

June 17, 2019

VIA FIRST CLASS MAIL AND EMAIL

Matthew S. West, City Manager
City of Tustin
300 Centennial Way
Tustin, California 92780

Re: 2019 Rate Adjustments

Dear Matt:

Pursuant to our firm's Agreement with the City of Tustin, the City Council approved a cost of living adjustment each July 1.

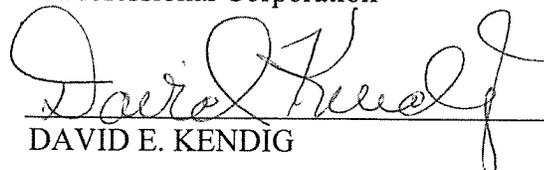
As you can see from the attached CPI table for the Los Angeles-Riverside-Orange County region, this year's CPI increase is 3.4%, so the hourly rates will be adjusted by that percentage to the following rates, effective July 1st:

	<u>Former</u> <u>Rate:</u>	<u>New</u> <u>Rate:</u>
Attorneys:	\$227	\$235
Paralegals:	\$127	\$131

As always, it continues to be a great pleasure to serve the City of Tustin. Please let me know if you have any questions.

Yours very truly,

WOODRUFF, SPRADLIN & SMART
A Professional Corporation



DAVID E. KENDIG

Enclosure

cc: Erica Rabe, City Clerk

Databases, Tables & Calculators by Subject

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Data extracted on: June 17, 2019 (11:22:24 AM)

CPI-Urban Wage Earners and Clerical Workers (Current Series)

Series Id: CWURS49ASA0
Not Seasonally Adjusted
Series Title: All items in Los Angeles-Long Beach-Anaheim, CA, urban wage earners and clerical workers, not seasonally adjusted
Area: Los Angeles-Long Beach-Anaheim, CA
Item: All items
Base Period: 1982-84=100

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Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2018	251.785	253.243	254.451	255.379	256.652	256.208	256.632	257.318	258.246	259.899	259.064	258.101	256.415	254.620	258.210
2019	259.182	259.734	261.278	264.469	265.283										

12-Month Percent Change

Series Id: CWURS49ASA0
Not Seasonally Adjusted
Series Title: All items in Los Angeles-Long Beach-Anaheim, CA, urban wage earners and clerical workers, not seasonally adjusted
Area: Los Angeles-Long Beach-Anaheim, CA
Item: All items
Base Period: 1982-84=100

Download:  

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2018	3.7	3.7	3.9	4.1	4.3	4.2	4.0	4.1	3.9	4.3	3.8	3.3	3.9	4.0	3.9
2019	2.9	2.6	2.7	3.6	3.4										

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DAVID E. KENDIG
DIRECT DIAL: (714) 415-1083
DIRECT FAX: (714) 415-1183
E-MAIL: DKENDIG@WSS-LAW.COM

June 22, 2018

VIA FIRST CLASS MAIL AND EMAIL

Jeffrey C. Parker, City Manager
City of Tustin
300 Centennial Way
Tustin, California 92780

Re: 2018 Rate Increases

Dear Jeff:

Pursuant to our firm's Agreement with the City of Tustin, the City Council approved a cost of living adjustment each July 1.

As you can see from the attached CPI table for the Los Angeles-Riverside-Orange County region, this year's CPI increase is 4.3%, so the hourly rates will be adjusted by that percentage to the following rates, effective July 1st:

	Former <u>Rate:</u>	New <u>Rate:</u>
Attorneys:	\$218	\$227
Paralegals:	\$122	\$127

As always, it continues to be my great pleasure to serve the City of Tustin. Please let me know if you have any questions.

