

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

814



FROM: Assessor/Clerk/Recorder

SUBMITTAL DATE:
May 3, 2012

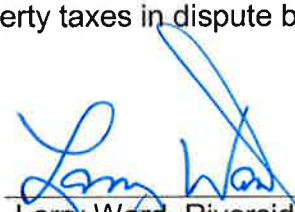
SUBJECT: Legal Services Agreement with outside counsel Barth, Tozer & Daly, LLP.

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the attached Legal Services Agreement with outside counsel Barth, Tozer & Daly, LLP in an amount not to exceed \$160,000 in accordance with the provisions of Board Policy A-18 permitting waiver of a request for proposals; and
2. Authorize the Chairman to execute the agreement.

BACKGROUND: Riverside County Superior Court Case No. RIC 1103506, *Tenet Healthsystem Desert, Inc. et al. vs. County of Riverside, et al.* (the "Lawsuit") is for the refund of Ad Valorem Real Property Taxes. The real property that is the subject of the suite is the Desert Regional Medical Center in Palm Springs, California, with the principal amount of property taxes in dispute being approximately 1.1 million dollars.

(cont'd on second page)



Larry Ward, Riverside County
Assessor/Clerk/Recorder

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 160,000	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 160,000	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	FY 11/12

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

C.E.O. RECOMMENDATION:

APPROVE

BY: 
Karen L. Johnson

County Executive Office Signature

FORM APPROVED COUNTY COUNSEL
BY: Glenn R. Beloit 5/8/2012
DATE

Policy Policy
Consent Consent
Department Recommendation.:
Per Executive Office:

Prev. Agn. Ref.:

District: ALL

Agenda Number:

3.6

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Legal Services Agreement with outside counsel Barth, Tozer & Daly, LLP.

DATE: May 3, 2012

PAGE 2

BACKGROUND continued: The Lawsuit is one to recover taxes that were assessed and paid over seven tax years. The Lawsuit concerns complex issues of fact and law dealing with property valuation, including 91 valuation opinions concerning the Desert Regional Medical Center. The plaintiffs are represented in the Lawsuit by three attorneys from a Los Angeles law firm (Cahill, Davis & O'Neill) that is well-known for representing taxpayers in high profile tax refund lawsuits. This agenda item is to approve a Legal Services Agreement with Thomas W. Barth of Barth Tozer & Daly LLP to provide litigation services to the County in the Lawsuit.

Thomas W. Barth is a well-respected real property and business attorney who has represented private and public sector clients in a wide range of legal matters. A few years ago, Mr. Barth skillfully defended the Riverside County Auditor-Controller in a property tax allocation lawsuit brought by the City of Moreno Valley. The sum total budget for the outside counsel defense of the Lawsuit is estimated to be \$160,000. It is further estimated that the budget amount will be expended during the remainder of this current (2011-2012) fiscal year and during the following (2012-2013) fiscal year. It is estimated that a substantial portion of the budget amount may be expended during this current (2011-2012) fiscal year.