




RESOLUTION NO. _____

BOARD LETTER APPROVAL


BENJAMIN CHAPMAN
Assistant City Attorney
General Counsel


JANISSE QUINONES
Chief Executive Officer and Chief Engineer

DATE: September 16, 2024

SUBJECT: Legal Services Agreement between the City of Los Angeles, acting by and through the Los Angeles Department of Water and Power and Nossaman, LLP, Agreement No. 47855.

SUMMARY

The Office of the City Attorney (City Attorney) requests approval of a resolution authorizing an agreement (Agreement) between the City of Los Angeles (City) acting by and through LADWP and Nossaman, LLP (Nossaman), Agreement No. 47855, to assist the City Attorney in eminent domain, inverse condemnation, and real estate legal services to the LADWP.

LADWP has maintained agreements with outside law firms to assist the City Attorney on occasional, but time intensive, eminent domain, inverse condemnation, and real estate matters. The City Attorney completed a request for proposals process to and recommends the initial allotment for the Agreement will not exceed \$115,000. The term of the Agreement is three years commencing on July 1, 2024, and terminating June 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 Nossaman.

COMPETITIVE PROPOSAL PROCESS

The City Attorney issued a Request for Proposals for outside eminent domain, inverse condemnation, and real estate legal services in July 2023. The City Attorney received written proposals from 12 law firms. After reviewing the proposals, eight firms were interviewed by the City Attorney. Based on the proposals and interviews, we are recommending an agreement with Nossaman.

FINANCIAL INFORMATION

The proposed aggregate budget for the Agreement for the 2024-2027 period is not to exceed \$115,000. The specific Agreement amount was set by the City Attorney based on estimated project needs over the next three years. The rates for attorney time is \$490 for partners and associates and \$245 for paralegals.

BACKGROUND

The City Attorney's Office at LADWP has historically maintained a panel of outside eminent domain, inverse condemnation and real estate counsel to assist on matters due to the occasional but load intensive work that must be performed on certain real estate projects.

WAIVER OF POTENTIAL CONFLICTS

The field of law firms that practice eminent domain in Los Angeles County and the State is relatively small and most firms represent multiple public entities. Within urban areas, these public entities may from time to time be adverse to each other on property and right-of-way use transactions. Nossaman previously disclosed that they represent the Alameda Corridor Transportation Authority (ACTA). LADWP is currently engaged in matters that may be adverse to ACTA. In 2019, when the previous panel of firms was approved, the Board approved a conflict waiver for Nossaman's representation of ACTA. Nossaman will continue to ensure that personnel performing work on LADWP issues will not work on any conflicted/potentially conflicted issues with ACTA or have any access to LADWP's files or information on those matters. The City Attorney's Office requests that the Board renew the conflict waiver.

ENVIRONMENTAL DETERMINATION

Determine item is exempt pursuant to California Environmental Quality Act (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 Office of the City Attorney reviewed and approved the Agreement and Resolution as to form and legality

ATTACHMENTS

- Resolution
- Agreement