

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

914



FROM: Transportation Land Management Agency

SUBMITTAL DATE:

January 23, 2004

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 Executive Office to transfer an additional \$1,000,000 from Ordinance 810, Fund 30547, as needed, pursuant to billings received from the Transportation and Land Management Agency; and,
- 3) 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 December 2, 2003, your Board approved a request to increase the cap in expenditures to \$805,000. As of December 29, 2003, billings will likely exceed the \$805,000 cap, due to the following factors:

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

Richard Lashbrook
Agency Director

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 1,000,000	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

COUNTY OF RIVERSIDE
OFFICE OF THE AUDITOR-CONTROLLER
EXECUTIVE OFFICE

Prev. Agn. Ref.: 12.1 of 3/20/01
15.1 of 12/2/03 | **District:** 1-5 | **Agenda Number:**

15.1

FISCAL PROCEDURES APPROVED
 ROBERT E. BYRD, Auditor-Controller
 BY 1/28/04
 Deputy
 Departmental Concurrence
 Dept's Recomm.: Policy Policy
 Per Exec. Ofc.: Consent Consent

3. Investigation of and response to recent Court actions that pertain to permit issuance;
4. Ongoing discussions and meetings 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 \$1,000,000, funded through Ordinance 810 funds. This figure is based on the majority of MSHCP related issues being resolved by March 2004, with the exception of the defense of the three lawsuits. MSHCP coordination with cities is expected to abate now that most of the cities have adopted the MSHCP. However, defense of the three aforementioned lawsuits and negotiations with the Wildlife Agencies concerning permit issuance is ongoing. Should the MSHCP permits be delayed beyond the anticipated March 2004 issuance deadline, it is possible that additional legal cost could be incurred by the County.

Attachment A

Budget Adjustments:

Increase Estimated Revenue:

20200-3100400000-777180	Development Fees	\$1,000,000
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Increase Appropriation:

20200-3100400000-527980	Contracts	\$1,000,000
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Source of funds: 30547, Ordinance 810.2 Fund