

**Meeting Date:** 8/23/2016

**Report Type:** Consent

**Report ID:** 2016-00855

**Title:** Supplemental Agreement for Outside Legal Services

**Location:** Citywide

**Recommendation:** Pass a Motion authorizing the City Attorney to execute a Supplemental Agreement with Liebert Cassidy Whitmore in an amount not to exceed \$225,000 for outside legal services.

**Contact:** Brett Witter, Supervising Deputy City Attorney, (916) 808-5346, Office of the City Attorney

**Presenter:** None

**Department:** City Attorney

**Division:** City Attorney

**Dept ID:** 03001011

**Attachments:**

1-Description/Analysis

2-Supplemental-LCW

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**City Attorney Review**

Approved as to Form

Brett Witter

8/11/2016 2:44:50 PM

**Approvals/Acknowledgements**

Department Director or Designee: Melissa D. Chaney - 8/3/2016 2:22:04 PM

## Description/Analysis

**Issue Detail:** The City of Sacramento is a defendant in the litigation *Brown v. City of Sacramento*, a case in which the plaintiff alleges violations of the California Fair Employment and Housing Act. As a result of a potential conflict of interest for attorneys in the City Attorney's Office, the City was required to retain outside counsel for the trial and appeal in this matter.

**Policy Considerations:** Only the City Attorney may retain legal services on behalf of the City. Liebert Cassidy Whitmore is on the City Attorney's list of approved outside counsel.

**Economic Impacts:** None

**Environmental Considerations:** Under the California Environmental Quality Act (CEQA) guidelines, administrative activities do not constitute a project and are therefore exempt from review.

**Sustainability:** There are no sustainability considerations applicable to this action.

**Commission/Committee Action:** Not applicable.

**Rationale for Recommendation:** The City Attorney maintains a list of outside counsel through an RFP process. Liebert Cassidy Whitmore was retained to provide outside legal services.

**Financial Considerations:** This litigation is a Risk Management case and will be paid out of the Risk Fund.

**Local Business Enterprise (LBE):** Liebert Cassidy Whitmore is an LBE

# SUPPLEMENTAL AGREEMENT

**Project Title and Job Number:** Brown v. City of Sacramento  
**Purchase Order #:**

**Date:** 8/10/16  
**Supplemental Agreement No.:** 1

The City of Sacramento ("City") and Liebert Cassidy Whitmore ("Attorney"), as parties to that certain Legal Services Agreement designated as Agreement Number 2016-0674, including any and all prior supplemental agreements modifying said agreement (said agreement and supplemental agreements are hereafter collectively referred to as the "Agreement"), hereby supplement and modify the Agreement as follows:

1. For services rendered, the maximum not-to-exceed amount that is specified in Exhibit B of the Agreement for payment of Attorney's fees and expenses, is increased to \$225,000 as follows:

Agreement's original not-to-exceed amount:	\$ 95,000
Net change by previous supplemental agreements:	\$ 0
Not-to-exceed amount prior to this supplemental agreement:	\$ 95,000
<b>Increase</b> by this supplemental agreement:	\$130,000
New not-to exceed amount including all supplemental agreements:	\$225,000

2. Attorney warrants and represents that the person or persons executing this supplemental agreement on behalf of Attorney has or have been duly authorized by Attorney to sign this supplemental agreement and bind Attorney to the terms hereof.
3. Except as specifically revised herein, all terms and conditions of the Agreement shall remain in full force and effect, and Attorney shall perform all of the services, duties, obligations, and conditions required under the Agreement, as supplemented and modified by this supplemental agreement.

**Approval Recommended by:**

**Approved as to Form:**

\_\_\_\_\_  
Project Manager

\_\_\_\_\_  
City Attorney

**Approved By:**

  
\_\_\_\_\_  
Jesse Maddox  
For Attorney

**Approved By:**

**Attested To By:**

\_\_\_\_\_  
James Sanchez, City Attorney  
City of Sacramento

\_\_\_\_\_  
City Clerk