



	Approved	Denied
Action taken	3/22/04	
Other:		
Verified by:	J. Smith	

WASILLA CITY COUNCIL ACTION MEMORANDUM

AM No. 04-19

TITLE: EXTENSION OF LEGAL SERVICES CONTRACT WITH BIRCH, HORTON, BITTNER AND CHEROT FROM JULY 1, 2004 THROUGH JUNE 30, 2005.

Agenda of: March 8, 2004
 Originator: Jamie Newman, Deputy Clerk

Date: March 23, 2004

Route to:	Department	Signature/Date
	Police	
	Recreational and Cultural Services Library, Museum	
	Public Works Planning	
X	Finance *signature required	
X	Clerk	J. Smith

REVIEWED BY MAYOR DIANNE M. KELLER: Dianne M. Keller

FISCAL IMPACT: yes no Funds Available yes no
 Account name/number:
 Attachments: Cover letter and amendment to legal services contract

SUMMARY STATEMENT: At the February 12, 2004 Special City Council Meeting the Council directed the Clerk to bring forward an amendment to our legal services contract with Birch, Horton, Bittner and Cherot to extend our contract for an additional one-year term.

In addition to the contract extension, Birch, Horton, Bittner and Cherot, proposes an adjustment to the hourly rates under contract effective July 1, 2004 as follows, with all other terms and provisions remaining unchanged:

<i>Proposed FY-05 Rates</i>	<i>Current Rate</i>
Shareholders and Members \$165	Partners and Members \$150
Associates \$145	Senior Associates \$135
Paralegals \$85	Paralegals \$75

STAFF RECOMMENDED ACTION: Approval of legal services contract amendment effective July 1, 2004.

LAW OFFICES

BIRCH, HORTON, BITTNER AND CHEROT

A PROFESSIONAL CORPORATION

1127 WEST SEVENTH AVENUE • ANCHORAGE, ALASKA 99501-3399 • TELEPHONE (907) 276-1550 • (800) 478-1550 • FACSIMILE (907) 276-3680

HAL R. HORTON (1944 - 1998)

VINE B. ACEVEDO*
NALD G. BIRCH**
WILLIAM H. BITTNER
KATHRYN A. BLACK
SUZANNE CHEROT
KIMBERLY A. DOYLE
KATHLEEN TOBIN ERB
MARK E. FINEMAN, P.E.
DOUGLAS S. FULLER*

MAX D. GARNER
GRETCHEN L. GASTON†
DAVID KARL GROSS
TINA M. GROVIER
WILLIAM P. HORN*
STEPHEN H. HUTCHINGS
ROY S. JONES, JR.*
DANIEL C. KENT
THOMAS F. KLINKNER

HARVEY A. LEVIN†
STANLEY T. LEWIS
THOMAS M. McDERMOTT
BARBARA A. MILLER*
GREGORY A. MILLER
MICHAEL J. PARISE
TIMOTHY J. PETUMENOS
ELISABETH H. ROSS**
HO SIK SHIN†

JENNIFER C. ALEXANDER, OF COUNSEL

* D.C. BAR
** D.C. AND ALASKA BAR
† MARYLAND BAR
‡ VIRGINIA BAR
ALL OTHERS ALASKA BAR

1155 CONNECTICUT AVE., N.W.
SUITE 1200
WASHINGTON, D.C. 20036
(202) 659-5800
FACSIMILE (202) 659-1027

WRITER'S DIRECT DIAL (907) 263-7268 • FAX (907) 276-3680 • tklinkner@bhb.com

February 26, 2004

RECEIVED

MAR 01 2004

CLERK'S OFFICE
CITY OF WASILLA

Ms. Kristie L. Smithers
City Clerk
City of Wasilla
290 East Herning Avenue
Wasilla, Alaska 99654

Re: Renewal of Contract for Legal Services

Dear Kristie:

This responds to your request that we prepare a renewal of our contract for legal services with the City of Wasilla. We have been pleased to provide legal services to the City for the past four years, and are prepared to renew the contract for another year. However, we also believe that it would be appropriate to adjust the hourly rates under the contract as stated below.

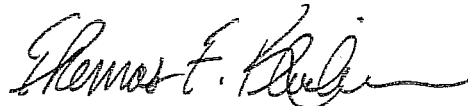
Our current contract hourly rates are substantially below the market rates for legal services in Southcentral Alaska. For example, the hourly rate that I charge for services to new clients ranges from \$200 to \$225, while my hourly rate under our current contract with the City is \$150. That rate has not been adjusted during the four years in which I have provided legal services to the City. For the renewal of this contract, effective as of July 1, 2004, I propose the following hourly rates: Shareholders and Members, \$165; Associates, \$145; Paralegals, \$85.

A form of contract amendment reflecting the terms discussed above, is enclosed for the Council's consideration.

Please let me know if you have any questions concerning this matter.

Sincerely,

BIRCH, HORTON, BITTNER and CHEROT



Thomas F. Klinkner

TFK:cm

Enclosures

cc: Mayor Dianne M. Keller (w/ encl.)

**SECOND AMENDMENT TO
CONTRACT FOR PROFESSIONAL LEGAL SERVICES**

SECOND AMENDMENT (the "Amendment") to the Contract for Professional Legal Services (the "Contract") between the CITY OF WASILLA (the "City") and BIRCH, HORTON BITTNER and CHEROT (the "Contractor"), executed by the City on June 19, 2000.

WHEREAS, the Contract provides for the Contractor to provide legal services to the City for a term of three years from the date of its execution by the City; and

WHEREAS, the Contract provides for renewal at the option of the City Council of the City for three additional one-year terms; and

WHEREAS, in 2003 the parties agreed to renew the Contract for an additional one-year term; and

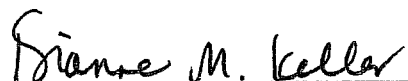
WHEREAS, the City Council of the City desires to exercise the option to renew the Contract for an additional one-year term, and the Contractor has agreed to such an extension.

NOW, THEREFORE, in consideration of the premises and the mutual covenants herein, the parties agree as follows:

The term of the Contract shall be extended for a period of one year from its current date of expiration. Effective as of July 1, 2004, the hourly rates for legal services under the Contract shall be as follows: Shareholders and Members, \$165; Associates, \$145; Paralegals, \$85. All other terms and provisions of the Contract shall remain unchanged.

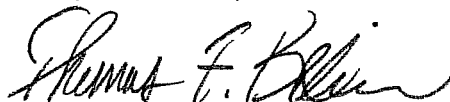
DATED as of the 22nd day of March 2004.

CITY OF WASILLA



Dianne M. Keller, Mayor

BIRCH, HORTON, BITTNER and CHEROT



Thomas F. Klinkner