

RESOLUTION NO. 3220-2008

RESOLUTION OF THE FORT BRAGG CITY COUNCIL APPROVING FOURTH AMENDMENT TO AGREEMENT FOR LEGAL SERVICES BETWEEN THE CITY OF FORT BRAGG AND MEYERS, NAVE, RIBACK, SILVER & WILSON AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AMENDMENT

WHEREAS, the City of Fort Bragg ("City"), by and through a duly adopted Resolution, entered into an Agreement for Legal Services ("Legal Services Contract"), with the law firm of Meyers Nave Riback Silver and Wilson ("MNRSW") on, or about, July 30, 2004; and

WHEREAS, the Legal Services Contract has been amended 3 times since July 30, 2004; and

WHEREAS, at the September 22nd City Council meeting, the City Council conducted a performance review of Michael Gogna as City Attorney and the firm of Meyers Nave and concluded that the performance of Michael Gogna and Meyers Nave has been satisfactory; and

WHEREAS, at the September 22nd City Council meeting, the City Council also reviewed the current contract for City Attorney services and based, in part, on the performance review, finds that it is timely and appropriate to update existing hourly rates for legal services; and

WHEREAS, City Attorney hourly rates should be increased to reflect the value of legal services as shown in the Fourth Amendment to Agreement for Legal Services:

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby approve the Fourth Amendment to Agreement for Legal Services a copy of which is attached hereto as Exhibit "A", said Agreement to become effective as of November 1, 2008.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the Fourth Amendment to Agreement for Legal Services on behalf of the City of Fort Bragg.

The above and foregoing Resolution was introduced by Councilmember Turner, seconded by Councilmember Courtney, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 14th day of October, 2008, by the following vote:

AYES: Councilmembers Turner, Courtney, Gjerde, Melo, and Mayor Hammerstrom.

NOES: None.

ABSENT: None.

ABSTAIN: None.


DOUG HAMMERSTROM,
Mayor

ATTEST:

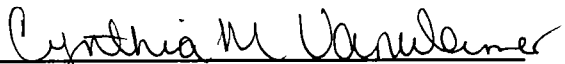

Cynthia M. VanWormer, CMC
City Clerk

EXHIBIT "A"

**FOURTH AMENDMENT TO AGREEMENT FOR LEGAL SERVICES
BETWEEN THE CITY OF FORT BRAGG AND
MEYERS NAVE RIBACK SILVER & WILSON**

This Fourth Amendment to the Agreement for Legal Services (said Agreement having been executed on, or about, July 30, 2004) between the City of Fort Bragg and Meyers Nave Riback Silver & Wilson, is hereby entered into and dated October 14, 2008, and shall become effective on November 1, 2008.

Provision 1: The hourly rates to be paid to Meyers Nave Riback Silver & Wilson on behalf of the City of Fort Bragg (and the Fort Bragg Redevelopment Agency) are hereby amended, as shown in Attachment 1 hereto, which is incorporated herein by this reference.

Provision 2: Except as previously amended on November 15, 2005, September 1, 2006, September 1, 2007 and by this Fourth Amendment, all terms and conditions of the Agreement for Legal Services executed on July 30, 2004, on behalf of the City of Fort Bragg for legal services provided by Meyers Nave Riback Silver & Wilson shall remain in full force and effect.

IN WITNESS WHEREOF the parties have executed this amendment as of _____, 2008.

City of Fort Bragg

Meyers, Nave, Riback, Silver & Wilson

By: Linda Ruffing, City Manager

By: Richard Rudnansky, Principal

Attest:

Cynthia M. VanWormer, CMC
City Clerk

ATTACHMENT 1

Rate Schedule

<u>Service</u>	<u>Hourly Rates</u>
General City Attorney Services	\$195
Specialized Legal Services (CEQA/water rights, labor advice and negotiations, assessment districts, bond review, tax matters)	\$230/200
Redevelopment Agency	\$220
Litigation/arbitration/Eminent Domain	\$230/200
Cost Recovery Matters ¹ (Work done by Steve Meyers)	\$260 \$300
Paralegal/Legal Assistant	\$100
Travel Time	\$95

¹ This rate is charged only when the City is reimbursed by third parties for legal services for which the City is allowed to recover its costs (e.g., from developer deposit accounts, cost recovery litigation, etc.)