

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: JANUARY 21, 2015

FROM: OFFICE OF THE CITY ATTORNEY

SUBJECT: RESOLUTION NO. _____ - AGREEMENTS FOR LEGAL SERVICES BETWEEN THE CITY OF LOS ANGELES AND (1) MEYERS NAVE RIBACK SILVER & WILSON, PLC, (2) REMY MOOSE MANLEY, LLP, AND (3) THE SOHAGI LAW GROUP, PLC

SUMMARY:

The Office of the City Attorney recommends approval of Agreements for Legal Services (Agreements) between the City of Los Angeles Harbor Department (Harbor Department) and three law firms to provide legal services to assist the Office of the City Attorney in environmental matters. The proposed Agreements are with three law firms selected through a competitive selection process: (1) Meyers Nave Riback Silver & Wilson, PLC, located in Los Angeles, California, in the amount of \$1,640,000, (2) Remy Moose Manley, LLP, located in Sacramento, California, in the amount of \$370,000 and (3) The Sohagi Law Group, PLC, located in Los Angeles, California, in the amount of \$425,000. Each of the three proposed Agreements is for a term of three (3) years. The Harbor Department will be financially responsible for paying the \$2.435 million total authority amounts under these Agreements.

RECOMMENDATION:

It is recommended that the Board of Harbor Commissioners (Board):

1. Authorize the selection and retention of three law firms pursuant to Los Angeles City Charter Section 275, to assist the Office of the City Attorney in providing legal services to the City of Los Angeles Harbor Department: (1) Meyers Nave Riback Silver & Wilson, PLC ("Meyers Nave:"), (2) Remy Moose Manley, LLP ("RMM"), and (3) The Sohagi Law Group, PLC ("Sohagi");

DATE: JANUARY 21, 2015

PAGE 2 OF 6

SUBJECT: AGREEMENTS FOR LEGAL SERVICES

2. Approve the three (3) Agreements for Legal Services, each for a term of three (3) years, with (1) Meyers Nave, in the amount of \$1,640,000, (2) RMM, in the amount of \$370,000, and (3) Sohagi, in the amount of \$425,000;
3. Authorize the Executive Director to execute and the Board Secretary to attest to said Agreements, for and on behalf of the Board; and
4. Adopt Resolution No. _____.

DISCUSSION:

Background/Context – 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 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 two current Agreements for Legal Services with law firms providing legal services on CEQA/NEPA and environmental matters, one with Meyers Nave, and one with Sohagi. Both of the current Agreements expire on February 28, 2015. The total Authority of the current Agreements is \$1,830,000. A total of \$1,606,952 has been spent through December 2014.

Need For Counsel And Scope Of Work - The Harbor Department has 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 the environmental impact reports (EIRs) under CEQA and environmental impact statements (EISs) under NEPA require complex technical analysis and disclosures requiring specialized expertise. Also, in recent years the Harbor Department has experienced a number of legal challenges to its EIRs/EISs under CEQA and NEPA which have cost the Harbor Department in both project delays and expensive settlements, further justifying the use of additional legal resources.

Because of the steady work in this area, the Office of the City Attorney has in-house attorney staff specializing in CEQA and performs the majority of CEQA work in-house without use of outside counsel. Despite this, the Office of the City Attorney still has need for assistance from outside counsel when specialized expertise is necessary for complex or new legal issues 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

DATE: JANUARY 21, 2015

PAGE 3 OF 6

SUBJECT: AGREEMENTS FOR LEGAL SERVICES

improvement projects that are vital to its strategic competitiveness and protection of Tidelands assets and revenues.

