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:	5.30.2012		

AMENDMENT TO AGREEMENT FOR CITY ATTORNEY SERVICES

This Amendment to Agreement for City Attorney Services is made this 28th day of we, 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.
 - 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

Thomas≮. Nixon, Director

City:

City of Garden Grove

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

From:

Maria Stipe

Dept.:

City Manager

Dept.:

City Manager

Subject: AMENDMENT TO THE AGREEMENT WITH

WOODRUFF, SPRADLIN AND SMART FOR

CITY ATTORNEY SERVICES

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 3year 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 Page 2

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 Ferti City Manager



CERTIFICATE OF LIABILITY INSURANCE

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

certifica	ite noider in lieu of such endorsement(s).					
Nanzer Insurance		626-943-2200	CONTACT Dolly Vong			
		626-299-1010		FAX (A/C, No): 626-588-3735		
			E-MAIL ADDRESS: Dvong@Narver.Com			
			PRODUCER CUSTOMER ID #: WOODR-1			
			INSURER(S) AFFORDING COVERA	AGE NAIC #		
INSURED	Woodruff, Spradlin & Smart,		INSURER A : Hartford Casualty Insurance	29424		
	APC		INSURER B : Hartford Insurance Company	37478		
	555 Anton Blvd., Suite 1200 Costa Mesa, CA 92626	(L	NSURER C : Continental Casualty Company	20443		
	•		INSURER D :			
			INSURER E :			
	·		INSURER F:			
COVERA	CEC CEDTIFICATE NI IME	ED.	DEVICION	MUMPED.		

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.

NSR LTR	TYPE OF INSURANCE	ADDL S	NVD POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMIT	S	
	GENERAL LIABILITY		1			EACH OCCURRENCE	\$	2,000,000
A	X COMMERCIAL GENERAL LIABILITY	72SBAUW7027		04/12/11	04/12/12	DAMAGE TO RENTED PREMISES (Ea occurrence)	\$	1,000,000
	CLAIMS-MADE X OCCUR		*			MED EXP (Any one person)	\$	10,000
						PERSONAL & ADV INJURY	\$	2,000,000
						GENERAL AGGREGATE	S	4,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:					PRODUCTS - COMP/OP AGG	s	4,000,000
	X POLICY PRO-						\$	
	AUTOMOBILE LIABILITY					COMBINED SINGLE LIMIT (Ea accident)	\$	2,000,000
	ANY AUTO					BODILY INJURY (Per person)	\$	
	ALL OWNED AUTOS					BODILY INJURY (Per accident)	S	
Α	X HIRED AUTOS		72SBAUW7027	04/12/11	04/12/12	PROPERTY DAMAGE (Per accident)	s	
A X NON-	X NON-OWNED AUTOS	NON-OWNED AUTOS 72SBAUW7027		04/12/11	04/12/12		\$	
			1			1	\$	
	UMBRELLA LIAB X OCCUR		72SBAUW7027	04/12/11	04/12/12	EACH OCCURRENCE	s	4,000,000
Α	EXCESS LIAB CLAIMS-MADE	-				AGGREGATE	\$	4,000,000
A	DEDUCTIBLE	-					5	
	X RETENTION \$ 10,000			1			5	20.00
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY		72WECJY6250	04/01/11	04/01/12	X WCSTATU- OTH-		201000000000000000000000000000000000000
В	ANY PROPRIETOR/PARTNER/EXECUTIVE	N/A				E.L. EACH ACCIDENT	s	1,000,000
(Mandatory in	(Mandatory in NH)	11/0				E.L. DISEASE - EA EMPLOYEE	s	1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below	4 4 4			E L DISEASE - POLICY LIMIT	5	1,000,000	
С	Professional Liab.	1	287449809	11/01/10	11/01/11	Claim/Agg		5,000,000
						Deduct.		100,000

CERTII	FICATE	HOL	DER
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The City of Garden Grove

Garden Grove, CA 92842-3070

P.O. Box 3070

GARDEGR

CANCELLATION

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

Maly & South

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

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