

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: Matthew Fertal

From: Maria Stipe

Dept.: City Manager

Dept.: City Manager

Subject: AMENDMENT TO THE AGREEMENT WITH
WOODRUFF, SPRADLIN AND SMART FOR
CITY ATTORNEY SERVICES

Date: June 28, 2011

OBJECTIVE

To recommend approval of an amendment to the agreement with Woodruff, Spradlin and Smart to adjust the rate structure for City Attorney services.

BACKGROUND

Woodruff, Spradlin and Smart has provided City Attorney services to the City of Garden Grove since May 1992. These services include counsel on general City matters, counsel for the Planning Commission and other City hearing bodies, contract review, claims review, code enforcement prosecution, and litigation related to a wide variety of matters, including personnel issues. Woodruff, Spradlin and Smart rates were last adjusted in 2008.

DISCUSSION

The City has received a request from Woodruff, Spradlin and Smart for an adjustment in their rates from \$185 to \$190 per hour for attorneys, and from \$105 to \$108 for paralegal services. The proposed adjustment is approximately equivalent to the change in consumer price indices (CPI) for the Los Angeles/Orange County area for the past 3-year period. In light of the quality of service being received by the City, and the time that has passed since the last increase, this adjustment seems appropriate and reasonable. Woodruff, Spradlin, and Smart also proposes to include an annual CPI adjustment provision for future years, with an annual cap of 3%.

FINANCIAL IMPACT

If approved, funds will be included in the FY 2011-12 budget to cover the amount of the increase.

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RECOMMENDATION

It is recommended that the City Council:

- Approve the attached amendment to the agreement with Woodruff, Spradlin and Smart for City Attorney services; and
- Authorize the Mayor to execute the amendment on behalf of the City.



MARIA STIPE
Deputy City Manager

Attachment: Amendment to Agreement For City Attorney Services

Recommended for Approval



Matthew Ferial
City Manager

AMENDMENT TO AGREEMENT FOR CITY ATTORNEY SERVICES

This Amendment to Agreement for City Attorney Services is made this ____ day of _____, 2011, by and between the City of Garden Grove, hereinafter "City" and Woodruff, Spradlin and Smart, hereinafter "Attorneys."

Whereas, City and Attorneys entered into an agreement for City Attorney services in May 1992 (the "Agreement"), which was subsequently amended on June 7, 1994, September 24, 1996, June 12, 2001 and again on June 10, 2008.

NOW, THEREFORE, the City and Attorneys agree that the existing Agreement for City Attorney Services, as amended, shall be further amended as follows:

A. Exhibit A to the Agreement shall be modified to include the following adjustments:

1. The hourly fee for all City work, advisory and litigation shall be adjusted from \$185 per hour to \$190 per hour for attorneys and from \$105 per hour to \$108 per hour for paralegal personnel.
2. Messenger charges shall be billed for the direct costs incurred.
3. Effective July 1 of each year commencing July 1, 2012, the hourly rates for attorneys and paralegals shall be adjusted in an amount equal to the percentage change in the Consumer Price Index for the Los Angeles-Riverside-Orange County Metropolitan area, urban and clerical wage earners, for the period of June 1-May 30 of the prior year, with an annual cap of 3%. Each hourly labor rate shall be rounded to the nearest one dollar increment.

C. These Amendments shall become effective July 1, 2011 and shall supersede any provisions to the contrary set forth in the Agreement and any prior amendments thereto.

D. All other provisions of the Agreement not specifically amended herein shall remain in full force and effect as set forth therein.

Attorneys:

Woodruff, Spradlin & Smart

By: _____
Thomas F. Nixon, Director

City:

City of Garden Grove

By: _____
Mayor

Attest:

City Clerk