

GHAD RESOLUTION NO. 1 – 2016

A RESOLUTION APPROVING A FIRST AMENDMENT TO THE GENERAL COUNSEL LEGAL SERVICES AGREEMENT FOR CONTRACT GENERAL AND SPECIAL LEGAL SERVICES BETWEEN THE OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT (GHAD) AND THE LAW FIRM OF BEST BEST & KRIEGER, LLP, AUTHORIZING ADJUSTMENTS IN LEGAL COUNSEL SPECIAL RATES AND SERVICES

**BOARD OF DIRECTORS
OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT
Clayton, California**

WHEREAS, by City of Clayton Resolution No. 5-89 adopted by the Clayton City Council on 01 February 1989, the Oakhurst Geological Hazard Abatement District was duly formed and constituted as a separate legal public entity in the state of California; and

WHEREAS, on 22 August 2011 by adoption of GHAD Resolution No. 03-2011, the Board of Directors unanimously retained the law firm of Best Best & Krieger (BB&K) to be its legal counsel for the provision of general and special legal services for and to the GHAD Board of Directors, and did further appoint Malathy "Mala" Subramanian of BB&K to be its General Counsel; and

WHEREAS, by way of letter to the City of Clayton City Manager dated 14 June 2016, BB&K formally notified the City [and GHAD] of its first request in almost five (5) years to seek an increase in its base retainer fee and an increase in the hourly billing rates for Special Legal Services, each to become effective on 01 July 2016; and

WHEREAS, the law firm's request for increase in base retainer fees represents a 6% adjustment while the hourly rates for Special Legal Services constitute a 7.3% increase in partner billing rates and a 6.67% increase in paralegal/law clerks billing rates; and

WHEREAS, during the ensuing time period between BB&K's general counsel retention date in August 2011 to the present, the Consumer Price Index for the Metropolitan Statistical Area of San Francisco – Oakland – San Jose, CA [All Urban Consumers] has risen by 12.77% [August 2011 to April 2016]; and

WHEREAS, on further reflection of the quality of legal services and legal representation provided to GHAD by BB&K during the almost five (5) past years, it is the recommendation of the GHAD District Manager as well as the City Manager that said request is a reasonable and recommended budgetary accommodation;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Oakhurst Geological Hazard Abatement District, Clayton, California does hereby find, determine and approve as follows:

Section 1. That the above Recitals are true and correct facts pertaining to an important matter of public policy to the GHAD.

Section 2. That the First Amendment to the General Counsel Legal Services Agreement between the Oakhurst Geological Hazard Abatement District and the law firm of Best Best & Krieger, LLP, ("BB&K"), attached hereto as Attachment A and incorporated herein as if fully set forth in this Resolution, does hereby set forth the amended terms and conditions for the District's continued retention of BB&K to provide general and special legal counsel services for and to the District, and therefore said First Amendment is hereby approved and adopted, effective 01 July 2016.

Section 3. The Chair is hereby authorized and directed to execute the First Amendment for and on behalf of the Oakhurst Geological Hazard Abatement District, a true and correct copy of the First Amendment attached hereto as Attachment A.

Section 4. This Resolution shall and does take immediate effect from and after its passage and adoption.

PASSED, APPROVED AND ADOPTED by the Board of Directors of the Oakhurst Geological Hazard Abatement District, Clayton, California at a regular public meeting thereof held on the 21st day of June 2016 by the following recorded vote:

AYES: Chairman Haydon, Vice Chair Diaz, Boardmembers Geller, Pierce and Shuey.

NOES: None.

ABSTAIN: None.

ABSENT: None.

THE GHAD BOARD OF DIRECTORS


Keith Haydon, Chair

ATTEST:


Janet Brown, Secretary