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RENEWAL AND AMENDMENT NO. 5 TO AGREEMENT FOR SPECIALIZED ATTORNEY SERVICES BY AND BETWEEN COUNTY OF MONTEREY AND BEST BEST & KRIEGER, LLP

THIS RENEWAL ANDAMENDMENT NO. 5 to Agreement for Specialized Attorney Services ("AGREEMENT") for the provision of legal services is made by and between the COUNTY OF MONTEREY, a political subdivision of the State of California (hereinafter referred to as "COUNTY"), on behalf of Natividad Medical Center, and **Best Best & Krieger, LLP** (hereinafter referred to as "ATTORNEY"), with respect to the following.

WHEREAS, COUNTY and ATTORNEY entered into AGREEMENT in the amount of $80,000 with a term of May 1, 2017 to April 30, 2019; and

WHEREAS, COUNTY and ATTORNEY entered into an AMENDMENT NO. 1, increasing the total contract liability to $198,000 with no change to the term of the AGREEMENT; and

WHEREAS, COUNTY and ATTORNEY entered into an AMENDMENT NO. 2, increasing the total contract liability to $325,000 and extending the term of the AGREEMENT to April 30, 2022; and

WHEREAS, COUNTY and ATTORNEY entered into an AMENDMENT NO. 3 increasing the total contract liability to $465,000 with no change to the term of the AGREEMENT; and

WHEREAS, COUNTY and ATTORNEY entered into an AMENDMENT NO. 4, extending the term of the AGREEMENT by two years, for a revised full term of May 1, 2017 to April 30, 2024, with no change to the total contract liability of $465,000; and

WHEREAS, the AGREEMENT expired by its terms on April 30, 2024; and

WHEREAS, COUNTY and ATTORNEY have since continued to perform under the AGREEMENT and otherwise conduct themselves as if it remained in force;

WHEREAS, COUNTY and ATTORNEY mutually desire to reinstate the AGREEMENT with effect date retroactive to May 1, 2024, and to amend the AGREEMENT as provided below;

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NOW THEREFORE, COUNTY and ATTORNEY hereby agree to amend AGREEMENT in the following manner:

1. The expiration of the AGREEMENT is hereby revoked and, except as expressly modified by this RENEWAL AND AMENDMENT NO. 5, the AGREEMENT shall be, and hereby is, retroactively reinstated in its entirety and shall be, and shall be considered to have been at all relevant times as provided herein, in full force and effect as if the same had never expired.

2. Paragraph 1.02. Paragraph 1.02, Termination and Termination Upon Written Notice, shall be amended and restated in its entirety as follows:

   "1.02. Termination and Termination Upon Written Notice. The term of this Agreement shall be May 1, 2017 through April 30, 2026. ATTORNEY and COUNTY agree that COUNTY may terminate the services of ATTORNEY effective immediately for any reason by giving written notice to ATTORNEY and that ATTORNEY may withdraw from representation of COUNTY upon written notice to COUNTY.

3. Exhibit C. Exhibit C, Fees and Expenses, shall be deleted and replaced in its entirety and attached hereto as Exhibit C, Fees and Expenses.

4. Except as provided herein, all remaining terms, conditions and provisions of the AGREEMENT that are unchanged and unaffected by this RENEWAL AND AMENDMENT NO. 5 shall continue in full force and effect as set forth in the AGREEMENT.

5. This RENEWAL AND AMENDMENT NO. 5 shall be effective May 1, 2024.

6. A copy of this RENEWAL AND AMENDMENT NO. 5 shall be attached to the original AGREEMENT executed by the County.

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IN WITNESS WHEREOF, County and ATTORNEY have executed this AGREEMENT as of the day and year written below.

DATED: _____

COUNTY

By _____
Susan K. Blitch
County Counsel
County of Monterey

ATTORNEY

DATED: 4/30/2024 | 10:01 AM PDT

DocuSigned by:
By Leeann Habte
FA10033A6F75426...
Leeann Habte, Partner
Best Best & Krieger, LLP

APPROVED AS TO FORM AND LEGALITY

DATED: 5/13/2024 | 9:56 AM PDT

DocuSigned by:
By _____
696D21D44C4341D...
Stacy L. Saetta
Chief Deputy County Counsel

APPROVED AS TO FINANCIAL TERMS

DATED: 5/13/2024 | 8:16 PM PDT

DocuSigned by:
By _____
2617DD077D65495...
Title Chief Deputy Auditor-Controller
Auditor-Controller's Offic

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EXHIBIT C

Fees and Expenses

The current billing rate for Leeann Habte is $495 per hour.

Other attorneys may be called upon from time to time to work on matters as particular needs arise and shall bill at then-current public agency rates which reflect individual levels of experience and areas of expertise. These rates currently fall within the following ranges:

Partners and Of Counsel	$295 - $655 per hour
Associates	$250 - $315 per hour
Paralegals, and Analysts	$175– $200 per hour

Our rates are reviewed annually and subject to adjustment at the start of every fiscal year beginning July 1, 2024 with advanced written notice.