



County of El Dorado

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Legislation Text

File #: 09-0381, **Version:** 1

County Counsel recommending the Board authorize the Chairman to sign Amendment 1 to Agreement for legal services with Downey Brand LLP for litigation representation concerning the El Dorado Hills Blvd. Interchange Project.

Fiscal Impact/Change to Net County Cost: Invoices submitted pursuant to the Agreement and this Amendment will continue to be paid by the Department of Transportation and funded through the El Dorado Hills Traffic Impact Mitigation Fee.

Background: On June 26, 2007, the Board of Supervisors executed an agreement with Downey Brand LLP for Downey Brand to represent the County in the lawsuit filed by Yubacon, Inc. pertaining to the El Dorado Hills Boulevard Interchange Project Phase 1.2a. The litigation is ongoing. The purpose of the proposed amendment to the agreement is to clarify the manner in which certain costs for which the County is responsible are paid. Under the existing agreement, Downey Brand is to advance all necessary costs (including expert fees, arbitration fees, and court costs) and receive reimbursement for such costs through its periodic invoices to the County. If approved, this amendment would permit Downey Brand to invoice certain costs that it has incurred, but not yet paid, thus allowing Downey Brand to pay the vendor directly without having to advance these costs.

Action to be taken following Board approval: The Board Chairman will sign the Amendment to the Agreement with copies for County Counsel and Downey Brand LLP.

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