RESOLUTION - ACTION REQUESTED 2017-710

MEETING: October 17, 2017

TO: The Board of Supervisors

FROM: Steve Dahlem, County Counsel

RE: First Amendment to Legal Services Agreement with Liebert Cassidy Whitmore

RECOMMENDATION AND JUSTIFICATION:
Approve a First Amendment to the Legal Services Agreement with Liebert Cassidy Whitmore (LCW) to amend the effective date of the agreement; and authorize the Board of Supervisors Chair to sign the First Amendment. The effective date of the agreement that was recently approved by the Board of Supervisors should have been August 1, 2017 to correspond with invoices received from LCW. Instead, the effective date used was September 12, 2017. The Auditor’s office requires that the effective date of this recently approved agreement correspond with the outstanding invoices.

LCW is currently representing the County in various personnel matters as well as labor negotiations.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
The Legal Services Agreement in the amount of $100,000 was approved by the Board on September 12, 2017. The Board of Supervisors has been approving agreements with Liebert Cassidy Whitmore since 1991.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Do not approve the First Amendment to the LCW agreement, however, a negative action 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 First Amendment (PDF)
LCW original agt 9-2017 (PDF)

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER: Rosemarie Smallcombe, District I Supervisor
SECONDER: Merlin Jones, District II Supervisor
AYES: Smallcombe, Jones, Long, Cann, Menetrey
FIRST AMENDMENT TO AGREEMENT FOR LEGAL SERVICES

THIS FIRST AMENDMENT TO AGREEMENT FOR LEGAL SERVICES is made and entered into this 17th day of October 2017 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 desire to amend said Legal Services Agreement to change the term of the Agreement.

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

1. Amend the term of the Agreement to read as follows: “The term of this Agreement shall commence on August 1, 2017 and terminate on June 30, 2018, unless extended as provided by this Agreement;”
2. Except as herein amended, the referenced Agreement 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)

Marshall Long, Chair
Mariposa County Board of Supervisors

LIEBERT CASSIDY WHITMORE
(CONTRACTOR)

J. Scott Tiedemann
Managing Partner

Taxpayer Identification: On File

APPROVED AS TO FORM:

Rene LaRoche, Clerk of the Board

Steven W. Dahlem, County Counsel