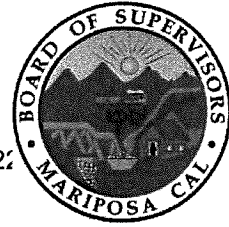


MARIPOSA COUNTY

Human Resources/Risk Management • (209) 966-3222



RESOLUTION - ACTION REQUESTED 2018-42

MEETING: February 6, 2018
TO: The Board of Supervisors
FROM: Steve Dahlem, County Counsel - Interim Human Resources Director
RE: Second Amendment to Legal Services Agreement with Liebert Cassidy Whitmore

RECOMMENDATION AND JUSTIFICATION:

Approve a Second Amendment to the Legal Services Agreement with Liebert Cassidy Whitmore (LCW) to increase the compensation amount by \$100,000 for a total Not to Exceed amount of \$200,000; and authorize the Board of Supervisors Chair to sign the Second Amendment.

LCW is currently representing the County in various personnel matters as well as labor negotiations. Although the County has Agreements in place with other vendors that work in conjunction with LCW to provide services to the County, it has recently come to our attention that some of these vendors have been invoicing for their services through LCW instead of invoicing the County directly. Paying for other vendor services through LCW has contributed to the depletion of the original LCW Agreement amount. This issue has been resolved and other vendors working with LCW will now be invoicing the County directly, which will no longer affect the compensation amount of the LCW Agreement.

Due to prior payment of other vendors through LCW together with ongoing services provided by LCW, current invoices now exceed the original Agreement amount; therefore, it is requested that the original Not to Exceed amount be increased in order to pay current and future invoices relating to ongoing services provided by LCW during the term of this Agreement.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

A Legal Services Agreement in the amount of \$100,000 was approved by the Board on September 12, 2017 and a First Amendment to change the effective date was approved on October 17, 2017. The Board has been approving agreements with LCW since 1991.

Resolution - Action Requested 2018-42

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not approve the Second Amendment to the Legal Services Agreement with LCW, which would result in unpaid invoices for services rendered by LCW attorneys and staff.

FINANCIAL IMPACT:

Funding is budgeted in the various affected funds.

ATTACHMENTS:

LCW Second Amendment (PDF)

LCW First Amendment 10-2017 (PDF)

LCW Agreement for Legal Services 9-2017 (PDF)

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Marshall Long, District III Supervisor

AYES: Smallcombe, Jones, Long, Cann, Menetrey

SECOND AMENDMENT TO AGREEMENT FOR LEGAL SERVICES

THIS SECOND AMENDMENT TO AGREEMENT FOR LEGAL SERVICES is made and entered into this 6th day of February 2018 by and between the County of Mariposa, a political subdivision of the State of California, hereinafter referred to as "County" and Liebert Cassidy Whitmore, hereinafter referred to as "Contractor."

WHEREAS, the County and Contractor have heretofore entered into a Legal Services Agreement dated September 12, 2017 wherein Contractor agreed to provide consultation, representation, training services, legal services, including representation in negotiations, administrative, and court proceedings; and

WHEREAS, County and Contractor entered into a First Amendment on October 17, 2017 to change the term of the Agreement to an effective date of August 1, 2017; and

WHEREAS, County and Contractor desire to amend said Legal Services Agreement to change the Compensation of the Agreement;

NOW, THEREFORE, the parties hereto in consideration of the mutual covenants herein recited, hereby agree as follows:

1. Amend the Compensation of the Agreement to read as follows: "Contractor shall be compensated for services performed in an amount not to exceed \$200,000.00. The Contractor's hourly rates are listed in Exhibit B, "Fee Schedule." The County shall pay Contractor within thirty (30) days of receipt of an approved invoice."
2. Except as herein amended, the Agreement dated September 12, 2017 together with the First Amendment dated October 17, 2017, shall remain in full force and effect.

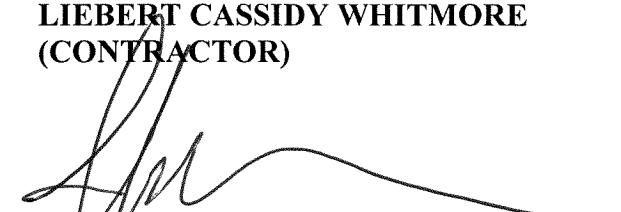
IN WITNESS WHEREOF, the parties cause this Amendment to be executed on the date first above written.

**COUNTY OF MARIPOSA
(COUNTY)**

**LIEBERT CASSIDY WHITMORE
(CONTRACTOR)**



Rosemarie Smallcombe, Chair
Mariposa County Board of Supervisors



J. Scott Tiedemann
Managing Partner

Taxpayer Identification: On File

ATTEST:

APPROVED AS TO FORM:



René LaRoche, Clerk of the Board



Steven W. Dahlem, County Counsel