



Agenda Item No. 9c.

Staff Report

Date: June 14, 2016

To: Mayor Hoertkorn and Council Members

From: Joe Chinn, Town Manager

Subject: Approval of Amendment to Richards, Watson & Gershon Town Services Legal Agreement

Recommendation

Town Council approve Amendment No. 1 to Agreement for Town Attorney Legal Services between the Town and Richards, Watson & Gershon.

Background and discussion

The Town entered into an Agreement for Town Attorney Legal Services with Richards, Watson & Gershon (RWG) on March 14, 2011. RWG has provided the Town with high quality, responsive services since that time. The Agreement provided that RWG would not ask for a billing rate increase before April 1, 2013. RWG has been performing services under the Agreement for over five years and now requests a billing rate increase. With the proposed Amendment No. 1 which is attached to the staff report, the billing rates would change as follows:

- For Town Attorney services, other than litigation or cost recovery matters, the billing rate would change from \$225 per hour to \$240 per hour.
- Services rendered on litigation matters and cost recovery matters, such as development proposals where the applicant is obligated to reimburse the Town for its legal expenses, will be billed at the rates of \$275 to \$325 for shareholders and senior attorneys (a change from current range of \$275 to \$295 per hour) and \$250 per hour for associates (a change from current range of \$235 to \$250 per hour).

Fiscal, resource and timeline impacts

The proposed amendment if approved would increase RWG rates by approximately 6.7%, the first rate change since the original contract in March 2011. The additional cost of approximately \$10,000 per year is included in the proposed Fiscal Year 2016-17 budget.

Alternative actions

None recommended.

Environmental review (if applicable)

N/A

Attachment

- Amendment No. 1 to Agreement for Town Attorney Services

AMENDMENT NO. 1 TO AGREEMENT FOR TOWN ATTORNEY LEGAL SERVICES

THIS AMENDMENT NO. 1 TO AGREEMENT FOR LEGAL SERVICES is entered into this _____ day of June, 2016 between the Town of Ross, a municipal corporation (the "Town"), and Richards, Watson & Gershon, a Professional Corporation ("Richards").

Section 1. Recitals.

(a) The Agreement for Legal Services between the Town and Richards was entered into on March 14, 2011 (the "Agreement").

(b) The Agreement provided that Richards would not ask for a billing rate increase before April 1, 2013. Richards has been performing services under the Agreement for over five years and now requests a billing rate increase which Town finds acceptable.

Section 2. Amendment. Effective July 1, 2016, Section 4 (Compensation for Legal Services) of the Agreement is hereby amended in its entirety to read:

"Section 4 Compensation for Legal Services.

(a) General Town Attorney Services. For Town Attorney services, other than litigation or cost recovery matters, Richards will bill the Town on an hourly basis at the rate of \$240 per hour for work performed by any attorney in the firm.

(b) Additional Legal Services. Services rendered on litigation matters will be billed at the rates of \$275 to \$325 for shareholders and senior attorneys and \$250 per hour for associates. Services rendered on cost recovery matters, such as development proposals where the applicant is obligated to reimburse the Town for its legal expenses, will be billed at the above rates.

Richards recognizes that the Town is operating under budgetary constraints and agrees to make reasonable efforts to contain legal costs, including practicing preventative law to avoid unnecessary litigation."

Section 3. Except as specifically amended by this Amendment No. 1, the provisions of the Agreement shall remain in full force and effect.

TOWN OF ROSS

By: _____
Mayor

RICHARDS, WATSON AND GERSHON,
a professional corporation

By: _____
Gregory W. Stepanicich, Shareholder