Yours very truly,

WOODRUFF, SPRADLIN & SMART
A Professional Corporation

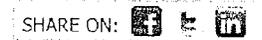


DAVID E. KENDIG

Enclosure

cc: Erica Yasuda, City Clerk

Databases, Tables & Calculators by Subject



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Data extracted on: June 15, 2018 (6:47:01 PM)

CPI-Urban Wage Earners and Clerical Workers (Current Series)

Series Id: CWURS49ASA0
 Not Seasonally Adjusted
 Series Title: All items in Los Angeles-Long Beach-Anaheim, CA, urban wage earners and clerical workers, not seasonally adjusted
 Area: Los Angeles-Long Beach-Anaheim, CA
 Item: All items
 Base Period: 1982-84=100

Download: .xlsx

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2017	242.735	244.254	244.932	245.417	246.153	245.900	246.681	247.260	248.550	249.234	249.680	249.854	246.721	244.899	248.543
2018	251.785	253.243	254.451	255.379	256.652										

12-Month Percent Change

Series Id: CWURS49ASA0
 Not Seasonally Adjusted
 Series Title: All items in Los Angeles-Long Beach-Anaheim, CA, urban wage earners and clerical workers, not seasonally adjusted
 Area: Los Angeles-Long Beach-Anaheim, CA
 Item: All items
 Base Period: 1982-84=100

Download: .xlsx

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2017	1.7	2.5	2.4	2.5	2.4	2.2	2.5	2.9	3.2	3.0	3.7	3.7	2.7	2.3	3.2
2018	3.7	3.7	3.9	4.1	4.3										

June 20, 2017

VIA FIRST CLASS MAIL AND EMAIL

Jeffrey C. Parker, City Manager
City of Tustin
300 Centennial Way
Tustin, California 92780

Re: 2017 Rate Increases

Dear Jeff:

Pursuant to our firm's Agreement with the City of Tustin, the City Council approved a cost of living adjustment each July 1.

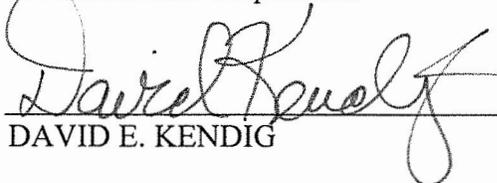
As you can see from the attached CPI table for the Los Angeles-Riverside-Orange County region, this year's CPI increase is 2.4%, so the hourly rates will be adjusted by that percentage to the following rates, effective July 1st:

	Former Rate:	New Rate:
Attorneys:	\$213	\$218
Paralegals:	\$119	\$122

As always, it continues to be a great pleasure to serve the City of Tustin. Please let me know if you have any questions.

Yours very truly,

WOODRUFF, SPRADLIN & SMART
A Professional Corporation


DAVID E. KENDIG

Enclosure

cc: Erica Rabe, City Clerk

Databases, Tables & Calculators by Subject

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Data extracted on: June 20, 2017 (4:27:32 PM)

CPI-Urban Wage Earners and Clerical Workers (Current Series)

Series Id: CWJRA4215A0
 Not Seasonally Adjusted
 Series Title: All items in Los Angeles-Riverside-Orange County, CA, urban wage earners and clerical workers, not seasonally adjusted
 Area: Los Angeles-Riverside-Orange County, CA
 Item: All items
 Base Period: 1982-84=100

Download:  [xlsx](#)

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2016	238.609	238.262	239.146	239.536	240.320	240.522	240.580	240.267	240.851	241.932	240.809	240.846	240.140	239.399	240.881
2017	242.735	244.254	244.932	245.417	246.153										

12-Month Percent Change

Series Id: CWJRA4215A0
 Not Seasonally Adjusted
 Series Title: All items in Los Angeles-Riverside-Orange County, CA, urban wage earners and clerical workers, not seasonally adjusted
 Area: Los Angeles-Riverside-Orange County, CA
 Item: All items
 Base Period: 1982-84=100

Download:  [xlsx](#)

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2016	3.3	2.3	1.3	1.6	0.6	1.1	0.3	0.6	1.5	1.9	1.5	1.7	1.5	1.7	1.3
2017	1.7	2.5	2.4	2.5	2.4										

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DAVID E. KENDIG
DIRECT DIAL: (714) 415-1083
DIRECT FAX: (714) 415-1183
E-MAIL: DKENDIG@WSS-LAW.COM

June 23, 2016

VIA FIRST CLASS MAIL AND EMAIL

Jeffrey C. Parker, City Manager
City of Tustin
300 Centennial Way
Tustin, California 92780

Re: 2016 Rate Increases

Dear Jeff:

Pursuant to our firm's Agreement with the City of Tustin, the City Council approved a cost of living adjustment each July 1.

