



John H. Gross
Partner
jhgross@ingermansmith.com

Reply to Hauppauge Office

August 2, 2019

Long Beach City Council
1 West Chester Street
Long Beach, New York 11561

Re: Ingerman Smith, LLP - Letter of Engagement
for Special Counsel Services

Dear City Council Members:

This Letter of Engagement is furnished to you in accordance with Part 1215 of the Joint Rules of the Appellate Division.

We attach the Statement of Client's Rights and the Statement of Client's Responsibility for your review.

We will undertake your representation in connection with the matter(s) described below. This agreement shall be in effect until terminated by the City Council.

SCOPE of REPRESENTATION

We will represent the City of Long Beach and the City Council by providing legal advice and counsel to the City Council for those matters assigned to us. The Firm shall be available to provide the following services at the election and direction of the City Council.

1. The Firm is available to act as counsel in legal matters and in proceedings as assigned by and at the direction of the City Council. In connection with the foregoing, the Firm is present at all other meetings, formal and informal, at which their presence might be requested by the City Council and prepares such memoranda of fact or law and any other documents and renders such oral and written advice as may be requested by the City Council.

Re: Ingerman Smith, LLP - Letter of Engagement
for Special Counsel Services

2. The Firm is available at the election and direction of the City Council to provide litigation services. Litigation includes, but is not limited to preparation for and representation in all adversarial matters involving the City or City Council including but not limited to federal and state court litigation, proceedings/investigations before and/or involving New York State and federal administrative agencies including but not limited to the Public Employment Relations Board, New York State Division of Human Rights, New York State Comptroller, U.S. Department of Justice, Equal Employment Opportunity Commission, and the Nassau District Attorney.

FEES, EXPENSES and BILLING PRACTICE

We will bill the City on an hourly basis in the amount of \$265.00 per hour for partners and \$225.00 per hour for associate's time.

Expenses that are charged include legal database charges (WestLaw); overnight mail expenses, messenger services; fees and costs related to litigation including service of process, of counsel fees, consultants, filing fees, and transcript charges; cost of records on appeal; and reasonable travel expenses to distant locations, if necessary. We also bill on an hourly basis for law clerks and paraprofessionals at the rate of \$125.00 per hour.

We intend to submit a bill to you no less frequently than monthly following execution of this agreement, for services performed during the preceding month. Expenses will be separately stated on the bill.

Upon the request of the Firm and the approval of the same by City Council, the fees set forth herein may be modified from time to time by written letter agreement.

This retainer agreement may be terminated by the City Council at any time upon two weeks' notice and the payment of any fees incurred by the City as of the date of termination.

This Agreement shall be binding upon and inure to the benefit of the parties' successors with the consent of the City Council. This agreement shall be in addition to and shall not be deemed to abrogate the existing retainer agreement between the Firm and the City of Long Beach and the City Counsel dated October 26, 2018.

Long Beach City Council

August 2, 2019

Page 3

Re: Ingerman Smith, LLP - Letter of Engagement
for Special Counsel Services

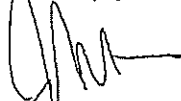
ARBITRATION

In the event that a dispute arises between the City and the Firm relating to the Firm's fees, you may have the right to arbitration of the dispute pursuant to Part 137 of the Rules of the Chief Administrator of the Courts, a copy of which will be provided to you upon request.

Please execute the enclosed copy of this Letter of Engagement and return the same to us in the enclosed self-addressed stamped envelope. Unless modified in writing, this Letter of Engagement will remain in effect for the entire time that the Firm serves as Special Counsel to the City.

In closing, we are privileged to have the opportunity to represent the City of Long Beach.

Very truly yours,



JOHN H. GROSS

Enclosures

LONG BEACH CITY COUNCIL	
by: <u>Amara D. Moore</u>	dated: 8/7/19
President	

December 3, 2019

Item No. 1
Resolution No. 100/19

The following Resolution was moved by Mr. Mandel
and seconded by Pres. Moore :

Resolution Authorizing the Retention of Outside Counsel on
Behalf of the City of Long Beach.

WHEREAS, the Office of the New York State Comptroller (“OSC”) conducted two audits, resulting in the issuance of two draft Reports of Examination entitled “Payments for Unused Leave Accruals 2019M-68” and “Financial Condition 2019 M-133”; and

WHEREAS, the City Council of the City of Long Beach seeks to retain the law firm of Ingerman Smith LLP, 150 Motor Parkway, Suite 400, Hauppauge, New York 11788, on behalf of the City of Long Beach, to complete a thorough analysis of issues raised by the OSC in their draft audit, to commence proceedings to seek recoupment of alleged overpayments with the formal authorization of the City Council, and to determine if there exists any individual liability with respect to past or current employees of the City who have authorized said payments or failed to meet their duty to protect the treasury of the City of Long Beach; and

WHEREAS, the City Council of the City of Long Beach seeks to direct the Acting City Manager of the City of Long Beach to retain the Law Firm of Ingerman Smith LLP, on behalf of the City of Long Beach, to represent the City of Long Beach before various law enforcement agencies that are investigating separation payments and drawdowns of accrued time; and

WHEREAS, the law firm of Ingerman Smith LLP has offered to bill the City of Long Beach on an hourly basis in the amount of \$265.00 per hour for partners and \$225.00 per hour for associates’ time; and

WHEREAS, the law firm of Ingerman Smith will interface with and process information requests from law enforcement agencies investigating separation payments and drawdowns of accrued time;

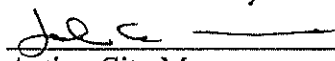
NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York, that the Acting City Manager be and is hereby authorized to retain the law firm of Ingerman Smith LLP, 150 Motor Parkway, Suite 400, Hauppauge, New York 11788, for the scope of work and purposes described herein, at a cost of \$265.00 per hour for partners and \$225.00 per hour for associates’ time. Funds are available in Account No. A1420.54453 (Corporation Counsel-Consultants).

December 3, 2019

Page 2
Item No. 1
Resolution No. 100/19

APPROVED:



Acting City Manager

APPROVED AS TO FORM & LEGALITY:



Acting Corporation Counsel

VOTING: AS AMENDED

Council Member Diamond	-	ABSENT
Council Member Eramo	-	ABSENT
Council Member Mandel	-	AYE
Vice President Bendo	-	AYE
President Moore	-	AYE