

**RESOLUTION NO. -2023**

**RESOLUTION 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, INCREASING THE AMOUNT BY \$15,000, NOT TO EXCEED \$60,000 AND APPROVING BUDGET AMENDMENT 2023/24-07 (ACCOUNT NO. 651-6007-0310)**

**WHEREAS**, on June 26, 2023, the City of Fort Bragg ("City") approved Resolution No. 4695-2023 that public interest and necessity require the 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**, the cost of processing the Eminent Domain proceedings has now exceeded the \$45,000 contract amount; and

**WHEREAS**, the cost of these additional services is estimated to be \$15,000, bringing the total Not to Exceed Amount to \$60,000; 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 23/24-07 is necessary to ensure sufficient funds to cover the cost of the amendment.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Fort Bragg does hereby approve Amendment Number Two (2) 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 \$60,000) and approve Budget Amendment 2023/24-07, (Account 651-6007-0310).

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 10<sup>th</sup> day of October 2023, by the following vote:

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

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**BERNIE NORVELL**  
Mayor

**ATTEST:**

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**Cristal Muñoz**  
Acting City Clerk