

## AGREEMENT BIBLIOGRAPHY

Agreement With:	Woodruff, Spradlin & Smart
Agreement Type:	City Attorney Services
Date Approved:	06 28 2011
Start Date:	07 01 2011
End Date:	N/A
Contract Amount:	See Agreement
Comments:	Amendment to 07/01/08
Insurance Expiration:	04 12 2012
Date Archived:	



# CITY OF GARDEN GROVE OFFICE OF THE CITY CLERK

*Safeguard all official records of the City.  
Conduct municipal elections and oversee legislative administration.  
Provide reliable, accurate, and timely information to the  
City Council, staff, and the general public.*

William J. Dalton  
Mayor

Steven R. Jones  
Mayor Pro Tem

Dina Nguyen  
Council Member

Bruce A. Broadwater  
Council Member

Kris Beard  
Council Member

September 14, 2011

Woodruff, Spradlin & Smart  
555 Anton Boulevard Suite 1200  
Costa Mesa, CA 92626

Attention: Tom Nixon

Enclosed for your file is a copy of the Amendment to the Agreement by and between the City of Garden Grove and Woodruff, Spradlin and Smart to adjust the rate structure for City Attorney services.

The amendment was approved by the City Council at their meeting on June 28, 2011.

Sincerely,

Kathleen Bailor  
City Clerk

By: *Teresa Pomeroy*  
Teresa Pomeroy  
Deputy City Clerk

Enclosure

c: Finance Department  
Finance Department/Purchasing  
City Manager

## AMENDMENT TO AGREEMENT FOR CITY ATTORNEY SERVICES

This Amendment to Agreement for City Attorney Services is made this 28<sup>th</sup> day of June, 2011, by and between the City of Garden Grove, hereinafter "City" and Woodruff, Spradlin and Smart, hereinafter "Attorneys."

Whereas, City and Attorneys entered into an agreement for City Attorney services in May 1992 (the "Agreement"), which was subsequently amended on June 7, 1994, September 24, 1996, June 12, 2001 and again on June 10, 2008.

NOW, THEREFORE, the City and Attorneys agree that the existing Agreement for City Attorney Services, as amended, shall be further amended as follows:

A. Exhibit A to the Agreement shall be modified to include the following adjustments:

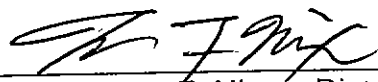
1. The hourly fee for all City work, advisory and litigation shall be adjusted from \$185 per hour to \$190 per hour for attorneys and from \$105 per hour to \$108 per hour for paralegal personnel.
2. Messenger charges shall be billed for the direct costs incurred.
3. Effective July 1 of each year commencing July 1, 2012, the hourly rates for attorneys and paralegals shall be adjusted in an amount equal to the percentage change in the Consumer Price Index for the Los Angeles-Riverside-Orange County Metropolitan area, urban and clerical wage earners, for the period of June 1-May 30 of the prior year, with an annual cap of 3%. Each hourly labor rate shall be rounded to the nearest one dollar increment.

C. These Amendments shall become effective July 1, 2011 and shall supersede any provisions to the contrary set forth in the Agreement and any prior amendments thereto.

D. All other provisions of the Agreement not specifically amended herein shall remain in full force and effect as set forth therein.

**Attorneys:**

**Woodruff, Spradlin & Smart**

By:   
Thomas F. Nixon, Director

City:

City of Garden Grove

By: *William J. Delle*  
Mayor

Attest:

*Kathleen Baurin*  
City Clerk

GARDEN GROVE



# CERTIFICATE OF LIABILITY INSURANCE

OP ID: YC

DATE (MM/DD/YYYY)  
08/31/11

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Narver Insurance 641 W. Las Tunas Drive PO Box 1509 San Gabriel, CA 91776 Wesley G. Hampton	626-943-2200	CONTACT NAME: <b>Dolly Vong</b>	
	626-299-1010	PHONE (A/C, No, Ext): 626-943-2200	FAX (A/C, No): 626-588-3735
		E-MAIL ADDRESS: <b>Dvong@Narver.Com</b>	
		PRODUCER CUSTOMER ID #: <b>WOODR-1</b>	
		INSURER(S) AFFORDING COVERAGE	
INSURED <b>Woodruff, Spradlin &amp; Smart, APC</b> 555 Anton Blvd., Suite 1200 Costa Mesa, CA 92626	INSURER A:	Hartford Casualty Insurance	29424
	INSURER B:	Hartford Insurance Company	37478
	INSURER C:	Continental Casualty Company <b>A, XV</b>	20443
	INSURER D:		
	INSURER E:		
	INSURER F:		

