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**DATE: APRIL 19, 2021**

**FROM: OFFICE OF THE CITY ATTORNEY**

**SUBJECT: RESOLUTION NO. \_\_\_\_\_ - LEGAL SERVICES AGREEMENTS BETWEEN THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND MEYERS NAVE APC AND REMY MOOSE MANLEY LLP FOR ENVIRONMENTAL MATTERS**

**SUMMARY:**

The Office of the City Attorney (Office) requests the Board of Harbor Commissioners (Board) approve Legal Services Agreements (Agreements) between the City of Los Angeles Harbor Department (Harbor Department) and Meyers Nave, APC (Meyers Nave) and Remy Moose Manley LLP (Remy) for legal services related to environmental issues. The proposed term of each Agreement is three years. The proposed compensation authority for each Agreement is \$200,000 allocated to Meyers Nave and \$100,000 allocated to Remy. The Harbor Department is financially responsible for payment for legal services rendered 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 in accordance to Charter Section 1022 that the scope of work of the proposed Agreements can be more economically and feasibly provided by an independent contractor than by City employees;
3. Approve a Legal Services Agreement with Meyers Nave APC in the amount of \$200,000 for a three-year term;
4. Approve a Legal Services Agreement with Remy Moose Manley LLP in the amount of \$100,000 for a three-year term;
5. Authorize the Executive Director and Board Secretary to execute and attest to the 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 in connection with environmental matters, specifically issues under the California Environmental Quality Act (CEQA), National Environmental Policy Act (NEPA) and other environmental matters requiring specialized expertise in this highly specialized area of law. The Office had a current agreement with Remy to provide legal services on CEQA/NEPA and other environmental matters. The current agreement expired on February 28, 2021.

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 disclosures requiring specialized expertise, including environmental impact reports (EIRs) and mitigated negative declarations (MNDs) under CEQA and environmental impact statements (EISs) under the 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

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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 September 17, 2020, the Office published a RFP for outside counsel for environmental matters. Based on the review of the twelve written proposals submitted and interviews, the Office determined that Meyers Nave and Remy were the most knowledgeable, experienced, and responsive firms in the area of environmental legal services. One additional law firm (The Sohagi Law Group, APC) will also be recommended for an agreement. The additional firm will be recommended at a future date and under a separate Board Report. The firms possess specialized legal expertise and relevant experience. Additionally, the Office has developed a specific strategy to best leverage the three firms’ different areas of expertise and rates to best meet the Department’s anticipated needs for environmental legal services and advice. The description of proposed projects is listed below:

Law Firm	Project Assignment & Budget Source
Meyers Nave	Yang Ming Terminal Environmental Impact Report (Capital Improvement Project (CIP) Budget)
Remy	Marine Oil Terminal Engineering & Maintenance Standards (CIP Budget) Waterfront Projects (CIP Budget) General CEQA Advice (Operating Budget)

**PROPOSED AGREEMENT TERMS:**

- **Term:** Three years from date of signature (approximately 2021-2024).
- **Contract Authority:** Maximum amount not to exceed \$200,000 for Meyers Nave and \$100,000 for Remy
- **Scope of Work:** Advice and representation on local, state and federal environmental issues including CEQA and NEPA
- **Standard City and City Attorney Agreement provisions.**

**ENVIRONMENTAL ASSESSMENT:**

The proposed action is the approval of legal services agreements between the Harbor Department, Meyers Nave, and Remy for legal services for environmental issues, which is an administrative activity. Therefore, the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of

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CEQA in accordance with Article II Section 2(f) of the Los Angeles City CEQA Guidelines.

**FINANCIAL IMPACT:**

The proposed action is for the approval of Agreements for legal services for a three-year term and compensation authority of \$200,000 (Meyers Nave) and \$100,000 (Remy). The Harbor Department is financially responsible for payment for legal services rendered under the proposed Agreements.

Funding in the amount of \$22,210 for Remy has been included in the Fiscal Year 2020-21 Operating Budget within the Harbor Department City Attorney's Office Account No. 54410 (Legal Fees & Services), Center No. 0120 and Program No. 000. As of February 28, 2021, a total of \$12,210 has been spent for CEQA matters under the previous Agreement with Remy (AG18-3555). A total of \$10,000 remains available for the new agreement with Remy for the remaining portion of FY20-21 (May 15, 2021 to June 30, 2021). Funding for future fiscal years, if necessary, will be requested to be budgeted as part of the annual budget adoption process, upon Board approval.

There is no funding for Meyers Nave for the current year. Funding for future years, if necessary, will be requested to be budgeted as part of the annual Capital Improvement Project budget adoption process, upon Board approval within Account No. 54410 (Legal Fees & Services), Center No. 1900, Program No. 000. A funding out clause is included in the Agreements. Spending under the proposed Agreements is detailed below:

<b>Firm</b>	<b>FY 20/21</b>	<b>FY21/22</b>	<b>FY 22/23</b>	<b>FY 23/24</b>	<b>TOTAL</b>
Meyers Nave	\$0.00	\$30,000	\$80,000	\$90,000	\$200,000
Remy Moose Manley	\$10,000	\$12,790	\$40,000	\$37,210	\$100,000
<b>TOTAL</b>	<b>\$10,000</b>	<b>\$42,790</b>	<b>\$120,000</b>	<b>\$127,210</b>	<b>\$300,000</b>

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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 Meyers Nave APC
2. Legal Services Agreement with Remy Moose Manley LLP

FIS Approval: MB

CA Approval: SO

*Steven Otera*  
JUSTIN HOUTERMAN  
Deputy City Attorney

APPROVED:

By *Steven Otera*  
JANNA B. SIDLEY  
General Counsel, Harbor Department

APPROVED:

By *Marla Bleavins*  
EUGENE D. SEROKA  
Executive Director

Board Meeting: May 6, 2021