

**RESOLUTION NO. 2023 -**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, APPROVING THE THIRD AMENDMENT TO THE AGREEMENT BETWEEN THE CITY AND DEVANEY PATE MORRIS & CAMERON LLP FOR LEGAL SERVICES IN THE SPECIALIZED AREA OF GENERAL CIVIL LITIGATION DEFENSE ARISING FROM GOVERNMENT CLAIM BY INCREASING THE NOT-TO-EXCEED AMOUNT BY \$ 50,000 FOR A NEW TOTAL NOT-TO-EXCEED AMOUNT OF \$ 250,000 PERTAINING TO THE LITIGATION TITLED CUMMINS V. CITY.**

**WHEREAS**, on November 16, 2021, the City of National City (“City”) entered into an Agreement with Devaney Pate Morris & Cameron LLP for specialized services in General Civil Litigation Defense arising from Government Claims for an amount not-to-exceed of \$75,000 per case; and

**WHEREAS**, the legal services provided include consultation with the City Attorney and the City’s Risk Manager on Government Claims, defense of the City on litigated matters, advice and counsel to the City Council, and communications with City staff; and

**WHEREAS**, on March 21, 2023, the parties amended the Agreement as it pertains to the case titled *Ashley Cummins v. City of National City* to cover the cost of providing the increase scope of services from the original amount of \$75,000 by increasing the not-to-exceed amount by \$75,000.00, for a new total not-to-exceed amount of \$150,000; and

**WHEREAS**, on June 20, 2023, the parties amended the Agreement as it pertains to the case titled *Ashley Cummins v. City of National City* to cover the cost of providing the increase scope of services from the not-to-exceed amount of \$150,000 by increasing the not-to-exceed amount by \$50,000.00, for a new total not-to-exceed amount of \$200,000; and

**WHEREAS**, the City Attorney’s Office desires to increase the not-to-exceed amount by \$50,000 for a new not-to-exceed amount total of \$250,000 due to the ongoing cost of legal services pertaining to the litigation titled *Ashley Cummins v. City of National City, et al.*

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:**

**Section 1:** Approves the Third Amendment to the Agreement with Devaney Pate Morris & Cameron LLP, attached to the Agenda Report as Exhibit A, increasing the not-to-exceed amount by \$50,000 for a new not-to-exceed amount total of \$250,000 pertaining to the litigation titled *Ashley Cummins v. City of National City, et al.*

**Section 2:** The parties further agree that, with the foregoing exceptions, each and every other term and provision of the November 16, 2021 Agreement shall remain in full force and effect.

**Section 3:** The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original Resolutions.

**PASSED and ADOPTED this 5th day of September, 2023**

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Ron Morrison, Mayor

**ATTEST:**

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Shelley Chapel, MMC, City Clerk

**APPROVED AS TO FORM:**

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Barry J. Schultz, City Attorney