

Council Meeting of  
August 19, 2008

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**

**Expenditure: \$100,000**

**RECOMMENDATION**

Recommendation of the City Attorney that the City Council approve the Second Amendment to Fee Agreement (2008-141) with the law firm of Rutan & Tucker for an additional \$100,000 for a total not to exceed amount of \$124,000.

Funding

Funding is available from the Police Department General Fund operating budget and the Self-Insurance Fund

**BACKGROUND AND ANALYSIS**

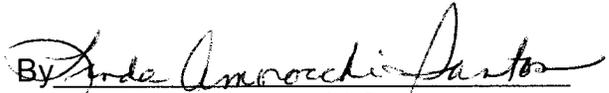
On June 11, 2008, the City Attorney entered into Fee Agreement (Contract No. C2008-141) in an amount not to exceed \$9,000 with the law firm of Rutan & Tucker to act as legal counsel on behalf of the City in the lawsuit of Spears v. City of Torrance.

On August 5, 2008, the City Manager amended the Fee Agreement in an amount not to exceed \$24,000. The law firm has advised the City that additional funding is necessary to continue the defense of the lawsuit.

The City Attorney recommends that the City Council approve the Second Amendment to the Fee Agreement (Attachment A) with the law firm of Rutan & Tucker in an additional amount of \$100,000 for a total not to exceed amount of \$124,000.

Respectfully submitted,

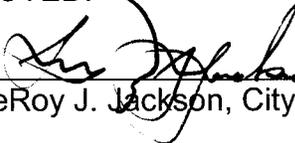
John L. Fellows III  
City Attorney

By   
Linda Amorocchi Santos  
Law Office Administrator

CONCUR:

  
John L. Fellows III, City Attorney

NOTED:

  
LeRoy J. Jackson, City Manager

Attachment A) Second Amendment to Fee Agreement

**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, 2008 by and between the **CITY OF TORRANCE**, a municipal corporation (“CITY”), and the law firm of **RUTAN & TUCKER, LLP**, a professional law corporation (“FIRM”).

**RECITALS:**

- A. CITY and FIRM entered into a Fee Agreement for legal services with regard to the federal civil rights litigation filed by David W. Spears (“Agreement”) on June 11, 2008 in the amount of \$9,000. A copy of that Fee Agreement for Professional Services is attached as Exhibit A (Contract No. C2008-141).
- B. On August 5, 2008, the City Manager amended the Fee Agreement in the additional amount of \$15,000 for a total not to exceed amount of \$24,000. A copy of the Amendment for Professional Services is attached as Exhibit B (Contract No. C2008-141).
- C. FIRM has advised CITY that an additional \$100,000 is necessary to proceed with the litigation in this matter. CITY desires to increase the available funding to FIRM by an additional amount of \$100,000 for a total not to exceed amount of \$124,000.

**AGREEMENT:**

1. The Fee Agreement for Legal Services dated June 11, 2008 (Contract No. C2008-040) is ratified and extended to completion of the professional services in an amount not to exceed the sum of \$124,000 unless otherwise first approved in writing by the CITY.
2. In all other respects, the Fee Agreement dated June 11, 2008 between CITY and FIRM is ratified and reaffirmed and is in full force and effect.

CITY OF TORRANCE,  
a municipal corporation

RUTAN & TUCKER  
a Professional Law Corporation

\_\_\_\_\_  
Frank Scotto  
Mayor

By: \_\_\_\_\_  
M. Katherine Jenson  
Attorney

ATTEST:

\_\_\_\_\_  
Sue Herbers, City Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
JOHN L. FELLOWS III  
City Attorney

Exhibit A) Fee Agreement  
Exhibit B) Amendment to Fee Agreement

June 11, 2008

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

Re: Fee Agreement for Legal Services -- Spears Federal Civil Rights Litigation

Dear John:

This letter will serve as Rutan & Tucker, LLP's fee agreement for legal representation rendered to the City, as well as the City Council and named City employees, with regard to the Federal civil rights litigation filed by David W. Spears.

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 \$230 per hour, with a cap of \$300 per hour. Paralegals would be billed at an hourly rate of \$135 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 the cap rate, whichever is less. I am the lead attorney working on this matter.

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.

If this proposal is acceptable to the City, please execute and return a copy of this letter to me.

C2008-141

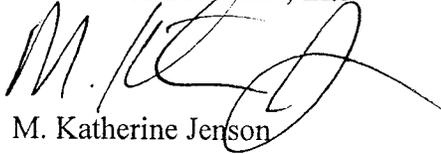
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John L. Fellows, City Attorney  
June 11, 2008  
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If you have any questions regarding this proposal, please call me at 1-800-76RUTAN.

Very truly yours,

RUTAN & TUCKER, LLP



M. Katherine Jenson

MKJ:lr

The City of Torrance accepts the above proposal.

Dated: June 23, 2008

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