

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

433



FROM: Economic Development Agency / Facilities Management

SUBMITTAL DATE:

October 25, 2012

SUBJECT: Second Amendment to Professional Services Agreement for Legal Services

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve and execute the Second Amendment to the Professional Services Agreement with Murphy & Evertz, LLP, for an increased contract amount of \$300,000 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 and;
3. Approve and direct the Auditor-Controller to adjust the Economic Development Agency's FY2012/13 budget as outlined in Schedule A.

BACKGROUND: (Commences on Page 2)

REVIEWED BY CIP
Christopher Hans
Christopher Hans

Robert Field
Robert Field
Assistant County Executive Officer/EDA

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 300,000	In Current Year Budget:	No
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	Yes
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2012/13

COMPANION ITEM ON BOARD AGENDA: No

SOURCE OF FUNDS: Developer Impact Fees (previously approved budget)	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input checked="" type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE
Jennifer L. Sargent
BY: Jennifer L. Sargent

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Benoit 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 6, 2012
xc: EDA, Auditor, E.O., CIP

Kecia Harper-Ihem
Clerk of the Board
By: *Kecia Harper-Ihem*
Deputy

Prev. Agn. Ref.: 3.11 of 5/8/12

District: All

Agenda Number:

3.35

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

FISCAL PROCEDURES APPROVED
 PAUL ANGULO, CPA, AUDITOR-CONTROLLER
 BY: *Samuel Wong* 10/25/12
 DATE: 10/25/12
 SAMUEL WONG
 MARSHAL VICTOR

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

BACKGROUND:

Under the proposed amended contract, Murphy & Evertz, LLP will continue providing legal services through an increased contract amount of \$300,000 pertaining to finalizing the litigation efforts regarding the Eastvale Community Center and the Alvin Assink Litigation. 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 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.

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

FINANCIAL DATA:

All associated costs for this agreement will be fully funded through the . While EDA will front the cost for the legal services, the Executive Office will reimburse EDA for all associated costs. The EDA does not have this budgeted; therefore, a budget adjustment is requested at this time. Any unused funding authority may be carried into FY 2013/14.

Attachment:
Schedule A
Second Amendment-Professional Services Agreement

Schedule A

Increase Appropriations:

47220-7200400000-525020

Legal Services

\$300,000

Increase Estimated Revenues:

47220-7200400000-777550

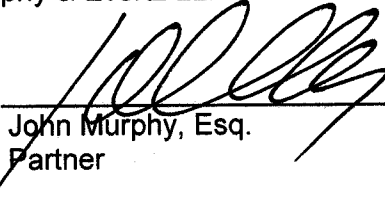
Right of Way Services

\$300,000

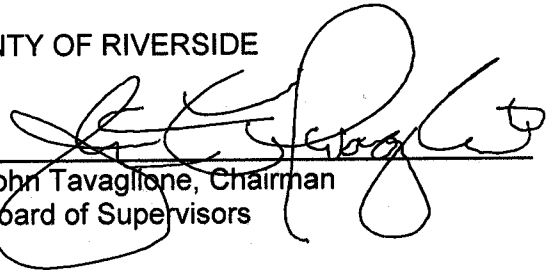
1 These amounts may be amended by the parties to this Agreement, provided a written
2 amendment is executed by both parties prior to performance of any additional services. The
3 fees incurred under this Agreement in any fiscal year may be less than the "not to exceed"
4 amount listed above. In that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

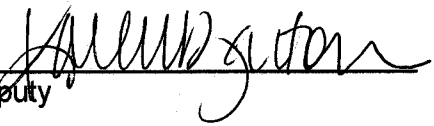
7 2. AGREEMENT IN FULL FORCE AND EFFECT. Except as provided above, the
8 Agreement is unmodified hereby and remains in full force and effect.

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12 Dated: 10-5-12

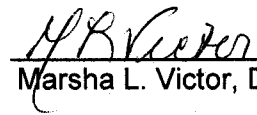
Murphy & Evertz LLP
By: 
John Murphy, Esq.
Partner

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16 Dated: NOV 06 2012

COUNTY OF RIVERSIDE
By: 
John Tavaglione, Chairman
Board of Supervisors

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18
19 ATTEST:
20 Kecia Harper-Ihem
21 Clerk of the Board
22 By: 
Deputy

23
24 APPROVED AS TO FORM
25 Pamela Walls, County Counsel

26
27 By:  10/2/12
28 Marsha L. Victor, Deputy