



# AGENDA REPORT

## Public Works

<b>DATE:</b>	January 18, 2022
<b>TO:</b>	Mayor Butt and Members of the City Council
<b>FROM:</b> <i>(List all relevant/responsive staff persons)</i>	Joe Leach, P.E. Public Works Director
<b>Subject:</b> <i>(This will appear on the agenda)</i>	Contract Amendment No. 2 to legal services contract with Downey Brand law firm
<b>FINANCIAL IMPACT:</b>	This item is included in the Wastewater Fiscal Year 2021-2022 budget as a separate line item (40322631-400534) and will be paid from the Enterprise Fund.
<b>PREVIOUS COUNCIL ACTION:</b> <i>(List all dates items were heard or council action took place)</i>	July 16, 2019 – Contract approved
<b>STATEMENT OF THE ISSUE:</b>	The proposed Contract Amendment No.2 will allow the City to use Downey Brand law firm to represent them during discussions and for reviewing legal documents regarding the Baykeeper Settlement Agreement.
<b>RECOMMENDED ACTION:</b> <i>(This will appear on the agenda)</i>	APPROVE Contract Amendment No. 2 with Downey Brand law firm, increasing the amount of the contract \$255,000 (over three years), for a total amount not to exceed \$510,000, for the legal review of the requirements as predetermined in the existing Baykeeper Settlement Agreement, and to represent the City in any future settlement agreement discussions - Public Works (Joe Leach 510-620-5478). <b>This item was continued</b>

	<b>from the December 21, 2021, and January 11, 2022, meetings.</b>
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**DISCUSSION:**

In 2006, the City of Richmond, 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 Richmond’s inability to comply with the terms of the 2006 Settlement Agreement, Baykeeper negotiated another Settlement Agreement in 2018 (Attachment 4). 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. As a result, Downey Brand has the knowledge and background 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.

Therefore, staff is requesting City Council to approve this contract second amendment with Downey Brand.

**DOCUMENTS ATTACHED:**

- Attachment 1 – Downey Brand Contract Amendment #2
- Attachment 2 – Downey Brand Contract Amendment #1
- Attachment 3 – Downey Brand Original Contract
- Attachment 4 – 2018 Baykeeper Settlement Agreement