Competitive Counsel Selection Process – Because the City’s Real Property Division (RPD) downtown was seeking outside legal counsel with the same environmental law specialty, our Harbor Division Office of the City Attorney used the RPD’s Request for Proposals (RFP) for CEQA counsel and used a competitive selection process to assess and select from the proposers to the RFP. In November 2014, the City Attorney’s Office issued an RFP for outside legal counsel services to assist the RPD in CEQA, NEPA and other related matters. Twenty (20) law firms responded to the RFP. Based upon a review of all proposals submitted, the Office of the City Attorney identified and subsequently interviewed four firms that were considered to be the most qualified to provide the services required by the Harbor Department. Interviews were conducted by a panel of Harbor CEQA attorneys and the General Counsel during the period of December 10 -19, 2014.

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.

Based on the interviews conducted and the RFP submissions, the Harbor Department selection panel found that three firms were best qualified to provide the anticipated assistance needed services for the Harbor Department: (1) Meyers Nave, (2) Remy Moose Manley, and (3) The Sohagi Law Group.

- 1) **Meyers Nave:** Meyers Nave has actively assisted the Harbor Division on Harbor Department EIRs and CEQA advice under an existing contract that will expire in February 2015. The proposed Meyers Nave team members all have extensive experience in preparation of CEQA and NEPA environmental documents and a successful record in trial and appellate CEQA litigation both for the Harbor Department and for other clients throughout California. The Harbor Division attorneys have high levels of satisfaction with the expertise and practical advice from Meyers Nave in CEQA/NEPA matters such as the China Shipping, TraPac, Pacific LA Marine Terminal, Ultramar (Valero), APL and Yusen Terminals terminal projects. In litigation, Meyers Nave assisted the Harbor Division in its victory at the trial court and Court of Appeal rejecting the legal challenge brought by the City of Riverside by limiting the “project vicinity” of the Port’s EIRs to not require analysis of impacts in the Inland Empire.

SUBJECT: AGREEMENTS FOR LEGAL SERVICES

- 2) **Sohagi Law Group:** Sohagi has actively assisted the Harbor Division on Harbor Department EIRs and CEQA advice under an existing contract that will expire in February, 2015. The Harbor Division attorneys have high levels of satisfaction with the expertise and practical advice from Sohagi attorneys in CEQA/NEPA matters such as the Southern California International Gateway (SCIG) Near Dock Railyard, TraPac Container Terminal, Channel Deepening, Southwest Marine, San Pedro Waterfront, and Wilmington Waterfront projects. We have also had Sohagi provide a full-day Advanced CEQA Training to Harbor CEQA attorneys that included LAWA, DWP and downtown City attorneys. Firm founder and lead attorney Margaret Sohagi is a noted authority on CEQA and teaches CEQA to CEQA judges and for various professional associations. Sohagi Law Group has been assisting on complex CEQA litigation for the SCIG railyard project and is needed to continue such work through the trial in November, 2015 and anticipated appeal thereafter.

- 3) **Remy Moose Manley:** RMM is a highly respected law firm that focuses exclusively on environmental, land use and administrative law, with particular emphasis on CEQA/NEPA matters. The RMM firm also has Tidelands trust expertise. The RMM firm authors a CEQA treatise, "Guide to the California Environmental Quality Act" that has been cited as a leading legal authority on CEQA in over 50 published decisions of the California Court of Appeal and the California Supreme Court. The RMM firm represents other divisions of the City of Los Angeles in the *Comunidad En Accion v. City of Los Angeles* (Government Code 11135 civil rights case) and the *Alliance for a Regional Solution to Airport Congestion v. City of Los Angeles (LAWA)* (CEQA case) matters.

Proposed Agreement Terms – The Office of the City Attorney recommends that each of the three firms identified above be awarded a three-year contract, in the amounts set forth below, based upon anticipated specific projects or litigation each will handle. Further explanation of proposed legal work to be performed by the outside legal counsel under the Agreements is set forth in a separate privileged and confidential legal memorandum from our Office to the Board.

(1) Meyers Nave:	\$1,640,000
(2) Remy Moose Manley:	\$370,000
(3) The Sohagi Law Group:	<u>\$425,000</u>
TOTAL	\$2,435,000

DATE: JANUARY 21, 2015

PAGE 5 OF 6

SUBJECT: AGREEMENTS FOR LEGAL SERVICES

ENVIRONMENTAL ASSESSMENT:

The proposed action is for the approval of three (3) Agreements for Legal Services, each for a term of three (3) years, for legal services to assist the Office of the City Attorney in Harbor Department matters. 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 Los Angeles CEQA Guidelines.