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY		72SBAUW7027	04/12/11	04/12/12	EACH OCCURRENCE \$ 2,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY					DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR					MED EXP (Any one person) \$ 10,000
						PERSONAL & ADV INJURY \$ 2,000,000
						GENERAL AGGREGATE \$ 4,000,000
						PRODUCTS - COM/OP AGG \$ 4,000,000
						\$
A	AUTOMOBILE LIABILITY		72SBAUW7027	04/12/11	04/12/12	COMBINED SINGLE LIMIT (Ea accident) \$ 2,000,000
	<input type="checkbox"/> ANY AUTO					BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS					BODILY INJURY (Per accident) \$
	<input type="checkbox"/> SCHEDULED AUTOS					PROPERTY DAMAGE (Per accident) \$
	<input checked="" type="checkbox"/> HIRED AUTOS					\$
A	<input checked="" type="checkbox"/> NON-OWNED AUTOS		72SBAUW7027	04/12/11	04/12/12	\$
A	UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR		72SBAUW7027	04/12/11	04/12/12	EACH OCCURRENCE \$ 4,000,000
	EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE					AGGREGATE \$ 4,000,000
	DEDUCTIBLE					\$
	<input checked="" type="checkbox"/> RETENTION \$ 10,000					\$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY		72WECJY6250	04/01/11	04/01/12	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	<input type="checkbox"/> Y/N				E.L. EACH ACCIDENT \$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below	N/A				E.L. DISEASE - EA EMPLOYEE \$ 1,000,000
						E.L. DISEASE - POLICY LIMIT \$ 1,000,000
C	Professional Liab.		287449809	11/01/10	11/01/11	Claim/Agg 5,000,000 Deduct. 100,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

CERTIFICATE HOLDER	CANCELLATION
<b>GARDEGR</b>  The City of Garden Grove P.O. Box 3070 Garden Grove, CA 92842-3070	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE <i>Wesley G. Hampton</i>

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ACORD 25 (2009/09)

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Reviewed and approved as to insurance language and/or requirements.

9-9-11 *Heidi May*  
Risk Management

AMENDMENT TO AGREEMENT WITH WOODRUFF, SPRADLIN AND SMART FOR  
CITY ATTORNEY SERVICES (F: 55-Woodruff, Spradlin and Smart) .

Staff report dated June 28, 2011, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that the Amendment to the Agreement by and between the City of Garden Grove and Woodruff, Spradlin and Smart for City Attorney services, be and hereby is approved; and the Mayor is authorized to execute the Agreement on behalf of the City.

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: Matthew Fertal  
Dept.: City Manager  
Subject: AMENDMENT TO THE AGREEMENT WITH WOODRUFF, SPRADLIN AND SMART FOR CITY ATTORNEY SERVICES

From: Maria Stipe  
Dept.: City Manager  
Date: June 28, 2011

OBJECTIVE

To recommend approval of an amendment to the agreement with Woodruff, Spradlin and Smart to adjust the rate structure for City Attorney services.

BACKGROUND

Woodruff, Spradlin and Smart has provided City Attorney services to the City of Garden Grove since May 1992. These services include counsel on general City matters, counsel for the Planning Commission and other City hearing bodies, contract review, claims review, code enforcement prosecution, and litigation related to a wide variety of matters, including personnel issues. Woodruff, Spradlin and Smart rates were last adjusted in 2008.

DISCUSSION

The City has received a request from Woodruff, Spradlin and Smart for an adjustment in their rates from \$185 to \$190 per hour for attorneys, and from \$105 to \$108 for paralegal services. The proposed adjustment is approximately equivalent to the change in consumer price indices (CPI) for the Los Angeles/Orange County area for the past 3-year period. In light of the quality of service being received by the City, and the time that has passed since the last increase, this adjustment seems appropriate and reasonable. Woodruff, Spradlin, and Smart also proposes to include an annual CPI adjustment provision for future years, with an annual cap of 3%.

FINANCIAL IMPACT

If approved, funds will be included in the FY 2011-12 budget to cover the amount of the increase.

AMENDMENT TO THE AGREEMENT WITH  
WOODRUFF, SPRADLIN AND SMART FOR  
CITY ATTORNEY SERVICES  
June 28, 2011  
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RECOMMENDATION

It is recommended that the City Council:

- Approve the attached amendment to the agreement with Woodruff, Spradlin and Smart for City Attorney services; and
- Authorize the Mayor to execute the amendment on behalf of the City.

  
MARIA STIPE  
Deputy City Manager

Attachment: Amendment to Agreement For City Attorney Services

**Recommended for Approval**

  
**Matthew Fertil**  
City Manager