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DATE: JUNE 27, 2024

FROM: OFFICE OF THE CITY ATTORNEY

**SUBJECT: RESOLUTION NO. _____ - LEGAL SERVICES AGREEMENTS
BETWEEN THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND
NOSSAMAN LLP AND REMY MOOSE MANLEY LLP**

SUMMARY:

The Office of the City Attorney (Office) requests approval of two Agreements between the City of Los Angeles Harbor Department (Harbor Department) and Nossaman LLP (Nossaman) and Remy Moose Manley LLP (Remy) for legal services for environmental matters. Each Agreement is for a proposed term of three years and proposed compensation of \$150,000 for Nossaman and \$720,000 for Remy. The total compensation is \$870,000 across the two Agreements. The Harbor Department is financially responsible for payment of expenses incurred under the proposed Agreements.

RECOMMENDATION:

It is recommended that the Board of Harbor Commissioners (Board):

1. Find that the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of the California Environmental Quality Act (CEQA) under Article II Section 2(f) of the Los Angeles City CEQA Guidelines;

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- 2. Find that, in accordance with Charter Section 1022 the scope of work for the proposed Agreements can be more economically or feasibly provided by an independent contractor than by City employees;
- 3. Approve a Legal Services Agreement with Nossaman LLP in the amount of \$150,000 for a three-year term;
- 4. Approve a Legal Services Agreement with Remy Moose Manley LLP in the amount of \$720,000 for a three-year term;
- 5. Authorize the Executive Director to execute and the Board Secretary to attest to said Agreements; and
- 6. Adopt Resolution No. _____.

DISCUSSION:

Background – In accordance with Charter Section 275, the Office has determined that it requires outside legal counsel to assist in the discharge of its duties to perform legal services for environmental matters. These matters require specialized expertise and resources that exceed staff resources in this specialized area of law.

The Office’s current three-year agreements with Meyers Nave APLC (AG21-9801), Remy (AG21-98020) and The Sohagi Law Group (AG21-9813) for such services expired on June 1, 2024. The FY 2023-24 remaining fiscal authority for the Agreements and actual spending is detailed below.

Firm	FY 2023-24 Authority	Total Expenses	Remaining Authority
Meyers Nave	\$200,000	\$89,269	\$110,731
Remy Moose Manley	\$930,000	\$220,954	\$709,046
The Sohagi Law Group	\$25,000	-0-	\$25,000

Need for Services and Scope of Work – The Harbor Department has a significant volume of major capital improvement projects planned in the next three years comprising the proposed three-year contract period of the new Agreements (Transmittals 1 and 2). Because of the substantial nature and complexity of port terminal and infrastructure projects, environmental assessment often requires complex technical analysis and

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disclosures requiring specialized expertise, including environmental impact reports (EIRs) and mitigated negative declarations (MNDs) under CEQA and environmental impact statements (EISs) under the National Environmental Policy Act (NEPA). The Harbor Department occasionally receives legal challenges under CEQA and NEPA requiring additional legal resources.

Because of the steady work in this area, the Office has in-house attorney staff specializing in CEQA and performs the majority of CEQA work in-house without the use of outside counsel. Despite this, the Office still has need for assistance from outside counsel when specialized expertise is necessary for complex or new legal issues, including interpreting frequent changes in CEQA law, and/or temporary spikes in work volume exceeding our in-house resources, such as heavy complex litigation. This assistance of outside counsel helps reduce risk of challenges delaying or stopping the Harbor Department's capital improvement projects that are vital to its strategic competitiveness and protection of Tidelands assets and revenues.

Competitive Counsel Selection Process – On January 24, 2024, the Office published a Request for Proposal (RFP) for environmental matters (ID No. 212432). The Regional Alliance Marketplace for Procurement (RAMP) reported notifications were sent to 1,238 registered firms. A total of 53 firms viewed the RFP and 42 firms downloaded the opportunity. Proposal submissions were due on February 23, 2024.

The Office convened a Selection Committee comprised of one Assistant City Attorney and two Deputy City Attorneys who practice CEQA-NEPA. After reviewing the written proposals, the Committee elected to interview the highest rated applicants (Meyers Nave APC, Nossaman, and Remy). The firms participated in interviews and the Committee determined that the three firms are the best fit for the Department's needs. The Committee is recommending the three firms for new agreements; however, Meyers Nave APC will be recommended at a future date and in a separate Board Report.

