

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

639



FROM: County Counsel

SUBMITTAL DATE:
November 15, 2012

SUBJECT: First Amendment to the Amended and Restated Legal Services Agreement with Robert L. Klotz, Esq., effective May 15, 2012.

RECOMMENDED MOTION: That the Board of Supervisors approve and authorize the Chairman to sign the attached first amendment to the Legal Services Agreement with Robert L. Klotz, Esq. increasing the total agreement amount from \$200,000 to \$240,000.

BACKGROUND: On March 20, 2012, the Board approved a legal services agreement with Robert L. Klotz, Esq., to provide representation in connection with the implementation of the County's Solar Power Plant Program. On May 15, 2012, the Board approved amending and restating the legal services agreement with Mr. Klotz to include providing implementation and litigation support services in connection with the litigation against the County concerning adoption of the Solar Power Plant Program (Riverside County Superior Court Case No. 1200838). The amended and restated agreement increased the compensation amount for Mr. Klotz to \$200,000.

[Signature]

(continued on page 2)

Tiffany N. North, Deputy County Counsel for
Pamela J. Walls, County Counsel

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 100,000	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2012-2013

SOURCE OF FUNDS: Solar Franchise Payments

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

C.E.O. RECOMMENDATION:

APPROVE

BY:

[Signature]
Denise C. Harden

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, 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 27, 2012
xc: Co.Co.

Kecia Harper-Ihem
Clerk of the Board

By: *[Signature]*
Deputy

Prev. Agn. Ref.: 3.30 of 3/20/12, 3.37 of 5/1/12, 3.26 of 5/15/12

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

3.3

Dep't Recomm.: ☐ Policy ☒ Consent
Per Exec. Ofc.: ☐ Policy ☒ Consent

The Honorable Board of Supervisors

RE: First Amendment to the Amended and Restated Legal Services Agreement with Robert L. Klotz, Esq., effective May 15, 2012.

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The legal action remains on-going with trial currently calendared for May 24, 2013. The attached first amendment increases the compensation amount under the agreement to a total of \$240,000 for continued implementation and litigation support services. The cost of all legal services authorized by the legal services agreement will be fully covered by solar franchise revenue. There will be no annual net county cost.

FIRST AMENDMENT TO AMENDED AND RESTATED
LEGAL SERVICES AGREEMENT BY AND BETWEEN THE
COUNTY OF RIVERSIDE AND ROBERT L. KLOTZ

That certain Amended and Restated Legal Services Agreement ("Agreement") by and between the COUNTY OF RIVERSIDE, hereinafter called "COUNTY" and Robert L. Klotz, hereinafter called "ATTORNEY", effective May 15, 2012, is hereby amended by this First Amendment, as follows:

1. Section 4.3 of the Agreement is hereby amended to read as follows:

"4.3 **COMPENSATION FOR OTHER SERVICES.** With respect to the services described in paragraphs (1) and (3) of Exhibit A to the Agreement, the total amount of compensation paid to ATTORNEY shall not exceed the sum of TWO HUNDRED FORTY THOUSAND dollars (\$240,000). The TWO HUNDRED FORTY THOUSAND dollars (\$240,000) authorized by this Agreement is in addition to the TWENTY-FIVE THOUSAND dollars (\$25,000) paid under the prior legal services agreement referenced in paragraph 1 of the Agreement. COUNTY and ATTORNEY will monitor work requirements and efforts such that the limits of compensation are not exceeded. ATTORNEY shall notify COUNTY immediately in writing when ATTORNEY has expended seventy-five percent (75%) of the pre-approved compensation as stated in this Agreement. This First Amendment ratifies and approves the continuation of legal services which were provided in excess of the original amount authorized under the Agreement."

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RECEIVED RIVERSIDE COUNTY
CLERK / BOARD OF SUPERVISORS

2012 NOV 29 PM 3:01

2. EFFECT OF AMENDMENT. Except as expressly amended by this First Amendment, all provisions of the Agreement shall remain in effect.

Dated: NOV 27 2012

COUNTY OF RIVERSIDE

By: 

Chairman, Board of Supervisors
JOHN TAVAGLIONE

ATTEST:

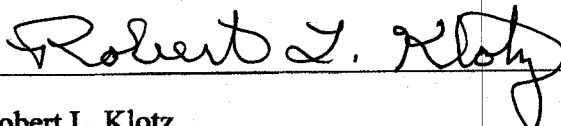
Kecia Harper-Ihem, Clerk of the Board

By: 

Deputy

Dated: 11/23/12

ATTORNEY


Robert L. Klotz

FOR APPROVED COUNTY COUNSEL

BY 

THOMAS J. NORTH

DATE 11/23/12