As you can see from the attached CPI table for the Los Angeles-Riverside-Orange County region, this year's CPI increase is 0.7%, so the hourly rates will be adjusted by that percentage to the following rates, effective July 1st:

	Former Rate:	New Rate:
Attorneys:	\$212	\$213
Paralegals:	\$118	\$119

As always, it continues to be a great pleasure to serve the City of Tustin. Please let me know if you have any questions.

Yours very truly,

WOODRUFF, SPRADLIN & SMART
A Professional Corporation

DAVID E. KENDIG

Enclosure
cc: Erica Rabe, City Clerk

Consumer Price Index - Urban Wage Earners and Clerical Workers

Series Id: CWURA421SA0
 Not Seasonally Adjusted
 Area: Los Angeles-Riverside-Orange County, CA
 Item: All items
 Base Period: 1982-84=100

Download: [XLS](#) [xlsx](#)

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2015	231.063	232.975	235.991	235.697	238.816	237.792	239.889	238.755	237.324	237.472	237.190	236.787	236.646	235.389	237.903
2016	238.609	238.262	239.146	239.536	240.428										

12-Month Percent Change

Series Id: CWURA421SA0
 Not Seasonally Adjusted
 Area: Los Angeles-Riverside-Orange County, CA
 Item: All items
 Base Period: 1982-84=100

Download: [XLS](#) [xlsx](#)

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2015	-0.7	-0.4	0.2	0.0	0.9	0.4	1.2	1.0	0.4	0.7	1.4	1.9	0.6	0.1	1.1
2016	3.3	2.3	1.3	1.6	0.7										



June 22, 2015

VIA FIRST CLASS MAIL

Jeffrey C. Parker
City of Tustin
300 Centennial Way
Tustin, California 92770

Re: 2015 CPI Increases

Dear Jeff:

Pursuant to our Agreement with the City of Tustin, the City Council approved a cost of living adjustment each July 1.

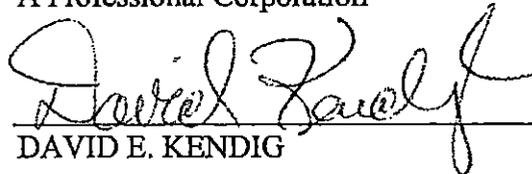
The CPI increase for this year was 0.9%. Therefore, the adjusted hourly rates will be adjusted by 0.9% to the following rates, effective July 1st:

Attorneys: \$212
Paralegals: \$118

As always, it continues to be a great pleasure to serve the City of Tustin. Please let me know if you have any questions.

Yours very truly,

WOODRUFF, SPRADLIN & SMART
A Professional Corporation



DAVID E. KENDIG

Enclosure



July 21, 2014

VIA FIRST CLASS MAIL

Jeffrey C. Parker
City of Tustin
300 Centennial Way
Tustin, California 92780

Re: 2014 Rate Increases

Dear Jeff:

Pursuant to our Agreement with the City of Tustin, the City Council approved a cost of living adjustment each July 1. As you may recall, our firm voluntarily deferred COLA increases of 3.7% in 2011 and 1.5% in 2012. With 2013's CPI adjustment of 1.0%, the combined deferred CPI adjustment totaled 6.2%.

Since our agreement provided that the annual adjustment be capped at 5%, the 2013 COLA adjustment was 5%, with the remaining 1.2% deferred to be applied this year. The 2014 COLA is 1.8% (attached please find the relevant CPI Index).

Therefore, with the 1.2% catch-up from 2013 and this year's CPI increase of 1.8%, the adjusted hourly rates will be adjusted by 3.0% to the following rates, effective August 1st:

Attorneys: \$210
Paralegals: \$117

As always, it continues to be a great pleasure to serve the City of Tustin. Please let me know if you have any questions.

