

0120-17301-0002

TRANSMITTAL

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| TO Eugene D. Seroka, Executive Director Harbor Department | DATE 1/4/18 | COUNCIL FILE NO. |
| FROM The Mayor | COUNCIL DISTRICT 15 | |

PROPOSED APPROVAL OF HARBOR DEPARTMENT RESOLUTION NO. 17-8174 FOR A BUDGETARY TRANSFER AND CONTRACT EXTENSION FOR THE FIRST AMENDMENT TO AGREEMENT NO. 15-3308 WITH MEYERS NAVE RIBACK SILVER & WILSON PLC

Transmitted for further processing and Council consideration.
See the City Administrative Officer report attached.



MAYOR

(Ana Guerrero) for

RHL:ABN:101800481

REPORT FROM

OFFICE OF THE CITY ADMINISTRATIVE OFFICER

Date: December 27, 2017

CAO File No. 0120-17301-0002
Council File No.
Council District: 15

To: The Mayor

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

Reference: Correspondence from the Harbor Department dated October 25, 2017; referred by the Mayor for report dated 11/28/17

Subject: **PROPOSED APPROVAL OF HARBOR DEPARTMENT RESOLUTION NO. 17-8174 FOR A BUDGETARY TRANSFER AND CONTRACT EXTENSION FOR THE FIRST AMENDMENT TO AGREEMENT NO. 15-3308 WITH MEYERS NAVE RIBACK SILVER & WILSON PLC**

RECOMMENDATION

1. Approve Harbor Department (Port) Resolution No. 17-8174 authorizing a First Amendment to Agreement No. 15-3308 with Meyers Nave Riback Silver & Wilson PLC, as follows:
 - a. Authorize an internal budgetary transfer of funds in the amount of \$523,677 from the Port's Unappropriated Balance (UB) to Cost Center Division No. 0120, Account No. 54410, Program No. 000;
 - b. Increase the Agreement's term by three years, to February 2021, and compensation amount by \$1,400,000 to a total of \$3,040,000; and,
2. Pursuant to Charter Section 343, return the Resolution document to the Port for further processing.

SUMMARY

The Harbor Department (Port) Board of Harbor Commissioners (Board) is requesting approval of Resolution No. 17-8174 to authorize a proposed First Amendment (Amendment) to Agreement No. 15-3308 with Meyers Nave Riback Silver & Wilson PLC (Meyers Nave) for the following actions:

- Extend the contract term from three years to six years, with a proposed termination date of February 28, 2021, and increase the compensation amount by \$1,400,000, from \$1,640,000 to a proposed total of \$3,040,000; and,
- Transfer internal budgetary funds in the amount of \$523,677 from the Port's UB account to the Adopted Operating Budget's "Cost Center" Division No. 0120, Account No. 54410.

In accordance with Charter Section 343, entitled Departments Controlling Their Own Funds, and Executive Director No. 4, the proposed \$523,677 internal budgetary fund transfer will be used as partial funding to extend the term of the Agreement and increase the total compensation by \$1,400,000. The Port states that it needs the contract term extension and additional compensation to pay for ongoing professional legal services for environmental matters. The Port is financially responsible for payment of expenses under the proposed Amendment.

In 2015, the Board approved Agreement No. 15-3308 with Meyers Nave from March 2015 to February 2018. The Port selected the firm through a competitive selection process with assistance from the Office of the City Attorney. The Port staff felt that the Port of Los Angeles (POLA) needed outside legal counsel to assist in the discharge of its duties for environmental matters including laws, rules and regulations that govern and impact the POLA under the California Environmental Quality Act (CEQA), National Environmental Policy Act (NEPA), and other matters requiring specialized expertise and resources. Nave Meyer was one of three law firms selected to assist Port staff. The other two firms, which have separate Agreements, were The Sohagi Law Group and Remy Moose and Manley.

The Port states that the contract extension and compensation for Meyer Nave is necessary to continue their ongoing legal services and related litigation support services for the environmental legal matters within the POLA. Nave Meyer has demonstrated legal expertise and relevant experience in document preparation advice and a successful record in trial and appellate litigation in CEQA, NEPA, and related environmental analysis and law matters. According to the Port, Nave Meyer has provided the Port with expert and practical legal advice and experience on matters related to and with tenants of the POLA terminals and shipping projects, such as China Shipping, TraPac and Yusen Terminals. The Port Director of Environmental Management has determined that the proposed actions are administrative actions and therefore exempt from the requirements of the CEQA in accordance with Article 11, Section 2(f) of the Los Angeles City CEQA Guidelines.

FISCAL IMPACT STATEMENT

Approve Harbor Department (Port) Resolution No. 17-8174 (Resolution) for the proposed First Amendment to Agreement No. 15-3308 with Meyers Nave Riback Silver & Wilson PLC (Meyer Nave) to authorize a contract extension from three to six years, to February 2021, and increase compensation by \$1,400,000 to a total of \$3,040,00. In addition, the Port is requesting to approve an internal budgetary transfer of funds in the amount of \$523,677 from the Port's Unappropriated Balance account to the Adopted Operating Budget's "Cost Center" Account No. 0120, pursuant to Charter Section 343, entitled Departments Controlling Their Own Funds, and Executive Director No. 4. Funding to the Agreement with Nave Meyer will be dispersed over its six-year contract term.