

HARBOR DIVISION

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**HELEN J. SOK**

**DATE: MARCH 1, 2016**

**FROM: OFFICE OF THE CITY ATTORNEY**

**SUBJECT: RESOLUTION NO. \_\_\_\_\_ - APPROVE FIRST AMENDMENT TO AGREEMENT NO. E-6779 BETWEEN THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND JACKSON DEMARCO TIDUS PECKENPAUGH**

**SUMMARY:**

The Office of the City Attorney recommends that the Board of Harbor Commissioners (Board) approve a First Amendment to Agreement No. E-6779 between the City of Los Angeles Harbor Department (Harbor Department) and the law firm Jackson Demarco Tidus Peckenpaugh (Jackson Demarco), to increase compensation by \$200,000 to a maximum not to exceed \$350,000 and extend the term to three years, expiring on March 31, 2018. The Harbor Department remains financially responsible for payment of expenses under the proposed amendment.

**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 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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SUBJECT: FIRST AMENDMENT TO AGREEMENT NO. E-6779 WITH JACKSON DEMARCO TIDUS PECKENPAUGH

2. Approve the First Amendment to Agreement No. E-6779, increasing compensation by \$200,000 to a maximum not to exceed \$350,000 and extending the term to a total of three years from April 1, 2015 through March 31, 2018;
3. Authorize the Executive Director to execute and Board Secretary to attest to the First Amendment; and
4. Adopt Resolution No. \_\_\_\_\_.

**DISCUSSION:**

Background – In accordance with Charter Section 275, the Office of the City Attorney (Office) has determined that it requires outside legal counsel to assist in the discharge of its duties to perform legal services in connection with certain environmental matters concerning the Harbor Department's Clean Air Action Plan, and applicable regulations and rulemaking of the South Coast Air Quality Management District, California Air Resources Board, and U.S. Environmental Protection Agency affecting the Harbor Department (the Environmental Matters).

Past Agreement – Following a competitive selection process from a Request for Proposals (RFP) in 2014, and 2015, the Harbor Department retained the law firm of Jackson Demarco Tidus Peckenpaugh to assist the City Attorney's office with the Environmental Matters. On April 1, 2015, the Harbor Department entered into an agreement for legal services authorized by the Executive Director and City Attorney as Agreement No. E-6770, for a term of one year, at a not-to-exceed amount of \$150,000. Agreement No. E-6779 expires on March 31, 2016. Jackson Demarco has provided valuable assistance to the Office and Harbor Department on the Environmental Matters, including advice on various rulemaking activities that remain pending by various agencies.

Proposed Agreement – Because of the complexity and continuation of the Environmental Matters, the Office recommends extending the term of Agreement No. E-6779, as being the most efficient and in the best interest of the City. The proposed First Amendment would extend the term by two years for a maximum of three years expiring on March 31, 2018, and increase compensation by \$200,000 from \$150,000 to a maximum not to exceed \$350,000.

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**SUBJECT: FIRST AMENDMENT TO AGREEMENT NO. E-6779 WITH JACKSON  
DEMARCO TIDUS PECKENPAUGH**

**ENVIRONMENTAL ASSESSMENT:**

The proposed action is for the approval of a First Amendment to Agreement No. E-6779 with the law firm Jackson Demarco Tidus Peckenpaugh to increase the term and compensation under the Agreement, which is an administrative activity. As such, the Director of Environmental Management has determined that the proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) under Article II, Section 2(f) of the Los Angeles CEQA Guidelines.

**FINANCIAL IMPACT:**

Funding for Agreement E-6779 has been budgeted in the amount of \$150,000 in the FY 2015-16 Operating Budget, within the Harbor Department City Attorney's Office Account No. 54410, Division No. 0120, and Program No. 000. A total of \$92,588 of the FY 2015-16 budget amount has been expended to date and it is anticipated that the remaining \$22,905 from the original authority will be expended for the period of February 1, 2016 to March 31, 2016. For the remaining period of the FY 2015-16 (April 1, 2016 to June 30, 2016) a total of \$60,000 from the new authority will be expended increasing the FY 2015-16 budget amount from \$150,000 to \$175,493. Additional funds for the current year in the amount of \$60,000 are available as part of the City Attorney's contingency funding in the FY 2015-16 Operating Budget, within the Harbor Department City Attorney's Office, Account No. 544410, Division No. 0120, and Program No. 000.

Additional funding for the First Amendment has been requested to be budgeted as part of the FY 2016-17 annual budget adoption process, upon Board approval. 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 was included in the original Agreement.

<b>Firm</b>	<b>FY 14/15</b>	<b>FY15/16</b>	<b>FY16/17</b>	<b>FY17/18</b>	<b>TOTAL</b>
Jackson Demarco	\$34,507	\$175,493	\$120,000	\$20,000	\$350,000

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DEMARCO TIDUS PECKENPAUGH

CITY ATTORNEY:


The Office of the City Attorney has reviewed and approved the proposed First Amendment as to form and legality.

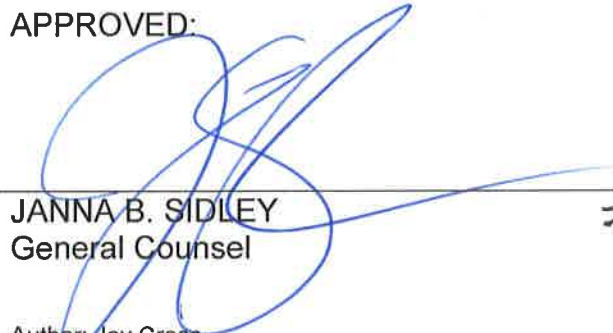
TRANSMITTAL:

1. First Amendment to Agreement No. E-6779.

FIS Approval: MB (initials)

CA Approval: [Signature] (initials)

  
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JOY M. CROSE  
Assistant General Counsel

APPROVED:  
  
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JANNA B. SIDLEY  
General Counsel  
  
Author: Joy Crose  
Board Meeting: 03/17/16

APPROVED:  
  
\_\_\_\_\_  
EUGENE D. SEROKA  
Executive Director