



Legislation Details (With Text)

File #: 17-379 **Version:** 1 **Name:**
Type: Consent Item **Status:** Passed
File created: 7/11/2017 **In control:** City Council/Public Finance and Economic Development Authority/Parking Authority/Successor Agency to the Redevelopment Agency
On agenda: 7/17/2017 **Final action:** 7/17/2017
Title: SUBJECT: Approval of Second Amendment to Legal Services Agreement with Best, Best & Krieger

REPORT IN BRIEF

Consider approving a Second Amendment to the Legal Services Agreement with the Law Firm Best, Best & Krieger

RECOMMENDATION

City Council- Adopts a motion:

- A. Approving the Second Amendment to the Legal Services Agreement with Best, Best & Krieger;
- B. Authorizing the Interim Finance Officer to make the necessary budget adjustments; and,
- C. Authorizing the City Manager or Assistant City Manager to execute the Second Amendment to the Legal Services Agreement with Best, Best & Krieger.

Sponsors:

Indexes:

Code sections:

Attachments: 1. January 14, 2016, Legal Services Agreement with BBK, 2. January 17, 2017, First Amendment to Legal Services Agreement with BBK, 3. Second Amendment to Legal Services Agreement with BBK

Date	Ver.	Action By	Action	Result
7/17/2017	1	City Council/Public Finance and Economic Development Authority/Parking Authority/Successor Agency to the Redevelopment Agency	approved	Pass

Report Prepared by: Kelly Fincher, Chief Deputy City Attorney

SUBJECT: Approval of Second Amendment to Legal Services Agreement with Best, Best & Krieger

REPORT IN BRIEF

Consider approving a Second Amendment to the Legal Services Agreement with the Law Firm Best, Best & Krieger

RECOMMENDATION

City Council- Adopts a motion:

- A. Approving the Second Amendment to the Legal Services Agreement with Best, Best & Krieger;
- B. Authorizing the Interim Finance Officer to make the necessary budget adjustments; and,
- C. Authorizing the City Manager or Assistant City Manager to execute the Second Amendment to the Legal Services Agreement with Best, Best & Krieger.

ALTERNATIVES

- 1. Approve, as recommended by staff; or
- 2. Approve, subject to modification as conditioned by the City Council; or,
- 3. Refer to staff for reconsideration of specific items (specific items to be addressed in the motion); or,
- 4. Deny.

AUTHORITY

Charter of the City of Merced, section 200.

CITY COUNCIL PRIORITIES

N/A.

DISCUSSION

In January 2016, the City retained Iris Yang of the Law Firm best, Best and Krieger ("BBK") for specialized work relating to the City's post- Redevelopment dissolution dispute with the California Department of Finance. On November 15, 2016, the California Department of Finance filed a Petition for Writ of Mandate against the City of Merced and the Merced Designated Local Authority. The City is being represented in this matter by BBK Partner, Iris Yang, who is an experienced litigator with specific and significant experience with post-Redevelopment dissolution disputes.

The initial Agreement for legal services with BBK was entered into on January 14, 2016, for an amount not to exceed \$25,000. On January 17, 2017, the City entered into a First Amendment to that Agreement and increased the contract amount to a not to exceed amount of \$70,000 for post-redevelopment related dissolution matters and \$30,000 for complex real estate matters. As this litigation is continuing, the City needs to increase the not to exceed amount for BBK's legal services for the post-redevelopment related dissolution matters to \$140,000. The not to exceed limit for complex real estate matters is not being modified.

IMPACT ON CITY RESOURCES

The recommended contract increase will be covered by Redevelopment residual funds.

ATTACHMENTS

- 1. January 14, 2016, Legal Services Agreement with BBK
- 2. January 17, 2017, First Amendment to Legal Services Agreement with BBK
- 3. Second Amendment to Legal Services Agreement with BBK