Yours very truly,

WOODRUFF, SPRADLIN & SMART
A Professional Corporation


DAVID E. KENDIG

Enclosure

CPI Adjustments for Legal Services

Effective July 1, 2013

The agreement between Woodruff, Spradlin & Smart calls for a cost of living adjustment each July 1. (See attached "Amendment to Exhibit A to Agreement for City Attorney Services.") Since the last adjustment in July, 2010, and in an effort to help the City during particularly difficult budget years, Woodruff, Spradlin & Smart voluntarily deferred the increases of 3.7% and 1.5% percent in 2011 and 2012 respectively.** When combined with this year's CPI adjustment of 1.0%, the deferred and current CPI adjustment total 6.2%, applying simple (non-compounded) interest since July, 2010.

The agreement provides that the annual adjustment will be capped at 5% in any year, so the "catch up" on the deferred CPI will be accomplished by adjusting the rates 5% effective July 1 of 2013, and the remaining 1.2% will be applied in July 2014.

The rounded, adjusted rates this year will be:

Attorneys: \$204

Paralegals: \$114

It continues to be our great pleasure to serve the City of Tustin, especially during these dynamic and exciting times as development of the Tustin Legacy unfolds. Please let me know if you have any questions.

David E. Kendig

** CPI figures are based on the Bureau of Labor Statistics CPI for Urban Wage Earners in Los Angeles, Riverside and Orange County. See attached.

Databases, Tables & Calculators by Subject

FONT SIZE:

Change Output Options: From: 2010 To: 2013 **GO**

Include graphs

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Data extracted on: June 24, 2013 (12:41:03 PM)

Consumer Price Index - Urban Wage Earners and Clerical Workers

Series Id: CWURA421SA0
Not Seasonally Adjusted
Area: Los Angeles-Riverside-Orange County, CA
Item: All items
Base Period: 1982-84=100

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Year	May
2010	218.787
2011	226.842
2012	230.180
2013	232.387

12

**Month
Percent
Change**

Series Id: CWURA421SA0
Not Seasonally Adjusted
Area: Los Angeles-Riverside-Orange County, CA
Item: All items
Base Period: 1982-84=100

Download:

.xls

Year	May
2010	2.0
2011	3.7
2012	1.5
2013	1.0



Handwritten initials or mark in the top right corner.

**AMENDMENT TO EXHIBIT "A" TO AGREEMENT
FOR CITY ATTORNEY SERVICES**

This Amendment to Exhibit "A" of an Agreement for City Attorney Services, originally dated November 20, 1995, between the City of Tustin ("City"), a municipal corporation, and Woodruff, Spradlin & Smart, a Professional Corporation ("WS&S").

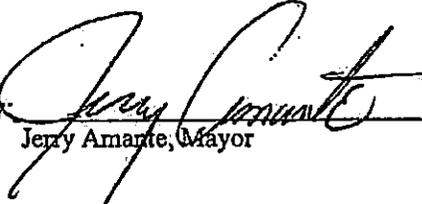
RECITALS

A. The City Council of City approved a rate adjustment for city attorney services on May 6, 2008 with the intent that such rates will go into effect on July 1, 2008 and will be adjusted every July 1 thereafter for cost of living, not to exceed 5% in any year.

NOW, THEREFORE, the City and WS&S agree that Exhibit "A" shall be amended to read as provided in Attachment "A" to this Amendment and that except as expressly provided in this amendment, the provisions of the Agreement for City Attorney Services shall remain in full force and effect.

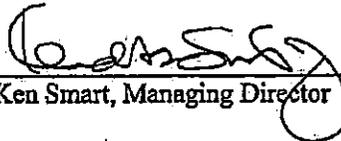
CITY OF TUSTIN

Dated: 7/15/08

By: 
Jerry Amante, Mayor

WOODRUFF, SPRADLIN & SMART

Dated: July 15, 2008

By: 
Ken Smart, Managing Director

**AMENDMENT TO EXHIBIT "A" TO AGREEMENT
FOR CITY ATTORNEY SERVICES**

This Amendment to Exhibit "A" of an Agreement for City Attorney Services, originally dated November 20, 1995, between the City of Tustin ("City"), a municipal corporation, and Woodruff, Spradlin & Smart, a Professional Corporation ("WS&S").

