



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Douglas Schulze, City Manager

PREPARED BY: Lincoln Bogard, Administrative Services Director
John Pinkney, City Attorney

MEETING DATE: February 11, 2025

SUBJECT: Consideration of Resolution 2025-21, Approving a Professional Services Agreement with Burke Williams & Sorensen, LLP to Represent the City of Banning as Co-Counsel in the Litigation Titled Sun Lake Highlands, LLC v. City of Banning, Case No. 5:24-cv-02603-DTB and Any Other Matters Requested By the City on an As Needed Basis

RECOMMENDATION:

Adopt Resolution 2025-21.

BACKGROUND:

As a best practice, the City should have a contract with an additional law firm, other than the City Attorney, to assist in large complex cases and in cases where the City Attorney may have a conflict of interest. SBEMP has obtained a Retainer Agreement for Legal Services from Burke Williams & Sorensen, LLP to provide these services and asks for Council's consideration thereof.

JUSTIFICATION:

The Scope of Services proposed are:

Burke's services will include acting as co-counsel in the case of Sun Lakes Highland, LLC v. City of Banning, Case No. No. 5:24-cv-02603-DTB.

BWS is also being retained to assist on any other matters requested by the City on an as needed basis.

FISCAL IMPACT:

Unknown. Billing rates are:

Partners: \$425
Associate Attorneys: \$375
Paralegals: \$200

Effective each January 1, the foregoing base rates shall be increased based on the U.S. Department of Labor Bureau of Labor Statistics Los Angeles-Riverside-Orange County Consumer Price Index-All Urban Consumers ("CPI-U"), using the CPI-U for each prior October as the base and the value to escalate the hourly rates in the ratio of the most recent October CPI-U value, rounded up to the nearest \$5 increment.

ALTERNATIVES:

Do not adopt Resolution 2025-21 and provide alternate direction.

BUDGETED?:

No

CONTRACT/AGREEMENT:

Yes

ATTACHMENTS:

1. [Resolution 2025-21, Lawfirm](#)
2. [Banning, City of - Retainer Agreement for Legal Services.pdf](#)
3. [Banning, City of - Proposal.pdf](#)