



AGENDA REPORT

Department: City Attorney's Office
Prepared by: Barry J. Schultz, City Attorney
Meeting Date: Tuesday, March 21, 2023
Approved by: Brad Raulston, City Manager

SUBJECT:

Amending the Agreement between the City of National City and Devaney Pate Morris & Cameron LLP for legal services.

RECOMMENDATION:

Adopt the Resolution entitled, "Resolution of the City Council of the City of National City, California, Amending the Agreement between the City of National City and Devaney Pate Morris & Cameron LLP for legal services in the specialized area of General Civil Litigation Defense arising from Government Claims by 1.) Increasing the not-to-exceed amount by \$125,000 for a new total not-to-exceed amount of \$200,000 pertaining to litigation titled Bhandari v. City; and 2.) Increasing the not-to-exceed amount by \$75,000 for a new total not-to-exceed amount of \$150,000 pertaining to litigation titled Cummins v. City.

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

On November 16, 2021, the City entered into an Agreement with Devaney Pate Morris & Cameron LLP for specialized services in General Civil Litigation Defense arising from Government Claims, which include consultation with the City Attorney and Risk Management on Government Claims, defense of the City on litigated matters, advice and counsel to the City Council, and communications with City staff for an amount not-to-exceed \$75,000.00 per case and out of pocket disbursements pursuant to the Agreement.

The City Attorney's Office desires to 1) Increase the not-to-exceed amount by \$125,000 for a new not-to-exceed amount total of \$200,000 due to the ongoing cost of legal services pertaining to the litigation titled Sophia Bhandari v. City of National City, et al. and 2.) Increase the not-to-exceed amount by \$75,000 for a new not-to-exceed amount total of \$150,000 due to the ongoing cost of legal services pertaining to the litigation titled Ashley Cummins v. City of National City, et al..

FINANCIAL STATEMENT:

Appropriations are available in account 627-405-081-432-0000 Risk Liability Claim Cost

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