

FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL LEGAL SERVICES

This First Amendment to the Agreement for Professional Legal Services ("AGREEMENT") between the Santa Barbara County Flood Control & Water Conservation District ("DISTRICT") and Rutan & Tucker, LLP ("ATTORNEY"), wherein ATTORNEY agrees to provide and DISTRICT agrees to accept the services specified herein.

WHEREAS, the DISTRICT continues to require the services of legal counsel to assist in providing legal advice and representation in the specialized area of condemnation of certain property; and

WHEREAS, the need for such advice and representation often arises quickly and unexpectedly, so that it is in the DISTRICT's interest to have a contract with Outside Counsel under which those services are readily available as needed; and

WHEREAS, Paragraph 26 of the AGREEMENT states the AGREEMENT may be altered, amended or modified by an instrument in writing, executed by the Parties; and

WHEREAS, the DISTRICT wishes to increase the maximum contract amount by One Hundred Fifty Thousand Dollars (\$150,000) and extend the term to June 30, 2023.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the parties agree as follows:

The Parties agree to amend the AGREEMENT as follows:

1. Paragraph 4, Term is revised to state:

ATTORNEY shall commence performance on September 22, 2020 and end performance upon completion, but no later than June 30, 2023, unless otherwise directed by DISTRICT or unless earlier terminated.

2. Exhibit B, Paragraph A is revised to state:

Unless previously agreed in writing by DISTRICT, Douglas J. Dennington shall be the attorney personally responsible for providing services hereunder. For ATTORNEY services to be rendered under this AGREEMENT, ATTORNEY shall be paid a total contract amount, including cost reimbursements, not to exceed \$300,000.

3. Attachment B-1 Schedule of Fees, Hourly Rates is revised to state:

ATTORNEY's hourly rates are as follows:

Partner Attorneys – Hourly rate is \$370
Associate Attorneys – Hourly rate is \$300
Paralegal – Hourly rate is \$175

Amounts to be charged under this AGREEMENT shall not exceed \$300,000 without further written authorization from DISTRICT.

4. In all other respects, the AGREEMENT remains unchanged and in full effect.

1. 17. 21

SIGNATURE PAGE

IN WITNESS WHEREOF, the parties have executed this First Amendment to the Agreement to be effective on the date executed by COUNTY.

ATTEST:

Mona Miyasato
County Executive Officer
Clerk of the Board

By: *Shirley de la Guerra*
Deputy Clerk

COUNTY OF SANTA BARBARA:

By: *Bob Miller*
Chair, Board of Supervisors

Date: 10.19.2021

**RECOMMENDED FOR APPROVAL AND
APPROVED AS TO FORM:**
County Counsel

By: *Rachel Van Mullem*
Rachel Van Mullem, County Counsel

CONTRACTOR:,

Rutan & Tucker, LLP

By: _____
Authorized Representative
Name: Douglas Dennington
Title: Attorney at Law

APPROVED AS TO FORM:

Risk Management

By: _____
Ray Aromatorio, Risk Manager

**APPROVED AS TO ACCOUNTING
FORM:**

BETSY SCHAFFER, CPA
Auditor-Controller

By: _____
Deputy

SIGNATURE PAGE

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County Executive Officer
Clerk of the Board

COUNTY OF SANTA BARBARA:

By: _____
Deputy Clerk

By: _____
Chair, Board of Supervisors

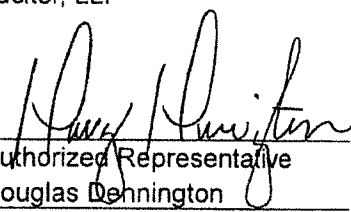
Date: _____

**RECOMMENDED FOR APPROVAL AND
APPROVED AS TO FORM:**
County Counsel

CONTRACTOR:;

Rutan & Tucker, LLP

By: _____
Rachel Van Mullem, County Counsel

By:  _____
Authorized Representative
Name: Douglas Dennington
Title: Attorney at Law

APPROVED AS TO FORM:

Risk Management

**APPROVED AS TO ACCOUNTING
FORM:**

BETSY SCHAFFER, CPA
Auditor-Controller

By: _____
Ray Aromatorio, Risk Manager

By: _____
Deputy

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Mona Miyasato
County Executive Officer
Clerk of the Board

COUNTY OF SANTA BARBARA:

By: _____
Deputy Clerk

By: _____
Chair, Board of Supervisors

Date: _____

**RECOMMENDED FOR APPROVAL AND
APPROVED AS TO FORM:**
County Counsel

CONTRACTOR:,
Rutan & Tucker, LLP

By: *Rachel Van Mullem*
Rachel Van Mullem, County Counsel

By: _____
Authorized Representative
Name: Douglas Dennington
Title: Attorney at Law

APPROVED AS TO FORM:

Risk Management

**APPROVED AS TO ACCOUNTING
FORM:**
BETSY SCHAFFER, CPA
Auditor-Controller

By: *Ray Aromatorio*
Ray Aromatorio, Risk Manager

By: *C. Schaffer*
Deputy