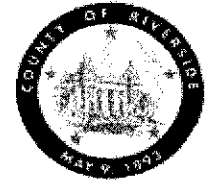


FORM APPROVED COUNTY COUNSEL
 BY: Y. L. Victor 1/7/09
 DATE
 MARSHA L. VICTOR

FISCAL PROCEDURES APPROVED
 ROBERT E. BYRD, AUDITOR-CONTROLLER
 BY: S. Garcia 1/14/09
 SUSANA GARCIA-BOCANEGRA
 Departmental Concurrence

944



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

SUBMITTAL DATE:
 December 17, 2008

FROM: Department of Facilities Management

SUBJECT: Personal Service Agreement for Legal Services

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve and execute a Three Year Personal Service Agreement with Luce Forward LLC, Inc., not-to-exceed \$400,000 commencing October 1, 2008, and ending September 30, 2011;
2. Authorize the Director of the Department of Facilities Management or his designee to sign tasking letters; and
3. Authorize the Auditor-Controller to amend Facilities Management's FY 2008/2009 Real Property budget as specified on Schedule "A."

BACKGROUND: (Commences on Page 2)

Robert Field

Robert Field, Director
 Department of Facilities Management

FINANCIAL DATA	Current F.Y. Total Cost:	\$300,000	In Current Year Budget:	Partially
	Current F.Y. Net County Cost:	\$ -0-	Budget Adjustment:	Yes
	Annual Net County Cost:	\$ -0-	For Fiscal Year:	08/09

SOURCE OF FUNDS: PSEC, Fire DIF funds, Capital Improvement Program Fund	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input checked="" type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

BY: *Jennifer L. Sargent*
 Jennifer L. Sargent

County Executive Office Signature

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

Prev. Agn. Ref.: **District:** All **Agenda Number:**

ATTACHMENTS FILED WITH
 THE CLERK OF THE BOARD

3.27

BACKGROUND:

The Department of Facilities Management (DOFM) had previously contracted with attorneys at Luce Forward for legal services on a project-by-project basis. Costs for these services are recovered from specific project budgets. The focus of this legal work has centered on property acquisition matters, such as recent changes in condemnation law, projects with California Environmental Quality Act issues, and government code interpretations tied to leases and purchases. Luce Forward's broad public sector practice within and outside of Riverside County means that they often have past experiences to draw upon. The partners have performed well on these matters as they have augmented the services provided by County Counsel in the county's effort to control sites, including several condemnation actions, road projects, PSEC and the Smith Correctional Facility expansion. Luce Forward currently supports County Flood Control and is familiar with county issues and needs. If approved by the Board, DOFM will have the ability and right, but no obligation, to contract for Luce Forward's services as needed over the next three years.

Under the proposed contract, the consultant shall continue to advise and assist the county on leases, purchases, and site development with special emphasis on real estate law, CEQA and condemnation matters. Consultant shall advise the county on required processes suggesting technical and strategic solutions and may recommend approaches to address county needs on property matters.

The proposed contract runs from October 1, 2008, to September 30, 2011. The demand and therefore spending for outside legal service is project driven and is somewhat uncertain. The project sets "not to exceed" limits and provides the county with the right without an obligation to buy services. To allow the contract to function on demand, \$300,000 of the permitted services may be used in FY 2008/2009. Any unused funding authority may be carried into the coming fiscal year. Use of a master professional service contract avoids the delay and work effort to seek Board authorization for each legal task over \$25,000. Most requests for legal services are small clarifications, but sometimes the commitment goes past the \$25,000 limit creating issues with continued service. Major single project work efforts will be brought to County Counsel and the Board for consideration as needed.

DOFM is anticipating expenditures in the amount of \$300,000 for legal services associated with capital and non-capital projects during FY 2008/2009. DOFM is requesting a budget adjustment in the amount of \$120,000 to cover costs of anticipated legal services for non-capital projects during FY 2008/2009. DOFM does not require a budget adjustment for the remaining \$180,000 associated with capital projects. The remainder of the contract amount of \$100,000 may occur during Fiscal Years 2009/2010 and 2010/2011.

This form 11 has been reviewed and approved by County Counsel as to legal form.

Department of Facilities Management
Personal Service Agreement for Legal Services
December 17, 2008
Page 3

REIMBURSEMENT:

As with other DOFM services, costs will be recovered from project budgets. A departmental budget adjustment is needed for Facilities Management's FY 2008/2009 budget to cover the costs of anticipated legal services associated with non-capital projects.

Schedule "A"

Increase Estimated Revenues:

10000-7200400000-778280	Interfund Reimbursement for Service	\$ 120,000
-------------------------	-------------------------------------	------------

Increase Appropriations:

10000-7200400000-525020	Legal Services	\$ 120,000
-------------------------	----------------	------------