

**FIRST AMENDMENT TO AGREEMENT BETWEEN
THE CITY OF MILPITAS AND GARY M. BAUM**

THIS AMENDMENT is entered into this ____ day of September, 2015 by and between the City of Milpitas, hereinafter "City," and Gary M. Baum, individually and dba the Law Offices of Gary M. Baum, hereinafter "Baum." City and Baum are jointly referred to herein as the "parties."

Recitals:

Whereas, the parties entered into a written agreement for legal services dated July 7, 2015, with compensation for said services not to exceed \$100,000; and

Whereas, the parties now wish to amend that agreement as set forth below.

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

1. The maximum compensation for services provided by Baum shall be amended by the addition of \$60,000.00.
2. All other terms and conditions remain unchanged.

APPROVED BY:

CITY OF MILPITAS

LAW OFFICES OF GARY M. BAUM

Thomas C. Williams

Gary M. Baum

MEMORANDUM

Office of the City Manager



***APPROVE INCREASE OF MAXIMUM BUDGET AMOUNT BY \$60,000 AND AMENDMENT TO THE AGREEMENT FOR LEGAL SERVICES WITH THE LAW OFFICES OF GARY M. BAUM (STAFF CONTACT: TOM WILLIAMS, 408-586-3050)**

Background: In early July, the City entered into an agreement with the Law Offices of Gary M. Baum to serve as Interim City Attorney and to provide the City with the full range of legal services as required. The approved agreement amount was not to exceed \$100,000.00. Due to some backlog of legal work, attendance at City Council meetings, Planning Commission meetings, Redevelopment dissolution Oversight Board meetings, Campaign Finance Reform Committee meetings, and to continue representing the Successor Agency regarding a dispute with Santa Clara County, the allocated budgeted amount is proposed to be extended by \$60,000. It is also anticipated the Interim City Attorney will work on the SCS lawsuit for about one month after the new City Attorney is hired in order to complete the hearing on the demurrer to the complaint. In addition, the City Attorney's office formerly consisted of two full-time attorneys and several part time attorneys while the Baum law firm has also been handling these cases more efficiently.

The additional \$60,000 budget is a not-to-exceed amount. If the extra time is not needed, the City will not be charged for the unused balance of the approved maximum compensation funding.

Fiscal Impact: The \$60,000 total increase is available in the City Attorney's current budget. At the rate of billing, the annual budget would be \$480,000 of the total adopted budget of \$852,040 – and, far less than the \$1,300,000 budget proposed by the previous in-house City Attorney.

Recommendation: approve an Amendment to the Agreement with the Law Offices of Gary M. Baum in an amount not to exceed \$60,000.00.