



# BUSINESS OF THE CITY COUNCIL CITY OF SNOQUALMIE

**AB24-080**  
**June 24, 2024**  
**Consent Agenda**

## AGENDA BILL INFORMATION

<b>TITLE:</b>	<b>AB24-080:</b> Amendment No. 2 to the agreement for legal services with Ogden Murphy Wallace, PLLC	<input type="checkbox"/> Discussion Only
<b>PROPOSED ACTION:</b>	Motion to approve Amendment No. 2 to the agreement for legal services with Ogden Murphy Wallace, PLLC and authorize the Mayor to sign.	<input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution

<b>REVIEW:</b>	Department Director	Choose an item.	Click or tap to enter a date.
	Finance	Janna Walker	6/12/2024
	Legal	David Linehan	6/13/2024
	City Administrator	Mike Chambless	6/13/2024

<b>DEPARTMENT:</b>	Administration		
<b>STAFF:</b>	Deana Dean, City Clerk		
<b>COMMITTEE:</b>	Finance & Administration	<b>COMMITTEE DATE:</b> June 18, 2024	
<b>EXHIBITS:</b>	1. Amendment No. 2		

<b>AMOUNT OF EXPENDITURE</b>	\$ 50,000
<b>AMOUNT BUDGETED</b>	\$ 11,257,982
<b>APPROPRIATION REQUESTED</b>	\$ 0

## SUMMARY

### INTRODUCTION

The City executed an agreement with Ogden Murphy Wallace, PLLC (OMW) on December 1, 2022, for representation of the City in the appeal matter of C.A. Carey v. City of Snoqualmie, with compensation not to exceed \$50,000. Amendment No. 1 was executed on October 23, 2023, increasing that amount by an additional \$25,000, bringing the not-to-exceed amount to \$75,000 for OMW's work on this matter. Billing for services rendered in connection with the appeal has reached \$79,568.50 and an amendment is necessary to increase the compensation amount to complete the appeal process.

### ANALYSIS

Administration proposes an amendment to the agreement in the amount of \$50,000 to increase the not to exceed amount of the agreement to \$125,000. The City prevailed in the appeal at the Court of Appeals, but CA Carey has filed a petition for review in the Washington Supreme Court. We are currently awaiting the Washington Supreme Court's decision whether to accept review. The additional compensation requested in Amendment No. 2 is intended to cover all work done by OMW to date, as well remaining work in the event that the petition for review is granted. The Court of Appeals held that the City is entitled to recover its legal

fees since CA Carey was unsuccessful on appeal. However, the City cannot recover those fees while the Washington Supreme Court is considering whether to grant review.

### BUDGET IMPACTS

Administration recommends increasing the current agreement with Ogden Murphy Wallace, PLLC by \$50,000 for a total of \$125,000 for continued legal representation. The 2023-24 amended budget appropriates \$11,257,982 for General Fund (#001) administration activities. Currently, \$8,094,064 has been spent in the current biennium, with \$416,538 in outstanding contract value and an estimated \$1,369,472 in current employees' salary and benefits payable for the remainder of the biennium. With the addition of a potential \$50,000 payable to Ogden Murphy Wallace, PLLC, the remaining Biennial Budget appropriation is \$1,327,908, as shown within the table below. Therefore, sufficient appropriation exists within the 2023-2024 Biennial Budget (General Fund #001) to fund the expenditure.

#### General Fund Administrative Departments (#001)

023-2024 Amended Biennial Budget		
Beginning Budget	\$	11,257,982
Expenditures	\$	(8,094,064)
Outstanding Contract Value <i>(Previously Approved)</i>	\$	(416,538)
Estimated Labor Value for Remainder of Biennium (City Employees)	\$	(1,369,472)
Current Available Budget	\$	1,377,908
Value of this Contract <i>(AB24-080)</i>	\$	(50,000)
Available Budget after AB24-080	\$	1,327,908

### PROPOSED ACTION

Motion to approve Amendment No. 2 to the agreement for legal services with Ogden Murphy Wallace, PLLC and authorize the Mayor to sign.