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AMENDMENT TO
AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN
THE CITY OF NEW ORLEANS
AND
HERMAN, HERMAN, KATZ & COTLAR
AND
THE KULLMAN FIRM

THIS AGREEMENT is made and entered into as of the 1st day of January 2009 by and between the Council of the City of New Orleans, represented by Jacquelyn Brechtel Clarkson, President of the Council (hereinafter referred to as "City") and the firms of **Herman, Herman, Katz and Cotlar, LLP. and The Kullman Firm** (both firms hereinafter referred to as "Contractor").

WITNESSETH

WHEREAS, to address the complex litigation necessary to properly meet its responsibility, the Council has selected Herman, Herman, Katz and Cotlar, LLP and The Kullman Firm as special counsel in accordance with Council Rule; and

WHEREAS, pursuant to Motions M-02-494 and M-02-546 and the terms of the Request for Qualifications issued on July 2, 2002, the Council is authorized to renew and extend its existing year 2006 contract with Herman, Herman, Katz and Cotlar, LLP and The Kullman Firm for the calendar year 2008; and

WHEREAS, the Council desires to authorize a contract amendment and extension with Herman, Herman, Katz and Cotlar, LLP and The Kullman Firm to assist in meeting the Council's regulatory responsibility to the City and its ratepayers; and

1 **WHEREAS**, by Motion M-08-730 the President of the Council is hereby authorized to sign
2 a contract amendment with Herman, Herman, Katz and Cotlar, LLP and The Kullman Firm
3 extending the contract through 2009 and increasing the maximum compensation under such
4 contract; now, therefore

5 **WHEREAS**, all parties to the agreements dated August 2, 2002 desire to amend the
6 agreement and have the necessary authority to do so.

7 **THEREFORE, IT IS HEREBY AGREED:**

- 8 1. To change the termination date of the agreement by deleting the date, "December 31,
9 2008", on line 19 of page 6 of 8 and inserting in lieu thereof, the date "December 31,
10 2009".

1 2. It is further agreed that the agreement is hereby amended to provide as follows:
2 "Pursuant to Chapter 2, Article XVIII of the City Code relative to the Office of
3 Inspector General, the contractor understands and will abide by all provisions of
4 Chapter 2 of the City Code."

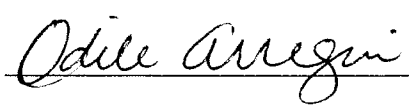
5 **IN WITNESS WHEREOF:**

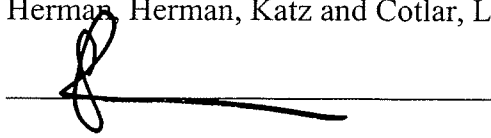
6 ATTEST

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CITY COUNCIL

Jacquelyn Brechtel Clarkson
City Council President


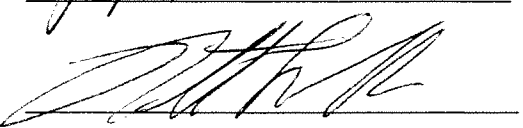
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Herman, Herman, Katz and Cotlar, LLP


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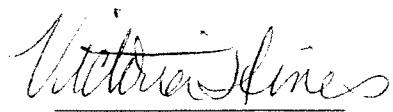
By: Russ M. Herman, Esq.
Partner

820 O'Keefe Avenue
New Orleans, LA 70113
720965501
Federal ID Number

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The Kullman Firm, A Professional Law
Corporation

By: Henry P. Julien, Jr., Esq.
Vice-President
1100 Poydras Street
1600 Energy Centre
New Orleans, LA 70112

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28 Approved: 
29 Law Department

720757805
Federal ID Number

**MOTION
M-08-730**

CITY HALL: DECEMBER 18, 2008

**BY: COUNCILMEMBERS MIDYRA, CARTER, HEDGE-MORRELL AND
WILLARD-LEWIS**

WHEREAS, pursuant to Section 3-130 of the Home Rule Charter of the City of New Orleans, the New Orleans City Council exercises powers of supervision, regulation, and control over electric and gas utilities providing service in the City; and

WHEREAS, to address the complex litigation necessary to properly meet its responsibility, the Council has selected the firms of Herman, Herman, Katz and Cotlar, LLP and The Kullman Firm as special counsel in accordance with Council Rule; and

WHEREAS, pursuant to Motions M-02-494, M-02-546 and M-03-348 and the terms of the Request for Qualifications issued on July 2, 2002, the Council is authorized to renew and extend its existing contract with the firms of Herman, Herman, Katz and Cotlar, LLP and The Kullman Firm for the calendar year 2009; and

WHEREAS, in 2008 Herman, Herman, Katz and Cotlar, LLP and The Kullman Firm represented the City Council in the appellate review of the Council's decision in Utility Docket UD-00-2 and it is anticipated that continued representation will be required as this matter is reviewed by the Louisiana Courts in the appellate process; and

WHEREAS, in approving these contract extensions and amendments, the New Orleans City Council is conscious of its responsibility to pursue its regulatory responsibility over gas and electric utilities in a cost-effective manner which nonetheless does not compromise the interests of ratepayers in the high stakes proceedings and others matters which the Council must address on behalf of the City and its ratepayers; and

WHEREAS, prior to the commencement of the 2009 RFQ process the Council fully intends to undertake a thorough analysis of the allocation of its utility regulation resources to ensure that these resources are used in a cost-effective manner that protects the interest of rate payers; and

WHEREAS, the Council will evaluate and incorporate recommendations of such analysis into the 2009 RFQ process, as appropriate; and

WHEREAS, given the continuing needs of this Council relative to its regulatory responsibility the Council desires to authorize an appropriate contract and/or contract amendment(s) with the firms of Herman, Herman and Cotlar, LLP and The Kullman Firm to assist in meeting the Council's regulatory responsibility to the City and its ratepayers; now,
therefore

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the President of the Council is hereby authorized to sign appropriate contract amendment(s) with the firms of Herman, Herman, Katz and Cotlar, LLP and The Kullman Firm extending the contract through 2009.

BE IT FURTHER MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS,
that the contract amendment shall add a statement that pursuant to Chapter 2, Article XVIII of the
City Code relative to the office of Inspector General that the contractor understands and will abide by
all provisions of that Chapter

BE IT FURTHER MOVED, that such contract amendments shall be properly routed in
accordance with normal process and the City Council Rules.

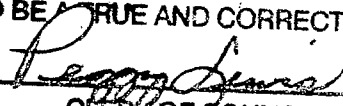
**THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON
THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:**

YEAS: Carter, Clarkson, Fielkow, Midura, Willard-Lewis - 5

NAYS: 0

ABSENT: Head, Hedge-Morrell - 2

AND THE MOTION WAS ADOPTED.

THE FOREGOING IS CERTIFIED
TO BE A TRUE AND CORRECT COPY

CLERK OF COUNCIL

G:\ccutil\motions2009\09-herman