



County of El Dorado

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Legislation Text

File #: 10-0403, **Version:** 1

County Counsel recommending that the Board approve and authorize the Chairman to sign the Agreement for legal services with the law firm of Lewis Brisbois Bisgaard and Smith, LLP for representation of the County concerning the El Dorado Hills Boulevard Interchange Project, Phase 1.2A.

Fiscal Impact/Change to Net County Cost: 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.

Background: The County previously executed an Agreement for Legal Services on June 26, 2007 with Downey Brand LLP for legal representation in the litigation concerning the El Dorado Hills Boulevard Interchange Project, Phase 1.2A (Yubacon, Inc. v. El Dorado County (OAH Case No. A-0016-07) and Yubacon, Inc. v. El Dorado Irrigation District, et al. (Superior Court Case No. PC20070379)). Effective March 2, 2010, the Countys principle attorney for those matters, Frank Perrott, moved to a new law firm, Lewis Brisbois Bisgaard & Smith LLP. Though the County has already waived any potential conflicts of interest and executed the necessary court documents to allow Mr. Perrott to continue his representation of the County in the aforementioned matters, a written agreement is necessary to formalize that relationship and effectuate payment for services provided.

Accordingly, in conjunction with our office, Mr. Perrott has prepared the subject Attorney Fee Agreement for your execution. The primary terms of this agreement are substantially similar to those in the prior Agreement for Legal Services, including the hourly rates, which remain unchanged. This Attorney Fee Agreement will be effective as of March 2, 2010, the date that Mr. Perrott moved his practice to Lewis Brisbois Bisgaard & Smith LLP. Payment for services provided will continue to be made by the Department of Transportation from the El Dorado Hills Traffic Impact Mitigation Fee account through which the underlying project was also funded.

Action to be taken following Board approval: Terminate the prior Agreement for Legal Services with Downey Brand LLP.

Authorize the Chairman to sign the Attorney Fee Agreement with Lewis Brisbois Bisgaard & Smith LLP for continuing representation in the litigation concerning the El Dorado Hills Boulevard Interchange Project, Phase 1.2A.

Contact: David Livingston