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Sponsors: David Baum
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Staff Report for an Amendment to Legal Services Agreement with Jarvis, Fay, Doporto, and Gibson, LLP in the case of *Ilmberger et al. v. City of San Leandro*

SUMMARY AND RECOMMENDATIONS

Staff requests that the City Council authorize the City Manager to enter into an amended legal services agreement with the law firm of Jarvis, Fay, Doporto and Gibson to complete representation of the City in the case of *Ilmberger et al. v. City of San Leandro*.

BACKGROUND

The City of San Leandro entered into a Legal Services Agreement with Jarvis, Fay, Doporto, and Gibson, LLP on January 22, 2014, to provide contract legal representation services to the City for the *Ilmberger et al. v. City of San Leandro* case. The original agreement is for a not to exceed amount of \$49,900.00.

Analysis

The City contracted with the law firm of Jarvis, Fay, Doporto, and Gibson, LLP for their success rate experience in defending agencies in sewer overflow litigation. The *Ilmberger* litigation budget for defense costs was originally estimated to be less than \$50,000.00. However, the plaintiff's attorney has been difficult and slow to communicate, and costs for depositions, expert witnesses, subpoenas, etc. have been required to handle this case in a more expeditious manner. Consequently, legal services budget for defense costs has been revised and estimated to increase an additional \$60,100.00 for a total not to exceed amount of \$110,000.00.

Fiscal Impacts

For 2014-15, the Self-Insurance Fund General Liability division legal fees adjusted budget is \$336,000. Staff will transfer \$50,000.00 from the Settlements and Judgments account in this division to Legal Services to support the increased costs.

ATTACHMENTS

Attachment to Staff Report

- Current Legal Services Agreement

Attachment to Resolution

- Amendment No. 1 to Legal Services Agreement

PREPARED BY: David Baum, Director of Finance, Finance Department