



CITY COUNCIL

AGENDA BILL # AB22-0015

City of Algona
 200 Washington Blvd.
 Algona, WA 98001

ITEM INFORMATION

SUBJECT:	Agenda Date: March 14th, 2022		
	Department/Committee/Individual	Created	Reviewed
OMW 2022 Rate Schedule Fourth Addendum	Mayor		X
	City Administrator		X
	City Attorney		
	City Clerk		X
	Finance Dept		
	PW/Utilities		
	Planning Dept		
	Community Services		
	Police Dept		
	Finance Committee		
Planning Commission			
Civil Service Committee			

Staff Contact: James Schrimpsner, Acting City Administrator
Attachments: Fourth Addendum – 2022 Rates; Third Addendum – 2021 Rates

SUMMARY STATEMENT:

Ogden Murphy Wallace (OMW) has provided us with an addendum with 2022 rates. The increase in general services rates is \$15.00 for Members (Zach's services), \$15.00 for Associates, and \$10.00 for Paralegals. The increase for specialty services rates is \$20.00 for Members, \$15.00 for Associates, and \$10.00 for Paralegals. The previous rate schedule is attached for further review and detailed rate amounts.

This is the third review by Council.

COMMITTEE REVIEW AND RECOMMENDATION:

RECOMMENDED ACTION:

Make a motion to approve the fourth addendum to the Ogden Murphy Wallace consultant agreement.

RECORD OF COUNCIL ACTION

Meeting Date:	Action:	Vote:



OGDEN MURPHY WALLACE, PLLC
901 FIFTH AVENUE, SUITE 3500
SEATTLE, WA 98164-2008

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OMWLAW.COM

J. Zachary Lell
zlell@omwlaw.com

November 24, 2020

Dave Hill, Mayor
City of Algona
200 Washington Blvd.
Algona, WA 98001

Re: 2021 OMW Rate Schedule

Dear Mayor Hill:

On behalf of myself and the other attorneys at Ogden Murphy Wallace P.L.L.C., thank you for the opportunity to serve the City of Algona during this eventful year. I have enclosed for your consideration our rate schedule for 2021 and a proposed addendum to OMW's current legal services agreement with Algona. Assuming the City is agreeable, please return a fully executed copy of the addendum to me once it has been approved.

As always, please contact me with any questions.

Very truly yours,

OGDEN MURPHY WALLACE, P.L.L.C.

/s/ J. Zachary Lell

J. Zachary Lell
JZL/
Encl.

THIRD ADDENDUM TO CONSULTANT AGREEMENT

THIS THIRD ADDENDUM is made by and between the City of Algona (hereinafter referred to as "the City"), a Washington municipal corporation, and Ogden Murphy Wallace P.L.L.C., a Washington professional limited liability company (hereinafter referred to as "Consultant"), collectively the "Parties".

WHEREAS, the Parties executed that certain Consultant Agreement dated April 23, 2018 ("the Agreement") for the provision of legal services; and

WHEREAS, the Parties subsequently executed a First Addendum to the Agreement in order to adjust the fee schedule for 2019; and

WHEREAS, the Parties subsequently executed a Second Addendum to the Agreement in order to adjust the fee schedule for 2020; and

WHEREAS, the Parties desire to continue and amend the Agreement by updating the fee schedule attached hereto;

NOW, THEREFORE, IN CONSIDERATION OF the mutual promises, terms and conditions set forth in the Agreement and contained herein, the Parties hereby agree as follows:

Section 1. Amendment of Consultant Agreement Fee Schedule (Attachment C). Attachment C to the Agreement is hereby amended to provide in its entirety as indicated in Attachment C to this Third Addendum, attached hereto and incorporated herein by this reference as if set forth in full.

Section 2. Effect of Addendum. This Third Addendum is in addition to the Agreement. Except as otherwise provided herein, the provisions of this Third Addendum modify, but do not supersede, the provisions of the Agreement. Except as otherwise provided herein, each provision of the Agreement shall continue in full force and effect as if this Third Addendum did not exist. Except as otherwise provided herein, capitalized words and phrases shall have the meanings ascribed to them in the Agreement.

DATED this 16 day of APRIL, 2021.

CITY OF ALGONA

By: _____

Dave Hill, Mayor

OGDEN MURPHY WALLACE P.L.L.C.

