MEMORANDUM
FROM THE OFFICE
OF COUNTY COUNSEL

TO: BOARD OF SUPERVISORS

FROM: Gerald O. Carden, County Counsel GOC

DATE: March 24, 2015

RE: Contract Amendment-Resources Law Group
Placer County Conservation Plan

ACTION REQUESTED:

Approve the attached Amendment to Contract No. 60615 for professional legal services provided by Resources Law Group, LLC, for the necessary legal services related to the development of the Placer County Conservation Plan. The Amendment would increase the total contract amount by $100,000.00 and allow Resources Law Group to continue its work in the PCCP planning effort.

BACKGROUND:

In August, 1999, after interviewing a number of law firms proposing to assist the County with the Placer County Open Space Implementation Project, the Board selected Michael Mantell, of Beverage & Diamond to lead the effort to assist in the development of a Habitat Conservation Plan and Natural Communities Conservation Plan (HCP/NCCP) for the County. Mr. Mantell subsequently formed his own law firm, Resources Law Group in March, 2000, and that firm has continued with this work since that time. As the implementation program has unfolded, the County has expanded the regulatory coverage sought by the program, which now includes coverage under the Federal and State Endangered Species Act (formally sought under the HCP/NCCP), as well as a Master Streambed Alteration Agreement and coverage under the Clean Water Act (Sections 404 and 401). This expanded program is now referred to as the Placer County Conservation Plan.

The County is continuing with the preparation of the Placer County Conservation Plan (PCCP) including the County Aquatic Resources Program (CARP), as well as

the preparation of an Agency-review draft document, as well as working on the environmental documents. County staff and the PCCP consultant team are working to respond to the comments received on the documents and are meeting regularly with the Wildlife agencies to revise the planning document and initiate preparation of the draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS).

Although the current focus of the PCCP work program is to revise the planning document focusing on the conservation strategy, there are a number of other tasks that are being completed which will advance the overall PCCP work schedule. This work program includes development of a preliminary draft Chapter 9, Cost and Funding document, which includes technical appendices and related supporting reports and worksheets on costs and funding. The funding plan is also being evaluated through a peer review with Economic Planning Systems that is funded by landowners. To accomplish revisions to the PCCP planning document and the additional work program tasks an amendment to the contract amount for Resources Law Group is also necessary.

FISCAL IMPACT:

Your Board has previously authorized a total of $1,650,000.00 for Resources Law Group through December, 2014 to complete the documents for the Placer County Conservation Plan. That amount included the amount necessary for the contract amendment for Resources Law Group. These funds are included in our 2014-15 fiscal year budget, and there is no new net County cost.

ACTION RECOMMENDED:

That your Board authorize the Chairman to execute the attached amendment to Contract No. 60615, approving an increase of $100,000.00 for a total contract amount to date of $1,750,000.00.

GOC/lr

AMENDMENT TO PROFESSIONAL SERVICES CONTRACT #CN060615

RE: **Placer County Open Space Implementation Project ("Placer Legacy")**

MICHAEL MANTELL, Esq.
RESOURCES LAW GROUP
555 Capitol Mall, Suite 650
Sacramento, CA 95814

Telephone (916) 442-4880
Fax (916) 442-4193

WHEREAS, the County of Placer and **Michael Mantell, Esq., Resources Law Group,** have heretofore entered into a Contract whereby professional services would be provided to the County; and

WHEREAS, the parties desire to amend said Contract.

NOW, THEREFORE, IT IS MUTUALLY AGREED by and between the parties as follows:

1. That Paragraph 5 of the original Contract shall be amended in that the contract ceiling shall be $1,750,000.00 rather than $1,650,000.00. Said paragraph shall read as follows:

> 5. *AMOUNT OF PAYMENT. COUNTY shall pay SECOND PARTY for services, and reasonable costs and expenses incurred, as set forth in the Payment Schedule attached hereto as "Exhibit B" up to a maximum of $1,750,000.00 (One Million Seven Hundred Fifty Thousand Dollars and No Cents).*

2. That the second paragraph of "EXHIBIT B" shall be amended adjusting the hourly rates as follows:

LEGAL FEES: COUNTY agrees to pay SECOND PARTY for legal services at the following hourly rate, with charges in increments of one tenth (.1) of an hour. The minimum time charged will be one tenth (.1) of an hour.

Hourly Rate	Attorney
$450.00	*Michael Mantell*
$400.00	*Chris Beale*
$300.00	*Merswind Reyer*

Hourly Rate	Legal Assistant
$175.00	*Wendy Chenkovich*

It is understood periodically SECOND PARTY will revise their hourly rates to reflect the increased experience of their attorney and professional staff. COUNTY shall be advised in writing prior to any increase in hourly rates.

EXCEPT as specifically modified above, all of the remaining terms and conditions of said Contract shall remain and continue in full force and effect.

COUNTY OF PLACER, "COUNTY"

Date: _____

By: _____
KIRK UHLER, Chairman
Placer County Board of Supervisors

"SECOND PARTY"

By: _____
MICHAEL MANTELL, Esq.
Resources Law Group

Approved By:

_____
GERALD O. CARDEN
County Counsel