MARIPOSA COUNTY BOARD OF SUPERVISORS

AGENDA ACTION FORM

DATE: 6/4/02 AGENDA ITEM NO.: 9

DEPARTMENT: County Counsel BY: Jeffrey G. Green PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes ___ No ___)

Resolution authorizing Chair to sign Agreement with Abbott and Kindermann, LLP to provide legal services relative to the SilverTip Project and the General Plan update together with other landuse law issues as needed.

Services will be paid from the General Plan update budget or the Liability Insurance Set-Aside Fund, depending upon legal services rendered.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board previously approved the County/Quad-Knopf Agreement relative to the SilverTip Project from which Mr. Abbott provided legal services relative to landuse law issues.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

COSTS: ( ) Not Applicable
A. Budgeted current FY $__________________
B. Total anticipated costs $__________________
C. Required additional funding $__________________
D. Internal transfers $__________________

SOURCE: ( ) 4/5ths Vote Required
A. Unanticipated revenues $__________________
B. Reserve for contingencies $__________________
C. Source description: Balance in Reserve for Contingencies, if approved: $__________________

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:

__________________
__________________
__________________

CLERK’S USE ONLY:
Res. No.: 92-595 Ord. No.
Vote - Ayes: ___ Noes: ___ Abstained: ___
Absent: ___ Approved ___ Denied ___
( ) Minute Order Attached ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Date: ____________________________

ATTEST: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California

By: ____________________________

Action Form Revised 5/92
May 14, 2002

Jeffrey G. Green, Esq.
County Counsel
County of Mariposa
P.O. Box 189
Mariposa, CA 95338

Re: Retention for Legal Services

Dear Jeff:

Thank you for the opportunity to submit a proposal for legal services to the County of Mariposa (the “County”). This letter can serve as a retention letter by which the County authorizes Abbott & Kindermann, LLP (“A&K”) to provide legal services. If the County prefers to use a formally styled document, we can prepare a document and submit it to you for review and approval.

The scope of legal services available to the County include California land use law (general plans, zoning, subdivision, CEQA, annexation, initiative and referendum, state endangered species act, consultant selection and retention, historic and cultural resource protection) related federal law (NEPA, Clean Water Act, federal endangered species act), real estate acquisition and sale, and other areas as jointly approved by the County Counsel and A&K.

Authorized work governed by this proposal includes work performed under the authority of the Mariposa County/Quad-Knopf/A&K agreement, but not funded as of this date. Additional work will not be undertaken unless authorized by the County Counsel. Once general authorization has been given, specific direction may be provided by the County Counsel or his designee.

For the initial scope of work, it is expressly understood that Quad-Knopf is working as an extension of staff and that communication between myself and Quad-Knopf are the same as communications between me and the County, and therefore are privileged communication.

A&K will provide detailed invoices on a monthly basis, describing services rendered and will be invoiced referencing “SilverTip,” and such other additional topical areas as directed by the County Counsel.

This proposal includes the attached standard terms and conditions, along with the billing schedule for A&K’s staff.
Mr. Jeffrey Green  
May 14, 2002  
Page 2

If acceptable, please have the appropriate County official execute this letter as provided below. Four signed originals are included as part of this transmittal. Should you have any questions, please do not hesitate in calling.

Sincerely,

[Signature]
William W. Abbott

WWA:msp  
Enclosures

On behalf of the County of Mariposa, I execute this Retention Agreement, including by reference the attached billing schedule and standard terms and conditions.

Dated: June 13, 2002  
[Signature]  
Robert C. Stewart

Its: Chairman of the Board of Supervisors

Where Required:

ATTEST:

[Signature]  
Dated: 6-12-02  
Clerk of the Board

APPROVED AS TO FORM:

[Signature]  
Dated: 6-14-02  
County Counsel
ABBOTT & KINDERMANN, LLP

RATE SCHEDULE

<table>
<thead>
<tr>
<th>Position</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>SENIOR PARTNER</td>
<td>$ 240.00 per hour</td>
</tr>
<tr>
<td>PARTNER</td>
<td>$ 200.00 per hour</td>
</tr>
<tr>
<td>ASSOCIATE IV</td>
<td>$ 175.00 per hour</td>
</tr>
<tr>
<td>ASSOCIATE III</td>
<td>$ 150.00 per hour</td>
</tr>
<tr>
<td>ASSOCIATE II</td>
<td>$ 125.00 per hour</td>
</tr>
<tr>
<td>ASSOCIATE I</td>
<td>$ 110.00 per hour</td>
</tr>
<tr>
<td>PLANNER II</td>
<td>$ 120.00 per hour</td>
</tr>
<tr>
<td>PLANNER I</td>
<td>$ 90.00 per hour</td>
</tr>
<tr>
<td>PARALEGAL</td>
<td>$ 90.00 per hour</td>
</tr>
<tr>
<td>LAW CLERK II</td>
<td>$ 65.00 per hour</td>
</tr>
<tr>
<td>LAW CLERK I</td>
<td>$ 45.00 per hour</td>
</tr>
</tbody>
</table>

INDIRECT EXPENSES:

A charge of 4.5% of monthly fees is added to offset ordinary copying, secretarial, postage and telephone charges. Multi-party conference calls are not included, and will be billed as Costs.

COSTS:

Costs (including filing fees, court reporter fees, special deliveries, on-line computer research, etc.) will be billed as incurred.

SERVICES:

The following services will be billed as incurred at the following rates:

- ACCOUNTING - $50.00 per hour
- OFFICE CLERK - $15.00 per hour
- MILEAGE - $.35 per mile

* Distribution from a client trust account for payment of a bill and all other payments received shall be allocated to amounts owing in the following order: (1) accrued interest; (2) costs advanced; and (3) attorney’s fees.

** This Rate Schedule is adjusted January 1st of each year. This schedule may also be adjusted at any time upon thirty (30) days prior notice to client.

*** Telephone calls to or from a client, or other parties involved in matters pertaining to the client’s legal affairs, are subject to a minimum charge of 0.2 hour times the applicable billing rate.

12/21/00