

Resolution No. _____

WHEREAS, the Los Angeles Department of Water and Power (LADWP) proposes to enter into Agreement No. 47855 with Nossaman, LLP (Nossaman) (Agreement) for a term of three years; and

WHEREAS, the Office of the City Attorney on behalf of LADWP solicited requests for proposals from law firms to assist the City Attorney in providing LADWP advice and representation in matters relating to eminent domain, inverse condemnation, and real estate; and

WHEREAS, LADWP requires ongoing legal representation and advice in these occasional, unique and complex areas of law, including in order to assess, advise and assist the LADWP in property acquisitions and the defense of inverse condemnation claims that may be necessary to implement and protect LADWP projects; and

WHEREAS, Nossaman has reviewed the services to be provided and incorporated in the Agreement, and represent that they have the qualities, expertise, skills and abilities to perform such work; and

WHEREAS, Nossaman has previously identified a conflict of interest relating to their representation of the Alameda Corridor Transportation Authority (ACTA) in a transactional matter involving the LADWP, pursuant to the Rules of Professional Conduct of the State Bar of California; and

WHEREAS, due to the conflict identified, Nossaman has previously been granted a conflict waiver by LADWP for any potential conflicts that might arise out of such representation; and

WHEREAS, Nossaman will continue to maintain ethical walls to ensure that personnel performing work on LADWP issues will not work on the potentially conflicted issues or have any access to any files or information on those LADWP matters; and

WHEREAS, the Office of the City Attorney recommends the renewal of a conflict waiver for Nossaman as the potential conflicts of interest remain unchanged.

NOW, THEREFORE, BE IT RESOLVED that LADWP proposes to enter into Agreement with Nossaman in the amount not to exceed \$115,000.

BE IT FURTHER RESOLVED that in Compliance with City Charter Section 1022, the Board of Water and Power Commissioners (Board) finds it is more feasible to have the assistance of outside legal counsel due to the size and complexity of, and the expertise required, in the aforementioned matters.

BE IT FURTHER RESOLVED that the Agreement, approved as to form and legality by the City Attorney, and filed with the Secretary of the Board is hereby approved.

BE IT FURTHER RESOLVED that the Chief Accounting Employee of LADWP, upon proper certification, is authorized and directed to draw demands on the Power Revenue Fund, in accordance with the terms of the Agreement and this Resolution.

BE IT FURTHER RESOLVED that the President or Vice President, or the General Manager, or such person as the General Manager shall designate in writing, and the Secretary, Assistant Secretary, or the Acting Secretary of the Board are hereby authorized and directed to execute said Agreement for and on behalf of LADWP.

BE IT FURTHER RESOLVED that the conflict identified by Nossaman is hereby waived and consent is given to such representation, so long as Nossaman continues to maintain ethical walls to ensure that personnel performing work on LADWP matters and issues do not work on the conflicted matters or have any access to any LADWP files or information.

I HEREBY CERTIFY that the foregoing is a full, true, and correct copy of the Resolution adopted by the Board of Water and Power Commissioners of the City of Los Angeles at its meeting held

Secretary

APPROVED AS TO FORM AND LEGALITY
HYDEE FELDSTEIN SOTO, City Attorney

By

Bethany A. Burgess

BETHANY A. BURGESS

Deputy City Attorney

Date: September 26, 2024