RESOLUTION - ACTION REQUESTED 2014-309

MEETING: June 24, 2014

TO: The Board of Supervisors

FROM: Keith Williams, Treasurer/Tax Collector

RE: Third Amendment to Stradling Yocca Agreement

RECOMMENDATION AND JUSTIFICATION:
Approve Third Amendment to Agreement with Stradling Yocca Carlson & Rauth
Increasing the Amount by $16,300 to a Total Not to Exceed Amount of $46,300 for Foreclosure Services Related to the Lake Don Pedro Sewer Bonds, and Authorize the Board of Supervisors Chair to Sign the Amendment.

In 2011 the Board authorized the Treasurer to pursue foreclosure on delinquent properties in the Lake Don Pedro Sewer Zone. The original Agreement was signed by the County Administrative Officer in a not to exceed amount of $10,000. The first amendment increased the amount to $25,000. The second amendment increased the amount to $30,000. The current billings received from the Contractor now require another amendment. The fees charged by Stradling Yocca are placed on the delinquent parcels and recovered when a sale occurs.

The foreclosure proceedings have been suspended for now. This increase covers the final charges which have been conformed by Stradling and any future payments not to exceed $5,000 in 2014-15 fiscal year.

This agreement will take us through the end of fiscal year 2014-15.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Board has previously approved the foreclosure proceedings per bond covenants.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
A negative action would result in a delay of the foreclosure process.

FINANCIAL IMPACT:
Sufficient funding has been included in the Fiscal Year 2013-14 Budget.

ATTACHMENTS:
FORMBAS 6-24-14 (XLS)
third amendment (DOC)
first amendment (DOC)
second amendment (DOC)
Exhibit A (PDF)

CAO RECOMMENDATION

Tracy Gauthier
Tracy Gauthier, Deputy Clerk 6/10/2021

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER: Janet Bibby, District III Supervisor
SECONDER: John Carrier, District V Supervisor
AYES: Lee Stetson, Janet Bibby, Kevin Cann, John Carrier
EXCUSED: Merlin Jones
THIRD AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT

THIS THIRD AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT is made and entered into this 24th day of June, 2014, by and between the County of Mariposa, a political subdivision of the State of California, hereinafter referred to as “County” and Stradling, Yocca, Carlson & Rauth, hereinafter referred to as “Contractor”.

WHEREAS, the County and Contractor have heretofore entered into an Agreement dated October 28, 2011, wherein Contractor agreed to provide legal services as described on Exhibit “A” of the Professional Services Agreement; and

WHEREAS, County and Contractor entered into the First Amendment to Professional Services Agreement on January 14, 2014 to increase compensation amount to allow Contractor to continue providing legal services to the county;

WHEREAS, County and Contractor entered into the Second Amendment to Professional Services Agreement on May 6, 2014 to increase compensation amount to allow Contractor to continue providing legal services to the county;

WHEREAS, County and Contractor desire to further amend said Agreement to change the compensation to be provided to Contractor;

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

1. Paragraph 4.01, “Compensation”, is hereby amended to provide that an additional Sixteen Thousand Three Hundred Dollars ($16,300) will be added to the Second amended Agreement price of Thirty Thousand Hundred Dollars ($30,000), making the total compensation
paid to **Contractor** the not to exceed amount of Forty Six Thousand Three Hundred Dollars ($46,300).

2. Except as herein amended, the agreement dated October 28, 2011 shall remain in full force and effect.

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

**COUNTY OF MARIPOSA:**

[Signature]
KEVIN CANN, Chairman
Mariposa County Board of Supervisors

**CONTRACTOR:**

[Signature]

**ATTEST:**

[Signature]
RENEE LaROCHE
Clerk of the Board

**APPROVED AS TO FORM:**

[Signature]
STEVEN W. DAHLEM
County Counsel