

Council Meeting of  
April 11, 2006

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

**Members of the Council:**

**SUBJECT: Approve Third Amendment to Fee Agreement with the law firm of Liebert Cassidy Whitmore for legal services with regard to the termination proceedings of a city employee for an additional amount of \$15,000 for a not to exceed total of \$74,000 to Contract No. C2004-047.**

**Expenditure: \$15,000**

**RECOMMENDATION**

The City Attorney recommends that the City Council approve the Third Amendment to the Fee Agreement with the law firm of Liebert Cassidy Whitmore to provide legal services with regard to the termination proceedings of a city employee in the additional amount of \$15,000 for a total contract amount not to exceed \$74,000.

**Funding**

Funding is available in the City Attorney's General Fund operating budget

**BACKGROUND AND ANALYSIS**

On January 1, 2004, the City Manager entered into a Fee Agreement for legal services with the law firm of Liebert Cassidy Whithmore to represent the City with regard to the termination proceedings of a city employee in the amount of \$24,000.

On March 16, 2005, the City Manager amended the Fee Agreement to increase the billing rate of the attorney representing the City.

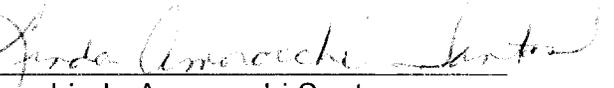
On January 10, 2006, the City Council approved an additional \$35,000 to fund the contract with Liebert Cassidy Whitmore.

On March 1, 2006, Liebert Cassidy Whitmore advised the City that an additional \$15,000 would be required to fund the Contract through completion of the termination proceedings for a total contract amount not to exceed \$74,000.

The City Attorney recommends that the City Council approve the Third Amendment to the Fee Agreement with the law firm of Liebert Cassidy Whitmore to provide legal services with regard to the termination proceedings of a city employee in the additional amount of \$15,000 for a total contract amount not to exceed \$74,000.

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) Third Amendment to Fee Agreement

### THIRD AMENDMENT TO FEE AGREEMENT FOR LEGAL SERVICES

This Third Amendment to Fee Agreement for legal services ("Amendment") is made and entered into as of February 1, 2006, 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 January 1, 2004 in the amount of \$24,000.
- B. On March 16, 2005, CITY amended the Agreement to increase the billing rate of FIRM.
- C. On November 1, 2005, CITY amended the Agreement to increase the funding by an additional \$35,000;
- D. FIRM has advised CITY that an additional \$15,000 is required to fund the matter through completion of the termination proceedings.

#### AGREEMENT:

- 1. Services to be Performed by FIRM.  
FIRM will provide the services set forth in the Fee Agreement and Amendments attached as Exhibit A and incorporated into this Third Amendment by this reference. FIRM warrants that all services set forth in the Fee Agreement and Amendments will be performed in a competent, professional and satisfactory manner.
- 2. FIRM's Fee.  
For services rendered pursuant to this Third Amendment, FIRM will be paid in accordance with the Fee Agreement and Amendments; provided, however, that in no event will the total amount of money paid the FIRM, for services contemplated by this Third Amendment, exceed the sum of **\$74,000.00** unless otherwise first approved in writing by CITY.
- 3. Conflict of Interest.  
FIRM warrants that all necessary conflict clearances have been obtained.
- 4. Insurance.  
FIRM must maintain at its sole expense professional liability coverage with combined single limits of at least \$1,000,000 per occurrence.

5. Business License.

FIRM will not be required to obtain a City business license.

CITY OF TORRANCE,  
a municipal corporation

LIEBERT CASSIDY WHITMORE  
a professional corporation

By: \_\_\_\_\_  
Dan Walker, Mayor

By: \_\_\_\_\_  
Melanie M. Poturica, Partner

APPROVED AS TO FORM:

JOHN L. FELLOWS III  
City Attorney

By: \_\_\_\_\_

Exhibit A) Fee Agreement and Amendments to Fee Agreement

AGREEMENT FOR SPECIAL SERVICES

This Agreement is entered into between the law firm of LIEBERT CASSIDY WHITMORE, A Professional Corporation ("Attorney"), and CITY OF TORRANCE, A Municipal Corporation ("City").

1. Conditions

This Agreement will not take effect, and Attorney will have no obligation to provide services, until City returns a properly signed and executed copy of this Agreement.

2. Attorney's Services

Attorney agrees to provide City with consulting, representational and legal services pertaining to the Disciplinary Case, including representation in negotiations and in administrative and City proceedings, as requested by the City or otherwise required by law.

3. Fees, Costs, Expenses

City agrees to pay Attorney the sums billed monthly for time spent by Attorney in providing the services and for reasonable travel time.

The range of hourly rates for Attorney time is from One Hundred Sixty to Two Hundred Sixty Dollars (\$160.00 - \$260.00) and Ninety-Five to One Hundred Ten Dollars (\$95.00 - 110.00) per hour for time of paraprofessional staff. Scott Tiedemann's current billable rate is \$200.00 per hour. Attorney reviews its hourly rates on an annual basis. Attorneys and paraprofessional staff bill their time in

C20004-047

**COPY**

minimum units of one-tenth of an hour. Communications advice (telephone, voice-mail, e-mail) is billed in a minimum increment of three-tenths (.30) of an hour.

City agrees to reimburse Attorney for necessary costs and expenses incurred by Attorney on behalf of City. Attorney bills photocopying charges at Fifteen Cents (\$.15) per page and facsimile charges at One Dollar (\$1.00) per page. A Public Agency Fee Schedule is attached to this Agreement.

