

Council Meeting of
September 26, 2006

Honorable Mayor and Members
of the Torrance City Council
City Hall
Torrance, California

Members of the Council:

**SUBJECT: City Attorney - Approve Second Amendment to Fee Agreement for legal services in the matter of Willett v. City of Torrance.
Expenditure: \$75,000**

RECOMMENDATION

The City Attorney recommends that the City Council approve the Second Amendment to the Fee Agreement with the law firm of Rutan and Tucker to provide legal services in the matter of Willett v. City of Torrance in the additional amount of \$75,000 for a not to exceed total of \$99,000 to contract No. C2006-021.

Funding

Funding is available from the 2006/07 Self-Insurance operating budget.

BACKGROUND AND ANALYSIS

On December 1, 2005, the City Attorney entered into a Fee Agreement for legal services with the law firm of Rutan and Tucker to represent the City in a legal proceeding entitled Willett v. City of Torrance in an amount not to exceed \$10,000.

On April 4, 2006, the City Manager approved an Augmentation to the Fee Agreement in an amount not to exceed \$24,000. Recently, the law firm has provided the City with an estimate of additional costs to defend the litigation through trial in the amount of \$75,000.

The City Attorney therefore recommends that the City Council approve the Second Amendment to the Fee Agreement with the law firm of Rutan and Tucker in the additional amount of \$75,000 for a not to exceed total contract amount of \$99,000 to Contract No.C2006-021 to cover legal fees through litigation.

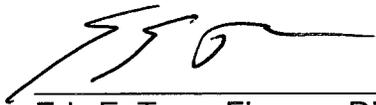
Respectfully submitted,

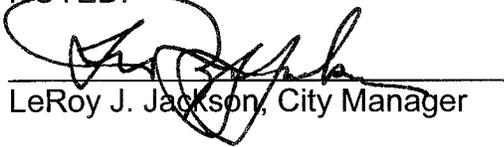
John L. Fellows III
City Attorney

By 
Linda Amorocchi Santos
Law Office Administrator

CONCUR:


John L. Fellows III, City Attorney


Eric E. Tsao, Finance Director

NOTED:

LeRoy J. Jackson, City Manager

Attachment: A) Second Amendment to Fee Agreement

ATTACHMENT A**SECOND AMENDMENT TO FEE AGREEMENT FOR LEGAL SERVICES**

This Second Amendment to the Fee Agreement for legal services ("Amendment") is made and entered into as of August 1, 2006 by and between the **CITY OF TORRANCE**, a municipal corporation ("CITY"), and the law firm of **RUTAN AND TUCKER, LLP** ("FIRM").

RECITALS:

- A. CITY and FIRM entered into a Fee Agreement for legal services with regard to legal action entitled Willett v. City of Torrance ("Agreement") on December 1, 2005 in an authorized amount of not to exceed \$10,000. A copy of that Fee Agreement for Legal Services is attached as Exhibit A (Contract No. C2006-021).
- B. CITY MANAGER approved an additional amount of \$14,000 for an not to exceed amount of \$24,000 on April 4, 2006. A copy of that Contract Augmentation Approval is attached as Exhibit B (Contract No. C2006-021);
- C. CITY is satisfied with the services of FIRM and desires to continue the use of this firm's representation of the City by increasing the available funding to FIRM by \$75,000 for an not to exceed amount of \$99,000.

AGREEMENT:

1. The Fee Agreement for Legal Services Contract No. C2006-021 is ratified and extended to completion of the legal services in an amount not to exceed the sum of \$99,000 unless otherwise first approved in writing by the CITY.
2. In all other respects, the Agreement dated December 1, 2005 between CITY and FIRM is ratified and reaffirmed and is in full force and effect.

