



CITY COUNCIL AGENDA REPORT

MEETING DATE: JUNE 7, 2016

ITEM NUMBER: CC-13

SUBJECT: FUNDING FOR LEGAL SERVICES AGREEMENT WITH BEST BEST & KRIEGER FOR ELECTION AND ENVIRONMENTAL LEGAL ASSISTANCE

DATE: MAY 26, 2016

FROM: OFFICE OF THE CEO

PRESENTATION BY: DANIEL K. BAKER, ASSISTANT TO THE CEO

FOR FURTHER INFORMATION CONTACT: DAN BAKER AT (714) 754-5156

RECOMMENDATION:

It is recommended that the City Council authorize additional funding not to exceed \$75,000.00 for the special counsel legal services agreement (Attachment 1) with Best Best & Krieger (BB&K) for legal services relating to environmental and election issues.

BACKGROUND/ANALYSIS:

In June of 2014, the City entered into an agreement for special counsel legal services with BB&K to provide the City with special legal services which has included both environmental legal review and independent legal counsel regarding election issues.

During the City's general plan update, attorneys with BB&K have provided valuable legal services related to the California Environmental Quality Act (CEQA). Staff has utilized their services to review environmental documents to ensure compliance with CEQA as well as the review of public responses and comments and assist with proper documentation and response regarding the legal requirements of CEQA.

BB&K also provided valuable independent legal counsel for the 2014 election and will continue to assist staff with the 2016 election. BBK has provided legal counsel on a number of issues related to campaign signage and the City's role regarding video footage from candidate forums.

Increasing the funding amount of the existing agreement will allow BB&K to continue to provide the City with the necessary legal expertise to assist City staff with the above mentioned tasks.

ALTERNATIVES CONSIDERED:

An alternate consideration would be to not continue this consultant assistance. The responsibilities listed above and all other duties originally assigned will be allocated to existing staff for completion. Given the high volume workload of existing staff this is not a preferred alternative.

FISCAL REVIEW:

The existing expenditures will soon exceed the CEO authorized signing authority of \$50,000. Therefore, City Council authorization is necessary to increase the funding for the agreement. Funding for the contractual increase will come from unencumbered consulting funds within the development services budget.

LEGAL REVIEW:

Legal has reviewed this report. No contract amendment is needed for the funding increase because the contract itself does not specify a contract amount. SB 331 does not apply because there are no contract negotiations involved in this funding increase and because the contract value is less than \$250,000. (Public Contract Code section 22178(a).)

CONCLUSION:

The CEO's Office recommends that the City Council authorize additional funding not to exceed \$75,000.00 for the agreement with Best Best & Krieger, for independent legal services relating to environmental and election issues.

DANIEL K. BAKER
Assistant to the CEO

ATTACHMENTS: [1 Professional Services Agreement with Best Best & Krieger](#)