



RESOLUTION NO. _____

BOARD LETTER APPROVAL

A handwritten signature in blue ink, reading 'Julie C. Riley', is written over a horizontal line.

JULIE C. RILEY
Senior Assistant City Attorney
General Counsel

A handwritten signature in blue ink, reading 'Martin L. Adams', is written over a horizontal line.

MARTIN L. ADAMS
General Manager and Chief Engineer

DATE: March 11, 2024

SUBJECT: Legal Services Agreement between the City of Los Angeles, acting by and through the Los Angeles Department of Water and Power, and Kaplan Kirsch & Rockwell, LLP, Agreement No. 47814.

SUMMARY

The City Attorney's Office requests approval of a resolution authorizing an agreement (Agreement) between the City of Los Angeles, acting by and through LADWP and Kaplan Kirsch & Rockwell, LLP (Kaplan Kirsch & Rockwell), Agreement No. 47814, to assist the City Attorney's Office in providing legal services to LADWP relating to site and groundwater contamination and remediation legal matters.

Outside Counsel is necessary to assist the City Attorney's Office in addressing several time-sensitive matters related to site and groundwater contamination. The City Attorney's Office completed a Request for Proposals (RFP) process and recommends entering into an agreement with Kaplan Kirsch & Rockwell with an initial allotment not to exceed \$1,600,000, commencing on May 1, 2024, and terminating on April 30, 2027.

City Council approval is not required.

RECOMMENDATION

It is recommended that the Board of Water and Power Commissioners (Board) adopt the attached Resolution authorizing execution of the Agreement with the law firm of Kaplan Kirsch & Rockwell.

ALTERNATIVES CONSIDERED

The City Attorney's Office performs and oversees legal services related to LADWP's natural resource-related and environmental issues. LADWP has occasional, but time sensitive needs for legal advice and representation services related to such issues for major projects and ongoing operation and maintenance requirements. Given the occasional and often labor-intensive needs for these types of legal services over relatively discrete periods of time, it is more cost effective to retain the assistance of outside counsel for these types of services than to hire additional permanent in-house attorneys.

COMPETITIVE PROPOSAL PROCESS

The City Attorney's Office issued a RFP in connection with site and groundwater contamination and remediation legal matters in January 2024. The City Attorney's Office received written proposals from seven law firms. After reviewing the proposals, three firms were interviewed by City Attorney's Office. Based on the proposals and interviews, the City Attorney's Office recommends an agreement with the law firm of Kaplan Kirsch & Rockwell.

FINANCIAL INFORMATION

The proposed budget for the Agreement through the 2024-2027 period is \$1,600,000. The specific Agreement amount was set by the City Attorney's Office based on estimated needs over the next three years. The rates to be paid to the firms for attorney time range from \$520 per hour for partners, \$390 per hour for associates, and \$205 for paralegals. Should needs change, we may return to the Board with a report and request for amendment.

BACKGROUND

The City Attorney's Office has maintained agreements with outside legal counsel to assist with site and groundwater contamination and remediation legal matters on an as needed basis. The City Attorney's Office seeks to enter into the Agreement with Kaplan Kirsch & Rockwell for legal services, including advice, representation and defense, in environmental matters relating to site and groundwater contamination and remediation, such as issues arising under the Comprehensive Environmental Response, Compensation, and Liability Act (commonly referred to as "Superfund"), the National Environmental Policy Act, the California Environmental Quality Act (CEQA), the Clean Water Act, the Porter-Cologne Act, and the Safe Drinking Water Act.

WAIVER OF POTENTIAL CONFLICTS

Kaplan Kirsch & Rockwell previously disclosed that the California Department of Toxic Substances Control (DTSC) previously requested Kaplan Kirsch & Rockwell's representation in matters unrelated to the Kaplan Kirsch & Rockwell's representation of LADWP. Additionally, Kaplan Kirsch & Rockwell represented an affiliate of the Lockheed Martin Corporation (Lockheed Martin) in connection with a real property transaction in Colorado, a matter also unrelated to Kaplan Kirsch & Rockwell's representation of LADWP. The Board previously granted a conflict waiver for any potential conflicted issues and Kaplan Kirsch & Rockwell will continue to maintain its ethical wall and ensure that no firm attorney who participates in the representation of LADWP will participate in the representation of its other clients moving forward. Notwithstanding the potential for adversity between LADWP and these other clients, Kaplan Kirsch & Rockwell believes it will be able to provide competent and diligent representation to LADWP and its other clients moving forward. The City Attorney's Office requests that the Board renew the conflict waiver.

ENVIRONMENTAL DETERMINATION

Determine item is exempt pursuant to CEQA Guidelines Section 15061(b)(3). In accordance with this section, General Exemptions apply in situations where it can be seen with reasonable certainty that there is no possibility that the activity in question may have a significant effect on the environment. Therefore, approving this Agreement is not subject to CEQA.

CITY ATTORNEY

The City Attorney's Office reviewed and approved the Agreement and Resolution as to form and legality.

ATTACHMENTS

- Resolution
- Agreement