

RESOLUTION NO. 2904-2005

RESOLUTION OF THE FORT BRAGG CITY COUNCIL APPROVING AN AMENDMENT TO THE CITY'S LEGAL SERVICES CONTRACT WITH MEYERS NAVE RIBACK SILVER & WILSON TO ADD AN HOURLY RATE FOR COST-RECOVERY WORK PERFORMED BY STEVE MEYERS

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 included an hourly rate for "Cost Recovery" matters where the City recovers from third parties charges incurred for legal services performed by MNRSW pursuant to the Legal Services Contract; and

WHEREAS, the Legal Services Contract included an hourly rate for Cost Recovery matters of \$220 per hour for shareholders of MNRSW and an hourly rate of \$200 for associate attorneys of MNRSW; and

WHEREAS, Steve Meyers, the founding shareholder of MNRSW, has been designated to perform legal services for the City on certain Cost Recovery matters; and

WHEREAS, Steve Meyers customary hourly rate for work of this type is \$300 per hour; and

WHEREAS, pursuant to the Legal Services Contract, the City receives a credit toward its MNRSW monthly bill for the difference between the Cost Recovery hourly rate and the hourly rate that otherwise would have been charged had the same service been provided directly to the City without provision for Cost Recovery in cases where the City is not reimbursed for such work; and

WHEREAS, providing a higher Cost Recovery hourly rate for work performed by Steve Meyers will not result in any increased cost to the City, but will allow Steve Meyers to be compensated by third parties at his customary hourly rate.

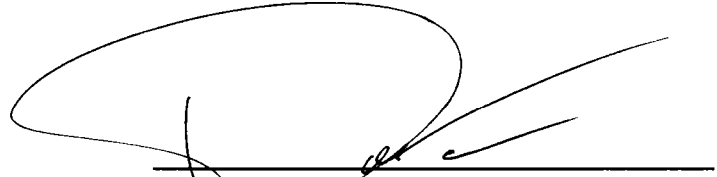
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg hereby approves an amendment to the Legal Services Contract by amending the hourly rates set forth in Attachment 1 to said Contract, adding an additional rate of \$300 per hour for work performed by Steve Meyers, said amendment to become effective as of November 15, 2005.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute an Amendment to the Legal Services Contract, as set forth in Exhibit "A", attached, on behalf of the City of Fort Bragg to reflect the foregoing.

The above and foregoing Resolution was introduced by Councilmember Hammerstrom, seconded by Councilmember Gjerde, and passed and adopted at a


regular meeting of the City Council of the City of Fort Bragg held on the 14th day of November, 2005, by the following vote:

AYES: Councilmembers Gjerde, Baltierra, Hammerstrom, Melo, and Mayor Turner.
NOES: None.
ABSENT: None.
ABSTAIN: None.



DAVE TURNER,
Mayor

ATTEST:



Cynthia M. VanWormer, CMC
City Clerk

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

This amendment to the Agreement for Legal Services executed on, or about, July 30, 2004, on behalf of the City of Fort Bragg for legal services provided by Meyers, Nave, Riback, Silver & Wilson, is hereby entered into and dated November 15, 2005, and shall become effective upon its execution.

Provision 1: Attachment 1 to the Agreement for Legal Services between the City of Fort Bragg and Meyers, Nave, Riback, Silver & Wilson is hereby amended to an additional term and hourly rate following the line on said Attachment that begins with "Cost Recovery". Immediately following the line that begins with "Cost Recovery", the following line shall be inserted:

"Cost Recovery Work Performed by Steve Meyers \$300"


Provision 2: Except as modified above, 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 to be effective November 15, 2005, at Fort Bragg, California.

City of Fort Bragg

Meyers, Nave, Riback, Silver & Wilson

By: McFerrin A. Whiteman, City Manager



By: Richard Rudnansky, Principal

Attest:

Cynthia M. VanWormer, CMC, City Clerk

EXHIBIT "A"