

**RESOLUTION NO. -2024**

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL APPROVING CONTRACT AMENDMENT WITH BURKE, WILLIAMS & SORENSEN, LLP FOR LEGAL COUNSEL IN FILING OF EMINENT DOMAIN PROCEEDINGS FOR RECONSTRUCTION OF THE CITY'S RAW WATER LINE AND APPROVING BUDGET AMENDMENT 2023/24-15 (AMOUNT NOT TO EXCEED \$80,000)**

**WHEREAS**, on June 26, 2023, the City of Fort Bragg ("City") approved Resolution No. 4695-2023 that public interest and necessity require acquisition of permanent easements for the construction of the raw water line and directed the filing of eminent domain proceedings; and

**WHEREAS**, Section 4 of Resolution 4695-2023 authorized Burke, Williams & Sorensen LLP, under the direction of the City Attorney, to prepare such proceedings; and

**WHEREAS**, the City entered into a professional services agreement with Burke, Williams & Sorensen LLP, in the amount of \$25,000 on January 18, 2023; and

**WHEREAS**, on September 11, 2023 the City Council authorized amendment number one (1), in the amount of \$20,000; and

**WHEREAS**, on October 10, 2023 the City Council authorized amendment number two (2), in the amount of \$15,000 and approved budget amendment 23/24-07; and

**WHEREAS**, the cost of processing the Eminent Domain proceedings has now exceeded the \$60,000 contract amount; and

**WHEREAS**, the cost of these additional services are estimated to be \$20,000, bringing the total Not to Exceed Amount to \$80,000; and

**WHEREAS**, per Fort Bragg Municipal Code Section 3.20.050, the City Manager's signing authority for change orders may not exceed 10% of the approved contract cost; and

**WHEREAS**, Budget Amendment 2023/24-15 is necessary to ensure sufficient funds to cover the cost of the admendment.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Fort Bragg does hereby approve Amendment Number Three (3) to the Professional Services Agreement with Burke, Williams & Sorensen LLP, and authorizes the City Manager to execute the same (total amount of contract not to exceed \$80,000) and approve Budget Amendment 2023/24-15.

The above and foregoing Resolution was introduced by Councilmember \_\_\_\_, seconded by Councilmember \_\_\_\_\_, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 22nd day of April 2024, by the following vote:

**AYES:**  
**NOES:**  
**ABSENT:**  
**ABSTAIN:**  
**RECUSED:**

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**BERNIE NORVELL**  
Mayor

**ATTEST:**

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**ATTEST:**  
Diana Sanchez  
City Clerk