RESOLUTION NO. 2018-10

A RESOLUTION OF THE ALBANY CITY COUNCIL APPROVING A
SECOND 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, effective on September 1, 2013, the City and Mr. Labadie entered into
an Amended and Restated Agreement for City Attorney Services ("Agreement") which
specified a two-year term; and

WHEREAS, effective on December 1, 2015, the City and Mr. Labadie entered into
an Amendment to Agreement for City Attorney Services for an additional two-year term;
and

WHEREAS, the City Council wishes to continue to contract with Mr. Labadie to
serve as the Albany City Attorney; and

WHEREAS, the proposed Second Amendment to the Agreement would extend the
contract term for an additional two years, commencing on January 1, 2018.

NOW, THEREFORE, BE IT RESOLVED, that the Albany City Council hereby
approves the Second 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 Second Amendment on behalf of the City.

[Signature]
Peggy McQuaid, Mayor
SECOND AMENDMENT TO AGREEMENT FOR CITY ATTORNEY SERVICES

THIS SECOND AMENDMENT ("Second Amendment") to the Amended and Restated Agreement for City Attorney Services ("Agreement"; Contract #C1-17b) is entered into effective January 1, 2018 by and between the City of Albany, a California charter city ("City") and the Law Offices of Craig Labadie and Craig Labadie, Esq. ("Attorney"), a sole proprietor law firm providing municipal law services.

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

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

WHEREAS, effective on December 1, 2015, City and Attorney entered into an Amendment to Agreement for City Attorney services; and

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

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

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

3. Term. The term of this Agreement shall commence on January 1, 2018 and shall continue for a period of two years, subject to the provisions set forth in Paragraph 7 of the Agreement.

4. Compensation. In consideration for the General Services to be performed by Attorney, City shall pay a monthly retainer in the amount of $12,000 for the period from January 1, 2018 through December 31, 2018. Commencing on January 1, 2019, the monthly retainer shall be
$12,500. City shall continue to pay Attorney for Special Services at the rate of $195 per hour, upon submission and approval of invoices. Out-of-pocket expenses such as travel and mileage (not including travel or mileage from Attorney’s office to the Albany City Hall), photocopying, overnight delivery, and messenger services shall be reimbursed at a reasonable rate. City shall use its best efforts to cause invoices and expense reimbursement requests to be paid within thirty (30) days after receipt.

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

CITY OF ALBANY

By: [Signature]
Mayor Peggy McQuaid

ATTORNEY

By: [Signature]
Craig Labadie
$12,500. City shall continue to pay Attorney for Special Services at the rate of $195 per hour, upon submission and approval of invoices. Out-of-pocket expenses such as travel and mileage (not including travel or mileage from Attorney’s office to the Albany City Hall), photocopying, overnight delivery, and messenger services shall be reimbursed at a reasonable rate. City shall use its best efforts to cause invoices and expense reimbursement requests to be paid within thirty (30) days after receipt.

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

CITY OF ALBANY

By: [Signature]
Mayor Peggy McQuaid

ATTORNEY

By: [Signature]
Craig Labaffie
RESOLUTION NO. 2018-10

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY, the 8th day of January, 2018, by the following votes:

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

NOES: none

ABSENT: none

ABSTAINED: none

RECUSED: none


Eileen Harrington
DEPUTY CITY CLERK

The City of Albany is dedicated to maintaining its small town ambiance, responding to the needs of a diverse community, and providing a safe, healthy and sustainable community.