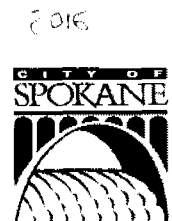


cc
05.28.2009

AGENDA SHEET FOR COUNCIL MEETING OF: May 26, 2009

RECEIVED
MAY 14 2009



Submitting Dept.
Legal

Contact Person/Phone No.
Howard F. Delaney, 625-6225

CITY CLERK'S OFFICE
Council Sponsor
SPOKANE, WA

ADMINISTRATIVE SESSION

- Contract
- Report
- Claims

LEGISLATIVE SESSION

- Emergency Ord
- Resolution
- Final Reading Ord
- First Reading Ord
- Special Consideration
- Hearing

CITY PRIORITY

- Communications
- Economic Development
- Growth Management
- Human Services
- Neighborhoods
- Public Safety
- Quality Service Delivery
- Racial Equity/Cultural Diversity
- Rebuild/Maintain Infrastructure

CLERK'S FILE

OPR 08-941

RENEWS

CROSS REF

ENG

BID

REQUISITION

Neighborhood/Commission/Committee Notified:

Action Taken:

STANDING COMMITTEES

(Date of Notification)

- Finance _____
- Neighborhoods _____
- Planning/Community & Econ Dev _____
- Public Safety _____
- Public Works _____

AGENDA WORDING:

(If contract, include the term.)

RESOLUTION authorizing additional compensation authority for Carl Oreskovich, and the law firm of Etter, McMahon, Lamberson, Clary, Troppmann & Oreskovich, PC, as special counsel to the City of Spokane to work with the City Attorney's Office and represent the City of Spokane and its employee(s) in the claim and lawsuit filed by the Estate of Otto Zehm and, revise the contract maximum from forty-five thousand dollars (\$45,000.00) to \$200,000, with additional compensation authority requiring further City Council action.

BACKGROUND:

(Attach additional sheet if necessary)

A lawsuit has been filed by the Estate of Otto Zehm against the City of Spokane and nine employees. The Council previously adopted Resolution 08-96 which approved the firm of Etter, McMahon, Lamberson, Clary, Troppmann & Oreskovich, PC, to assist and represent the City and its employees. The maximum expenditure authorized therein was \$45,000. The claim did not settle and extensive litigation is underway. Additional work will now be undertaken by the firm as co-counsel with the City Attorney's Office. This expenditure is covered by the Risk Management Fund.

RECOMMENDATION: Approve
ADOPT

Fiscal Impact: <input type="checkbox"/> N/A	Budget Account: <input type="checkbox"/> N/A
<input type="checkbox"/> Expenditure: \$155,000	#5800-78100-14780-54601
<input type="checkbox"/> Revenue: \$	#
<input type="checkbox"/> Budget Neutral	

ATTACHMENTS: Include in Packets: Resolution.
On file for Review in Office of City Clerk:

SIGNATURES:

Department Head

Legal

Division Director Risk Manager

For the Mayor

Finance

Council President

DISTRIBUTION: Howard F. Delaney, Legal; Legal, Roxanne Imus; Contract Acctg - M. Lesesne; Etter, McMahon, Lamberson, Clary, Troppmann & Oreskovich, PC; Pam Schrodler, Risk Manager; Doris Stragier, Legal

COUNCIL ACTION:
ADOPTED BY
SPOKANE CITY COUNCIL:

May 26, 2009

Deputy CITY CLERK

RES 2009-0041

RESOLUTION NO. 2009- 0041

A resolution extending additional compensation to Carl J. Oreskovich, and the law firm of Etter, McMahon, Lamberson, Clary, Troppmann & Oreskovich, PC, as special counsel to represent the City of Spokane and its employee(s) in the lawsuit filed by the Estate of Otto Zehm.

WHEREAS, pursuant to Section 33 of the City Charter, the Mayor, upon approval of the City Council, at any time, may employ other or special counsel to take charge of special matters or to assist the City Attorney; and

WHEREAS, the City and City employees were involved in an incident in which the Estate for Otto Zehm has filed both a claim for damages and a subsequent lawsuit against the City and nine of its employees; and

WHEREAS, the City Attorney's Office is representing the City of Spokane and its employees; and

WHEREAS, there are issues for which the expertise of private counsel will assist the City Attorney's Office; and

WHEREAS, Carl J. Oreskovich, and the law firm of Etter, McMahon, Lamberson, Clary, Troppmann & Oreskovich, PC, were appointed as special counsel to assist in the representation of the City of Spokane and its employee(s) in the claim and lawsuit filed by the Estate of Otto Zehm and to work with the City Attorney's Office, via Resolution No. 08-96;

NOW, THEREFORE, BE IT RESOLVED, that city staff is authorized to amend the contract with the law firm of Etter, McMahon, Lamberson, Clary, Troppmann & Oreskovich, PC, by authorizing additional compensation, and that the contract maximum shall not exceed two hundred thousand dollars (\$200,000), with additional compensation authority requiring further City Council action.

ADOPTED BY THE CITY COUNCIL ON May 26, 2009.

Leri J. Foster
City Clerk

Approved as to form:

[Signature]
Assistant City Attorney