Nossaman LLP is a California-based national firm with 136 attorneys with practice areas including real estate, employment, environment and land use, government relations and regulations, healthcare, and bankruptcy. The firm identified Liz Klebaner as the proposed team leader to represent the City. Ms. Klebaner is in the Los Angeles Office and has more than a decade of experience advising public agency clients on complex land use and environmental matters including CEQA and NEPA and federal and state environmental regulatory compliance. Even though the Harbor has not previously engaged Nossaman for environmental matters, the firm has a solid history of representing the Harbor in real estate matters and bankruptcy matters. It is anticipated that the firm will initially be consulted for the Harbor Department's General CEQA Advice, and, as new projects begin, the firm would be assigned projects as needed.

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Remy Moose Manley LLP is a Sacramento-based and majority woman-owned limited liability partnership focusing on land use and environmental law with an emphasis on CEQA and NEPA. Tiffany Wright and Andrea Leisy are the lead attorneys for the team. The firm has vast experience in all phases of the CEQA process, representing numerous public agencies and private clients in some of California's biggest infrastructure and private development including the Harbor Department. Remy's experience with the Harbor includes lease extensions, crane relocation and replacement projects and Marine Oil Terminal Engineering and Maintenance Standards. The Office anticipates continuing the assignment of the Marine Oil Terminal Engineering and Maintenance Standards projects and several ongoing CEQA matters including Environmental Impact Reports and Supplemental Environmental Impact Reports for John Gibson Parking Lot, Bellwether (Berth 44), and West Harbor Amphitheater and General CEQA Advice.

In addition to the special expertise with environmental matters, the recommended firms (Nossaman and Remy) have previous experience and a working understanding of the City and the Harbor Department. This expertise further distinguishes these firms. The extensive background knowledge increases their proficiency development and provides cost-effectiveness.

Other competing firms included environmental law practices areas but mostly did not specialize in environmental law and therefore had insufficient experience with all phases of the CEQA process. The Selection Committee determined that Nossaman and Remy have the expertise and staffing that best fits the Harbor's needs.

PROPOSED AGREEMENT TERMS:

- **Term:** Three years (July 2024 to July 2027)
- **Contract Authority:** Nossaman \$150,000 and Remy \$720,000
- **Scope of Work:** Provide advice and representation on local, state and federal environmental issues including CEQA and NEPA, assistance in interfacing with various regulatory agencies, drafting various environmental documents and reports, and providing representation in dispute resolution and all phases of litigation before state and federal courts and administrative agencies.
- **Standard City and City Attorney Agreement provisions**

ENVIRONMENTAL ASSESSMENT:

The proposed action is the approval of legal services agreements with Nossaman LLP and Remy Moose Manley LLP for environmental matters, which is an administrative activity. Therefore, the Director of Environmental Management has determined that the

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proposed action is administratively exempt from the requirements of CEQA in accordance with Article II Section 2(f) of the Los Angeles City CEQA Guidelines.

FINANCIAL IMPACT:

Approval of the proposed Agreements will engage Nossaman and Remy to provide legal services for environmental matters over a three-year period for an amount not-to-exceed \$870,000 across the two Agreements.

If approved, spending is anticipated to occur as follows:

Fiscal Year	Nossaman	Remy	Total
2024-25	\$25,000	\$285,000	\$310,000
2025-26	\$50,000	\$245,000	\$295,000
2026-27	\$75,000	\$190,000	\$265,000
Total	\$150,000	\$720,000	\$870,000

Fiscal Year (FY) 2024-25 funding in the amount of \$310,000 is available within the following accounts, cost centers and programs:

Account, Center, Program	FY 2024-25
54410, 0120 (City Attorney), 000	\$130,000
54410, 1000 (CIP), 000	\$15,000
11225, 7000 (Balance Sheet), 000	\$165,000
Total	\$310,000

As noted above, funding in the amount of \$165,000 will be recognized as receivables to Account 11225 (Receivable Costs – Env. Projects), Center 7000, Program 000 and billed to third parties for reimbursement. These expenditures will be reimbursed by tenants in accordance with their reimbursement agreements.

Funding for future fiscal years, if necessary, will be requested to be budgeted as part of the annual budget adoption process, upon Board approval. A funding out clause is included in the Agreements.

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CITY ATTORNEY:

The Office of the City Attorney has prepared and approved the proposed Agreements as to form and legality.

TRANSMITTALS:

1. Legal Services Agreement with Nossaman LLP
2. Legal Services Agreement with Remy Moose Manley LLP

FIS Approval:

JS

CA Approval:

JS

Joy M. Crose for
JOHN DRISCOLL
Deputy City Attorney

APPROVED:

By Joy M. Crose for
STEVEN OTERA
General Counsel, Harbor Department

APPROVED:

By Erica M. Calhoun for
EUGENE D. SEROKA
Executive Director

Board Meeting: July 25, 2024