


REPORT FROM

OFFICE OF THE CITY ADMINISTRATIVE OFFICER

Date: June 11, 2015

CAO File No. 0130-01756-1594
Council File No. C.F. 12-0014-S25;
C.F. 15-0419-S1
Council District: --

To: City Council

From: Miguel A. Santana, City Administrative Officer 

Reference: Attorney Conflicts Panel

Subject: **REQUEST TO AMEND LEGAL SERVICES CONTRACT WITH BYRNE & NIXON
TO EXTEND CONTRACT TERM DATES - REQUEST FOR CLOSED SESSION**

SUMMARY

The Office of the City Administrative Officer (CAO) requests authority to amend a legal services contract under the Attorney Conflicts Panel (ACP) in order to extend the termination date of a contract with the law firm of Byrne & Nixon (B&N) which expired on June 3, 2015. The proposed request would extend the termination date through October 3, 2015 in order to allow for the transition of the B&N assignments to the City Attorney's Office.

B&N was retained on June 4, 2012 under the ACP to represent the City of Los Angeles (City) in four inter-related matters concerning alleged American with Disabilities Act non-compliance violations at certain affordable housing units under the former Community Redevelopment Agency of Los Angeles, now known as the CRA/LA, a Designated Local Authority and the Successor Agency to the former Agency.

Legal representation by B&N included for an investigation by the U.S. Department of Justice, an audit by the U.S. Department of Housing and Urban Development, and two civil law suits, Mei Ling v. City, et al., Case No. CV11-07774 and Independent Living Center of Southern California, et al. v. City, et al., (ILCSC), Case No. CV12-0051. Final judgment was completed on March 5, 2015 on the Mei Ling case in the City's favor.

On November 12, 2014, the City Council authorized the City to waive the conflict of interest, pursuant to the California Rules of Professional Conduct, Rule 3-310, to allow the City Attorney's Office to reenter and resume the handling of the above listed assignments (C.F. 12-0014-S24). On March 12, 2015, the CRA/LA Successor Governing Board further agreed that the City Attorney's Office may reenter, provided that an acceptable conflict waiver is in place.

Since then, a conflict waiver has been signed and a vigorous transition has ensued. Due to the complexities and high exposure with the assignments, and the voluminous discovery in the ILCSC case, the CAO and the City Attorney's Office both agree that a short extension is needed

to properly complete the ILCSC discovery and the transition of the assignments. Further litigation status may be provided in closed session.

On April 21, 2015, the City Council approval was given for a funding increase of \$400,000 for the B&N contract under a fifth contract amendment (C.F.15-0419). To date, the fifth contract amendment is pending execution. Council authority is also requested to reflect the four month extension under the fifth contract amendment. No other funding is being requested.

RECOMMENDATIONS

That the City Council, subject to the approval of the Mayor:

1. Authorize the City Administrative Officer, or its designee, to extend the termination date to Contract No. C-121063 for the law firm of Byrne & Nixon, from June 3, 2015 to October 3, 2015;
2. Authorize the City Administrative Officer, or its designee, to reflect the extended contract termination date of October 3, 2015 under Amendment No. 5 to Contract No. 121063 for the law firm of Byrne & Nixon;
3. Authorize the City Administrative Officer to make any technical adjustments needed to implement the intent of the Mayor and Council action, and authorize the Controller to implement these instructions.

FISCAL IMPACT STATEMENT

The proposed contract amendment is in compliance with City Financial Policies. The recommendations in this report will not have an impact upon the General Fund.