



AGENDA REPORT

Department: City Attorney's Office
Prepared by: Jennifer K. Gilman, Assistant City Attorney
Meeting Date: Tuesday, September 20, 2022
Approved by: Brad Raulston, City Manager

SUBJECT:

Approve the First Amendment to an Agreement between the City of National City and Devaney Pate Morris & Cameron, LLP, for legal services of Barry J. Schultz as Interim City Attorney.

RECOMMENDATION:

Adopt Resolution Entitled "Resolution of the City Council of the City of National City, California, Approving the First Amendment to an Agreement between the City of National City and Devaney Pate Morris & Cameron, LLP, for legal services of Barry J. Schultz as Interim City Attorney by increasing the not-to-exceed amount by \$162,000 for a new total not-to-exceed amount of \$212,000 to cover the cost of providing increased scope of services."

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

On July 5, 2022, the City of National City ("City") and Devaney Pate Morris & Cameron, LLP ("Firm") entered into an Agreement ("the Agreement"), wherein the FIRM agreed to provide legal services by Attorney Barry J. Schultz, acting as Interim City Attorney for the National City Office of the City Attorney, for a not-to-exceed amount of \$50,000.00. Section 2.8 of Exhibit A to the Agreement sets out the agreed-upon Schedule of Rates, proposing a monthly retainer of \$27,000, representing 120 hours at the rate of \$225.00 per hour, with work exceeding the retainer amount to be charged at \$250.00 per hour. Attorney Schultz has been acting as Interim City Attorney since the Agreement was executed, exhausting the not-to-exceed amount of the Agreement. The parties desire to extend those scope of services for six (6) months from the date of the First Amendment to the Agreement. Pursuant to the rates set out in the Agreement, the increased scope of services for an additional six (6) months amounts to \$162,000.00. Should the City Council appoint a permanent City Attorney during that time, the City-DPMC Agreement will terminate by operation of law at the end of the month that appointment is made, not to exceed 30 days.

FINANCIAL STATEMENT:

The contract will be funded through salary savings from the vacant City Attorney position. Funds will be transferred from the Personnel Services category to Professional Services. No additional appropriations are required.

001-405-000-1* – \$162,000.00 to be transferred from personnel services
001-405-000-213-0000 – \$162,000.00 to be transferred to professional services

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Not Applicable

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378;
PRC 21065.

PUBLIC NOTIFICATION:

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

ORDINANCE:

Not Applicable

EXHIBITS:

Exhibit A – Agreement

Exhibit B – Resolution