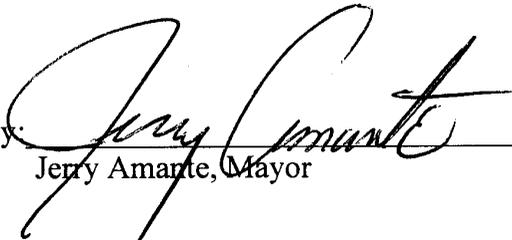
RECITALS

A. The City Council of City approved a rate adjustment for city attorney services on May 6, 2008 with the intent that such rates will go into effect on July 1, 2008 and will be adjusted every July 1 thereafter for cost of living, not to exceed 5% in any year.

NOW, THEREFORE, the City and WS&S agree that Exhibit "A" shall be amended to read as provided in Attachment "A" to this Amendment and that except as expressly provided in this amendment, the provisions of the Agreement for City Attorney Services shall remain in full force and effect.

CITY OF TUSTIN

Dated: 7/15/08

By: 
Jerry Amante, Mayor

WOODRUFF, SPRADLIN & SMART

Dated: July 15, 2008

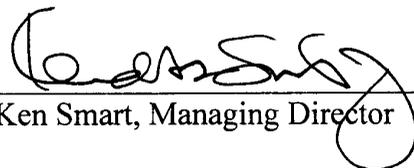
By: 
Ken Smart, Managing Director

EXHIBIT A

Professional hourly billing rates are:

<u>STAFFING LEVEL</u>	<u>HOURLY RATE</u>
Associates and Directors	\$195.00
Paralegals	\$110.00

The amounts provided above shall be adjusted annually, commencing on July 1 2009, in an amount equal to the CPI (Consumer Price Index, All Urban Consumers (All Items), for the Los Angeles-Anaheim-Riverside Metropolitan Area, published by the United States Department of Labor, Bureau of Labor Statistics (1982-84 = 100) for the previous year.

Billing Increment: One-tenth of an hour

Costs and Expenses

Cost Item	Charge Allowed
In-office photocopying	\$0.25 per page (only after 25 pages)
Paralegals	Maximum amount approved by IRS (out of County travel only)

RESOLUTION NO. 05-82

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TUSTIN, CALIFORNIA, APPROVING AMENDED EXHIBIT
"A" TO THE RETAINER AGREEMENT FOR CITY
ATTORNEY SERVICES

WHEREAS, by Resolution No. 95-95, adopted on November 20, 1995, the City Council authorized the execution of a retainer agreement with Rourke & Woodruff (hereinafter Woodruff, Spradlin & Smart) for city attorney services; and

WHEREAS, that agreement provides that Exhibit "A," which contains Woodruff, Spradlin & Smart's hourly rates, may be changed from time to time without otherwise amending the agreement, by a resolution adopted by the City Council; and

WHEREAS, the City Council desires to approve an amended Exhibit "A" effective July 1, 2005.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUSTIN, CALIFORNIA, finds, determines and orders as follows:

That amended Exhibit "A," attached hereto, to the Retainer Agreement for City Attorney Services, is hereby approved and effective as of July 1, 2005.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Tustin held on the 5th day of July 2005.



