Other Funds	\$250,000
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Increase Appropriation:

20200-3100400000-527980	Contracts	\$250,000
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Increase Appropriation:

22450-1103600000-525440	Professional Services	\$125,000
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(Fund balance from subfund 22451 will off-set the appropriation increase)

Natural Communities Conservation Planning (NCCP) funds, in the amount of \$125,000, will fund 50% of the increased commitment to Best, Best, & Krieger, L.L.P. The NCCP funds are deposited directly into revenue account #781540; there is no longer a Trust or holding account which can be designated as the funding source for this increase to revenue.