SWEETWATER SPRINGS WATER DISTRICT

TO: Board of Directors **AGENDA NO. III-D**

FROM: Steve Mack, General Manager

Meeting Date: March 7, 2013

Subject: DISCUSSION/ACTION RE APPROVAL OF RESOLUTION 13-06 AMENDMENT NO. 1 TO AGREEMENT WITH MEYERS NAVE

RECOMMENDED ACTION: Approve Resolution No. 1 to the agreement for legal services with Meyers Nave which changes the fee schedule for Meyers Nave services.

FISCAL IMPACT: Will increase the hourly rate for general counsel services by $20 per hour and includes other increases for other, lesser used services.

DISCUSSION:

The District entered into its agreement for legal services with Meyers Nave in 2006. Since that time there has been no change in the fee schedule for legal services. In the summer of 2012 Meyers Nave requested that the District consider changing the fee schedule. After moving through the transition to a new general counsel (David Warner), the District has agreed to the new fee schedule which is included as Attachment 1 to Resolution 13-06.

Resolution No. 13-06

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SWEETWATER SPRINGS WATER DISTRICT APPROVING AMENDMENT NO. 1 TO THE AGREEMENT FOR LEGAL SERVICES DATED OCTOBER 1, 2006, BETWEEN THE SWEETWATER SPRINGS WATER DISTRICT AND MEYERS, NAVE, RIBACK, SILVER & WILSON, AND AUTHORIZING THE GENERAL MANAGER TO EXECUTE SAID AMENDMENT

WHEREAS, the Sweetwater Springs Water District ("District") entered into an Agreement in 2006 ("Original Agreement") with Meyers, Nave, Riback, Silver & Wilson ("Meyers Nave") to provide legal services for the District; and

WHEREAS, there has been no change to the Meyers Nave fee structure since that time; and

WHEREAS, Meyers Nave has requested that the District approve the fee schedule attached as Attachment 1 to the proposed Amendment No.1; and

WHEREAS, the Board of Directors desires to amend the Original Agreement with Meyers Nave in the manner described herein and as further described in Exhibit A attached.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Sweetwater Springs Water District, Sonoma County, California, that:

1. Amendment No.1 to the Original Agreement is approved (Exhibit A).

2. All other terms of the Original Agreement, except as otherwise set forth in Amendment No.1.

3. The General Manager is hereby authorized and directed to execute Amendment No.1 on behalf of the District.

I hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted and passed by the Board of Directors of the SWEETWATER SPRINGS WATER DISTRICT, Sonoma County, California, at a meeting held on March 7, 2013, by the following vote:

Director	Aye	No
Sukey Robb-Wilder	_____	_____
Tim Lipinski	_____	_____
Gaylord Schaap	_____	_____
Richard Holmer	_____	_____
Victoria Wikle	_____	_____

_____

Richard Holmer
President of the Board of Directors

_____

Attest: Julie A. Kenny
Clerk of the Board of Directors

EXHIBIT A:

SWEETWATER SPRINGS WATER DISTRICT

AMENDMENT NO. 1 TO THE AGREEMENT FOR LEGAL SERVICES DATED OCTOBER 1, 2006, BETWEEN THE SWEETWATER SPRINGS WATER DISTRICT AND MEYERS, NAVE, RIBACK, SILVER & WILSON

This first amendment to the agreement for legal services dated October 1, 2006 between the Sweetwater Springs Water District and Meyers, Nave, Riback, Silver & Wilson, is hereby entered into and dated April 1, 2013.

1. Attachment 1 to the agreement for legal services between the Sweetwater Springs Water District and Meyers, Nave, Riback, Silver & Wilson, dated October 1, 2006, is hereby amended by deleting the existing Attachment 1 entitled “Fee Schedule” in its entirety and replacing it with the Attachment 1 attached to this first amendment.

2. Except as modified above, all terms and conditions of the agreement for legal services dated October 1, 2006 between the Sweetwater Springs Water District and Meyers, Nave, Riback, Silver & Wilson shall remain in full force and effect.

IN WITNESS WHEREOF the parties have executed this amendment to be effective April 1, 2013, as follows:

Sweetwater Springs Water District	Meyers, Nave, Riback, Silver & Wilson
_____	_____
By: Richard Holmer, Board President	By: Eric Danly, Principal

Attest:

_____
Julie Kenny, Board Secretary

ATTACHMENT 1

Fee Schedule

(Rates become effective on April 1, 2013)

Service	Hourly Rate
General Counsel Services	$220
Specialized Legal Services (litigation, CEQA matters, eminent domain, labor/employment)	$240
Paralegal/Legal Assistant	$115
Travel Time	$110

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