RESOLUTION - ACTION REQUESTED 2020-520

MEETING: August 25, 2020

TO: The Board of Supervisors

FROM: Eric Sergienko, Health Officer/Acting HHSA Director

RE: Third Amendment - Agreement with Berliner-Cohen Attorneys at Law

RECOMMENDATION AND JUSTIFICATION:
Approve Third Amendment to Agreement with Berliner-Cohen Attorneys at Law, Increasing the Amount by $15,000 for a New Amount Not to Exceed $125,000; and Authorize the Board of Supervisors Chair to Sign the Amendment.

In past years, County Counsel's office provided much of these services. Due to workload and availability, it was determined that a direct contract with Berliner-Cohen would benefit Health and Human Services. Berliner-Cohen will provide legal services in juvenile dependency and public guardian/conservatorship cases. County Counsel will determine when it is necessary for Berliner-Cohen to act for the Health and Human Services Agency in Child Welfare cases and any other matter County Counsel deems appropriate. During this current agreement, the amount of required services proved to be greater than anticipated.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
Mariposa County has an existing agreement with Berliner-Cohen, approved through Resolution No. 2019-396 on July 9, 2019.

Mariposa County approved the First Amendment to existing agreement with Berliner-Cohen through Resolution No. 2019-717 on December 17, 2019.

Mariposa County approved the Second Amendment to existing agreement with Berliner-Cohen through Resolution No. 2020-346 on June 23, 2020.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
If this amendment is not approved, the workload for the County Counsel's office may be such that it creates process delays.

FINANCIAL IMPACT:
There is sufficient funding in the Human Services division budget to fund this Agreement. There is no impact to the County General Fund.

ATTACHMENTS:
Resolution - Action Requested 2020-520

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

THIS THIRD AMENDMENT TO AGREEMENT FOR LEGAL SERVICES is made and entered into this 25th day of August, 2020 by and between the County of Mariposa, a political subdivision of the State of California hereinafter referred to as “County,” and Berliner-Cohen Attorneys at Law, hereinafter referred to as “Contractor.”

WHEREAS, County and Contractor have heretofore entered into an Agreement dated July 9, 2019, wherein Contractor agreed to provide legal services; and

WHEREAS, County and Contractor have heretofore entered into a First Amendment dated December 17, 2019, wherein compensation was increased from $60,000 to $95,000 and Exhibit B, “Cost Proposal” was amended to include additional information; and

WHEREAS, County and Contractor have heretofore entered into a Second Amendment dated June 23, 2020, wherein compensation was increased from an amended amount of $95,000 to $110,000; and

WHEREAS, County and Contractor desire to amend said Agreement to change the term and 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 1, “TERM”, is hereby amended to extend the term of the Agreement from June 30, 2020 to September 30, 2020. The agreement is hereby amended, is ratified and continued. This Amendment No. 3 is effective and retroactive to June 30, 2020.

2. Paragraph 3, “COMPENSATION”, is hereby amended to provide that an additional $15,000 will be added to the amended amount of $110,000, making the total compensation paid to Contractor the not to exceed amount of $125,000.

3. Except as herein amended, the Agreement dated July 9, 2019, together with the First Amendment dated December 17, 2019 and the Second Amendment dated June 23, 2020, shall remain in full force and effect.

LAST UPDATED 3/7/19
IN WITNESS WHEREOF, the parties have caused this Amendment to be executed on the date first above written.

COUNTY OF MARIPOSA:
Kevin Cann, Chair
Mariposa County Board of Supervisors

CONTRACTOR:
(Signature)

ATTEST:
RENE LAROCHE
Clerk of the Board

APPROVED AS TO FORM:
STEVEN W. DAHLEM
County Counsel

LAST UPDATED 3/7/19