LOU BONE
Mayor

ATTEST:

for 

PAMELA STOKER
City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF TUSTIN)

I, Pamela Stoker, City Clerk and ex-officio Clerk of the City Council of the City of Tustin, California, do hereby certify that the whole number of the members of the City Council of the City of Tustin is five; that the above and foregoing Resolution No. 05-82 was duly passed and adopted at a regular meeting of the Tustin City Council, held on the 5th day of July, 2005, by the following vote:

COUNCILMEMBER AYES:	<u>BONE, DAVERT, AMANTE, HAGEN, KAWASHIMA</u>	<u>(5)</u>
COUNCILMEMBER NOES:	<u>NONE</u>	<u>(0)</u>
COUNCILMEMBER ABSTAINED:	<u>NONE</u>	<u>(0)</u>
COUNCILMEMBER ABSENT:	<u>NONE</u>	<u>(0)</u>

for Mani R. Aziz
PAMELA STOKER
City Clerk

EXHIBIT "A"

CITY OF TUSTIN RATE SCHEDULE (7/05)

Hourly Rates for Legal Personnel (Transactional and Litigation)

Paralegals	\$100.00*
Associates/Partners	\$174.00

Billing Increment

We bill in increments of one-tenth of an hour (six minutes).

Costs and Expenses

In-office photocopying	\$0.25 per page (only after 25 pages)
Mileage	Maximum amount approved by IRS (out of County travel only)

*Excludes secretarial functions performed by paralegals.

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RESOLUTION NO. 03-74

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TUSTIN, CALIFORNIA, APPROVING AMENDED EXHIBIT "A" TO THE RETAINER AGREEMENT FOR CITY ATTORNEY SERVICES

WHEREAS, by Resolution No. 95-95, adopted on November 20, 1995, the City Council authorized the execution of a retainer agreement with Rourke & Woodruff (hereinafter Woodruff, Spradlin & Smart) for city attorney services; and

WHEREAS, that agreement provides that Exhibit "A," which contains Woodruff, Spradlin & Smart's hourly rates, may be changed from time to time without otherwise amending the agreement, by a resolution adopted by the City Council; and

WHEREAS, the City Council desires to approve an amended Exhibit "A" effective July 1, 2003.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUSTIN, CALIFORNIA, finds, determines and orders as follows:

That amended Exhibit "A," attached hereto, to the Retainer Agreement for City Attorney Services, is hereby approved and effective as of July 1, 2003.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Tustin on the 19th day of May, 2003.


TRACY WILLS WORLEY, MAYOR

ATTEST:


PAMELA STOKER
CITY CLERK

1 STATE OF CALIFORNIA)
2 COUNTY OF ORANGE)
3 CITY OF TUSTIN)

4 RESOLUTION NO. 03-74

5 Pamela Stoker, City Clerk and ex-officio Clerk of the City Council of the City of Tustin,
6 California, does hereby certify that the whole number of the members of the City Council of
7 the City of Tustin is five; that the above and foregoing Resolution was passed and adopted at
8 a regular meeting of the City Council held on the 19th day of May, 2003 by the following vote:

9
10 COUNCILMEMBER AYES: WORLEY, KAWASHIMA, BONE, DAVERT, THOMAS
11 COUNCILMEMBER NOES: NONE
12 COUNCILMEMBER ABSTAINED: NONE
13 COUNCILMEMBER ABSENT: NONE

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PAMELA STOKER
City Clerk

EXHIBIT "A"

CITY OF TUSTIN RATE SCHEDULE (7/03)

Hourly Rates for Legal Personnel (Transactional and Litigation)

Paralegals	\$90.00*
Associates	\$161.00
Partners	\$161.00

Billing Increment

We bill in increments of one-tenth of an hour (six minutes).

Costs and Expenses

In-office photocopying	\$0.25 per page (<u>only</u> after 25 pages)
Mileage	Maximum amount approved by IRS (out of County travel only)

*Excludes secretarial functions performed by paralegals.

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RESOLUTION NO. 99-63

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TUSTIN, CALIFORNIA, APPROVING AMENDED EXHIBIT "A" TO THE RETAINER AGREEMENT FOR CITY ATTORNEY SERVICES

WHEREAS, by Resolution No. 95-95, adopted on November 20, 1995, the City Council authorized the execution of a retainer agreement with Rourke & Woodruff (hereinafter Woodruff, Spradlin & Smart) for city attorney services; and

WHEREAS, that agreement provides that Exhibit "A," which contains Woodruff, Spradlin & Smart's hourly rates, may be changed from time to time without otherwise amending the agreement, by a resolution adopted by the City Council; and

WHEREAS, the City Council desires to approve an amended Exhibit "A" effective September 1, 1999.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUSTIN, CALIFORNIA, finds, determines and orders as follows:

That amended Exhibit "A," attached hereto, to the Retainer Agreement for City Attorney Services, is hereby approved and effective as of September 1, 1999.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Tustin on the 2 day of Aug, 1999.


