



CONSENT CALENDAR

City of San Bernardino Request for Council Action

Date: September 6, 2023

To: Honorable Mayor and City Council Members

From: Charles E. McNeely, Interim City Manager
Suzie H. Soren, Director of Human Resources

Department: Human Resources

Subject: **Amendment to the Professional Services Agreement
with Graves & King**

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, authorize the City Manager or designee to execute the third amendment to the Professional Services Agreement with Graves & King for legal representation in the Faith Emileen Stewart v. City of San Bernardino, et al., San Bernardino Superior Court Case No. CIVSB2100620, increasing the not to exceed amount to \$350,000.

Executive Summary

An increase from \$300,000 to \$350,000 to the not to exceed amount of the Professional Services Agreement with Graves & King is requested in order to pay the remaining invoices for legal representation in the Faith Emileen Stewart v. City of San Bernardino, et al. Case.

Background

On May 18, 2021, the City entered into an agreement with Graves & King to provide legal services in the amount of \$49,999 pursuant to 3.04.085(A) of the Municipal Code to represent the City in the Faith Emileen Stewart v. City of San Bernardino, et al., San Bernardino Superior Court Case No. CIVSB2100620.

On March 16, 2022, the City entered into the first amendment to the agreement for a total not to exceed amount of \$150,000.

On August 17, 2022, the City entered into the second amendment to the agreement for a total not to exceed amount of \$300,000. This case has settled.

Discussion

At this time, it is necessary to increase the not to exceed amount under this agreement

to \$350,000 as there are outstanding invoices still to be paid in this matter. This case is no longer active, however, increasing the agreement amount will allow the City to pay the remaining charges.

2021-2025 Strategic Targets and Goals

Authorization of this amendment aligns with Key Target No. 1d: Financial Stability – Minimize Risk and Litigation Exposure.

Fiscal Impact

There is funding to support the amendment to \$350,000 in the FY 2023/24 budget.

Staff will actively monitor costs on all litigation to ensure that the budget for outside legal services remains adequate for the needs of the City for the fiscal year.

Conclusion

It is recommended that the Mayor and City Council of the City of San Bernardino, California, authorize the City Manager to execute the third amendment to the Professional Services Agreement with Graves & King for legal representation in the San Bernardino Superior Court Case No. CIVSB2100620, increasing the not to exceed amount to \$350,000.

Attachments

Attachment 1 Original and amended agreements

Attachment 2 Exhibit A – Third amended agreement

Ward:

All Wards

Synopsis of Previous Council Actions:

August 17, 2022	The Mayor and City Council authorized the City Manager to execute the Second Amendment to the Professional Services Agreement with Graves & King for representation in the San Bernardino Superior Court Case No. CIVSB2100620, increasing the contract not to exceed amount to \$300,000.
March 16, 2022	The Mayor and City Council authorized the City Manager to execute the First Amendment to the Professional Services Agreement with Graves & King for representation in the San Bernardino Superior Court Case No. CIVSB2100620, increasing the contract not to exceed amount to \$150,000.
May 18, 2021	The City entered into an agreement with Graves & King to provide legal services in the amount of \$49,999 pursuant to 3.04.085(A) of the Municipal Code to represent the City in the Faith Emileen Stewart v. City of San Bernardino, et al., San Bernardino Superior Court Case No. CIVSB2100620.