

HARBOR DIVISION

425 S. PALOS VERDES ST.

P.O. BOX 151

SAN PEDRO, CA 90733-0151

FACSIMILE

(310) 831-9778

(310) 732-3750



**OFFICE OF THE CITY ATTORNEY**

**MICHAEL N. FEUER**  
CITY ATTORNEY

**JANNA B. SIDLEY**  
GENERAL COUNSEL

**JOY M. CROSE**  
ASSISTANT GENERAL COUNSEL

**CHRISTOPHER B. BOBO**  
**ESTELLE M. BRAAF**  
**JOHN T. DRISCOLL**  
**JUSTIN HOUTERMAN**  
**JANET KARKANEN**  
**KENNETH F. MATTFELD**  
**HEATHER M. MCCLOSKEY**  
**ESTHER S. OLSEN**  
**STEVEN Y. OTERA**  
**MINAH PARK**  
**HELEN J. SOK**

**DATE: DECEMBER 21, 2017**

**FROM: OFFICE OF THE CITY ATTORNEY**

**SUBJECT: RESOLUTION NO. \_\_\_\_\_ - LEGAL SERVICES AGREEMENT  
BETWEEN THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND  
REMY MOOSE MANLEY LLP**

**SUMMARY:**

The Office of the City Attorney (Office) requests the Board of Harbor Commissioners (Board) approve a Legal Services Agreement (Agreement) between the City Los Angeles Harbor Department (Harbor Department) and Remy Moose Manley LLP for legal services for matters related to the California Environmental Quality Act (CEQA). The Agreement is for a term of three years with compensation of \$464,400. The Harbor Department is financially responsible for payment for legal services rendered under the proposed Agreement.

**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 Remy Moose Manley LLP in the amount of \$464,400 for a three-year term;
4. Authorize the Executive Director and Board Secretary to execute and attest to the Agreement; and
5. Adopt Resolution No. \_\_\_\_\_.

**DISCUSSION:**

Background – In accordance with Charter Section 275, the Office of the City Attorney has determined that it requires outside legal counsel to assist it 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 and resources that exceed staff resources in this highly specialized area of law. The Office has three current agreements for Legal Services with law firms providing legal services on CEQA/NEPA and environmental matters, with Meyers Nave Riback Silver & Wilson (Meyers Nave), and with The Sohagi Law Group (Sohagi) and Remy Moose Manley (Remy). The current agreements expire on February 28, 2018. The current Meyers Nave and Sohagi agreements have had extensions to 2021 through proposed amendments processed as follows: Meyers Nave First Amendment and Resolution No. 17-8174 approved by this Board on October 6, 2017 pending City Council approval, and Sohagi Second Amendment pending Board approval on January 11, 2018 and City Council approval thereafter.

Need For Counsel 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 Agreements. 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 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

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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 – A competitive selection process was used to select the Remy firm, relying on the Office's Land Use Division's Request for Proposals (RFP) for environmental/CEQA counsel released on October 18, 2017. The Harbor Division assessed and selected from the proposers to the Land Use Division CEQA counsel RFP. Twelve (12) law firms responded to the RFP. The Division reviewed the Remy firm's performance from 2015-2017, during which time their work included the EIRs for MOTEMs projects, and the Everport container terminal project. Based upon their RFP proposal and more importantly, their favorable performance on said projects, the Office recommends the Remy firm as the most qualified and in the best interests of the Harbor Department. The firm possesses specialized legal expertise and relevant experience performing legal services in the areas of environmental law and CEQA, as well as, considerable experience representing the Harbor Department.

The evaluation criteria used includes demonstrated legal expertise and relevant experience in both CEQA/NEPA document preparation advice and trial/appellate litigation in a wide variety of CEQA, NEPA and related environmental law matters, experience in representing public entities, proposed staffing and strategy, and proposed costs of legal services. Other considerations included specific expertise in environmental analysis and legal issues of particular importance to the Harbor Department.

Proposed Agreement Terms - The proposed Agreement terms are as follows:

- **Term:** Three years from date of signature (approximately 2018-2021)
- **Contract Authority:** Maximum amount not to exceed \$464,400.
- **Scope of work:** Harbor Department environmental and land use matters, specifically with expertise in environmental assessments and litigation under the California Environmental Quality Act (CEQA), National Environmental Policy Act (NEPA), California Coastal Act, and other environmental, land use and other laws applicable to development and redevelopment of the City's property.
- **Potential Projects:**
  - Environmental Management Division and Real Estate Divisions have identified approximately 16 possible capital improvement projects and operational projects for FY 2018-19 and beyond. While the in-house city attorney staff will handle much of this work, assistance of Remy is possible

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on those projects requiring EIRs, EISs and environmental issues requiring specialized expertise. A few are listed below.

- Marine Oil Terminal Engineering Maintenance Standards (Shell, Nustar, Valero, PBF Energy, Phillips 56, Vopak)
- Harbor Performance Enhancement Center
- Port Master Plan Amendments
- AltaSea
- **Standard City and City Attorney Agreement provisions.**

**ENVIRONMENTAL ASSESSMENT:**

The proposed action is the approval of a legal services agreement with Remy Moose Manley LLP for ongoing legal services for matters related to the California Environmental Quality Act. As an administrative activity, the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of CEQA in accordance under Article II Section 2(f) of the Los Angeles City CEQA Guidelines.

**FINANCIAL IMPACT:**

The proposed action is for the approval of an Agreement for legal services for a three-year term and compensation of \$464,400. The Harbor Department is financially responsible for payment for legal services rendered under proposed Agreement. Funding for FY 2017/18 in the amount of \$30,000 has been included as part of the annual budget adoption process in the FY 2017-18 Operating Budget within the Harbor Department City Attorney's Office Account No. 54410, Division No. 120 and Program No. 000. 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.

<b>Firm</b>	<b>FY 17/18</b>	<b>FY 18/19</b>	<b>FY 19/20</b>	<b>FY 20/21</b>	<b>TOTAL</b>
Remy Moose Manley	\$30,000	\$252,000	\$122,400	\$60,000	\$464,400

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CITY ATTORNEY:

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

TRANSMITTALS:

1. Legal Services Agreement with Remy Moose Manley LLP

FIS Approval: MB (initials)

CA Approval: [Signature] (initials)

  
JUSTIN HOUTERMAN  
Deputy City Attorney

APPROVED:

By [Signature]  
JANNA B. SIDLEY  
General Counsel, Harbor Department

APPROVED:

By Mark Bleavins  
EUGENE D. SEROKA  
Executive Director

Author: JH/ksh  
Board Meeting: Jan. 25, 2018