

**NINTH AMENDMENT TO AGREEMENT BETWEEN
THE CITY OF MILPITAS AND HOPKINS & CARLEY**

THIS AMENDMENT is entered into this 15th day of April, 2014, by and between the City of Milpitas, hereinafter "City," and Hopkins & Carley, A Law Corporation, hereinafter "H&C." The City and H&C are jointly referred to herein as the "parties."

Recitals:

Whereas, the parties entered into a written agreement (the "Agreement") for legal services dated July 5, 2007 by H&C and dated April 16, 2008 by City, with a not-to-exceed amount of \$19,000; and

Whereas, the Agreement has been amended eight (8) previous times, the latest on October 1, 2013, at which time the City Council approved and the parties entered into a further amendment of the Agreement ("Eighth Amendment"), which increased the compensation amount by \$50,000; and

Whereas, the parties wish to further amend the Agreement by way of this Ninth Amendment, as set out below.

NOW, THEREFORE, **IT IS HEREBY AGREED** as follows:

1. The compensation amount shall be amended by the addition of \$225,000.00 to the current contract not-to-exceed compensation amount.
2. All other terms and conditions remain unchanged.

APPROVED BY:

CITY OF MILPITAS

HOPKINS & CARLEY, A Law Corporation

Thomas C. Williams, City Manager

By: _____
Ernest M. Malaspina, Its Officer

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney

City of Milpitas, California

BUDGET CHANGE FORM

Type of Change	From		To	
	Account	Amount	Account	Amount
Check one: <input checked="" type="checkbox"/> Budget Appropriation <input type="checkbox"/> Budget Transfer	100-2940	\$ 225,000	100-120-4237	\$ 225,000

Explain the reason for the budget change:

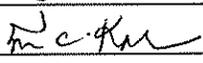
Background: The Hopkins & Carley law firm is defending the City in a lawsuit instituted by two firefighter applicants who were not hired in 2011. Additional funds are needed to defend the City on this suit.

Fiscal Impact: A \$225,000 impact to the general fund reserve.

Recommendation: Approve the Ninth Amendment to the agreement with Hopkins & Carley law firm in the amount of \$225,000.

Check if City Council Approval required.

Meeting Date: April 15, 2014

Requested by:	Department Head: Mike Ogaz	Date: April 8, 2014
Reviewed by:	Finance Director: 	Date: 4/8/14
Approved by:	City Manager:	Date:
Date approved by City Council, if required:		Confirmed by: