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

FROM: Economic Development Agency / Facilities Management


SUBMITTAL DATE:
April 26, 2012


SUBJECT: First Amendment to Professional Services Agreement for Legal Services

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve and execute the First Amendment to the Professional Services Agreement with Murphy & Evertz, LLP, for an increased contract amount of \$100,000 commencing upon Board of Supervisors (Board) approval and ending June 30, 2013 and;
2. Authorize the Assistant County Executive Officer/EDA, or his designee, to administer this agreement.

BACKGROUND: (Commences on Page 2)

REVIEWED BY CIP

 Christopher Hans


 Robert Field
 Assistant County Executive Officer/EDA

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 100,000	In Current Year Budget:	No
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2011/12

COMPANION ITEM ON BOARD OF DIRECTORS AGENDA: No

SOURCE OF FUNDS: Real Estate Division Budget	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

BY: 
 Jennifer L. Sargent
County Executive Office Signature

FISCAL PROCEDURES APPROVED
 PAUL ANGULO, CPA, AUDITOR-CONTROLLER
 BY:  4/25/12
 SAMUEL WONG
 Department: _____
 DATE: 4/5/12
 FORM APPROVED COUNTY COUNSEL
 BY:  MARSHA L. VICTOR
 DATE: _____
 Dept't Recomm.: Consent Policy
 Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.: 3.34 of 6/29/10 | District: All | Agenda Number: **3.11**

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

BACKGROUND:

Under the proposed amended contract, Murphy & Evertz, LLP will continue providing legal services through an increased contract amount of \$100,000 pertaining to the ongoing litigation efforts of the Eastvale Community Center. If approved by the Board of Supervisors, the Economic Development Agency (EDA) will have the ability and right, but not the obligation, to contract for Murphy & Evertz, LLP services as needed for the remainder of this Fiscal Year (FY) 11/12, FY 2012/13 and through the remainder of this litigation.

The use of a master professional services contract avoids the delay and work effort to seek Board authorization for each and every legal task over \$25,000. EDA will return to the Board as needed to approve a Professional Services Agreement for ongoing legal services as it pertains to this necessary and important litigation.

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

FINANCIAL DATA:

While the EDA does not have this budgeted, the EDA is monitoring its budget closely and not requesting any budget adjustment at this time. Any necessary budget adjustments associated with this agreement will be brought to the Board during the quarterly process. Any unused funding authority may be carried into FY 2012/13.

Attachment:
First Amendment-Professional Services Agreement

1 For Fiscal Year 2010-2011 - not to exceed \$350,000

2 For Fiscal Year 2011-2012 and Fiscal Year 2012-2013 - \$100,000 and any
3 unused funding from prior fiscal years.

4 These amounts may be amended by the parties to this Agreement, provided a written
5 amendment is executed by both parties prior to performance of any additional services. The
6 fees incurred under this Agreement in any fiscal year may be less than the "not to exceed"
7 amounts listed above. In that case, the "not to exceed" amounts for the subsequent year shall
8 be increased by the unused amount. ATTORNEYS shall notify the COUNTY immediately in
9 writing when ATTORNEYS have expended seventy-five percent (75%) of the total payment by
10 COUNTY beyond the approved compensation.

11 3. AGREEMENT IN FULL FORCE AND EFFECT. Except as provided above, the
12 Agreement is unmodified hereby and remains in full force and effect.

13 COUNTY OF RIVERSIDE

MURPHY & EVERTZ, LLP

14
15 _____
16 John Tavaglione, Chairman
Board of Supervisors

17 _____
18 John Murphy
Partner

19 APPROVED AS TO FORM
PAMELA J. WALLS, County Counsel

20 Marsha L. Victor 4/5/12
21 Marsha L. Victor, Deputy

22 ATTEST:
23 Kecia Harper-Ihem
Clerk of the Board

24
25 _____
26 Deputy

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