

HARBOR DIVISION

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DATE: AUGUST 20, 2019

FROM: OFFICE OF THE CITY ATTORNEY

SUBJECT: RESOLUTION NO. _____ - INCREASE IN ANNUAL REIMBURSEMENT FOR ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY CO-GENERAL COUNSEL

SUMMARY:

The Office of the City Attorney (Office) requests approval of the Second Amendment (Second Amendment) to the Memorandum of Agreement (MOA) between the City of Los Angeles Harbor Department (Harbor Department) and the Alameda Corridor Transportation Authority (ACTA) for reimbursement of Co-General Counsel legal services provided to ACTA. The proposed Second Amendment will increase the annual reimbursement amount from the current level of \$125,000 per year to \$150,000 per year. ACTA will be financially responsible for reimbursing the Harbor Department for legal services rendered by the Office.

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;
2. Approve the proposed Second Amendment to the Memorandum of Agreement between the City of Los Angeles Harbor Department and the Alameda Corridor

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Transportation Authority increasing ACTA's reimbursement for Co-General Counsel legal services to the Harbor Department from \$125,000 to \$150,000 per year;

3. Authorize the Executive Director and Board Secretary to execute and attest the Second Amendment; and
4. Adopt Resolution No. _____.

DISCUSSION:

Background – ACTA is a joint powers authority formed by the cities of Long Beach and Los Angeles created to design, construct, finance, and operate the Alameda Corridor. The Alameda Corridor links the Port of Los Angeles and Port of Long Beach with the transcontinental rail lines and yard near downtown Los Angeles. Union Pacific Railroad Company and Burlington Northern and Santa Fe Railway Company are the sole operators of freight cargo trains using the corridor. As part of the joint powers authority created, ACTA's general counsel is appointed from the City Attorneys' offices of the two cities. ACTA is responsible for reimbursement of the costs of the legal services provided by Co-General Counsel.

On August 11, 2006, ACTA, Long Beach, and the City of Los Angeles Harbor Department entered into a MOA to reimburse the two ports for legal services rendered by ACTA's Co-General Counsels (Transmittal 1). In 2009, the Board approved the First Amendment to the MOA which increased the annual reimbursement for each of ACTA's Co-General Counsel services from \$100,000 per year to \$125,000 per year (Transmittal 2).

Proposed Second Amendment - The Second Amendment will further increase the annual reimbursement from ACTA to the Harbor Department from \$125,000 per year to \$150,000 per year for ACTA's fiscal year 2020 program budget (Transmittal 3 and Transmittal 4). This increase is requested because the compensation for counsel in each respective city has increased.

ENVIRONMENTAL ASSESSMENT:

The proposed action is the approval of a proposed Second Amendment, which is an administrative activity. Therefore, the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of CEQA under Article II Section 2(f) of the Los Angeles City CEQA Guidelines.

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FINANCIAL IMPACT:

The proposed action is for the approval of a Second Amendment to the ACTA MOA for reimbursement of legal services rendered to ACTA by the Office of the City Attorney. The total reimbursement amount under the Second Amendment will increase by \$25,000 to \$150,000 per year. ACTA is financially responsible for payment for legal services rendered under the proposed Second Amendment.

CITY ATTORNEY:

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

TRANSMITTALS:

- 1. ACTA Memorandum of Agreement
- 2. First Amendment
- 3. ACTA Memo Increasing Reimbursement
- 4. Proposed Second Amendment

HELEN SOK
Deputy City Attorney

FIS Approval:

CA Approval:

APPROVED:

By
JANNA B. SIDLEY

General Counsel, Harbor Department

APPROVED:

By
EUGENE D. SEROKA

Executive Director