



## Legislation Details (With Text)

**File #:** 17-0817      **Version:** 1

**Type:** Agenda Item      **Status:** Approved

**File created:** 7/18/2017      **In control:** Board of Supervisors

**On agenda:** 7/25/2017      **Final action:** 7/25/2017

**Title:** County Counsel recommending the Board authorize the Chair to sign Amendment 1 to the Agreement for Legal Services #427-S1711 between El Dorado County, Robert G. Holderness and Donahue Davies, with a retroactive effective date of July 18, 2017 and with no increase to the rate of compensation or the not-to-exceed amount of the original contract, to increase the scope of services of the original Agreement to include matters related to the Mitigation Fee Act during the pendency of the Austin v. County of El Dorado et al. litigation.

FUNDING: General Fund.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Holderness Agreement Amd 1 7-25-17, 2. Holderness Agreement #427-S1711, 3. Execute agreement 427-S1711

Date	Ver.	Action By	Action	Result
7/25/2017	1	Board of Supervisors	Approved	Pass

County Counsel recommending the Board authorize the Chair to sign Amendment 1 to the Agreement for Legal Services #427-S1711 between El Dorado County, Robert G. Holderness and Donahue Davies, with a retroactive effective date of July 18, 2017 and with no increase to the rate of compensation or the not-to-exceed amount of the original contract, to increase the scope of services of the original Agreement to include matters related to the Mitigation Fee Act during the pendency of the Austin v. County of El Dorado et al. litigation.

**FUNDING:** General Fund.

### DEPARTMENT RECOMMENDATION

County Counsel recommending the Board authorize the Chair to sign Amendment 1 to the Agreement for Legal Services #427-S1711 between El Dorado County, Robert G. Holderness and Donahue Davies, with a retroactive effective date of July 18, 2017 and with no increase to the rate of compensation or the not-to-exceed amount of the original contract, to increase the scope of services of the original Agreement to include matters related to the Mitigation Fee Act during the pendency of the Austin v. County of El Dorado et al. litigation, El Dorado County Superior Court Case number PC20150633.

### DISCUSSION / BACKGROUND

On January 24, 2017 the Board approved a contract between the County of El Dorado, Robert Holderness and Davies Donahue to provide legal services in the form of advice, assistance, and representation in regard to all legal aspects arising from two discrete matters; the claim for reimbursement of expenditures made by diamond Springs /El Dorado Fire District from development impact fees collected by the County under the Mitigation Fee Act; and a similar claim for reimbursement made by El Dorado Hills Community Services District.

This contract amendment seeks to expand the scope of services to all matters related to the Mitigation Fee Act during the pendency of the Thomas Austin and Helen Austin v. County of El Dorado et al., El Dorado County Superior Court Case number PC20150633 litigation.

The amendment does not increase the compensation rate of the attorney nor does it increase the not to exceed amount of the original contract.

It is requested that the amendment be retroactive to the effective date of July 18, 2017 to ensure that all services provided by the Attorney are captured in the Amendment.

#### **ALTERNATIVES**

The Board could choose to not approve the amendment which would prevent the attorneys from providing the expanded scope of services to the Auditor.

#### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

N/A

#### **CAO RECOMMENDATION**

Approve as recommending, authorizing the Chair to sign Amendment 1 to the Agreement for Legal Services.

#### **FINANCIAL IMPACT**

None at this time as the Amendment does not increase the rate of compensation or the not to exceed amount of the original contract.

#### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

Following Board approval, the Board Clerk will forward 3 fully executed originals of the Amendment to County Counsel for distribution and administration.

#### **STRATEGIC PLAN COMPONENT**

N/A

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