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DATE: DECEMBER 5, 2017

FROM: OFFICE OF THE CITY ATTORNEY

SUBJECT: RESOLUTION NO. _____ - THREE LEGAL SERVICES AGREEMENTS BETWEEN THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND LOEB & LOEB LLP AND MEYERS NAVE RIBACK SILVER & WILSON PLC AND THOMPSON COBURN LLP

SUMMARY:

The Office of the City Attorney requests the Board of Harbor Commissioners (Board) to approve three (3) Legal Services Agreements (each an Agreement) between the City Los Angeles Harbor Department (Harbor Department) and three firms: Loeb & Loeb, Meyers Nave Riback Silver & Wilson PLC and Thompson Coburn LLP, for legal services for the San Pedro Bay Ports Clean Air Action Plan (CAAP) and Federal Clean Air Act (FCAA) matters. Each of the three Agreements is for a term of three years with compensation of \$150,000. The Harbor Department is financially responsible for payment for personal services rendered under the three proposed Agreements in an aggregate amount of \$450,000.

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;

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2. Find in accordance to Charter Section 1022 that the scope of work of the proposed Agreements can be more economically and feasibly provided by an independent contractor than by City employees;
3. Approve (1) a Legal Services Agreement with Loeb & Loeb LLP in the amount of \$150,000 for a three-year term; and (2) a Legal Services Agreement with Meyers Nave Riback Silver & Wilson PLC in the amount of \$150,000 for a three-year term; and (3) a Legal Services Agreement with Thompson Coburn LLP in the amount of \$150,000 for a three-year term;
4. Authorize the Executive Director and Board Secretary to execute and attest to the Agreements; and
5. Adopt Resolution No. _____.

DISCUSSION:

Background - In 2006, the Harbor Department, together with the Port of Long Beach (POLB), adopted the 2006 San Pedro Bay Ports (Ports) Clean Air Action Plan ("CAAP"), a groundbreaking environmental program to reduce air pollution from maritime freight related sources in the San Pedro Bay (heavy duty drayage trucks, terminal yard cargo handling equipment, ocean-going vessels, locomotives and commercial harbor craft). The CAAP has been updated in 2010 and most recently through the 2017 CAAP Update adopted in a joint meeting of the Boards of Harbor Commissioners of the Ports of Los Angeles and Long Beach on November 2, 2017.

Need For Counsel And Scope Of Work – The CAAP is a high level planning document containing goals and strategies for emission reduction by the maritime freight related sources at the Ports, which will require further specific Board actions (e.g., programs, tariffs, contracts, leases and CEQA mitigation) in order to implement. The 2017 CAAP Update goals also share many issues with the clean air regulations by state and regional air agency regulators, such as the South Coast Air Quality Management District's (SCAQMD) 2016 Air Quality Management Plan (AQMP) and the California Air Resources Board's (CARB) California State Implementation Plan (SIP) which adopted the AQMP for the state's plan for attainment of national ambient air quality standards (NAAQS) under the federal Clean Air Act (FCAA) and California Health & Safety Code. SCAQMD and CARB have also proposed potential future regulations on the Ports. Pursuant to Los Angeles City Charter Section 275, the Office of the City Attorney has determined that outside counsel legal services are needed to assist it with future

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implementation of the CAAP, regulatory advice under the FCAA and other applicable federal and state laws.

Selection Process - The Office of the City Attorney selected the three law firms through a competitive selection process from a Request for Proposals (RFP) issued on August 22, 2017 in which eight law firms responded with proposals. Based on the written proposals and interviews by a City attorney panel, the three firms were selected as the most qualified and in the best interests of the Harbor Department. Each of the three selected firms possesses specialized legal expertise and relevant experience performing legal services in the areas of environmental law and FCAA, as well as, considerable experience representing the Harbor Department.

ENVIRONMENTAL ASSESSMENT:

The proposed action is approval of three legal services agreements with law firms for the performance of legal services for CAAP and FCAA legal matters. As an administrative activity, 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:

The proposed action is for the approval of three (3) legal services agreements, each for a three-year term and compensation of \$150,000. The Harbor Department is financially responsible for payment for personal services rendered under the three proposed Agreements in an aggregate amount of \$450,000. Funding for FY 2017/18 in the amount of \$200,000 has been included as part of the annual budget adoption process in the FY 2017-18 Operating Budget within the Harbor Department City Attorney's Office Account No. 54410, Division No. 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 the Agreements.

CITY ATTORNEY:

The Office of the City Attorney has prepared and approved the proposed Agreements as to form and legality.

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TRANSMITTALS:

1. Legal Services Agreement with Loeb & Loeb LLP
2. Legal Services Agreement with Meyers Nave Riback Silver & Wilson PLC
3. Legal Services Agreement with Thompson Coburn LLP

FIS Approval:  (initials)

CA Approval:  (initials)



JOY M. CROSE
Assistant General Counsel

APPROVED:

By 

JANNA B. SIDLEY
General Counsel, Harbor Department

APPROVED:

By 

EUGENE D. SEROKA
Executive Director

Author: Joy M. Crose
Board Meeting: Dec. 14, 2017