CITY OF TORRANCE,
a municipal corporation

RUTAN AND TUCKER, LLP
a California partnership

Frank Scotto
Mayor

By: _____
M. Katherine Jenson
Partner

ATTEST:

Sue Herbers, City Clerk

APPROVED AS TO FORM:

By: _____
JOHN L. FELLOWS III
City Attorney

Attachment: Exhibit A Fee Agreement
 Exhibit B Augmentation to Fee Agreement



611 ANTON BOULEVARD, FOURTEENTH FLOOR
 COSTA MESA, CALIFORNIA 92626-1931
 POST OFFICE BOX 1950
 COSTA MESA, CALIFORNIA 92628-1950 *
 TELEPHONE 714-641-5100 FACSIMILE 714-546-9035
 www.rutan.com

ORANGE COUNTY
 PALO ALTO
 (650) 320-1500

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

M. Katherine Jenson
 Direct Dial. (714) 641-3413
 E-mail: kjenson@rutan.com

December 1, 2005

John L. Fellows, City Attorney
 City of Torrance
 3031 Torrance Boulevard
 Torrance, CA 90503

Re: Fee Agreement for Legal Services -- Willett v. City of Torrance

Dear John:

This letter will serve as our fee agreement for legal advice rendered to the City with regard to the above-referenced legal action. As I previously mentioned, our role will be to provide assistance to your office, however we will not be appearing as counsel in this matter.

The hourly rate Rutan & Tucker would charge the City for legal services is the standard hourly rates of attorneys in our office which begin at \$170 per hour, with a cap of \$230 per hour. This rate is \$10 per hour more than our contracts for matters 0001 through 0080, however in August the rate was raised due to the fact that, at that time, it had been approximately 18 months since our last rate increase. Paralegals would be billed at an hourly rate of \$115 per hour, and documents clerks would be billed at \$45 per hour. Under this proposal, the City would be charged either the attorney's standard hourly rate, or \$230 per hour, which ever is less. I will be the lead attorney working on this matter, and Bill Ihrke, an associate in this office, may assist me with this matter. Both my time, and Bill's time will be billed at \$230 per hour.

Rutan & Tucker also requires reimbursement for various costs incurred in performing legal services, including long distance telephone charges for calls outside the Los Angeles/Orange County area, postage, parking, out-of-town travel expenses (not mileage), duplication (@ 19¢ per page), telecopying, messengers, computer-assisted research (e.g. LEXIS), and other out-of-pocket expenses.

Detailed monthly invoices will be sent directly to you.

C2006F021

COPY

1st

**RUTAN
& TUCKER,**
ATTORNEYS AT LAW

John L. Fellows, City
Attorney
December 1, 2005
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If this proposal is acceptable to the City, please execute and return a copy of this letter to me.

If you have any questions regarding this proposal, please call me at 1-800-76RUTAN.

Very truly yours,

RUTAN & TUCKER, LLP


M. Katherine Jenson

The City of Torrance accepts the above proposal.

Dated: 1/27/2006

By: John L. Fellows
John L. Fellows, City Attorney
City of Torrance

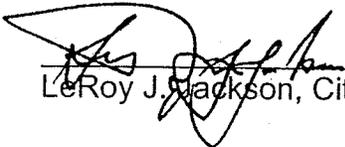
CONTRACT AUGMENTATION APPROVAL

This Contract Augmentation Approval (APPROVAL) is made with reference to the following facts:

1. On December 1, 2005, the City Attorney entered into an Agreement with the law firm of Rutan & Tucker to provide the City with legal services regarding the case of Willett v. City of Torrance.
2. That Agreement (C 2006-021) a copy of which is attached hereto as Exhibit A, was signed by the City Attorney in an authorized amount of under \$10,000 in accordance with City contract authority and procedure.
3. Continued costs associated with this matter mandate that the authorized amount be increased to an amount "not to exceed \$24,000."

THEREFORE:

Pursuant to the authority granted to the City Manager under Section 22.3.13 of the Torrance Municipal Code, APPROVAL is hereby granted authorizing the payment in an amount not to exceed an aggregate of \$24,000 under Agreement C 2006-021.



 LeRoy J. Jackson, City Manager

6 April 2006

 Date

CONCUR AND APPROVED AS TO FORM:

JOHN L. FELLOWS III
City Attorney

By: Patricia A. Hill

4/4/06

 Date

C2006-021

COPY