



AGENDA REPORT

Meeting Date: April 11, 2013
Item Number: E-6
To: Honorable Mayor & City Council
From: Mahdi Aluzri, Assistant City Manager
Subject: A RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS PROVIDING A COST OF LIVING ADJUSTMENT PURSUANT TO AGREEMENT NO. 266-07 WITH RICHARDS WATSON AND GERSHON FOR CITY ATTORNEY SERVICES

Attachments:

1. Resolution
2. Amendment 336-12

RECOMMENDATION

It is recommended that the City Council adopt the resolution providing a cost of living adjustment pursuant to Agreement No. 266-07 with Richards Watson and Gershon for City Attorney services. This item was continued from the April 2, 2103 City Council meeting.

INTRODUCTION

The resolution provides for the City Council to set July 1, 2013 cost of living adjustment pursuant to Section 2 of the Agreement at 1% plus a onetime payment \$10,000 which equals less than an additional one percent.

DISCUSSION

Section 2 of the current Agreement, as amended, states that the City shall provide a cost of living adjustment (COLA) to the retainer payment for general legal services and administrative staffing, effective July 1, 2013, of no less than 1% and no more than 3%. With this Resolution the City Council sets the COLA at 1% starting on July 1, 2013. In addition the Resolution provides for a onetime payment of \$10,000.

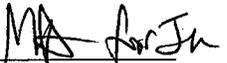
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FISCAL IMPACT

The resolution will result in a onetime cost to the City of \$10,000 and an additional annual expense of approximately \$11,300.



Noel Marquis
Finance Approval

Jeffrey Kolin 

Approved By

Attachment 1

RESOLUTION 13-R-

A RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS PROVIDING A COST OF LIVING ADJUSTMENT PURSUANT TO AGREEMENT NO. 266-07 WITH RICHARDS WATSON AND GERSHON FOR CITY ATTORNEY SERVICES

The City Council of the City of Beverly Hills hereby resolves as follows:

Section 1. On July 10, 2007, the City of Beverly Hills and Richards, Watson & Gershon (“RWG”) entered into Agreement No. 266-07 to provide legal services and discharge the duties of the office of City Attorney. On June 16, 2009, the City and RWG entered into Amendment No. 1 to the Agreement in connection with the City’s budget reduction measures. Amendment No. 1 reduced the cost of legal services. On June 22, 2010, the City and RWG entered into Amendment No. 2 to the Agreement, which extended the term of the Agreement to June 30, 2012. On July 24, 2012, the City and RWG entered Amendment No. 3 to the Agreement extending the term of the Agreement to June 30, 2015 and providing for cost of living adjustments during the remaining term of the Agreement.

Section 2. Section 2 of the Agreement, as amended, provides that the City Council shall provide a cost of living adjustment to the retainer payment for general services and administrative staffing, effective July 1, 2013, of no less than one percent and no more than three percent.

Section 3. The City Council hereby sets the July 1, 2013 cost of living adjustment pursuant to Section 2 of the Agreement at one percent, plus a onetime payment of \$10,000, which equals less than an additional one percent.

Section 4. The onetime payment of \$10,000 shall not alter the retainer amount paid for general services and administrative staffing in any future year.

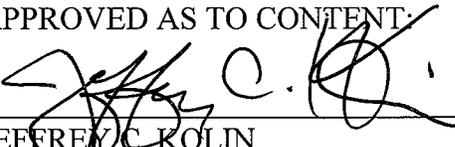
Section 5. The City Clerk shall certify to the adoption of this Resolution and shall cause this Resolution and his certification to be entered in the Book of Resolutions of the Council of the City.

Adopted:

JOHN A. MIRISH
Mayor of the City of Beverly Hills, California

ATTEST:

(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO CONTENT:


JEFFREY C. KOLIN
City Manager

Attachment 2

AMENDMENT NO. 3 TO THE AGREEMENT BETWEEN THE CITY
OF BEVERLY HILLS AND RICHARDS, WATSON & GERSHON, A
PROFESSIONAL CORPORATION, FOR LEGAL SERVICES

This AMENDMENT NO. 3 (the "Amendment") to the Agreement for legal services between the City of Beverly Hills (the "City") and Richards, Watson & Gershon, a professional corporation ("RWG") is entered into on this 24th day of July, 2012.

RECITALS

1. On July 10, 2007, the City and RWG entered into Agreement No. 266-07 to provide legal services and discharge the duties of the office of City Attorney (the "Agreement").
2. On June 16, 2009, the City and RWG entered into Amendment No. 1 to the Agreement, identified as Agreement No. 230-09, in order to reduce the cost of legal services in connection with the City's overall budget reduction measures.
3. On June 22, 2010, the City and RWG entered into Amendment No. 2 to the Agreement, identified as Agreement No. 229-10. That amendment extended the term of the Agreement to June 30, 2012.
4. RWG has not received a cost of living adjustment to its contract since 2007.
5. The City wishes to continue to retain RWG to discharge the duties of the office of City Attorney and RWG wishes to continue to discharge the duties of the office of City Attorney.

NOW THEREFORE, the City and RWG agree as follows:

Section 1. Section 3 of the Agreement is hereby amended to extend the term of the agreement by three years and to read as follows:

“Section 3. Term. The term of this Agreement shall commence on July 1, 2007 and shall expire on June 30, 2015.”

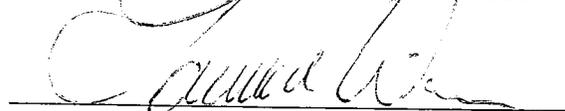
Section 2. Sub-paragraph A of Section 2 of the Agreement shall be amended to provide a cost of living adjustment as follows:

“A. Cost of Living Adjustment. On July 1 2012, the compensation set forth in Section 2 for General Services and Administrative Staffing shall be increased by two percent (2%). On July 1, 2013, the City shall increase the compensation set forth in Section 2 for General Services and Administrative Staffing by no less than one percent (1%) and no more than three percent (3%), as determined by the City Council. On July 1, 2014, the City shall increase the compensation set forth in Section 2 for General Services and Administrative Staffing by no less than one percent (1%) and no more than three percent (3%), as determined by the City Council.”

Section 3. Except as otherwise expressly provided in this Amendment, the provisions of the Agreement, as amended by Amendment Nos. 1 and 2, shall remain in full force and effect and continue without interruption.

EXECUTED ON THE DATE FIRST WRITTEN ABOVE:

RICHARDS WATSON AND GERSHON

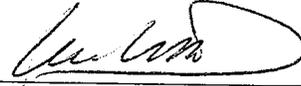


LAURENCE S. WIENER

President

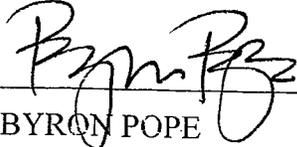
[signatures continue]

CITY OF BEVERLY HILLS



WILLIAM W. BRIEN
Mayor, City of Beverly Hills

ATTEST:



BYRON POPE
City Clerk