RESOLUTION NO. 2392

A RESOLUTION OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT FOR LEGAL SERVICES WITH PORTER FOSTER RORICK, LLP.

WHEREAS, the name of the City’s law firm has changed; and

WHEREAS, the City Council finds it desirable to make minor amendments to the legal services agreement with the legal firm serving as the City Attorney;

NOW THEREFORE, the City Council of the City of Bonney Lake, Washington hereby resolves as follows:

That the Mayor is authorized to sign the Agreement between the City of Bonney Lake and Porter Foster Rorick, LLP for legal services, attached hereto and incorporated herein by this reference.

PASSED BY THE CITY COUNCIL this 24th day of June, 2014.

Neil Johnson, Jr., Mayor

ATTEST:

Harwood T. Edvalson, City Clerk

APPROVED AS TO FORM:

Kathleen Haggard, City Attorney
AGREEMENT FOR LEGAL SERVICES

For the purpose of providing legal services and in consideration of the following mutual promises and conditions, Porter Foster Rorick LLP, hereinafter referred to as “Attorney,” and the City of Bonney Lake, hereinafter referred to as “City,” agree as follows:

1. Attorney hereby agrees to provide legal services, upon request, for the City of Bonney Lake as City Attorney. All members of the firm shall have the authority to perform legal services on behalf of the City with the same authority as the City Attorney.

2. Attorney agrees to provide up to 75 retainer hours per month for the flat fee of $11,625 per month. Hours in excess of 75 monthly hours will be billed at $215 per hour.

3. Services required hereunder shall not include services covered by insurance or other third party indemnity agreements for attorney fees which will be billed at attorney’s regular hourly rates, or as otherwise agreed on a case-by-case basis. Conflicts of interest for specific cases shall be handled on a case-by-case basis with the appointment of independent counsel.

4. The City agrees to continue to maintain insurance coverage for Attorneys, consistent with that of other employees and appointed officials, while acting as City Attorney or assistant City Attorney on behalf of the City of Bonney Lake. Attorneys shall be an additional named insured on such policies. If insurance is not provided, then the City, for failure thereof, shall defend Attorneys and hold Attorneys harmless for any liability or damages or other requested relief for any acts or omissions of Attorneys on behalf of the City of Bonney Lake.

5. Disputes under this Agreement shall be decided by binding arbitration under the voluntary rules of the American Arbitration Association, unless otherwise agreed to by the parties. This Agreement shall be in effect for a period of one year after approval and shall automatically renew for additional one-year increments unless terminated or modified by the Parties.

DATED this 24th day of June, 2014.

PORTER FOSTER RORICK, LLP

By: KATHLEEN HAGGARD

CITY OF BONNEY LAKE

By: NEIL JOHNSON, JR., MAYOR
AGREEMENT

For the purpose of providing legal services and in consideration of the following mutual promises and conditions, Dionne and Rorick, hereinafter referred to as "Attorney", and the City of Bonney Lake, hereinafter referred to as "City", agree as follows:

1. Dionne and Rorick hereby agrees to provide legal services, upon request, for the City of Bonney Lake as City Attorney. All members of the firm shall have the authority to perform legal services on behalf of the City with the same authority as the City Attorney.

2. (a) Attorney agrees to provide up to 45 retainer hours per month for the flat fee of $2,925 per month to the City of Bonney Lake for all Departments other than Public Works and Criminal court prosecution matters. Additional hours will be billed at $105 per hour; (b) Attorney agrees to provide six (6) retainer hours per month for the Public Works Department for the flat fee of $450 per month. Additional hours will be billed at $115 per hour; (c) Attorney agrees to handle all Criminal Court prosecution matters, except for appeals and jury trials, for the flat rate of $2500. Additional hours for jury trials and appeals will be billed at $105 per hour; (d) These amounts and rates shall increase each fiscal year, beginning in January, 2000, by that percentage increase set forth in the All-Urban Consumers Index (CPI-U) (1982-1984=100) for the Seattle-Tacoma-Bremerton area for the immediately preceding calendar year.

3. Services required hereunder shall not include services covered by insurance or other third party indemnity agreements for attorney fees which will be billed at attorneys regular hourly rates, or as otherwise agreed on a case-by-case basis. Conflicts of interest for specific cases shall be handled on a case-by-case basis with the appointment of independent counsel.

4. The City agrees to provide administrative support and clerical support services necessary for the performance of Attorney's services on behalf of the City.

