



AGENDA REPORT

Meeting Date: December 2, 2014
Item Number: D-9
To: Honorable Mayor & City Council
From: Laurence S. Wiener, City Attorney
Subject: APPROVAL OF AMENDMENT NO. 2 TO THE AGREEMENT FOR CONTINUING LEGAL SERVICES BETWEEN THE CITY OF BEVERLY HILLS AND DAPEER, ROSENBLIT & LITVAK, LLP
Attachments: 1. Amendment No. 2

RECOMMENDATION

The City Attorney's office recommends that the City Council approve Amendment No. 2 to the Agreement between the City and Dapeer, Rosenblit & Litvak, LLP.

INTRODUCTION

The City desires to have Dapeer, Rosenblit & Litvak continue to provide legal services relating to the enforcement of the Beverly Hills Municipal Code and the prosecution of certain criminal cases. Amendment No. 2 to the legal services Agreement with Dapeer, Rosenblit & Litvak will provide a cost of living adjustment to the hourly rates charged by the firm.

DISCUSSION

Dapeer, Rosenblit & Litvak has been providing the City with legal services relating to the enforcement of the Beverly Hills Municipal Code and the prosecution of certain criminal cases for several years. The firm has requested a cost of living adjustment to its hourly rates because the firm's hourly rates have not increased since July 2007. The City Attorney recommends increasing Dapeer, Rosenblit & Litvak's hourly rate for attorney services from \$140 to \$165 (commencing January 1, 2015), from \$165 to \$170 (commencing January 1, 2016) and from \$170 to \$175 (commencing January 1, 2017). The January 1, 2015 adjustment to the hourly rate would be slightly less than the increase in the consumer price index since the hourly rate was last adjusted in 2007.

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The proposed increase in rates has been reviewed and recommended by the City Council's legal committee of Council member Brien and Council member Mirisch.

FISCAL IMPACT

This rate adjustment would be expected to result in a cost of approximately \$20,000 to \$25,000 in fiscal year 2014-15. Funds are budgeted and available in the City Municipal Code Prosecution account.



Laurence S. Wiener
City Attorney

Attachment 1

**AMENDMENT NO. 2 TO THE AGREEMENT FOR
CONTINUING LEGAL SERVICES BETWEEN THE CITY
OF BEVERLY HILLS AND DAPEER, ROSENBLIT &
LITVAK, LLP**

This Amendment No. 2 is to that certain agreement between the City of Beverly Hills, a municipal corporation (“City”), and Dapeer, Rosenblit & Litvak, LLP (“Attorney”), dated July 6, 2004, identified as Contract No. 199-04, as amended by Amendment No. 1, dated August 1, 2006 and identified as Contract No. 285-06 (collectively the “Agreement”).

RECITALS

A. City entered into a written agreement, dated July 6, 2004, for continuing legal services relating to the enforcement of the Beverly Hills Municipal Code and the prosecution of certain criminal cases, which has previously been amended.

B. Attorney has requested an adjustment of the billing rate set forth in the Agreement in order to reflect the increase in the cost of living since the previous billing rate adjustment.

NOW, THEREFORE, the parties agree as follows:

Section 1. Section 3 of the Agreement is amended as follows:

“Section 3. For legal services provided pursuant to this Agreement, Attorney shall be compensated at the rate of One Hundred Forty-Five Dollars (\$145.00) per hour through December 31, 2014, One Hundred Sixty-Five Dollars (\$165.00) per hour on and after January 1, 2015; One Hundred Seventy Dollars (\$170.00) per hour on and after January 1, 2016; and One Hundred Seventy-Five Dollars (\$175.00) per hour on and after January 1, 2017. Legal services shall be billed in one-tenth hour increments. City shall not reimburse or pay Attorney for word processing, document preparation, or clerical tasks. In addition, Attorney shall be entitled to reimbursement of not to exceed Twenty-Five Cents (\$.25) per page for facsimile transmissions; not to exceed Ten Cents (\$.10) per page for photocopies; Fifteen Dollars (\$15.00) per property/business search request for staff time and the actual cost of the search charged by the commercial database provider; and for actual expenses reasonably incurred for long distance telephone calls, court costs, services of process, messengers, deliveries, postage and other similar services incidental to the performance of this Agreement. Any request for reimbursement of an

expense of more than Two Hundred Fifty Dollars (\$250.00) shall include appropriate back-up documentation for the expense. However, before incurring any cost which is not an ordinary and usual expense, prior approval shall be obtained from the City Attorney.”

Section 2. Except as amended by Amendment No. 1 and specifically amended herein, the Agreement shall remain in full force and effect.

Executed this ____ day of _____, 2014, at Beverly Hills, California.

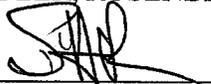
CITY OF BEVERLY HILLS, a municipal corporation

LILI BOSSE
Mayor of the City of Beverly Hills, California

ATTEST:

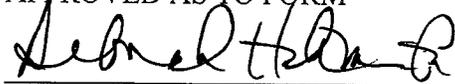
(Seal)
BYRON POPE
City Clerk

DAPEER, ROSENBLIT & LITVAK, LLP



STEVEN H. ROSENBLIT
Partner

APPROVED AS TO FORM



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT

JEFFREY C. KOLIN
City Manager



KARL KIRKMAN
Risk Manager