

RESOLUTION NO. -2023

RESOLUTION APPROVING CONTRACT AMENDMENT WITH BURKE, WILLIAMS & SORENSEN, LPP FOR LEGAL COUNSEL IN FILING OF EMINENT DOMAIN PROCEEDINGS FOR RECONSTRUCTION OF THE CITY'S RAW WATER LINE, INCREASING THE AMOUNT NOT TO EXCEED \$45,000 AND APPROVE BUDGET AMENDMENT 2023/24-05 (ACCOUNT NO. 651-6007-0310)

WHEREAS, on June 26, 2023, the City of Fort Bragg ("City") approved a Resolution (Resolution No. 4695-2023) that the 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; and

WHEREAS, the cost of processing the Eminent Domain proceedings exceeds the original contract amount; and

WHEREAS, the costs of these additional services is estimated to be \$20,000, bringing the total Not to Exceed Amount to \$45,000; 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, there are sufficient funds available in the raw water line project funds to cover the cost of these additional services; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby approve an Amendment 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 \$45,000) and approved Budget Amendment 2023/24-05, \$45,000 (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 11th day of September 2023, by the following vote:

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

BERNIE NORVELL
Mayor

ATTEST:

ATTEST:
Cristal Muñoz
Acting City Clerk