

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

ESTELLE M. BRAAF
CARL CHEA
BRIAN DALUIISO
JOHN T. DRISCOLL
JUSTIN HOUTERMAN
JANET KARKANEN
KENNETH F. MATTFELD
HEATHER M. McCLOSKEY
STEVEN Y. OTERA
MINAH PARK
HELEN J. SOK

DATE: MARCH 15, 2021

FROM: OFFICE OF THE CITY ATTORNEY

SUBJECT: RESOLUTION NO. _____ - LEGAL SERVICES AGREEMENT BETWEEN THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND MEYERS NAVE, A PROFESSIONAL CORPORATION FOR FEDERAL CLEAN AIR ACT MATTERS

SUMMARY:

The Office of the City Attorney (Office) requests the Board of Harbor Commissioners' (Board) approval of a Legal Services Agreement (Agreement) between the City of Los Angeles Harbor Department (Harbor Department) and the law firm of Meyers Nave, A Professional Corporation (Meyers Nave) for legal services for San Pedro Bay Ports Clean Air Action Plan (CAAP) and Federal Clean Air Act (FCAA) matters. The proposed term of the Agreement is three years. The proposed compensation authority is \$75,000. The Harbor Department is financially responsible for payment for legal services rendered under the proposed Agreement.

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;

DATE: MARCH 15, 2021

PAGE 2 OF 4

SUBJECT: LEGAL SERVICES AGREEMENT WITH MEYERS NAVE FOR CAAP AND FCAA MATTERS

2. Find in accordance to Charter Section 1022 that the scope of work of the proposed Agreement can be more economically and feasibly provided by an independent contractor than by City employees;
3. Approve a Legal Services Agreement with Meyers Nave APC in the amount of \$75,000 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 accordance with Charter Section 275, the Office has determined that it requires outside legal counsel to assist it in the discharge of its duties to perform legal services in connection with the San Pedro Bay Ports CAAP and FCAA matters requiring specialized expertise and resources that exceed staff resources in this highly specialized area of law. Since 2007 through the present, the Office has had an outside counsel agreement for legal services for CAAP matters, with different counsel over the years. The immediately prior Agreements with Meyers Nave and Thompson Coburn each had a term of three years expiring on January 16, 2021.

Need for Services and Scope of Work – The proposed Agreement with Meyers Nave (Transmittal 1) is necessary to augment the Harbor Division's ability to provide litigation services and regulatory advice in connection with the CAAP, and regulations affecting the Harbor Department in proposed regulation by the South Coast Air Quality Management District (SCAQMD), California Air Resources Board (CARB) and the U.S. Environmental Protection Agency (EPA).

Competitive Counsel Selection Process – On September 3, 2020, the Office issued a competitive Request for Proposals (RFP) for outside legal counsel for Federal Clean Air Act and Air Agency Regulation and Litigation.

The Office received five (5) submissions from law firms. Based upon their RFP proposals and interviews, the Office recommends Meyers Nave as the most qualified and in the best interests of the Harbor Department to provide such legal services. One additional law firm (Thompson Coburn LLP) will also be recommended for an agreement. The additional firm will be recommended at a future date and under a separate Board Report.

DATE: MARCH 15, 2021

PAGE 3 OF 4

SUBJECT: LEGAL SERVICES AGREEMENT WITH MEYERS NAVE FOR CAAP AND FCAA MATTERS

Meyers Nave possess specialized legal expertise and relevant experience. Additionally, the Office has developed a specific strategy to best leverage the two firms' (Meyers Nave and Thompson Coburn LLP) different areas of expertise and rates to best meet the Department's anticipated needs for CAAP/FCAA litigation services and regulatory advice.

PROPOSED AGREEMENT TERMS:

- **Term:** Three years from date of signature (approximately 2021-2024)
- **Contract Authority:** Maximum amount not to exceed \$75,000
- **Scope of Work:** Litigation services and regulatory advice for CAAP/FCAA and related matters
- **Standard City and City Attorney Agreement provisions**

ENVIRONMENTAL ASSESSMENT:

The proposed action is the approval of legal services agreement with Meyers Nave for ongoing legal services for CAAP/FCAA litigation services and regulatory advice, 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:

The proposed action is for the approval of an Agreement for legal services for a three-year term and a total compensation authority of \$75,000. The Harbor Department is financially responsible for payment for legal services rendered under the proposed Agreement. Funding in the amount of \$15,000 has been included in the Fiscal Year 2020-21 Operating Budget within the Harbor Department City Attorney's Office Account No. 54410 (Legal Fees & Services), Division No. 0120 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 Agreement.

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

FY 2020-21	\$15,000
FY 2021-22	\$15,000
FY 2022-23	\$45,000
Total	\$75,000

DATE: MARCH 15, 2021

PAGE 4 OF 4

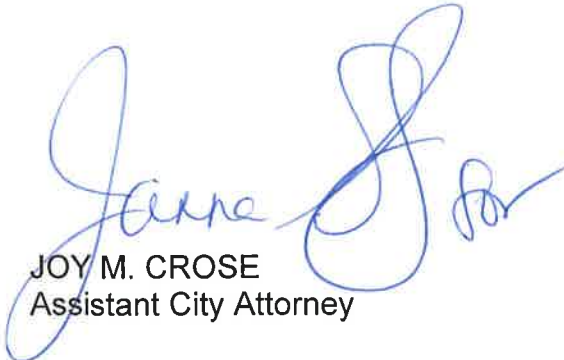
SUBJECT: LEGAL SERVICES AGREEMENT WITH MEYERS NAVE FOR CAAP AND FCAA MATTERS


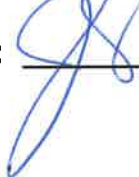
CITY ATTORNEY:

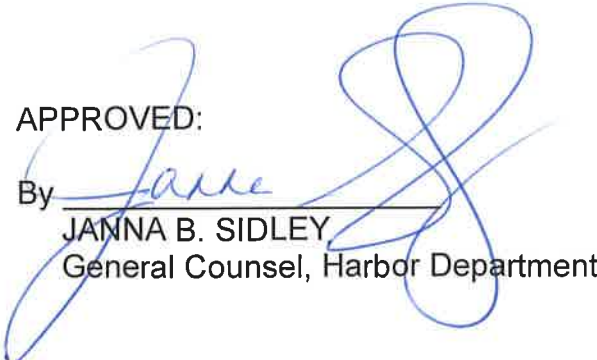
The Office of the City Attorney has prepared and approved the proposed Agreement as to form and legality.


TRANSMITTALS:

1. Proposed Legal Services Agreement with Meyers Nave


JOY M. CROSE
Assistant City Attorney

FIS Approval: 
CA Approval: 

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

APPROVED:
By 
EUGENE D. SEROKA
Executive Director