

TRANSMITTAL			0150-11050-0001
TO Eugene D. Seroka, Executive Director Harbor Department		DATE 03/19/21	COUNCIL FILE NO. 18-0018
FROM The Mayor			COUNCIL DISTRICT 15
<p style="text-align: center;">PROPOSED SECOND AMENDMENT TO AGREEMENT NO. 15-3308 WITH MEYERS NAVE RIBACK SILVER & WILSON, PLC FOR ENVIRONMENTAL LITIGATION AND LEGAL SUPPORT SERVICES</p> <p style="text-align: center;">Transmitted for further processing and Council consideration. See the City Administrative Officer report attached.</p> <div style="text-align: center;"> MAYOR</div> <p style="text-align: right;">(Ana Guerrero for)</p> <p>RHL:JCY:102100811</p>			

REPORT FROM

OFFICE OF THE CITY ADMINISTRATIVE OFFICER

Date: March 10, 2021

CAO File No. 0150-11050-0001

Council File No. 18-0018

Council District: 15

To: The Mayor

From: Richard H. Llewellyn, Jr., City Administrative Officer

Reference: Correspondence from the Harbor Department dated November 5, 2020; referred by the Mayor for report November 17, 2020

Subject: **PROPOSED SECOND AMENDMENT TO AGREEMENT NO. 15-3308 WITH MEYERS NAVE RIBACK SILVER & WILSON, PLC FOR ENVIRONMENTAL LITIGATION AND LEGAL SUPPORT SERVICES**

RECOMMENDATIONS

Approve Harbor Department (Port) Resolution No. 20-9716 authorizing a Second Amendment to Agreement No. 15-3308 with Meyers Nave Riback Silver & Wilson, PLC to continue environmental litigation and legal support services for an additional five years at an increased cost not to exceed \$1,044,242; and, return the Resolution document to the Port for further processing, including Council consideration.

SUMMARY

The Harbor Department (Port) Board of Harbor Commissioners (Board) and the City Attorney request approval of Resolution No. 20-9716 authorizing a proposed Second Amendment (Amendment) to Agreement No. 15-3308 (Agreement) with Meyers Nave Riback Silver & Wilson, a Professional Law Corporation (Meyers Nave), to continue environmental litigation and legal support services related to the China Shipping Terminal at the Port of Los Angeles (POLA). The proposed Amendment extends the Agreement with Meyers Nave for an additional five years, from March 1, 2021, through February 28, 2026, at an increased cost of \$1,044,242 and total 11-year Agreement cost not to exceed \$4,084,242. The Port is financially responsible for payment of expenses under the proposed Amendment.

Meyers Nave currently serves as outside legal counsel to the City Attorney in accordance with Charter Section 275, providing legal services support to the City Attorney on behalf of the City and the Port related to the construction project at the China Shipping Terminal located at POLA Berths 97-109. Litigation on the construction project's Final Supplemental Environmental Impact Report (SEIR) commenced shortly after the Council's certification of the Final SEIR on August 12, 2020. The proposed Amendment extends the Agreement with Meyers Nave in

consideration of this litigation. If approved, the Amendment would extend the Agreement to 11 years. The proposed additional funding of \$1,044,242 represents only the estimated cost for services related to existing cases, including the China Shipping Terminal construction project and legal support on the Final SEIR. The City Attorney and the Port continue to target issuing new requests for proposals (RFPs) to retain outside counsel every three years.

Meyers Nave is a California-based law corporation with an office in Los Angeles. The Port reports that it selected Meyers Nave for the current Agreement, along with two other firms, in 2015 following a competitive RFP for outside counsel with demonstrated legal expertise and relevant document preparation and litigation experience representing public entities in California Environmental Quality Act (CEQA), National Environmental Policy Act (NEPA), and related environmental law matters. The original Agreement with Meyers Nave was for a term of three years at a cost not to exceed \$1,640,000. The First Amendment to the Agreement, approved by the Council in January 2018, extended the term of the Agreement by three years to February 28, 2021 and increased the authority by \$1.4 million to \$3,040,000 (C.F. 18-0018). The Port also reports that Meyers Nave has provided legal services on the China Shipping Terminal construction project under three different agreements since 2006, including on the initial EIR.

The Port reports that funding of \$253,277 is budgeted and available for the Agreement in 2020-21. The Port will request any required future funding as part of the annual budget process. The City Attorney has reviewed the proposed Amendment and Agreement as to form and legality. In accordance with Charter Section 373 and Administrative Code Section 10.5, the Amendment and Agreement require Council approval because the total term of the Agreement exceeds three years and the estimated annual payment under the proposed Amendment exceeds \$163,016. The Port reports that the proposed action is an administrative activity and has therefore determined that it is exempt from the requirements of CEQA under Article II, Section 2(f) of the Los Angeles City CEQA Guidelines.

FISCAL IMPACT STATEMENT

The proposed Second Amendment to Harbor Department (Port) Agreement No. 15-3308 authorizes continued environmental litigation and legal support services from Meyers Nave Riback Silver & Wilson, PLC, for five years, through February 28, 2026, at an increased cost of \$1,044,242 and a total 11-year Agreement cost not to exceed \$4,084,242, with an average annual expenditure of \$416,974. Funding of \$253,277 is included in the Port 2020-21 Budget from the Harbor Revenue Fund. Future funding is subject to the Port annual budget process. There is no impact on the City General Fund.

RHL:JCY:10210081