TRACY WORLEY, MAYOR

ATTEST:


PAMELA STOKER
CITY CLERK

RESOLUTION CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF TUSTIN)

RESOLUTION NO. 99-63

Pamela Stoker, City Clerk and ex-officio Clerk of the City Council of the City of Tustin, California, does hereby certify that the whole number of the members of the City Council is five; that the above and foregoing resolution was passed and adopted at a regular meeting of the City Council held on the 2nd day of August, 1999, by the following vote:

COUNCILMEMBER AYES:	Worley, Thomas, Doyle, Potts, Saltarelli
COUNCILMEMBER NOES:	None
COUNCILMEMBER ABSTAINED:	None
COUNCILMEMBER ABSENT:	None

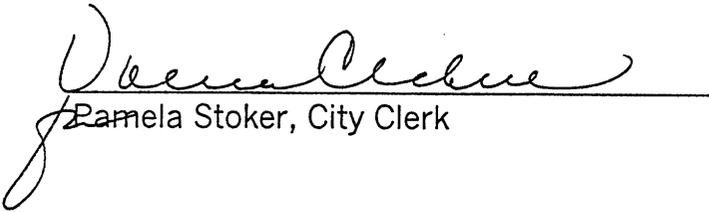

Pamela Stoker, City Clerk

EXHIBIT "A"

CITY OF TUSTIN RATE SCHEDULE (9/99)

Hourly Rates for Legal Personnel (Transactional and Litigation)

Paralegals	\$80.00*
Associates	\$135.00
Partners	\$145.00

Billing Increment

We bill in increments of one-tenth of an hour (six minutes).

Costs and Expenses

In-office photocopying	\$0.25 per page (<u>only</u> after 25 pages)
Mileage	\$0.31 per mile (out of County travel)

*Excludes secretarial functions performed by paralegals.

RETAINER AGREEMENT FOR CITY ATTORNEY SERVICES

THIS AGREEMENT is made and entered into as of the 20 day of Nov., 1995, by and between the CITY OF TUSTIN, a municipal corporation, hereinafter "the City", and ROURKE, WOODRUFF & SPRADLIN, a professional corporation, hereinafter "the Attorneys."

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the parties agree as follows:

AGREEMENT

1. Retention of Attorneys.

The City hereby retains and employs Attorneys to provide legal services required to be performed by the City Attorney of the City of Tustin and the Agency Counsel to the Tustin Community Redevelopment Agency ("Agency"). In this regard, **Lois E. Jeffrey** is designated as City Attorney for the City of Tustin, and Agency Counsel to the Agency. She will perform the services of City Attorney and Agency Counsel assisted by other attorneys in the firm of Attorneys, some of whom may, from time to time, be designated by the City Council as Assistant and Deputy City Attorneys.

2. Scope of Duties.

The City retains and employs the Attorneys to provide legal services required in connection with City's operation as a general law City. The legal services to be performed for the City shall include those generally understood to be within the field of municipal law, including redevelopment law. Attorneys shall provide those legal services reasonably required to advise and represent the City and shall take reasonable steps to keep the City

informed of the progress of the representation and to respond to the inquiries of City Council members and City staff regarding the status of matters for which Attorneys are representing the City or where advice has been sought.

A. It is understood that the legal services shall include, but are not limited to, the following:

(i) The preparation of ordinances, resolutions, orders, agreements, forms, notices, declarations, certificates and other documents;

(ii) Attendance at all meetings of the City Council, the Agency, the Planning Commission, and attending all other meetings of City boards, commissions, and committees when so requested by the City Council or the City Manager;

(iii) Rendering legal advice and opinions concerning legal matters that affect the City or Agency, including new legislation and court decisions;

(iv) Representing the City in litigation involving the City or Agency, including both prosecution and defense; and

(v) Providing all other legal services required as City Attorney or Agency Counsel.

