Council Meeting of
September 23, 2008

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

Members of the Council:

SUBJECT: City Attorney - Approve Fee Amendment for Legal Services Expenditure: $25,000

RECOMMENDATION

Recommendation of the City Attorney that the City Council approve the Fourth Amendment to the Fee Agreement (C2005-145) with the law firm of Liebert Cassidy Whitmore to provide legal services relating to a personnel termination appeal proceeding for an additional $25,000 for a total contract amount not to exceed $174,000.

Funding

Funding is available from the Police Department General Fund Operating Budget.

BACKGROUND AND ANALYSIS

On June 15, 2005, the City Manager entered into a Fee Agreement for legal services with the law firm of Liebert Cassidy Whitmore to represent the City with regard to a personnel termination appeal proceeding in an amount not to exceed $24,000.

On February 28, 2006, the City Council approved the Amendment to the Fee Agreement with the law firm of Liebert Cassidy Whitmore in the additional amount of $25,000 for a not to exceed total amount of $49,000.

On July 17, 2007, the City Council approved a Second Amendment to the Fee Agreement in the additional amount of $40,000 for a not to exceed total amount of $89,000.

On February 26, 2008, the City Council approved a Third Amendment to the Fee Agreement in the additional amount of $60,000 for a not to exceed total amount of $149,000.

Counsel has provided the City with an estimate of additional costs to file briefs in this proceeding and for oral argument at the Court of Appeal in the additional amount of $25,000 for a not to exceed amount of $174,000. Therefore, the City Attorney recommends that the City Council approve the Fourth Amendment to the Fee Agreement with the law firm of Liebert Cassidy Whitmore to provide legal services relating to a personnel termination appeal proceeding in the additional amount of $25,000 for a not to exceed amount of $174,000 to Contract No. C2005-145.

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) Fourth Amendment to Fee Agreement

ATTACHMENT A

FOURTH AMENDMENT TO FEE AGREEMENT FOR LEGAL SERVICES

This Fourth Amendment to 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 **LIEBERT CASSIDY WHITMORE,** a professional corporation ("FIRM").

RECITALS:

A. CITY and FIRM entered into a Fee Agreement for Legal Services ("Fee Agreement") on June 15, 2005 in the amount of $24,000.

B. On February 28, 2006 the CITY COUNCIL approved additional funding in the amount of $25,000 for a total not to exceed amount of $49,000.

C. On July 17, 2007, the City Council approved additional funding in the amount of $40,000 for a total not to exceed amount of $89,000.

D. On February 26, 2008, the City Council approved additional funding in the amount of $60,000 for a total not to exceed amount of $149,000.

E. FIRM advised that an additional $25,000 is required to fund the appeal in this personnel termination proceeding for a total not to exceed amount of $174,000.

AGREEMENT:

1. The Fee Agreement for Legal Services (Contract No. C2005-145) and its amendments are ratified and extended in an amount not to exceed the sum of $174,000 unless otherwise first approved in writing by the CITY.

2. In all other respects the Fee Agreement and its amendments between the CITY and FIRM is hereby ratified and reaffirmed and is in full force and effect.

CITY OF TORRANCE,
a municipal corporation

By: _____
Frank Scotto, Mayor

ATTEST:

_____
Sue Herbers, City Clerk

APPROVED AS TO FORM:

JOHN L. FELLOWS III
City Attorney

By: _____

LIEBERT CASSIDY WHITMORE
a professional corporation

By: _____
Melanie M. Poturica,
Managing Partner