

## 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:	<i>OK</i> 5.30.2012

## 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.

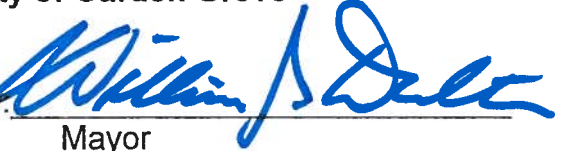
**Attorneys:**

**Woodruff, Spradlin & Smart**

By:   
Thomas F. Nixon, Director

City:

City of Garden Grove

By:   
Mayor

Attest:

  
City Clerk

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 Ferial**  
City Manager



# 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 <b>Narver Insurance</b> 641 W. Las Tunas Drive PO Box 1509 San Gabriel, CA 91776 Wesley G. Hampton	626-943-2200	CONTACT NAME: <b>Dolly Vong</b>	FAX (A/C, No): <b>626-588-3735</b>
	626-299-1010	PHONE (A/C, No, Ext): <b>626-943-2200</b>	
		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: <b>Hartford Casualty Insurance</b>		NAIC # <b>29424</b>
	INSURER B: <b>Hartford Insurance Company</b>		<b>37478</b>
	INSURER C: <b>Continental Casualty Company</b> <i>A, XV</i>		<b>20443</b>
	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 INSR	SUBR 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 \$ <b>2,000,000</b>
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ <b>1,000,000</b>
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						MED EXP (Any one person) \$ <b>10,000</b>
							PERSONAL & ADV INJURY \$ <b>2,000,000</b>
							GENERAL AGGREGATE \$ <b>4,000,000</b>
							PRODUCTS - COMP/OP AGG \$ <b>4,000,000</b>
	GEN'L AGGREGATE LIMIT APPLIES PER:						\$
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC						\$
A	AUTOMOBILE LIABILITY			72SBAUW7027	04/12/11	04/12/12	COMBINED SINGLE LIMIT (Ea accident) \$ <b>2,000,000</b>
	<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) \$
A	<input checked="" type="checkbox"/> HIRED AUTOS			72SBAUW7027	04/12/11	04/12/12	\$
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 \$ <b>4,000,000</b>
	EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE						AGGREGATE \$ <b>4,000,000</b>
	DEDUCTIBLE						\$
	<input checked="" type="checkbox"/> RETENTION \$ <b>10,000</b>						\$
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 <input type="checkbox"/> N	N/A				E.L. EACH ACCIDENT \$ <b>1,000,000</b>
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$ <b>1,000,000</b>
							E.L. DISEASE - POLICY LIMIT \$ <b>1,000,000</b>
C	Professional Liab.			287449809	11/01/10	11/01/11	Claim/Agg \$ <b>5,000,000</b>
							Deduct. \$ <b>100,000</b>

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

## CERTIFICATE HOLDER

## CANCELLATION

GARDEGR

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

*Wesley G. Hampton*

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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