

PLACER COUNTY
REDEVELOPMENT AGENCY

MEMORANDUM

TO: Honorable Members of the Redevelopment Agency Board
FROM: Thomas M. Miller, Director
James LoBue, Deputy Director
DATE: December 13, 2011
SUBJECT: Amendment to Legal Services Consultant Contract with Meyers Nave Riback Silver & Wilson to Extend the Term

ACTION REQUESTED: Adopt a resolution authorizing the Purchasing Manager to execute an amendment to the legal services consulting contract with Meyers Nave Riback Silver & Wilson to extend the term until May 31, 2012.

BACKGROUND: The Redevelopment Agency (Agency) has periodic need of services from an outside legal firm specializing in redevelopment law and procedures. The Agency currently has retained under contract until December 31, 2011 the legal firm of Meyers Nave Riback Silver & Wilson. If the contract is allowed to expire, the Agency will not have immediate access to specialized legal advice on redevelopment issues. This specialized legal expertise has proven helpful to the Agency over the past several years in establishing its structure, determining the legality of proposed activities, and negotiating various agreements, real estate development projects, and financial arrangements.

The Agency has planned to release a request for proposals (RFP) to solicit proposals from multiple outside legal firms prior to entering into a long term agreement for future legal services. However, recent complications, caused by State legislation threatening the elimination of the Agency and the ensuing lawsuit over the constitutionality of ABx1-26 and ABx1-27, have temporarily stalled the RFP effort. It is proposed that the existing legal services agreement be extended until May 31, 2012 to allow the Agency to continue to utilize the present legal services without interruption until after the lawsuit is concluded in early 2012 and, thereafter, to give the Agency adequate time to solicit new proposals and negotiate one or more long term legal services agreements.

The proposed contract amendment would extend the term and make no other changes to the existing agreement.

Allocation of funds for payment of these services is included in the Agency's FY 2011-12 Proposed Budget as approved by your Board on June 21, 2011. Payment of these services is considered an 'enforceable obligation' as defined in California Health and Safety Code section 34167(d) and falls within the category of 'continued administration' as such is defined in California Health and Safety Code section 34167(d)(6). This payment obligation is included in the Agency's Enforceable Obligations Payment Schedule (EOPS) as approved by your Board on August 26, 2011. Therefore, as the Agency is permitted under ABx1-26 to utilize and pay for legal services, the extension of this agreement is not contrary to the portions of ABx1-26 which remain in effect during the pendency of the present litigation.

ENVIRONMENTAL STATUS: This is an administrative action, does not constitute a project, and is exempt from environmental review per California Environmental Quality Act Guidelines section 15378(b)(5).

FISCAL IMPACT: The proposed action would not result in any additional encumbrance of Agency or County funds. The payment obligation for this Agreement is included in the Agency's EOPS as approved by your Board on August 26, 2011.

Attachments: Resolution
Contract

cc: Karin Schwab, Agency Counsel

**Before the Placer County
Redevelopment Agency Board of Directors
County of Placer, State of California**

In the matter of:

Authorizing the Purchasing Manager or his designee to execute a legal services consultant contract amendment with Meyers Nave Riback Silver & Wilson to extend the term until May 31, 2012

Reso. No. _____

Ord. No. _____

First Reading _____

The following Resolution was duly passed by the Redevelopment Agency Board of the County of Placer at a regular meeting held _____,

by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Attest:

Chair, Agency Board

Clerk of said Board

WHEREAS, the Redevelopment Agency (Agency) is a separate body, corporate and politic, created by the Placer County Board of Supervisors;

WHEREAS, the Agency wishes to enhance the efficient use of Agency resources by utilizing specialized outside legal counsel services through consultant contracts;

WHEREAS, the Agency has a legal services consultant contract with Meyers Nave Riback Silver & Wilson that is scheduled to expire on December 31, 2011;

WHEREAS, the Agency wishes to extend said consultant contract until May 31, 2012;

WHEREAS, on August 26, 2011, this Board adopted the Agency's "Enforceable Obligations Payment Schedule" (EOPS);

WHEREAS, the EOPS includes a line item under Legal Services of \$122,789 for costs related to legal services of assistance to the Agency;

WHEREAS, the Agency proposes to amend an existing legal services consultant contract with Meyers Nave Riback Silver & Wilson to extend the term until May 31, 2012, but does not propose to incur new or additional financial obligations in excess of the current value of the agreement; and

WHEREAS, the extension of this Agreement is not contrary to the portions of ABx1-26 which remain in effect during the pendency of the present State litigation because the Agency is permitted to procure and pay for legal services which are defined as an 'enforceable obligation' under the category of 'continued administration'.

NOW, THEREFORE, BE IT RESOLVED that the Agency Board of Directors authorizes the Purchasing Manager or his designee to execute an amendment to the legal services consultant contract with Meyers Nave Riback Silver & Wilson to extend the term until May 31, 2012.

Consultant: Meyers Nave Riback Silver & Wilson
Administering Agency: Placer County Redevelopment Agency
Contract Number: BPO 17980
Contract Description: Legal Services

CONTRACT AMENDMENT

THIS AGREEMENT, originally made at Auburn, California, as of **August 22, 2006 and amended November 17, 2007, May 14, 2008, September 2009, July 1, 2010 and April 28, 2011**, by and between the Placer County Redevelopment Agency and Meyers Nave Riback Silver & Wilson is amended as follows:

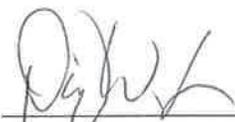
Payment. The overall contract will expire on May 31, 2012.

All other terms and conditions of this agreement shall remain in full force and affect.

PLACER COUNTY REDEVELOPMENT AGENCY

By: _____ Date: _____
Brett Wood
Purchasing Manager

MEYERS NAVE RIBACK SILVER & WILSON

By:  _____ Date: 11-10-11
David W. Skinner
Managing Principal