



## RESOLUTION NO. 39822

1 A RESOLUTION relating to legal services; authorizing the execution of  
2 Amendment No. 1 to the Agreement for Legal Services with K&L Gates  
3 LLP, in the amount of \$200,000, for a cumulative contract amount of  
4 \$400,000, budgeted from the Internal Services and Power Funds, to  
provide ongoing legal services and representation relating to the Click!  
Network.

5 WHEREAS, on February 21, 2017, the City received a Claim for Damages  
6 from Edward E. (Ted) Coates; Michael Crowley; Mark Bubenik and Margaret  
7 Bubenik d/b/a Steele Manor Apartments; Thomas H. Oldfield; and Industrial  
8 Customers of Northwest Utilities, alleging an unlawful expenditure of utility funds,  
9 and  
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11 WHEREAS, on June 22, 2017, the claimants filed a lawsuit in Pierce County  
12 Superior Court, seeking declaratory, injunctive, and mandamus relief, and  
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14 WHEREAS, on March 10, 2017, the City entered into a Legal Services  
15 Agreement ("Agreement") with K&L Gates LLP, in the amount of \$200,000, to  
16 provide legal services and advice to the City at the claim stage, and the law firm is  
17 now representing the City in the subsequent lawsuit, and  
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19 WHEREAS it is necessary to increase the Agreement in the amount of  
20 \$200,000, for a cumulative total of \$400,000, to allow the law firm to continue  
21 representing the City in this matter, and  
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23 WHEREAS this increase is necessary for ongoing costs, including payment  
24 of fees, processing extensive document requests by plaintiffs in the discovery  
25 process, and the hiring of necessary outside experts; Now, Therefore,  
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BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

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That the proper officers of the City are hereby authorized to execute Amendment No. 1 to the Agreement for Legal Services with K&L Gates LLP, in the amount of \$200,000, for a cumulative contract amount of \$400,000, budgeted from the Internal Services and Power Funds, to provide ongoing legal services relating to the Click! Network, said document to be substantially in the form of the proposed amendment on file in the office of the City Clerk.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
City Attorney