



City of Oceanside

300 North Coast Highway,
Oceanside, California 92054

Staff Report

File #: 26-1487

Agenda Date: 5/20/2026

Agenda #: 9.

DATE: May 20, 2026

TO: Honorable Mayor and City Councilmembers

FROM: City Attorney's Office

TITLE: APPROVAL OF PROFESSIONAL SERVICES AGREEMENT FOR CONTRACT LEGAL SERVICES RELATED TO FIRE APPARATUS COST RECOVERY

RECOMMENDATION

Staff recommends that the City Council approve a Legal Services Agreement with Baron & Budd, P.C., Simonsen Sussman, LLP, and Diab Chambers, LLP ("Outside Counsel") on a contingency fee basis related to fire apparatus cost recovery actions and authorize the City Attorney to execute all necessary documents for implementation of same.

BACKGROUND AND ANALYSIS

City staff has been actively monitoring several ongoing legal proceedings related to cost recovery for alleged unfair and anti-competitive business practices pertaining to fire truck manufacturing and acquisition. Baron & Budd, P.C. is a nationally-recognized firm with a San Diego office that specializes in partnering with local governments to pursue potential damages claims and cost recovery across a range of topics. Baron & Budd partners with a network of other attorneys, including Simonsen Sussman and Diab Chambers, for this purpose. Because the work is specialized and there is no guarantee of any recovery, Outside Counsel proposes a contingency-fee based contract to perform the work of investigating, tendering and negotiating claims on behalf of the City and, if necessary, litigating potential claims. As is the case here, the City Attorney's Office recommends outside specialty counsel where appropriate and where there is a benefit to the City.

FISCAL IMPACT

None at this time. Incurred expenses shall be covered by the funds recovered, if any. Should either Party terminate the Agreement prior to the recovery of any funds, the City will be responsible for payment of reimbursable costs and reasonable fees, which are not expected to be significant at this time. Moreover, any potential cost recovery is speculative at this stage.

COMMISSION OR COMMITTEE REPORT

Does not apply.

CITY ATTORNEY'S ANALYSIS

Legal services agreements are exempt from competitive bidding processes under Section VI(D) of Administrative Directive 21 addressing the City's procurement policies. Contingency fee agreements are appropriate where the public agency acts in the traditional role of claimant or plaintiff and the City retains ultimate authority over the outcome of the action. The proposed contract has been reviewed and approved as to form.

Prepared by: T. Steven Burke, Jr., City Attorney

Submitted by: Jonathan Borrego, City Manager

ATTACHMENT:

1. PSA - Baron & Budd, P.C., Simonsen Sussman, LLP, and Diab Chambers, LLP