

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

640



FROM: County Counsel

SUBMITTAL DATE:

November 15, 2012

SUBJECT: First Amendment to the Legal Services Agreement with Murphy & Evertz LLP dated March 20, 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 Murphy & Evertz LLP, effective March 20, 2012, increasing the total agreement amount from \$300,000 to \$635,000.

BACKGROUND: On February 3, 2012, the Independent Power Producers Association (dba Independent Energy Producers Association) and the Large-Scale Solar Association filed a petition complaint action against the County concerning adoption of the Solar Power Plant Program (Riverside County Superior Court Case No. 1200838).

Departmental Concurrence

(continued on page 2)

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

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 485,000	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:

County Executive Office Signature

[Signature]
Denise C. Harden

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Benoit and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Stone, Benoit and Ashley
Nays: None
Absent: None
Abstain: Tavaglione
Date: November 27, 2012
xc: Co.Co.

Kecia Harper-Ihem
Clerk of the Board

By:

[Signature]
Deputy

Prev. Agn. Ref.: 3.31 of 3/20/12;
3.37 of 5/1/12

District: ALL

Agenda Number:

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

3.4

Dep't Recomm.: ☐ Consent ☒ Policy

Per Exec. Ofc.: ☐ Consent ☒ Policy

The Honorable Board of Supervisors

RE: First Amendment to the Legal Services Agreement with Murphy & Evertz LLP
effective March 20, 2012.

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On March 20, 2012, the Board approved a legal services agreement with Murphy & Evertz LLP in an amount of \$300,000 to provide necessary legal representation in this legal action. The legal action remains on-going with trial currently calendared for May 24, 2013. The attached amendment increases the compensation amount under the agreement to a total of \$635,000 for continued defense of the County in the legal action and related matters. The cost of all legal services will be paid entirely by solar franchise revenue. There will be no annual net county cost.

FIRST AMENDMENT TO
LEGAL SERVICES AGREEMENT BY AND BETWEEN THE
COUNTY OF RIVERSIDE AND MURPHY & EVERTZ LLP

That certain Legal Services Agreement ("Agreement") by and between the COUNTY OF RIVERSIDE, hereinafter called "COUNTY" and MURPHY & EVERTZ LLP, hereinafter called "ATTORNEYS", effective March 20, 2012, is hereby amended by this First Amendment, as follows:

1. Section 4 of the Agreement is hereby amended to read as follows:

"4. COMPENSATION. COUNTY shall pay ATTORNEYS at the following hourly rates for services rendered:

<u>Partner/Associate</u>	<u>Rates</u>
Senior Partner	\$340.00
Junior Partner	\$300.00
Associate	\$275.00
Paralegal	\$140.00

The total amount of compensation paid to ATTORNEYS under the terms of this Agreement shall not exceed the sum of SIX HUNDRED THIRTY-FIVE THOUSAND dollars (\$635,000) unless a written amendment to this Agreement is executed by both parties prior to performance of any additional services. The SIX HUNDRED THIRTY-FIVE THOUSAND dollars (\$635,000) 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. COUNTY and ATTORNEYS will monitor work requirements and efforts such that the limits of compensation are not reached before the last month of the term of the Agreement or completion of services. ATTORNEYS shall notify COUNTY immediately in writing when ATTORNEYS have expended seventy-five percent (75%) of the pre-approved compensation as stated in this Agreement."

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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: 11/28/12

ATTORNEY

MURPHY & EVERTZ LLP


Douglas J. Evertz, Senior Partner

FORM APPROVED COUNTY COUNSEL

BY: 
TIFFANY N. NORTH

11/19/12
DATE