5. The City agrees to continue to maintain insurance coverage for Attorneys, consistent with that of other employees and appointed officials, while acting as City Attorney or deputy City Attorney on behalf of the City of Bonney Lake. Attorneys shall be an additional named insured on such policies. If insurance is not provided, then the City, for failure thereof, shall defend Attorneys and hold Attorneys harmless for any liability or damages or other requested relief for any acts or omissions of Attorneys on behalf of the City of Bonney Lake.

6. Disputes under this Agreement shall be decided by binding arbitration under the voluntary rules of the American Arbitration Association, unless otherwise agreed to by the parties. This Agreement shall continue until modified or eliminated in writing by either party.

DATED this 12th day of October, 1999.

DIONNE & RORICK

[Signature]

By: James J. Dionne

CITY OF BONNEY LAKE

[Signature]

By: Robert Young, Mayor

Cal 1012/199
Exhibit “A” to Resolution No. 2146

AGREEMENT MODIFICATION

For the purpose of providing legal services and in consideration of the following mutual promises and conditions, the law firm of Dionne & Rorick, hereinafter referred to as “Attorney,” and the City of Bonney Lake, hereinafter referred to as “City,” hereby agree to modify the current contract relationship dated October 12, 1999 by replacing the current section 2 of that contract to read as follows and to begin in effect as of September 1, 2011:

2. (a) Attorney agrees to provide up to 45 retainer hours per month for the flat fee of $4975 per month to the City of Bonney Lake for all Departments other than Public Works. For purposes of this subsection (a), Criminal Court shall be considered to be a City Department, provided that, Attorney shall only provide backup services to a City-hired and supervised prosecuting attorney/employee of the City. Additional hours will be billed at $165 per hour; (b) Attorney agrees to provide six (6) retainer hours per month for the Public Works Department for the flat fee of $900 per month. Additional hours will be billed at $175 per hour; (c) These amounts and rates shall increase each fiscal year, beginning in January 2012 by that percentage increase set forth in the All-Urban Consumers Index (CPI-U) for the Seattle-Tacoma-Bremerton area for the immediately preceding calendar year.
City of Bonney Lake, Washington
City Council Agenda Bill (AB)

<table>
<thead>
<tr>
<th>Department/Staff Contact: Executive / Mayor Johnson</th>
<th>Meeting/Workshop Date: 24 June 2014</th>
<th>Agenda Bill Number: AB14-81</th>
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<tbody>
<tr>
<td><strong>Agenda Item Type:</strong> Resolution</td>
<td><strong>Ordinance/Resolution Number:</strong> 2392</td>
<td><strong>Councilmember Sponsor:</strong> Swatman</td>
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**Agenda Subject:** Agreement for Legal Services

**Full Title/Motion:** A Resolution Of The City Council Of The City Of Bonney Lake, Washington, Authorizing The Mayor To Sign An Agreement With Porter Foster Rorick, LLP For Legal Services.

**Administrative Recommendation:** Approve

**Background Summary:** In 2013 Jim Dionne retired as City Attorney and the legal firm was renamed Porter Foster Rorick, LLP. Kathleen Haggard has proposed that a new legal services agreement be established. This agreement increases the number of hours of retainer (flat rate) service to 75 hours monthly, and a flat hourly rate for services thereafter. Given the average rates that experienced municipal law firms charge cities, this is considered a very favorable rate, with NO annual CPI adjustment. The agreement would be for one year, with automatic renewals unless either party gives notice otherwise.

**Attachments:** Resolution No. 2392; New Agreement; Old Agreement

**BUDGET INFORMATION**

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<thead>
<tr>
<th>Budget Amount</th>
<th>Current Balance</th>
<th>Required Expenditure</th>
<th>Budget Balance</th>
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<td>$200,000 civil legal budget</td>
<td>$139,500 minimum for retainer services</td>
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**Budget Explanation:** No change to legal budget. $139,500 minimum for retainer services

**COMMITTEE, BOARD & COMMISSION REVIEW**

- **Council Committee Review:** Finance Committee
  - Date: 10 June 2014
  - Chair/Councilmember: Dan Swatman
  - Councilmember: Katrina Minton-Davis
  - Councilmember: Donn Lewis

  **Approvals:**
  - Yes: ☒
  - No: ☐

  **Forward to:** June 24 Meeting

- **Commission/Board Review:**

- **Hearing Examiner Review:**

**COUNCIL ACTION**

- **Workshop Date(s):**
- **Meeting Date(s):**

**APPROVALS**

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<tr>
<th>Director:</th>
<th>Mayor:</th>
<th>Date Reviewed by City Attorney:</th>
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<td>(if applicable):</td>
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**Version Oct. 2010**