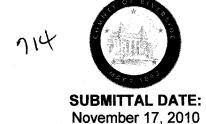
SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



FROM: Economic Development Agency

SUBJECT: Legal Services Agreement - Second Amendment

RECOMMENDED MOTION: That the Board of Supervisors:

- 1. Ratify the attached Second Amendment to the Legal Services Agreement between the County of Riverside and Heyman Densmore of Woodland Hills, California and authorize the Chairman to execute the agreement on behalf of the County;
- 2. Authorize the Assistant County Executive Officer/EDA to administer the second amendment in accordance with applicable Board policies; and
- 3. Authorize the Executive Office to reimburse the Economic Development Agency (EDA), Project Management Office, through the "General Fund Litigation and Administrative Support Budget" fund as costs are incurred.

BACKGROUND: (Commences on Page 2)

Robert Field
Assistant County Executive Officer/EDA

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ O	For Fiscal Year:	2010/11

COMPANION ITEM ON BOARD OF DIRECTORS AGENDA: No.

SOURCE OF FUNDS: General Fund – Litigation and Administrative Support

Budget

Positions To Be
Deleted Per A-30

Requires 4/5 Vote

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Buster and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes:

Buster, Tavaglione, Stone, Benoit and Ashley

Nays:

None

Absent:

None

Date:

November 30, 2010

XC:

EDA, CIP, EO

Kecia Harper-Ihem

Clerk of the Board

Deputy

Prev. Agn. Ref.: 3.48, 9/29/09; 3.23, 2/05/08, B.1.b. 12/11/07 | District: 2

Agenda Mymber

EDA-001a-F11 Form 11 (Rev 06/2003)

(Rev 08/2010)

ED COUNTY COUNSE

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Dep't Recomm.:

 \boxtimes

Consent

Per Exec. Ofc.:

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD Economic Development Agency Legal Services Agreement – Second Amendment November 17, 2010 Page 2

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. On September 29, 2009, the Board of Supervisors approved Amendment No. 1 in the amount of \$100,000.

The case was submitted to mediation and a settlement was reached. The second amendment will extend the period of the agreement from June 30, 2010 to November 30, 2010, in order to process the final invoices related to the case.

FINANCIAL DATA:

There are no additional costs associated with this amendment. As final costs are incurred, EDA will front the costs for this amendment with Heyman Densmore. The Executive Office will reimburse EDA for all associated legal costs.

SECOND AMENDMENT TO LEGAL SERVICES AGREEMENT

WITH HEYMAN • DENSMORE, LLP

THIS SECOND AMENDMENT TO AGREEMENT is made by and between THE COUNTY OF RIVERSIDE, on behalf of the Economic Development Agency, formerly knows as the Department of Facilities Management (hereinafter referred to as "COUNTY") and HEYMAN • DENSMORE, LLP (hereinafter referred to as "ATTORNEY").

RECITALS

- A. COUNTY and ATTORNEY are parties to that certain Agreement approved by the Board of Supervisors, and executed on January 10, 2008, for Legal Services ("Agreement"). The Agreement was First Amended on September 29, 2009.
- B. The Agreement provided for services to be performed until June 30, 2010, or until the legal proceedings or negotiations in the above referenced matter had been concluded, whichever occurred first. COUNTY and ATTORNEY now desire to amend the Agreement to extend the period of performance.

NOW, THEREFORE, the parties do hereby agree to amend that certain Legal Services Agreement as follows, effective June 30, 2010:

- 1. Section 2. TERM OF AGREEMENT shall be amended in its entirety to read as follows:
- "2. <u>TERM OF AGREEMENT</u> This Agreement shall cover services from October 1, 2007 and continue until November 30, 2010."

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

1 Second Amendment to Legal Services Agreement Heyman•Densmore LLP

- 1	.	
1	IN WITNESS WHEREOF, the Part	ies hereto have caused their duly authorized representatives
2	to execute this Amendment.	
3		
4	COUNTY OF RIVERSIDE	
5	Dated: NOV 3 0 2010	By: Mann Asleley
6	Dated:	Chairman, Board of Supervisors
7	ATTEST:	
8	Kecia Harper-Ihem, Clerk	
9	By: Deputy	
10	Deputy	HEYMAN ● DENSMORE LLP
11		THE TWINT & DENOMBLE ED.
12	Dated: 10/27/10	By: Roger Heyman, Partner
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FORM APPROVED COUNTY COUNSEL

BY: MARSHAL VICTOR DATE

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2 Second Amendment to Legal Services Agreement Heyman•Densmore LLP