



# CITY COUNCIL STAFF REPORT



**December 3, 2024**

## **ITEM TITLE**

Agreements: Approve Amendments to the Legal Services Agreements with Best Best & Krieger LLP to Provide On-Call and Public Records Act Legal Services

**Report Number:** 24-0307

**Location:** No specific geographic location

**Department:** City Attorney

**G.C. § 84308:** Yes

**Environmental Notice:** The activity is not a “Project” as defined under Section 15378 of the California Environmental Quality Act (“CEQA”) State Guidelines; therefore, pursuant to State Guidelines Section 15060(c)(3) no environmental review is required.

## **Recommended Action**

Adopt a resolution approving amendments to the Legal Services Agreements with Best Best & Krieger, LLP for on-call and Public Records Act legal services for not-to-exceed amounts of \$400,000 and \$300,000, respectively.

## **SUMMARY**

The City Attorney’s Office provides legal review, advice, consultation, and representation on a wide variety of legal issues and litigation related to City operations and staff. The advisory and transactional section of the City Attorney’s Office is currently significantly understaffed. The amendments to these agreements will allow the City to continue to use the law firm of Best Best & Krieger, LLP for on-call legal services and Public Records Act legal services until the City Attorney’s Office is more fully staffed.

## **ENVIRONMENTAL REVIEW**

The Director of Development Services has reviewed the proposed activity for compliance with CEQA and has determined that the activity is not a “Project” as defined under Section 15378 of the State CEQA Guidelines because it will not result in a physical change in the environment; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines, the activity is not subject to CEQA. Thus, no environmental review is required.

## **BOARD/COMMISSION/COMMITTEE RECOMMENDATION**

Not applicable.

## **DISCUSSION**

The City Attorney's Office provides a wide variety of legal services to the City, including legal review, advice, consultation, and representation on diverse matters impacting the City, including its officials, management, and departments. The advisory and transactional section of the City Attorney's Office is currently significantly understaffed. As a result, the City Attorney's Office has utilized private law firms to assist in managing the City's legal needs. The City presently has legal services agreements with Best Best & Krieger LLP ("BBK") for general on-call legal services and Public Record Act legal services. The City has found that BBK has provided responsive, high quality legal assistance on a variety of matters pursuant to these agreements, including public contracting, general contract review, and Public Records Act review and responses, among other matters.

Given the large volume of legal work and the temporarily reduced level of staffing in the City Attorney's Office, the City has a continuing need to utilize the legal services of BBK. The requested second amendment to the legal services agreement for on-call legal services with BBK will increase the not-to-exceed amount on the agreement from \$300,000 to \$400,000; the amendment does not change any other provisions of the original agreement. The requested second amendment to the legal services agreement for Public Records Act services with BBK will increase the not-to-exceed amount on the agreement from \$200,000 to \$300,000 and extend the agreement through September 2025. The costs of these contract amendments were anticipated and are already included within the current year budget, so no additional appropriation is necessary. Adoption of the attached resolution will approve both proposed amendments.

## **DECISION-MAKER CONFLICT**

Staff has reviewed the decision contemplated by this action and has determined that it is not site-specific and consequently, the real property holdings of the City Council members do not create a disqualifying real property-related financial conflict of interest under the Political Reform Act (Cal. Gov't Code § 87100, et seq.). Staff is not independently aware and has not been informed by any City Council member, of any other fact that may constitute a basis for a decision-maker conflict of interest in this matter.

## **CURRENT-YEAR FISCAL IMPACT**

There is no fiscal impact as a result of this action. Funding was included in the current year budget appropriations.

## **ONGOING FISCAL IMPACT**

There is no ongoing fiscal impact as a result of this action; it is anticipated that any remaining amounts on the contract will be accounted for in the next fiscal year budget.

## **ATTACHMENTS**

1. Proposed Second Amendment to On Call Legal Services Agreement with BBK
2. Proposed Third Amendment to PRA Legal Services Agreement with BBK

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