



# Agenda Item

## City Council

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Item #: 3.12.

9/14/2021

File #: 21-0501

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**TO:** Honorable Mayor and Members of the City Council

**THRU:** Rick Otto, City Manager

**FROM:** Gary A. Sheatz, City Attorney

### 1. SUBJECT

First Amendment to Professional Services Agreement with Litili, LLC, to provide expert witness services related to litigation defense in several state and federal cases.

### 2. SUMMARY

The City currently has an agreement with Litili, LLC, to provide expert witness services for the City's defense in several state and federal cases for an amount not to exceed \$30,000. The amount of the original agreement will soon be expended with cases still in the midst of pre-trial proceedings. The proposed First Amendment will increase the agreement amount by \$50,000 for a total amount not to exceed \$80,000.

### 3. RECOMMENDED ACTION

1. Approve a First Amendment to Professional Services Agreement with Litili, LLC, in the amount of \$50,000 and authorize the Mayor and City Clerk to execute on behalf of the City.
2. Authorize the appropriation of \$50,000 from the Self Insurance - Liability Fund unreserved fund balance to expenditure account number 740.0301.51600.00000, Self Insurance - Liability Fund - Legal Services.

### 4. FISCAL IMPACT

The total expenditure for this amendment is \$50,000 and will be funded through Self Insurance - Liability (740).

### 5. STRATEGIC PLAN GOALS

- Goal 2: Be a fiscally healthy community
- a. Expend fiscal resources responsibly.

### 6. DISCUSSION AND BACKGROUND

In the defense of litigated state and federal cases, the retention of expert witnesses is fundamental in order for them to provide their analysis, opinion, and testimony as to the facts and damages of the case. The City has retained Litili, LLC, an expert witness firm that connects our office to many experts in a variety of fields and specialties to provide expert witness services related to litigation defense of several of our open cases. Among them is the matter of *Deanna Garcia v. Carlos Gutierrez, et al.*, which is scheduled for trial in October. There are other cases that are in the earlier

stages of pre-trial proceedings for which Litili, LLC expert witnesses have been retained in preparation for the analysis and defense of the case.

The First Amendment to the Agreement, increasing the not to exceed amount, is necessary to carry out an appropriate defense in our litigation cases.

## **7. ATTACHMENTS**

- First Amendment to Professional Services Agreement