By: /s/ J. Zachary Lell

J. Zachary Lell, Member

ATTEST/AUTHENTICATED:

By: _____

Jessica Griess, Acting City Clerk

ATTACHMENT C

FEE SCHEDULE

I. General Services. General services performed under this Agreement shall be compensated at the following rates

Members:	\$290/hour
Associates:	\$230/hour
Paralegals:	\$150/hour

II. Specialty Services. Specialty services performed under this Agreement shall be compensated at the following rates:

Members:	\$365/hour
Associates:	\$280/hour
Paralegals:	\$150/hour

Rates for franchise agreements and consortium-based services will be negotiated on a case-specific basis.

J. Zachary Lell
zlell@omwlaw.com

December 21, 2021

SENT VIA EMAIL (JAMESS@ALGONAWA.GOV) AND U.S. MAIL

James Schrimpsheer, Acting City Administrator
City of Algona
200 Washington Blvd.
Algona, WA 98001

Re: 2022 OMW Rate Schedule

Dear Chief Schrimpsheer:

As you are aware, our firm typically adjusts the billing rates for our municipal clients annually at the beginning of each contract year. I've accordingly enclosed for the City's execution a proposed Fourth Addendum to the City's Consultant Agreement with Ogden Murphy Wallace P.L.L.C. The fee increase set forth in the addendum tracks the June-to-June Seattle-Tacoma-Bellevue Consumer Price Index for All Urban Consumers (CPI-U) for the preceding year, rounded variously up or down to the nearest five-dollar mark. Assuming the City's intent to retain our services, at your earliest convenience please return a fully executed copy of the Fourth Addendum to me once it has been approved.

On behalf of myself and our firm, thank you for the opportunity to serve as your City Attorney during the past year. It has been a pleasure working with you, Mayor Hill, the City Council and the Algona staff. I look forward to continuing our relationship and serving the City in 2022 and beyond.

Very truly yours,

OGDEN MURPHY WALLACE, P.L.L.C.



J. Zachary Lell
JZL/
Encl.

FOURTH ADDENDUM TO CONSULTANT AGREEMENT

THIS FOURTH ADDENDUM is made by and between the City of Algona (hereinafter referred to as "the City"), a Washington municipal corporation, and Ogden Murphy Wallace P.L.L.C., a Washington professional limited liability company (hereinafter referred to as "Consultant"), collectively the "Parties".

WHEREAS, the Parties executed that certain Consultant Agreement dated April 23, 2018 ("the Agreement") for the provision of legal services; and

WHEREAS, the Parties subsequently executed a First Addendum to the Agreement in order to adjust the fee schedule for 2019; and

WHEREAS, the Parties subsequently executed a Second Addendum to the Agreement in order to adjust the fee schedule for 2020; and

WHEREAS, the Parties subsequently executed a Third Addendum to the Agreement in order to adjust the fee schedule for 2021; and

WHEREAS, the Parties desire to continue and amend the Agreement by updating the fee schedule attached hereto;

NOW, THEREFORE, IN CONSIDERATION OF the mutual promises, terms and conditions set forth in the Agreement and contained herein, the Parties hereby agree as follows:

Section 1. Amendment of Consultant Agreement Fee Schedule (Attachment C). Attachment C to the Agreement is hereby amended to provide in its entirety as indicated in Attachment C to this Fourth Addendum, attached hereto and incorporated herein by this reference as if set forth in full.

Section 2. Effect of Addendum. This Fourth Addendum is in addition to the Agreement. Except as otherwise provided herein, the provisions of this Fourth Addendum modify, but do not supersede, the provisions of the Agreement. Except as otherwise provided herein, each provision of the Agreement shall continue in full force and effect as if this Fourth Addendum did not exist. Except as otherwise provided herein, capitalized words and phrases shall have the meanings ascribed to them in the Agreement.

DATED this _____ day of _____, 2022.

CITY OF ALGONA

By: _____

Dave Hill, Mayor

OGDEN MURPHY WALLACE P.L.L.C.

By: /s/ J. Zachary Lell
J. Zachary Lell, Member

ATTEST/AUTHENTICATED:

By: _____
Jessica Griess, City Clerk

ATTACHMENT C

FEE SCHEDULE

I. General Services. General services performed under this Agreement shall be compensated at the following rates

Members:	\$305/hour
Associates:	\$245/hour
Paralegals:	\$160/hour

II. Specialty Services. Specialty services performed under this Agreement shall be compensated at the following rates:

Members:	\$385/hour
Associates:	\$295/hour
Paralegals:	\$160/hour

Rates for franchise agreements and consortium-based services will be negotiated on a case-specific basis.