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June 13, 2007

Helen Baumann, Chairperson  
and Board of Supervisors  
330 Fair Lane  
Placerville, CA 95667

Honorable Board:

**Subject:** Agreement with Downey Brand, LLP, for litigation representation concerning the El Dorado Hills Boulevard Interchange Project.


**Recommendation:** Authorize the Chairman to sign the Agreement with Downey Brand, LLP, for litigation representation concerning the El Dorado Hills Boulevard Interchange Project.

**Reason for Recommendation:** As you know, the County has received notice of a contract claim in the amount of \$1.23 million from Yubacon, Inc. ("Yubacon") concerning work performed by Yubacon on Phase 1.2a of the County's El Dorado Hills Boulevard Interchange Project. The Board previously authorized County Counsel to locate outside counsel to assist in resolving the claim and, if necessary, defend the County in ensuing litigation. This agreement would engage the law firm of Downey Brand, LLP, a Sacramento and Stockton based law firm skilled in the defense of claims such as the one presented here. County Counsel will administer the contract.

**Fiscal Impact:** Invoices submitted pursuant to this agreement will be paid by the Department of Transportation and funded through the El Dorado Hills Traffic Impact Mitigation Fee.

**Action to be Taken Following Approval:** The Chairman will sign the agreement with copies for County Counsel and Downey Brand, LLP.

Sincerely,  
LOUIS B. GREEN  
County Counsel

By:   
David A. Livingston  
Deputy County Counsel