



City Attorney's Office

AGENDA REPORT

DATE:	May 17, 2022
TO:	Mayor Butt and Members of the City Council
FROM:	Dave Aleshire, Interim City Attorney
Subject:	Approval of six Legal Services Agreement amendments and one new legal services agreement with the law firms of (1) Allen, Glaessner, Hazelwood & Werth LLP; (2) Best Best & Krieger; (3) Colantuono, Highsmith & Whatley, PC; (4) Edrington, Shirmer & Murphy
FINANCIAL IMPACT:	Total expenditure for the legal services amendments is not to exceed \$760,000. A total of \$635,000 will be paid from Risk Management General Liability budget with account string 50182316-400554, and the remaining balance will be paid from the City Attorney's Office budget with account string of 01151014-400206. The City Attorney's Office's is seeking a budget appropriation from the General Fund in the amount of \$125,000.
PREVIOUS COUNCIL ACTION:	Legal Services Agreements and amendments have been approved as noted in the initial agreements and amendments. Additionally, six amendments and one new legal services agreement were available for City Council consideration on December 21, 2021 and January 11, 2022, but were not acted upon.
STATEMENT OF THE ISSUE:	To ensure the City has appropriate legal representation relating to the general litigation and to municipal advice, the City Attorney's Office requests approval of the legal services agreements and amendments in a total amount not to exceed of \$760,000.

RECOMMENDED ACTION:	APPROVE six amendments to legal service agreements and one legal services agreement with the law firms of (1) Allen, Glaessner, Hazelwood & Werth LLP; (2) Best, Best & Krieger; (3) Colantuono, Highsmith & Whatley, PC; (4) Edrington, Shirmer & Murphy (5) Manning & Kass, Ellrod, Ramirez Trester LLP, (6) McNamara Ney, and (7) Orbach Huff Suarez & Henderson LLP for a total amount of \$760,000, and REQUEST a budget appropriation from the General Fund in the amount of \$125,000 to the City Attorney's Office – City Attorney's Office (Heather McLaughlin 510-620-6509).
----------------------------	--

DISCUSSION:

A proposed list of law firms requiring contract amendments were brought to the City Council on December 21, 2021, for review and approval. The City Council requested additional information and the item was continued. As such, staff is providing an update and request for budget appropriations and contract amendments. The City Attorney's Office (CAO) is actively working with the Interim City Attorney, City Manager, Interim Finance Director, and Risk Manager to decrease legal expenditures City-wide. At this juncture, an analysis of Legal Service Agreement (LSA) expenditures is in progress. Moving forward, all legal services agreements will be managed by the CAO and will be brought to the City Council for approval in a timely manner.

All law firms listed in both charts below are on the City Attorney's Office's approved Request for Qualifications (RFQ) 2018 and 2021 lists. In addition, these firms have the experience and expertise necessary to provide continuing representation for the City of Richmond in pending dangerous condition, police/tort defense and other municipal law litigation in federal and state trial and appellate courts. This request is made to ensure the City continues to have legal counsel to defend the City and Richmond Housing Authority in ongoing litigation and assist with the development of affordable housing.

City staff members are working in a coordinated, interdepartmental manner to mitigate risks and potential litigation as well as claims against the City. The broader goal of this effort is to decrease expenditures related to legal services, while continuing to provide the City Council with an extremely high level of service to implement their policy direction.

The chart below outlines the law firm, the requested amendment amount, the total contract amount, and an inventory of pending litigation and advice matters that each firm is handling for the City and for RHA. All the amendments listed below also have a term extension through June 30, 2023.

LAW FIRM	AMOUNT REQUESTED	TOTAL CONTRACT AMOUNT	PENDING MATTERS	DEPARTMENT ACCOUNT STRING
Allen, Glaessner, Hazelwood & Werth LLP	\$210,000 *requested from 12/21	\$710,000	Dangerous Condition litigation: <i>Cambruzzi, Beamer, Abbas, Oliver, McCoy, Phillips, Garcia, Ponce, Avalos, Morais, Wu, Stewart</i>	Risk Management/ General Liability with account string 50182316-400554
Best, Best & Krieger	\$50,000 *requested from 12/21	\$175,000	Land Use Litigation: <i>Sprawldef</i>	Request for budget appropriation to the City Attorney's Office with an account string of 01151014-400206
Colantuono, Highsmith & Whatley LLP	\$75,000 *requested from 12/21	\$400,000	General Litigation <i>Denham</i> and general advice	Request for budget appropriation to the City Attorney's Office with an account string of 01151014-400206
Edrington, Schirmer & Murphy	\$100,000 New Legal Services Agreement *requested 12/21	\$100,000	General Litigation representing the City and RHA	Risk Management/ General Liability 50182316-400554
Manning & Kass, Ellrod, Ramirez, Trester LLP	\$75,000 *requested 12/21	\$120,000	Personal Injury Litigation: <i>Gomez</i>	Risk Management/ General Liability 50182316-400554

LAW FIRM	AMOUNT REQUESTED	TOTAL CONTRACT AMOUNT	PENDING MATTERS	DEPARTMENT ACCOUNT STRING
McNamara Ney	\$125,000 *requested 12/21	\$420,000	Police Litigation: <i>Ferreira-Dias, Hernandez, Sutherland, and Montanocordoba</i>	Risk Management/ General Liability 50182316-400554
Orbach Huff Suarez & Henderson LLP	\$125,000 *requested 12/21	\$340,000	General Litigation <i>Shelton, Reason, Porter, Gutzalenko and Wilson</i>	Risk Management/ General Liability 50182316-400554

The Interim City Attorney requests that City Council review the time extension for the following contracts. This approval takes place at the staff level and is provided for your information only. All the legal services below have received City Council approval. The City Attorney's Office is not requesting any additional amendment amount but simply highlighting the contract amendments that are extended for time only through June 30, 2023.

LAW FIRM	TIME EXTENSION	PENDING MATTERS
Burke, Williams & Sorensen	Seeking time extension to June 30, 2023.	Provide legal services related to RHA Asset Repositioning activities as required by the PHARS Agreement and Action Plan between RHA, the City of Richmond and HUD.
Colantuono Highsmith Whatley	Seeking time extension to June 30, 2023	PG&E Litigation
Liebert Cassidy & Whitmore	Seeking time extension to June 30, 2023	Employment Litigation <i>Arriaga, Medina, Padilla et al., Zeidan</i>
Newdorf Legal	Seeking time extension to June 30, 2023	General Litigation <i>East Bay Regional Park District, Solvay, Fraizer and Agress</i>
Shartsis Frieese	Seeking time extension to June 30, 2023	Point Molate DDA

DOCUMENTS ATTACHED:

Attachment 1- Allen Glaessner Hazelwood & Werth LLP
Attachment 2- Best Best & Krieger
Attachment 3- Burke Williams & Sorensen (time extension only)
Attachment 4- Colantuono, Highsmith & Whatley
Attachment 5- Colantuono Highsmith & Whatley (time extension only)
Attachment 6- Edrington, Schirmer & Murphy
Attachment 7- Liebert Cassidy & Whitmore (time extension only)
Attachment 8- Manning & Kass
Attachment 9- McNamara Ney
Attachment 10- Newdorf Legal (time extension only)
Attachment 11- Orbach Huff Henderson
Attachment 12- Shartsis Friese (time extension only)