Payment by City against monthly billings is due upon receipt of statements, and is considered delinquent if payment is not received within thirty (30) days of the date of the invoice.

4. Assignment

This Agreement is not assignable without the written consent of City.

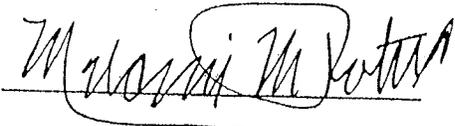
5. Independent Contractor

It is understood and agreed that Attorney, while engaged in performing the terms of this Agreement is an independent contractor and not an employee of City.

6. Term

This Agreement is effective January 1, 2004, ongoing and may be modified by mutual agreement of the parties. This agreement shall be terminable by either party upon thirty (30) days written notice.

LIEBERT CASSIDY WHITMORE  
A Professional Corporation

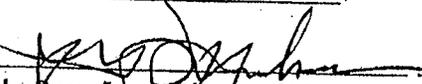
By 

Date 2-24, 2004

CITY OF TORRANCE  
A Municipal Corporation

By 

Date 3-16-04, 2004

By:   
Leroy J. Jackson, City Manager  
Date 30 March, 2004

I. PUBLIC AGENCY FEE SCHEDULE

(Hourly Rates)

Partners	\$225.00 - \$260.00
Of Counsel	\$225.00 - \$240.00
Associates	\$160.00 - \$210.00
Paraprofessionals	\$95.00 - \$110.00

II. COST SCHEDULE

1. Photocopies	\$0.15 per copy
2. Facsimile Transmittal	\$1.00 per page

CONTRACT AMENDMENT APPROVAL

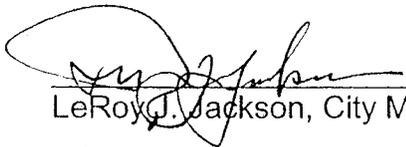
This Contract Amendment (AMENDMENT) is made with reference to the following facts:

1. On January 1, 2004, the City Manager entered into an Agreement with the law firm of Liebert Cassidy Whitmore to provide the City with consulting, representation, and legal services.
2. That Agreement (C 2004-047) a copy of which is attached hereto as Exhibit A, included the hourly rate for attorney time for Scott Tiedemann at the billable rate of \$200.00 per hour.
3. The law firm notified the City on February 18, 2005 that they were increasing their billing rates effective March 1, 2005, a copy of which is attached as Exhibit B.
4. As a result of the increased rates, Scott Tiedemann's hourly billable rate is billed as a partner at \$250 per hour.

C 2004-047

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 increase in the firm's billable hour rate under Agreement C 2003-243 in accordance with Exhibit B.

  
 \_\_\_\_\_  
 LeRoy J. Jackson, City Manager

03-16-2005  
 Date

CONCUR AND APPROVED AS TO FORM:

JOHN L. FELLOWS III  
City Attorney

By:   
 \_\_\_\_\_

3-16-05  
 Date

**COPY**

6033 WEST CENTURY BOULEVARD, SUITE 500  
LOS ANGELES, CALIFORNIA 90045  
T: (310) 981-2000 F: (310) 337-0837

LIEBERT CASSIDY WHITMORE  
A PROFESSIONAL LAW CORPORATION

153 TOWNSEND STREET, SUITE 520  
SAN FRANCISCO, CALIFORNIA 94107  
T: (415) 512-3000 F: (415) 856-0906

February 18, 2005

City of Torrance  
3031 Torrance Blvd.  
Torrance, CA 90503

Attn: Linda Santos

Re: *Agreement for Special Services*

Dear Ms. Santos:

Pursuant to the terms of our Agreement for Legal Services, this letter is to notify you that we are increasing our billing rates effective March 1, 2005, for all matters. This increase reflects the need to keep our client rates fair, while offering the best possible legal representation. The top hourly rate for Partners for the 2005 year will increase from \$240.00 to \$250.00. The top hourly rate for Associates for the 2005 year will remain at \$200.00. The top hourly rate for Of Counsel for the year 2005 will remain at \$225.00. The top hourly rate for Paralegals for the 2005 year will remain at \$95.00. For further clarification, a detailed schedule of hourly billing rates is attached.

We appreciate the opportunity to provide legal services to the City. If you have any questions regarding this notice or any other matter involving our Legal Services Agreement, please do not hesitate to contact me directly.

Sincerely,

LIEBERT CASSIDY WHITMORE



Paul Hessing  
Accounting Manager

Enclosures

**Liebert Cassidy Whitmore**  
*Hourly Billing Rates - March, 2005*

Partners	250	<u>Partners</u>
Of Counsel	225	Bruce Barsook
Steve Berliner	200	Richard C. Bolanos
Kristine Kwong	200	Debra Bray
Sergio Bent	200	Peter Brown
Mark Meyerhoff	200	Dan Cassidy
Jack Hughes	200	Mary Dowell
Deborah Leon	200	Jeffrey Freedman
Geoff Sheldon	200	Linda Jenson
Anthony Ramos	200	Richard Kreisler
Pilar Morin	190	John Liebert
Adrianna Guzman	190	Irma Rodriguez Moisa
Elaine Leeming	185	Cynthia O'Neill
Carla McCormack	185	Melanie Poturica
Arlin Kachalia	185	Scott Tiedemann
Christine Carson	180	Emi Uyehara
Roger Crawford	180	Brian Walter
Michael Blacher	180	Richard S. Whitmore
Jolina Abrena	175	Donna Williamson
Jill Babington	175	
Sara Petit	175	
Heather Glick	170	
Steve Kroll	170	
Megan Wallace	170	
Lourdes Matthew	160	
Mala Kapadia	160	
Paralegals	95	