

HARBOR DIVISION

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DATE: JULY 5, 2016

FROM: OFFICE OF THE CITY ATTORNEY

SUBJECT: RESOLUTION NO. _____ FIRST AMENDMENT TO
AGREEMENT NO. 15-3310 BETWEEN THE CITY OF LOS ANGELES
HARBOR DEPARTMENT AND THE SOHAGI LAW GROUP

SUMMARY:

The Office of the City Attorney requests approval of a First Amendment (First Amendment) to Agreement for Professional Services No. 15-3310 (Agreement No. 15-3310) between the City of Los Angeles Harbor Department (Harbor Department) and The Sohagi Law Group, increasing the compensation by \$208,547 to an amount not to exceed \$633,547 for legal services for environmental matters and litigation. The City is responsible for payment of expenses under this Agreement.

RECOMMENDATION:

It is recommended that the Board of Harbor Commissioners:

1. Find 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 as determined by the Director of Environmental Management;
2. Approve the First Amendment to Agreement No. 15-3310 with The Sohagi Law Group, increasing the compensation by \$208,547 to an amount not to exceed \$633,547;

DATE: JULY 5, 2016

PAGE 2 OF 4

SUBJECT: FIRST AMENDMENT TO AGREEMENT NO. 15-3310 WITH THE SOHAGI LAW GROUP

3. Authorize the Executive Director to execute and the Board Secretary to attest to the First Amendment to Agreement No.15-3310; and
4. Adopt Resolution No. _____.

DISCUSSION:

Background and Context- On, February 5, 2015 the Board of Harbor Commissioners (Board) authorized Agreement No. 15-3310 for legal services between the City of Los Angeles and The Sohagi Law Group (Sohagi). Agreement No. 15-3310 included a three year term (March 1, 2015 to February 28, 2018) and a not to exceed amount of \$425,000. The scope of work was for performing 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 law. The Harbor Department's environmental impact reports (EIRs) under CEQA and environmental impact statements (EISs) under NEPA require complex technical analysis and disclosures requiring specialized expertise.

The Sohagi Law Group- The initial contract authority was allocated for the completion of the litigation of the Southern California International Gateway (SCIG) project entitled Fast Lane Transportation, *et. al.* vs. City of Los Angeles, *et. al.* ("SCIG Case"), and was projected through the FY 2015-16. The case was decided in March 2016 and it is anticipated that a judgment will be issued in July 2016, after which parties will have several months to file appeals if they decide to do so. Through June 2016, the total amount spent under Agreement No. 15-3310 is \$400,423 and the total remaining contract authority is \$24,577, which is expected to be expended during the summer of 2016.

First Amendment- The First Amendment will provide additional funds that will be required for an appeal in the event the City of Los Angeles decides to appeal the court's decision in the SCIG case and/or defense of an appeal if petitioners elect to appeal. The Office of the City Attorney requests approval of a First Amendment to Agreement No. 15-3310 between the City and The Sohagi Law Group, to increase compensation by \$208,547 to an amount not to exceed \$633,547. The scope of work under the First Amendment is to assist the Office of the City Attorney with CEQA/NEPA legal work in the event of an appeal of the SCIG Case. Further explanation of the potential proposed legal work to be performed under the First Amendment is set forth in a separate privileged and confidential legal memorandum from our Office to the Board.

DATE: JULY 5, 2016

PAGE 3 OF 4

SUBJECT: FIRST AMENDMENT TO AGREEMENT NO. 15-3310 WITH
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ENVIRONMENTAL ASSESSMENT:

The proposed action is for the approval of a First Amendment to Agreement No.15-3310, to increase compensation by \$208,547 for a total amount not to exceed \$633,547 to assist the City Attorney in Harbor Department environmental litigation. As an administrative activity, 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 City of Los Angeles CEQA Guidelines.

FINANCIAL IMPACT:

The proposed action is for the approval of a First Amendment to Agreement No.15-3310, to increase compensation by \$208,547 for a total amount not to exceed \$633,547. The total remaining contract authority is \$24,577, which is expected to be expended during the summer of 2016. Funding for the \$208,547 increase was included in the FY 2016-2017 Operating budget and these funds are available within the Harbor Department City Attorney's Office Account No. 54410, Division 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 Agreement No.15-3310.

The schedule of compensation broken down by fiscal year is as follows:

FY 2014-15	\$92,846
FY 2015-16	\$307,577
FY 2016-17	<u>\$233,124</u>
TOTAL	\$633,547

DATE: JULY 5, 2016

PAGE 4 OF 4

SUBJECT: FIRST AMENDMENT TO AGREEMENT NO. 15-3310 WITH THE SOHAGI LAW GROUP

CITY ATTORNEY:


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

TRANSMITTAL:


1. Proposed First Amendment to Agreement No. 15-3310 with The Sohagi Law Group

FIS Approval: MB (initials)

CA Approval: JWS (initials)



JOY M. CROSE
Assistant General Counsel



JANNA B. SIDLEY
General Counsel

APPROVED:

By Marla Bleavin
FOR EUGENE D. SEROKA
Executive Director