FINANCIAL IMPACT:

The proposed three year Agreements authorize an aggregate total of \$2,435,000. The Office of the City Attorney has advised that funds for these Agreements will be expended as follows:

Designated Law Firm	FY 14-15 March-June	FY 15-16	FY 16-17	TOTAL
The Sohagi Law Group	\$175,000.00	\$250,000.00	\$0.00	\$425,000.00
Remy Moose Maney	\$30,000.00	\$315,000.00	\$25,000.00	\$370,000.00
Meyers Nave	\$610,000.00	\$875,000.00	\$155,000.00	\$1,640,000.00
TOTAL	\$815,000.00	\$1,440,000.00	\$180,000.00	\$2,435,000.00

Funds in the amount of \$815,000 for Fiscal Year 2014/15 are available in Account No. 54410, Division No. 0120, Program No. 000. These funds are currently designated generally for "Environmental Counsel" and are available for FY 2014/15 appropriation for these three Agreements.

A Fiscal Year 2015/16 budget request in the amount of \$1,440,000 for CEQA counsel which would include funding for these three Agreements has been submitted to Finance Division and is pending approval through the Harbor Department's FY 2015/16 annual budget adoption process, subject to Board approval.

The Harbor Department's financial obligations after the current fiscal year are contingent upon the Board's approval of the budget and appropriation of funds. If any subsequent year funds are not appropriated by the Board for these Agreements, the Agreements shall be adjusted to the approved budget amounts or terminated if necessary. A funding-out clause is included in each Agreement.

ECONOMIC BENEFITS:

Approval of the proposed Agreements will support 11 direct and 10 secondary one-year

DATE: JANUARY 21, 2015

PAGE 6 OF 6

SUBJECT: AGREEMENTS FOR LEGAL SERVICES

equivalent jobs for the five-county region.

CITY ATTORNEY:

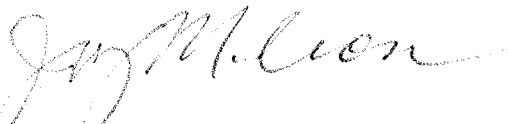
The Office of the City Attorney has reviewed and approved as to form and legality, the proposed Agreements for Legal Services with (1) Meyers Nave Riback Silver & Wilson, PLC, (2) Remy Moose Manley, LLP, and (3) The Sohagi Law Group, PLC.

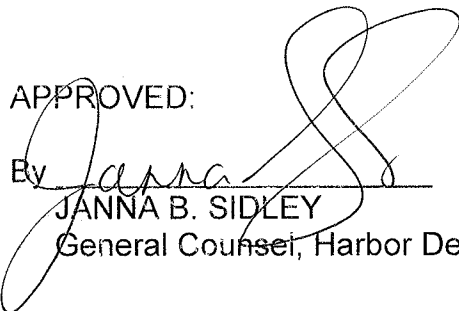
TRANSMITTAL:

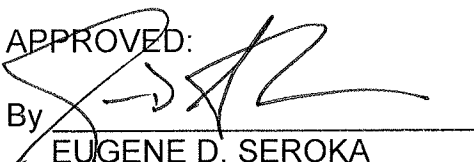
1. Proposed Agreements for Legal Services
 - a. Meyers Nave Riback Silver & Wilson, PLC
 - b. Remy Moose Manley, LLP
 - c. The Sohagi Law Group, PLC

FIS Approval: MB (initials)

CA Approval: [Signature] (initials)


JOY M. CROSE
Assistant General Counsel

APPROVED:
By 
JANNA B. SIDLEY
General Counsel, Harbor Department

APPROVED:
By 
EUGENE D. SEROKA
Executive Director