

HARBOR DIVISION

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DATE: MARCH 12, 2021

FROM: OFFICE OF THE CITY ATTORNEY

SUBJECT: RESOLUTION NO. \_\_\_\_\_ FIRST AMENDMENT TO  
AGREEMENT NO. E-7079 BETWEEN THE CITY OF LOS ANGELES  
HARBOR DEPARTMENT AND CHRISTIAN M. CARRIGAN

**SUMMARY:**

The Office of the City Attorney (City Attorney) requests approval of a First Amendment to Agreement No. E-7079 between the City of Los Angeles Harbor Department (Harbor Department) and Christian M. Carrigan. The proposed Amendment will extend the term of the Agreement by one year and increase the Agreement authority by \$13,000.

The current one-year Agreement expires on May 26, 2021. The proposed Amendment will extend the Agreement by one year to an expiration date of May 26, 2022 and will allow Christian M. Carrigan to continue to assist the City Attorney as an expert witness in the matter of *City of Los Angeles v. Certain Underwriters at Lloyds et al.* (Superior Court Case No. BC588876).

In addition to extending the term, the proposed Amendment will also increase Agreement authority by \$13,000 from \$22,000 currently to \$35,000 as proposed. The increase in authority is necessary in order to compensate Christian M. Carrigan for additional document review as well as environmental investigations of soil, groundwater and sediment which were not budgeted in the original Agreement. The Harbor Department will continue to be financially responsible for payment of professional fees rendered under the proposed First Amendment.

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CHRISTIAN M. CARRIGAN

**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 First Amendment to Agreement No. E-7079 with Christian M. Carrigan, extending the term of the Agreement by one year, for a total term of two years (May 27, 2020 to May 26, 2022);
3. Approve the First Amendment to Agreement No. E-7079 with Christian M. Carrigan, increasing the authority by \$13,000, for a total authority of \$35,000;
4. Authorize the Executive Director to execute and the Board Secretary to attest to the First Amendment to Agreement No. E-7079; and
5. Adopt Resolution No. \_\_\_\_\_.

**DISCUSSION:**

In 2020, the City Attorney requested proposals for legal services to perform expert services and expert witness testimony for the matter of *City of Los Angeles v. Certain Underwriters at Lloyds et al.* (Superior Court Case No. BC588876). Christian M. Carrigan was retained under Agreement No. E-7079 (Transmittal 1) based on his qualifications to serve and testify as an expert witness.

The proposed extension will allow Christian M. Carrigan to continue to assist the City Attorney as an expert witness in the matter of *City of Los Angeles v. Certain Underwriters at Lloyds et al.* (Superior Court Case No. BC588876). Mr. Carrigan, formerly the head of the enforcement branch of the State Water Resources Control Board, is providing opinion testimony on the administrative procedures, adjudicative processes and enforcement mechanisms employed by the Regional Water Quality Control Board, the Department of Toxic Substances Control, and U.S. Environmental Protection Agency, and how those procedures, processes, and mechanisms led to negotiated compromises of the claims asserted by these regulatory agencies at several sites around the Harbor. The trial, previously scheduled for February 16, 2021, has been postponed for at least 60 days and possibly longer, and for this reason, the term of the initial agreement requires an extension.

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In addition, Mr. Carrigan's review of documents illuminating the history of the five sites, the environmental investigations of soil, groundwater and sediment at each site and the administrative records associated with the regulatory activity at each site in preparation for and delivery of his deposition testimony has consumed the original contract authority of \$22,000. Additional authority of \$13,000 is requested to cover trial preparation and testimony.

**ENVIRONMENTAL ASSESSMENT:**

The proposed action is the approval of a First Amendment to Agreement No. E-7079 with Christian M. Carrigan for expert services and expert witness testimony, 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 in accordance with Article II Section 2(f) of the Los Angeles City CEQA Guidelines.

**FINANCIAL IMPACT:**

Approval of the proposed First Amendment would increase the compensation under Agreement No. E-7079 by \$13,000 from \$22,000 currently to \$35,000 as proposed. Fiscal Year 2020-21 funding in the amount of \$28,000 is available within Account No. 54410 (Legal Fees and Services), Division 0120, Program 000. Funding for future years, if necessary, will be requested as part of the annual budget adoption process. A funding out clause is included in Agreement No. E-7079.

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

FY 2020-21	\$28,000
FY 2021-22	\$7,000
<b>Total</b>	<b>\$35,000</b>

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**CITY ATTORNEY:**


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

**TRANSMITTALS:**

1. Agreement No. E-7079 with Christian M. Carrigan
2. First Amendment to Agreement No. E-7079

FIS Approval: MB

CA Approval: JS

  
KENNETH MATTFELD  
Deputy City Attorney

APPROVED:

  
JANNA B. SIDLEY  
General Counsel

  
FOR

EUGENE D. SEROKA  
Executive Director