

FORM APPROVED COUNTY COUNSEL  
 BY: MSK/2002 8/19/09  
 MARSHAL VICTOR DATE

FISCAL PROCEDURES APPROVED  
 ROBERT E. BYRD, AUDITOR-CONTROLLER  
 BY: [Signature] 8/20/09  
 SUSANA GARCIA-BOCAKEGRA

Departmental Concurrence

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

375



**SUBMITTAL DATE:**  
 July 31, 2009

**FROM:** Economic Development Agency

**SUBJECT:** First Amendment - Legal Services Agreement

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Ratify the attached First Amendment to the legal services agreement between the County of Riverside and Heyman Densmore of Woodland Hills, California, in the amount of \$100,000 and authorize the Chairman to execute the agreement on behalf of the County;
2. Authorize the Assistant County Executive Officer EDA to administer the First Amendment in accordance with applicable Board policies.
3. Direct the Auditor-Controller to adjust the Economic Development Agency FY 2009/10 Design and Construction budget as set out on Attachment A; and

(Continued)

[Signature]

Robert Field  
 Assistant County Executive Officer EDA

<b>FINANCIAL DATA</b>	<b>Current F.Y. Total Cost:</b>	\$ 100,000	<b>In Current Year Budget:</b>	No
	<b>Current F.Y. Net County Cost:</b>	\$ 100,000	<b>Budget Adjustment:</b>	Yes
	<b>Annual Net County Cost:</b>	\$ 0	<b>For Fiscal Year:</b>	FY 09/10

<b>SOURCE OF FUNDS:</b> General Fund – Litigation and Administrative Support Budget	<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
	<b>Requires 4/5 Vote</b>	<input checked="" type="checkbox"/>

**C.E.O. RECOMMENDATION:** APPROVE

BY: [Signature]  
 County Executive Office Signature Christopher M. Hans

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

**Prev. Agn. Ref.:** 3.23, 02/05/08, B.1.b, 12/11/07;

**District:** 2

**Agenda Number:**

3.48

**RECOMMENDED MOTION:** (Continued)

4. Authorize the Executive Office to reimburse the Economic Development Agency Design and Construction Division through the "General Fund – Litigation and Administrative Support Budget" fund as costs are incurred.

**BACKGROUND:**

On December 11, 2007, per agenda item number B.1.b., the Board of Supervisors approved and authorized the filing of an action against the architects and engineers responsible for the reconstruction of the 1933 Historic Courthouse and the retention of outside counsel not to exceed \$300,000. The legal services agreement between the County of Riverside and Heyman Densmore was executed by the Chairman on January 10, 2008.

The County is still in the process of litigating the matter so an amendment to the agreement is necessary. The First Amendment will increase Heyman Densmore's compensation by \$100,000 for a new not-to-exceed contract amount of \$400,000. County Counsel has approved Amendment No. 1 as to legal form.

**FINANCIAL DATA:**

EDA requires a budget adjustment to its FY 2009/10 budget to cover the legal services associated with this amendment. While EDA will front the costs for this amendment with Heyman Densmore, the Executive Office will reimburse EDA for all associated legal costs.

**Attachment A**

**Increase Estimated Revenue:**

10000-7200500000-790600 – Contribution From Other County Funds \$100,000

**Increase Appropriations:**

10000-7200500000-525020 – Legal Services \$100,000



1 The total amount of compensation paid to ATTORNEY under the terms of this Agreement shall not  
2 exceed the sum of Four Hundred Thousand dollars (\$400,000) unless a written modification to this  
3 Agreement is executed by both parties prior to performance of any additional services. Since these  
4 services are generally required throughout the term of the contract, COUNTY and ATTORNEY will  
5 monitor work requirements and effort such that the limits of compensation are not reached before the  
6 last month of the term of the Agreement.

7  
8 Except to the extent modified herein, all other terms and conditions of the Agreement remain in  
9 full force and effect.

10 IN WITNESS WHEREOF, the Parties hereto have caused their duly authorized representatives  
11 to execute this Amendment.

12  
13 COUNTY OF RIVERSIDE

14 Dated: \_\_\_\_\_


15 By: \_\_\_\_\_  
Chairman, Board of Supervisors

16  
17 ATTEST:  
Kecia Harper-Ihem, Clerk

18 By: \_\_\_\_\_  
Deputy

19  
20 HEYMAN • DENSMORE LLP

21 Dated: August 6, 2009

22 By:   
Roger Heyman, Partner

23  
24  
25  
26  
27  
28 FORM APPROVED COUNTY COUNSEL  
BY: Marshall Victor 8/19/09  
MARSHAL VICTOR DATE