



# AGENDA REPORT

## Public Works

<b>DATE:</b>	November 19, 2024
<b>TO:</b>	Mayor Martinez and Members of the City Council
<b>FROM:</b>	Daniel Chavarria, Director of Public Works Mary Phelps, Water Resource Division Manager
<b>Subject:</b>	Stoel Rives, LLP Legal Services Contract for Baykeeper Settlement Agreement
<b>FINANCIAL IMPACT:</b>	This item has no impact to the General fund. The expenditure is included in the Wastewater Fiscal Year 2024-25 budget as a separate line item (40322631-400534) and will be paid from the Enterprise Fund.
<b>PREVIOUS COUNCIL ACTION:</b>	N/A
<b>STATEMENT OF THE ISSUE:</b>	The proposed contract will allow the City to retain the law firm of Stoel Rives, LLP to provide technical legal advice regarding the City's court mandated compliance with the Baykeeper Settlement Agreement.
<b>RECOMMENDED ACTION:</b>	APPROVE a legal services agreement with the law firm of Stoel Rives, LLP in an amount of \$255,000 for three (3) years with two, one-year options to extend for the period of October 1, 2024, through October 31, 2027, to provide legal advice regarding the City's court mandated compliance with the Baykeeper Settlement Agreement – Public Works (Daniel Chavarria 510-620-5478/Mary Phelps 510-621-1269)

## **DISCUSSION:**

In 2006, the City of Richmond (City), Veolia Water, West County Agency, and West County Wastewater District settled an environmental lawsuit brought forth by Lawyers for Clean Water (AKA: Baykeeper). In that settlement agreement, there were certain requirements that each agency must fulfill with specific deadlines to complete them.

Due to the City's inability to comply with the terms of the 2006 Settlement Agreement, Baykeeper negotiated another Settlement Agreement in 2018 (Attachment 1). This agreement extends until 2028.

The City retained the legal services of Downey Brand to assist with negotiating the terms of both the 2006 and 2018 Settlement Agreements with Baykeeper. Nicole Granquist was the attorney from Downey Brand assigned to represent the City. Ms. Granquist left the firm on September 19, 2024, and is now employed with Stoel Rives, LLP. The City of Richmond was notified of this change via formal letter, with the option of continuing working with Downey Brand, or having the City's files transferred to Ms. Granquist's new firm, Stoel Rives, LLP.

Staff recommends that the City continue using Ms. Granquist for Baykeeper compliance matters. Her rates will not increase from her rates with Downey Brand, which is currently \$410/hour. She has the knowledge and background necessary to represent the City during various discussions with Baykeeper and to provide legal review of any documents prior to submittal as required in the current Settlement Agreement. It would take a great deal of extra time and additional resources to try to get another attorney up to speed on these matters since Ms. Granquist has been involved since 2006.

After several discussions with the City Attorney's office, staff decided it was in the City's best interest to issue a new contract with Stoel Rives, LLP and have Ms. Granquist continue the work with Baykeeper until such time as the Settlement Agreement will sunset (currently 2028) or a new agreement will need to be negotiated.

Therefore, staff is requesting City Council to approve this contract with Stoel Rives, LLP.

## **DOCUMENTS ATTACHED:**

Attachment 1 – 2018 Settlement Agreement

Attachment 2 – Legal Services Agreement with Stoel Rives, LLP