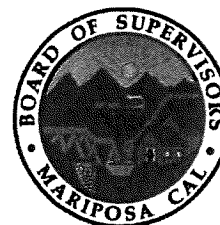




MARIPOSA COUNTY

HHS/Social Services • (209) 966-2000



RESOLUTION - ACTION REQUESTED 2019-717

MEETING: December 17, 2019
TO: The Board of Supervisors
FROM: Chevon Kothari, Health and Human Services Director
RE: First Amendment - Agreement with Berliner-Cohen Attorneys at Law

RECOMMENDATION AND JUSTIFICATION:

Approve First Amendment to Agreement with Berliner-Cohen Attorneys at Law, increasing the amount by \$35,000 to an amount not to exceed \$95,000, including additional cost allowances related to travel reimbursement; 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.

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 Social Services Budget to fund this Agreement. There is no impact to the County General Fund.

ATTACHMENTS:

Berliner Cohen Agreement 2020 Wsignatures (PDF)
First Amendment - Berliner Cohen Agreement 2020 Wcsignature (PDF)
First Amendment - Exhibit Bv2(PDF)

Resolution - Action Requested 2019-717

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]

MOVER: Marshall Long, District III 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 December 2019, 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

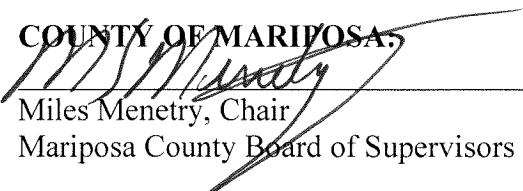
Whereas, County and **Contractor** desire to amend said Agreement to change the compensation to be provided to **Contractor**;

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


1. Paragraph 3, "COMPENSATION", is hereby amended to provide that an additional \$35,000 will be added to the original amount of \$60,000, making the total compensation paid to **Contractor** the not to exceed amount of \$95,000.
2. Exhibit B, "COST PROPOSAL", is hereby amended to include the following sentence: "*County will reimburse the cost of travel mileage accumulated by Contractor during this agreement. The reimburse rate for mileage is based on standard established by Internal Revenue Services. County will also reimburse the cost of hotel/lodging, meals, and training/conference registrations through advance approval by department supervisor and upon submission of original receipts.*" See First Amendment-Exhibit B attached hereto.
3. Except as herein amended, the Agreement dated July 9, 2019 shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed on the date first above written.

COUNTY OF MARIPOSA:


Miles Menetry, Chair
Mariposa County Board of Supervisors


CONTRACTOR:


(Signature)

ATTEST:


RENE LAROCHE
Clerk of the Board

APPROVED AS TO FORM:


STEVEN W. DAHLEM
County Counsel

First Amendment - Exhibit B
COST PROPOSAL

Rate of Schedule

Kimberly G. Flores	\$200/hour
Paralegal (s)	\$100/hour

County will reimburse the cost of travel mileage accumulated by Contractor during this agreement. The reimburse rate for mileage is based on standard established by Internal Revenue Services. County will also reimburse the cost of hotel/lodging, meals, and training/conference registrations through advance approval by department supervisor and upon submission of original receipts.

The total cost is not to exceed \$95,000.