



AGENDA REPORT

Department: City Attorney's Office
Prepared by: Barry Schultz, City Attorney
Meeting Date: Tuesday, August 19, 2025
Approved by: Scott Huth, Interim City Manager

SUBJECT:

Approval of an Agreement Amendment with Burke, Williams & Sorensen, LLP for Legal Services in Connection with Case Titled Cummins v. the City of National City – Appeal by Increasing the Not-to-Exceed Amount by \$100,000 for a New Total Not-to-Exceed Amount

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 Burke, Williams & Sorensen, LLP, for Legal Services in Connection with Case Titled Cummins v. the City of National City – Appeal by Increasing the Not-to-Exceed Amount by \$100,000 for a New Total Not-to-Exceed Amount of \$175,000.”

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

On May 7 2024, with City Council approval, the City entered into an agreement with Burke, Williams & Sorensen, LLP, to provide advice and counsel to the City in connection with Litigation and Government Claims for a not-to-exceed amount of \$75,000 per case.

Burke, Williams & Sorensen, LLP, represents the City in the case titled Cummins v. the City of National City – Appeal. The scope of work includes post-trial motions and the appeal of the judgment.

To avoid any lapse in the City’s ability to consult with Burke, Williams & Sorensen, LLP, City staff recommends amending the existing Agreement as it pertains to the case titled Cummins v. the City of National City - Appeal to cover the costs of providing an increased scope of services from the original amount of \$75,000 by \$100,000 for a new total not-to-exceed amount of \$175,000. The increased costs are covered by insurance.

FINANCIAL STATEMENT:

Sufficient appropriations exist in the Liability Insurance Fund to pay for the services to be provided under this amendment to the agreement.

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:

The Agenda Report was posted at least 72 hours before the Regular Meeting date and time, and 24 hours before a Special Meeting in accordance with the Ralph M. Brown Act.

ORDINANCE:

Not Applicable

EXHIBITS:

Exhibit A – 1st Amendment

Exhibit B – Agreement

Exhibit C – Resolution