

224

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



FROM: Transportation Land Management Agency

SUBMITTAL DATE:
November 18, 2003

SUBJECT: Increase Expenditure Cap on the Agreement with Best, Best, and Krieger, L.L.P., for Professional Services in Connection with the Riverside County Integrated Project

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve an increase to the expenditure cap with Best, Best, and Krieger, L.L.P., and authorize County Counsel to consent to additional work;
- 2) Direct the Auditor-Controller to complete the budget adjustment outlined in Attachment A.

BACKGROUND: On March 20, 2001, Agenda Item 12.1, the Board approved an agreement with Best, Best, and Krieger, L.L.P. (BBK), to provide legal services to the County in connection with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). On May 14, 2001, your Board approved a request to increase the cap in expenditures to \$305,000. As of October 2003, billings will likely exceed the \$305,000 cap, due to the following factors:

1. Delay in obtaining the MSHCP permits beyond the previously estimated project completion date of April 2003;
2. Defense of three CEQA lawsuits filed in July of 2003;

Richard Lashbrook
Agency Director

FISCAL PROCEDURES APPROVED
ROBERT E. BYRD, Auditor-Controller
BY *Robert E. Byrd* 11/24/03
Deputy

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 500,000	In Current Year Budget:	No
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	Yes
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2003-2004

SOURCE OF FUNDS: Ordinance 810.2 (Fund 30547)	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input checked="" type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

County Executive Office Signature

Policy
 Policy
 Consent
 Consent
 Dep't Recomm.:
 Per Exec. Ofc.:

Prev. Agn. Ref.: 12.1 of 3/20/01 | **District:** 1-5 | **Agenda Number:**

3. Investigation of and response to recent Court actions that pertain to permit issuance;
4. Ongoing discussions with Cities and others concerning legal issues pertaining to the adoption of the MSHCP.

Staff recommends that the expenditure cap be increased by an additional \$500,000, funded through Ordinance 810 funds. This figure is based on the majority of MSHCP related issues being resolved by December 2003, with the exception of the defense of the three lawsuits. Defense of the three aforementioned lawsuits and coordination of MSHCP related legal matters with cities are ongoing. Should the MSHCP be delayed beyond that date, it is possible that additional legal cost could be incurred by the County. It should be noted that, despite the timing of permit issuance on the MSHCP, the annual costs of defending the lawsuits will likely meet or exceed the \$500,000 budget adjustment recommended by staff at this time. Staff will return to the Board to request a subsequent increase should it become necessary.

Attachment A

Budget Adjustments:

Increase Estimated Revenue:

20200-3100400000-781540	Contribution from Other Funds	\$500,000
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Increase Appropriation:

20200-3100400000-527980	Contracts	\$500,000
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Source of funds: 30547, Ordinance 810.2 Fund

TLMA will make the actual fund transfer

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11:31 AM
COUNTY CLERK
COUNTY OF LOS ANGELES