

CITY OF PALM DESERT STAFF REPORT

MEETING DATE: September 25, 2025

PREPARED BY: Chris Escobedo, City Manager

SUBJECT: AMENDMENT NO. 6 TO CONTRACT NO. C28880 WITH BEST BEST & KRIEGER LLP FOR CITY ATTORNEY SERVICES

RECOMMENDATION:

1. Approve Amendment No. 6 to Contract No. C28880 with Best Best & Krieger LLP for City Attorney Services, extending the agreement and adjusting compensation.
2. Authorize the Mayor to execute the agreement.

BACKGROUND/ANALYSIS:

In November 1973, the City Council adopted Resolution No. 73-03, appointing David Erwin, Esq., as City Attorney. In 1986, Mr. Erwin joined the law firm of Best Best & Krieger (BB&K) and continued to serve as City Attorney.

In 2009, the City issued a Request for Proposals for City Attorney Services and selected Best Best & Krieger, with Mr. Erwin, for a five-year term ending in August 2014 (Contract No. C28880).

- **Amendment No. 1 (2014):** Extended the agreement through August 31, 2019.
- **Amendment No. 2 (2019):** Extended the agreement through August 31, 2024.
- **Amendment No. 3 (2023):** Upon the retirement of Robert Hargreaves, appointed Isra Shah, Esq., as City Attorney.
- **Amendment No. 4 (2024):** Extended the agreement through August 31, 2025.
- **Amendment No. 5 (2025):** Extended the agreement through December 31, 2025.

The proposed Amendment No. 6 makes two substantive changes to the City Attorney contract:

1. **Compensation Adjustment:** Effective July 1, 2026, the monthly compensation will increase by \$5,000 per month in addition to the standard CPI adjustment.
2. **Conversion to a Rolling Term:** Unlike prior amendments, which established a fixed end date for the contract, Amendment No. 6 modifies Section 13 of the 2009 Agreement so that the agreement now continues indefinitely unless terminated by either party under the 30-day termination provision.

Together, these modifications provide continuity in legal representation while aligning compensation with the terms of the original agreement, which permits increases beyond the CPI adjustment for good cause. All other terms of the agreement remain unchanged.

Legal Review:

The proposed Amendment No. 6 to Contract No. C28880 was reviewed by outside counsel, Liebert Cassidy Whitmore (LCW). LCW found no legal issues with the amendment and confirmed that it is consistent with the City's existing agreement with Best Best & Krieger LLP.

FINANCIAL IMPACT:

There is no immediate fiscal impact in the current fiscal year. Effective July 1, 2026, following the annual CPI adjustment, the City Attorney's monthly retainer will increase by an additional \$5,000, over and above the CPI adjustment. The increase will be incorporated into the Fiscal Year 2026–27 annual budget request. Future year budgets will include the annual CPI adjustment.

ATTACHMENTS:

1. Amendment No. 6 to Contract No. C28880
2. Executed Contract No. C28880