



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: April 16, 2019

TO: Mayor and Members of the City Council

FROM: Michael A. Guina, City Attorney

SUBJECT: Resolution Of The City Council Of The City of Emeryville Authorizing Expenditure in Excess of \$45,000 for the Legal Services Provided by Jarvis Fay & Gibson, LLP

RECOMMENDATION

Staff recommends the City Council adopt the proposed resolution to authorize the City Attorney to expend an amount in excess of \$45,000 for the legal services provided by the law firm of Jarvis Fay & Gibson, LLP ("JFG").

BACKGROUND

The City Attorney's Office provides general legal advice and support to all City departments and divisions. However, the City Attorney's Office supplements the service it provides by retaining law firms to provide advice in specialized areas or when providing such advice exceeds the capacity of the in-house staff. For example, the City has general retainer agreements with the law firms of Liebert, Cassidy & Whitmore, Best, Best & Krieger, Goldfarb & Lipman, and Burke, Williams & Sorensen. These retainer agreements do not contain the typical "not to exceed amount" clauses. Instead, the City Attorney sets a budget for each matter, and identifies the funds to cover the costs of the legal services for that matter. Agreements in excess of \$45,000 require City Council authorization.

DISCUSSION

The City Attorney's Office anticipates that there will be several projects that will require extensive legal advice for compliance with the California Environmental Quality Act, Public Resources Code section 21000, et seq., ("CEQA") and other related planning issues. For example, the City will be preparing an environmental impact report (EIR) for the Onni Project. The City Attorney's Office anticipates that it will need to advise staff as it prepares the EIR, and review the EIR and comments. In addition, occasionally the City Attorney's Office seeks an expert opinion on discrete CEQA matters for other projects.

JFG is a law firm that specializes in providing CEQA and related planning legal advice. In addition, it handles litigation that involves CEQA and planning issues on behalf of public agencies. JFG previously advised the City on CEQA and related issues on the EIR for the Sherwin Williams Project.

FISCAL IMPACT

JFG's services will be funded through the City Attorney's Professional Services budget. Note however, that it is anticipated that the firm's services are subject to cost recovery, as they arise from a project application (the Onni Project). The project applicants submit a deposit for all consultant costs, including the costs for the law firm's services. Thus, it is anticipated that there is a zero-net cost to the City for the services provided by JFG.

APPROVED AND FORWARDED TO THE CITY COUNCIL OF THE CITY OF EMERYVILLE:



Michael Guina, City Attorney

ATTACHMENTS:

- Draft Resolution authorizing expenditure in excess of \$45,000 for Jarvis Fay & Gibson, LLP