B. The legal services to be performed by Attorneys pursuant to this Agreement shall not include serving as bond counsel for municipal financing matters.

C. Through the City Manager, the City shall cooperate with Attorneys and keep Attorneys informed of developments that pertain to Attorneys' representation of the City and providing services pursuant to this Agreement.

3. Fees, Costs and Expenses.

A. Effective the first day of the month following execution of this Agreement, as compensation for services rendered pursuant to this Agreement, City agrees to pay Attorneys at the hourly rates set forth on Exhibit "A", attached hereto and incorporated herein by this reference. Exhibit "A" may be changed from time to time without otherwise amending this Agreement by a Resolution adopted by the City Council at a regular meeting. The work described on Exhibit "A" as "Transactional" includes all work described in Section 2A (i-iii) and (v) of this Agreement, except litigation. Litigation includes: the representation of the City or Agency in administrative or evidentiary hearings involving personnel matters or before another agency or tribunal; advice on claims requiring legal research and/or review of extensive documentation, court appearances on citations, motions to quash, and Pitchess motions, and representation of the City or Agency in state and federal courts.

B. City agrees to pay the following out-of-pocket costs and expenses associated with Attorneys' work pursuant to this Agreement: messenger deliveries; copying in excess of 25 pages; long-distance telephone calls; process servers' fees; filing fees fixed by law or assessed by the courts and other agencies; computer assisted research of Federal cases, Federal statutes and regulations; deposition and

other court reporting fees; jury fees, witness fees; costs to obtain copies of documents in litigation, and other litigation-related costs and expenses as may be required to adequately represent City or Agency, such as transportation, mileage, meals and lodging associated with out-of-town depositions or appearances.

C. To aid in the preparation or presentation of litigation, it may become necessary to hire expert witnesses, consultants or investigators. Attorneys will select any expert witnesses, consultants or investigators to be hired, but shall receive City Council or City Manager approval of the fees and charges prior to any such engagement.

4. Statements/Task-Billing.

Attorneys shall prepare and present detailed monthly statements for services rendered to the City for the month preceding the statement, indicating each discrete task performed by Attorneys. City shall pay the statements upon presentation or within a reasonable time thereafter.

5. Discharge and Withdrawal.

A. Attorneys shall serve under the terms of this Agreement at the pleasure of the City Council, and the City Council hereby reserves the right to terminate this Agreement upon providing sixty (60) days' written notice to the Attorneys.

B. Attorneys reserve the right to terminate this Agreement at any time Attorneys deem it necessary or advisable to do so upon providing sixty (60) days' written notice to City.

C. When Attorneys' services are terminated, all unpaid charges shall become immediately due and payable.

6. Entire Agreement

This Agreement contains the entire agreement and understanding of the parties with respect to the subject matter hereof, and contains all covenants and agreements between the parties with respect to such matter.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date indicated in the preamble to this Agreement.

"City"

CITY OF TUSTIN

By: 
MAYOR

ATTEST:


City Clerk

"Attorneys"

ROURKE, WOODRUFF & SPRADLIN

By: 
KENNARD R. SMART,
Managing Partner

EXHIBIT "A"

CITY OF TUSTIN RATE SCHEDULE (11/95)

Hourly Rates for Legal Personnel

	<u>Transactional</u>	<u>Litigation</u>
Partners	\$120.00*	\$140.00
Associates	\$120.00*	\$130.00
Paralegals	\$ 75.00**	\$ 75.00

Billing Increment

We bill in increments of one-tenth of an hour (six minutes).

Costs and Expenses

In-office photocopying	\$ 0.25 per page (<u>only</u> after 25 pages)
Mileage	\$ 0.25 per mile (out of County travel)

*This is a special, blended and discounted rate for both partners and associates.

**Excludes secretarial functions performed by paralegals.