# EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: July 20, 2021 DEPARTMENT: City Attorney

#### TITLE:

First Amendment to Standard Agreement for Legal Services with Baker, Donelson, Bearman, Caldwell & Berkowitz, PC.

#### SUMMARY:

The First Amendment proposes to amend the agreement with the law firm of Baker, Donelson, Bearman, Caldwell & Berkowitz, PC ("Firm") to increase the not to exceed amount to address the pending litigation with FEMA.

#### **BACKGROUND AND JUSTIFICATION:**

The City entered into a Standard Agreement for Legal Services ("Agreement") with the Firm on March 19, 2019 to provide litigation and litigation related legal services in regards to FEMA's deobligation/disallowance of disaster assistance awarded to the City in the aftermath of Hurricanes Frances and Jeanne. The Agreement was for an initial not to exceed amount of \$100,000. Due to the pending status of the litigation, it is necessary to authorize funding beyond the initial \$100,000 provided for in the Agreement. The First Amendment authorizes an additional not to exceed amount of \$100,000, which will be authorized retroactively and into the future in accordance with the fees and expenses set forth in the Agreement and the First Amendment.

#### MOTION:

Move to approve/disapprove the execution of the First Amendment to Standard Agreement for Legal Services with the law firm of Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, for an additional not to exceed amount of \$100,000.

### ATTACHMENT(S):

Fiscal Impact Analysis First Amendment Standard Agreement

## **FISCAL IMPACT ANALYSIS**

## **A.** Five Year Summary of Fiscal Impact:

Fiscal Years	2021	2022	2023	2024	2025
Capital Expenditures Operating Expenditures External Revenues Program Income In-kind Match	0 100,000 0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0
Net Fiscal Impact	0	0	0	0	0
No. of Addn'l Full-Time Employee Positions	0	0	0	0	0

# **B.** Recommended Sources of Funds/Summary of Fiscal Impact:

Account	Account	Project	FY21	Current	Budget	Agenda	Balance
Number	Description	Number	Budget	Balance	Transfer	Expenditure	
001-1110- 514.31-10	Professional Services/Legal	N/A	688,000	238,505	N/A	100,000	138,505