

**FIRST AMENDMENT TO AGREEMENT FOR LEGAL SERVICES
BETWEEN
THE CITY OF RICHMOND
AND
DOWNEY BRAND, LLP**

This First Amendment to the Agreement for Legal Services between the City of Richmond (“City”) and **DOWNEY BRAND, LLP** (“Special Counsel”) (the "First Amendment") is entered into as of **DECEMBER 7, 2021**, by and between the City and Special Counsel with reference to the following facts:

RECITALS

WHEREAS, on July 1, 2019 the City and Special Counsel entered into that certain Legal Services Agreement (“Original Agreement”) for representation of the City and City-related entities, in connection with matters pertaining to the compliance by the City of Richmond with the settlement agreement reached in the case of *SF Baykeeper, et al v. City of Richmond (Case No. C05-03829 MMC in the United States District Court – Northern District of CA)* for a total contract amount of Two Hundred Fifty Five Dollars (\$255,000) and expiration term date of December 31, 2021; and

WHEREAS, the City now desires for Special Counsel to continue its representation of the City and to extend the term expiration to December 31, 2024; and

WHEREAS, the City and Special Counsel desire to amend the Original Agreement pursuant to this First Amendment.

NOW, THEREFORE, in consideration of the recitals hereof, and other mutual covenants and promises contained herein and for other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and Special Counsel agree as follows:

1. Amendment Provision 1. Section 3 of the Agreement, Term of the Agreement, is hereby deleted in its entirety and replaced with the following:

“The services of Special Counsel are to commence upon the Effective Date of this Agreement and shall terminate on DECEMBER 31, 2024, unless the parties extend the Agreement in writing. The services shall be undertaken and completed in such sequence as to assure their completion as expeditiously as is consistent with professional skill and care.”

2. Effect of First Amendment. Except as provided in this First Amendment, all other terms of the Original Agreement shall remain in full force and effect.

3. Counterparts. This First Amendment may be executed in counterparts each of which shall be an original and all of which shall constitute one and the same instrument.

IN WITNESS WHEREOF, the City and Special Counsel have caused this First Amendment to be effective as of the last date written below.

CITY OF RICHMOND

DocuSigned by:

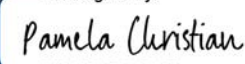
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Mayor Interim City Manager

DOWNEY BRAND, LLP

DocuSigned by:


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By _____
Partner
Title _____


Attest:

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City Clerk

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Approved as to form:

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City Attorney

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REQUEST FOR LEGAL OPINION

Print Document - Add Attachments – Deliver to City Attorney's Office

Date: 12/23/2021Department: Public Works Initiated by: Mary Phelps Phone: x1269Subject: Contract Amendment #1 - Downey Brand LSA extension for TIME ONLY

Resolution: ☐ Ordinance: ☐ Contract: ☒ RFP/Q: ☐ Opinion: ☐ Review: ☐

Please indicate the nature of your request and the purpose of the contract or document to be reviewed:

Extending term by three years to 12/31/2024

Contract is managed by Public Works. PW will be taking item to council.

Will take Contract Amendment #2 to council (in January 2022) to increase contract amount.

*(Items must have completed the review process **BEFORE** placement on the Agenda)*

☒ Deadline for opinion? 12/29/2021 ☐ Meeting Agenda (choose one): City ☐ Agency ☐ Authority ☐
Date: _____

List Attachments:

Contract Amendment #1 - Downey Brand - LSA (time extension only)

RESPONSE BY CITY ATTORNEY'S OFFICE

☒ APPROVED SUBJECT TO CHANGES SHOWN ☐ REPLY ATTACHED ☐ OTHER

Because the second amendment proposes to change "time only," please remove "Amendment Provision 2" (on A-1) and its accompanying Attachment 1 (on A-3).

1st Review Date: _____
3rd Review Date: _____

2nd Review Date: _____

☐ APPROVED AS TO FORM Attorney's Signature: s/Stephanie Vollmer Date: 12/28/21