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RESOLUTION NO. 2015-78

**A RESOLUTION OF THE ALBANY CITY COUNCIL APPROVING AN
AMENDMENT TO THE AGREEMENT FOR CITY ATTORNEY SERVICES
BETWEEN THE CITY OF ALBANY AND THE LAW OFFICES OF CRAIG
LABADIE**

WHEREAS, on January 1, 2012, the City Council appointed Craig Labadie to
serve as the Albany City Attorney under an independent contractor arrangement; and

WHEREAS, in September 2013, the City and Mr. Labadie entered into an
Amended and Restated Agreement for City Attorney Services which specified a two-year
term; and

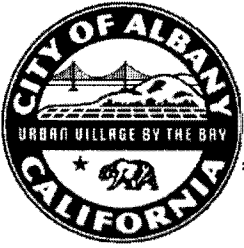
WHEREAS, the Council desires to continue to contract with Craig Labadie to
serve as the Albany City Attorney; and

WHEREAS, the proposed Amendment to the Agreement would extend the
contract term for an additional two years, commencing on December 1, 2015.

NOW THEREFORE, BE IT RESOLVED, that the Albany City Council
hereby approves the proposed Amendment to the Agreement for City Attorney Services
between the City of Albany and the Law Offices of Craig Labadie (attached to this
Resolution) and authorizes the Mayor to execute the Amendment on behalf of the City.



PETER MAASS, MAYOR



City of Albany

1000 San Pablo Avenue • Albany, California 94706
(510) 528-5710 • www.albanyca.org

RESOLUTION NO. 2015-78

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,
the 7th day of December, 2015, by the following votes:

AYES: Council Members Barnes, McQuaid, Nason, Pilch and Mayor Maass

NOES: none

ABSENT: none

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 8th
day of December, 2015.

Eileen Harrington
DEPUTY CITY CLERK

1 **AMENDMENT TO AGREEMENT FOR CITY ATTORNEY SERVICES**

2 **THIS AMENDMENT** ("Amendment") to the Amended and Restated Agreement for City
3 Attorney Services ("Agreement"; Contract #C11-17b) is entered into effective December 1, 2015 by
4 and between the City of Albany, a California charter city ("City") and the Law Offices of Craig
5 Labadie and Craig Labadie, Esq. ("Attorney"), a sole proprietor law firm providing municipal law
6 services.

7 **WHEREAS**, effective on January 1, 2012, City retained Attorney to serve as the City
8 Attorney for the City of Albany; and

9 **WHEREAS**, effective on September 1, 2013, City and Attorney entered into an Amended and
10 Restated Agreement for City Attorney Services; and

11 **WHEREAS**, CITY and Attorney mutually wish to continue the arrangement whereby
12 Attorney serves as the City Attorney for the City of Albany, subject to certain amended terms and
13 conditions as set forth in this Amendment.

14 **NOW, THEREFORE**, in consideration of the mutual covenants and conditions set forth in
15 this Amendment, the parties agree as follows:

16 **A. Amendment to Agreement.** This Amendment makes certain specific changes to the
17 Agreement. Except for the provisions expressly modified in this Amendment, the remaining terms
18 and conditions of the Agreement remain in full force and effect. The following provisions of the
19 Agreement are hereby amended, to read as follows:

20 **1. Contract City Attorney.** City hereby contracts with Attorney (as an
21 independent contractor and not as an employee), and Attorney hereby contracts with City for the
22 performance of legal services under the terms and conditions set forth herein.

23 **3. Term.** The term of this Agreement shall commence on December 1, 2015 and
24 shall continue for a period of two years, subject to the provisions set forth in Paragraph 7 of this
25 Agreement.

26 **4. Compensation.** In consideration for the General Services to be performed by
27 Attorney, City shall pay a monthly retainer in the amount of \$11,000 for the period from December 1,
28 2015 through November 30, 2016. Commencing on December 1, 2016, the monthly retainer shall be

1 \$11,500. City shall pay Attorney for Special Services at the rate of \$195 per hour, upon submission
2 and approval of invoices. Out-of-pocket expenses such as travel and mileage (not including travel or
3 mileage from Attorney's office to the Albany City Hall), photocopying, overnight delivery, and
4 messenger services shall be reimbursed at a reasonable rate. City shall use its best efforts to cause
5 invoices and expense reimbursement requests to be paid within thirty (30) days after receipt.

6 **IN WITNESS WHEREOF**, the parties have executed this Amendment as of the day and year
7 written above.


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CITY OF ALBANY

By: 

Mayor Peter Maass

ATTORNEY

By: 

Craig Labadie