



# County of El Dorado

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## Legislation Details (With Text)

**File #:** 14-0265      **Version:** 1

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

**File created:** 2/6/2014      **In control:** Board of Supervisors

**On agenda:** 3/18/2014      **Final action:** 3/18/2014

**Title:** County Counsel recommending the Board approve and authorize the Chair to sign the Third Amendment to its existing legal services contract No. 524-S0811 with the law firm of Ebbin, Moser & Skaggs LLP. This amendment revises Section 4, Compensation for Services, to clarify the compensation terms for travel and adjust the hourly rates, and revises other terms to reflect standard County contract provisions that have changed since the execution of the original agreement.

**FUNDING:** Rare Plant Mitigation Fund (No Federal Funds).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Ebbin Moser Blue Route 3-18-14, 2. B - Ebbin Moser Agreement 3-18-14, 3. C - Ebbin Moser Amendment I 3-18-14, 4. D - Ebbin Moser Amendment II 3-18-14, 5. E - Ebbin Moser Amendment III 3-18-14, 6. Executed Third Amendment 3-18-14

Date	Ver.	Action By	Action	Result
3/18/2014	1	Board of Supervisors	Approved	Pass

County Counsel recommending the Board approve and authorize the Chair to sign the Third Amendment to its existing legal services contract No. 524-S0811 with the law firm of Ebbin, Moser & Skaggs LLP. This amendment revises Section 4, Compensation for Services, to clarify the compensation terms for travel and adjust the hourly rates, and revises other terms to reflect standard County contract provisions that have changed since the execution of the original agreement.

**FUNDING:** Rare Plant Mitigation Fund (No Federal Funds).

<b>BUDGET SUMMARY:</b>	
Total Estimated Cost.....	\$125,000
Budget - Current FY.....	\$125,000
Budget - Future FY.....	
New Funding.....	
Savings.....	
Other.....	
Total Funding Available.....	\$125,000
Change To Net County Cost.....	\$0

### Fiscal Impact/Change to Net County Cost

Funded from the Rare Plant Mitigation Fund. No impact to Net County Cost.

### **Background**

County determined the need for legal services in connection with preparation and adoption of an Integrated Natural Resources Management Plan. This firm was retained to advise, assist and represent the County on issues related to the Endangered Species Act, the California Endangered Species Act and the eight endangered and/or threatened gabbro soils endemic plants. The first amendment amended the assignment and delegation section to allow attorney to subcontract for specialized consultants. In the second amendment the scope was enhanced to include advise, assist and represent the County additionally with the Native Plant Protection Act, the California Environmental Quality Act, and to develop an Impact Analysis and Mitigation Plan for anticipated submittal to the California Department of Fish and Game as part of an application for a permit under Section 2081 of the California Endangered Species Act and for approval under The Native Plant Protection Act.

### **Reason for Recommendation**

County Counsel recommending the Board authorize the Chair to sign the Third Amendment to its existing legal services contract, 524-S0811, with the law firm of Ebbin, Moser & Skaggs LLP, to clarify and amend Section 4, Compensation for Services, to clarify compensation for travel and to adjust the hourly rates; update Section 12, Insurance; Section 19, Contract Administrator and Notice; and Section 21, Notice to Parties. In this amendment it has been agreed to add Section 24, Taxes; Section 25, Change of Address; Section 26, Counterparts; and Section 27, No Third Party Beneficiaries, to reflect updated County contracting provisions and current standard contract language.

### **Clerk of the Board Follow Up Actions**

Chair to sign two copies of Third Amendment to Agreement for Legal Services and forward to Department for Processing.

### **Contact**

Edward L. Knapp

### **Concurrences**

Community Development Agency, Development Services