

ATTACHMENT 3

**AMENDMENT NO. 1 TO THE
AGREEMENT FOR SERVICES WITH THE CONFLICT SOLUTIONS CENTER
ALTERNATE DISPUTE RESOLUTION SERVICES**



County of Santa Barbara
BOARD OF SUPERVISORS
Minute Order

September 19, 2017

Present: 5 - Supervisor Williams, Supervisor Wolf, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

SUPERIOR COURT

File Reference No. 17-00723

RE: Consider recommendations regarding Amendment No. 1 to Grant Award Funding of Alternate Dispute Resolution (ADR) and Dispute Resolution Programs Act (DRPA) for Fiscal Year (FY) 2017-2018, as follows:

- a) Approve, ratify, and authorize the Chair to execute Amendment No. 1 to the Agreement with Conflict Solutions Center of Santa Barbara County (CSC) for grant funding from the Dispute Resolution Trust Fund (Fund 1073) for the additional amount of up to \$72,000.00 for FY 2017-2018, bringing the total Agreement maximum not to exceed to \$180,000.00, and extending the Agreement for the period from July 1, 2017 through June 30, 2018;
- b) Approve continued funding from the Dispute Resolution Trust Fund (Fund 1073) for the Superior Court, for purposes of Dispute Resolution Program administration during the term July 1, 2017 through June 30, 2018 in an amount not to exceed twenty percent (20%) of the funds available of the Trust Fund in accordance with Section 469 of the California Business and Professions Code; and
- c) Determine that these activities are exempt from California Environmental Quality Act (CEQA) review per CEQA Guideline Section 15378(b)(4), since the recommended actions are government fiscal activities which do not involve commitment to any specific project which may result in a potentially significant physical impact on the environment.

A motion was made by Supervisor Wolf, seconded by Supervisor Williams, that this matter be Acted on as follows:

- a) Approved and authorized; Chair to execute; and
- b) and c) Approved.

The motion carried by the following vote:

Ayes: 5 - Supervisor Williams, Supervisor Wolf, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

**AMENDMENT NO. 1 TO
AGREEMENT FOR SERVICES OF INDEPENDENT CONTRACTOR
CONFLICT SOLUTIONS CENTER**

This Amendment No. 1 hereby amends, ratifies, and extends the Agreement for Services of Independent Contractor (Agreement) between the Conflict Solutions Center referred to as "CONTRACTOR" and the Superior Court of California, County of Santa Barbara referred to as "COURT" and the County of Santa Barbara, hereinafter referred to as "COUNTY".

WHEREAS, CONTRACTOR has been providing Alternate Dispute Resolution (ADR) services throughout the county in accordance with the California Business and Professions (Cal. B&P) Code sections 465 et seq. and Title 16, chapter 36 of the California Code of Regulations (CCR); and

WHEREAS, the Agreement expired on June 30, 2017; and

WHEREAS, CONTRACTOR has continued to provide ADR services beyond the expiration date of the Agreement; and

WHEREAS, the parties wish to ratify and extend the Agreement for an additional year up to and including June 30, 2018 at the same rate of annual compensation; and

WHEREAS, the Dispute Resolution Programs Act of 1986 (DRPA) as set forth in the California Business & Professions Code Section 465 et seq., provides for the establishment and funding of local ADR Programs;

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the parties hereby amend the Agreement as described below.

1. Under continuing consideration, the parties agree to ratify and extend the term for an additional year for fiscal year 2017-2018, up to and including June 30, 2018.
2. In Section 2. of the Agreement, Notices, replace the parties with the following:

To Court:

Darrel E. Parker
Superior Court Executive Officer
Superior Court of Santa Barbara County
312 East Cook Street, Bldg E.
Santa Maria, CA 93454

To Contractor:

Sherrill Nickerson
Mediation Program Coordinator
Conflict Solutions Center
1530 Chapala St.
Santa Barbara, CA 93101


3. In Exhibit B, Payment Arrangements, Periodic Compensation, Section A, add the following to the end of the paragraph: "For fiscal year 2017-2018, CONTRACTOR shall be paid up to a total amount, including cost reimbursements, not to exceed \$72,000 through June 30, 2018."

The terms and provisions set forth in this Amendment No. 1 shall modify and supersede all inconsistent terms and provisions set forth in the Agreement. The terms and provisions of the Agreement, except as expressly modified and superseded by this Amendment No. 1, are ratified and confirmed and shall continue in full force and effect, and shall continue to be legal, valid, binding and enforceable obligations of the parties.

This Amendment No. 1 may be executed in any number of counterparts and each of such counterparts shall for all purposes be deemed to be an original.

IN WITNESS WHEREOF, the parties have executed this Amendment No. 1 to be effective on the date executed by COUNTY.

ATTEST:
Mona Miyasato
County Executive Officer
Clerk of the Board

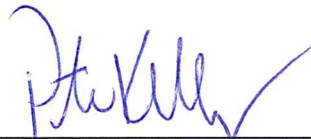
By: 
Deputy Clerk

COUNTY OF SANTA BARBARA

By: 
Chair, Board of Supervisors

Date: 9/20/17

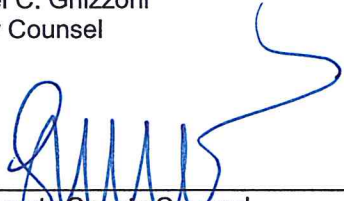
COURT

By: 
Patricia Kelly
Superior Court Presiding Judge

CONTRACTOR:
Conflict Solutions Center

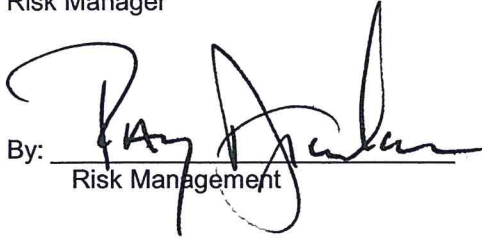
By: 
Sherrill Nickerson
Administrative Director
Mediation Program Coordinator

APPROVED AS TO FORM:
Michael C. Ghizzoni
County Counsel

By: 
Deputy County Counsel

APPROVED AS TO ACCOUNTING FORM:
Theodore A. Fallati, CPA
County Auditor-Controller

APPROVED AS TO FORM:
Ray Aromatorio
Risk Manager

By: 
Risk Management

By: 
Deputy