

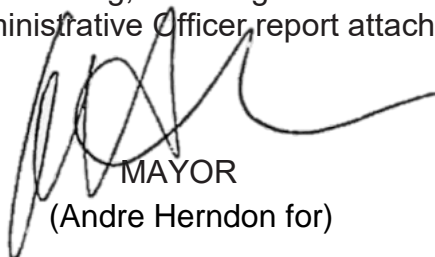
0150-11328-0002

**TRANSMITTAL**

TO Justin Erbacci, Chief Executive Officer Department of Airports	DATE 03/01/2022	COUNCIL FILE NO. 19-0418
FROM The Mayor	COUNCIL DISTRICT 11	

**Proposed Third Amendment to Remy Moose Manley LLP to Assist the City Attorney with  
Legal Matters Associated with California Environmental Quality Act**

Transmitted for further processing, including Council consideration. See the  
City Administrative Officer report attached.



MAYOR  
(Andre Herndon for)

MWS:DG:10220068t

REPORT FROM

## OFFICE OF THE CITY ADMINISTRATIVE OFFICER

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Date: February 17, 2022

CAO File No. 0150-11328-0002

Council File No. 19-0418

Council District: 11

To: The Mayor

From: Matthew W. Szabo, City Administrative Officer

Reference: Communication from the Los Angeles World Airports dated December 16, 2021; referred by the Mayor for a report on December 16, 2021

Subject: **REQUEST TO EXECUTE THE PROPOSED THIRD AMENDMENT TO REMY MOOSE MANLEY LLP TO ASSIST THE CITY ATTORNEY WITH LEGAL MATTERS INVOLVING CALIFORNIA ENVIRONMENTAL QUALITY ACT AT LOS ANGELES INTERNATIONAL AIRPORT**

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### RECOMMENDATION

That the Mayor:

1. Approve a proposed Third Amendment to Contract No. DA-5078 with Remy Moose Manley LLP to increase the contract authority by \$100,000, for a total contract amount not-to-exceed \$680,000, to assist the City Attorney with legal services associated with Los Angeles World Airports' California Environmental Quality Act matters, subject to City Attorney approval as to form and compliance with the City's Standard Provisions, including: Living Wage Ordinance, Affirmative Action Program, Business Tax Registration Certification, Child Support Obligations Ordinance, Contractor Responsibility Program, First Source Hiring Program, MLO Bidder Certification CEC Form 50, and Bidder Contributions CEC Form 55;
2. Authorize the Chief Executive Officer to execute the proposed Third Amendment to Contract No. DA-5078, upon approval by the Los Angeles City Council, and prior to the execution of the Third Amendment, Remy Moose Manley LLP must:
  - a. Have approved insurance documents, in the terms and amounts required, on file with Los Angeles World Airports; and
  - b. Be determined by Public Works, Office of Contract Compliance to be in full compliance with the provisions of the Equal Benefits Ordinance; and
3. Return the request to the Los Angeles World Airports for further processing, including Council consideration.

## SUMMARY

The Executive Director of the Los Angeles World Airports (LAWA; Department) requests approval to execute the proposed Third Amendment (Amendment) to Contract No. DA-5078 (Contract) with Remy Moose Manley LLP (RMM) to add \$100,000 to the contract authority, for a total not-to-exceed amount of \$680,000, to assist the City Attorney with legal services related to LAWA's California Environmental Quality Act (CEQA) challenges. Approval of the Third Amendment will permit the Department to retain legal support on key issues involving environmental and regulatory matters through the Contract expiration date of April 30, 2022. RMM will provide ongoing advice on CEQA issues as it relates to LAWA's development projects, such as the Airfield and Terminal Modernization Project (ATMP).

Pursuant to City Charter Sections 272(c) and 275, proprietary City departments, through their Boards, and with written consent of the City Attorney, may contract with attorneys outside of the City Attorney's Office to assist the City Attorney in providing legal services to proprietary departments. LAWA has, with authorization from the City Attorney, elected to contract with RMM to address environmental issues related to CEQA.

According to the Department, there is insufficient in-house and City Attorney staff with the required specialized expertise in the areas necessary to timely respond or provide advice on environmental and regulatory matters. The Los Angeles World Airports (LAWA; Department) and the City Attorney have therefore relied upon outside counsel to assist with legalities as it relates to environmental disputes. From the execution of the original contract through the Second Amendment, RMM has provided LAWA with legal counsel on various environmentally-complex projects.

A vast collection of highly technical tasks that require specialized services from RMM are comprised of environmental matters that could potentially emerge at LAX, which includes the Facilities and Operations Modernization, environmental analysis related to previously approved projects, transactional support and development, and advice for upcoming projects within the LAX Northside Specific Plan. It is also expected that RMM will assist LAWA and the City Attorney settle the ATMP CEQA threats of litigation, advise on regulatory issues that arise at both Van Nuys Airport and LAX, and engage in pre-litigation defense processes.

The Third Amendment to the Contract will be utilized as a holdover for RMM to cover ongoing work. As of January 31, 2022, the Department staff reports that there are no remaining funds in the contract authority, and without the Amendment, LAWA will not have the ability to quickly investigate its CEQA matters, thus causing delays to active projects. A fourth amendment is not expected as LAWA released a Request for Proposal in the last week of January 2022, with the anticipation that a new contract is awarded and executed by April 1, 2022.

The BOAC approved the proposed amendment at its meeting on December 16, 2021. Actions taken on this item by the BOAC will become final pursuant to the provisions of the Los Angeles Charter Section 373.

## **FISCAL IMPACT STATEMENT**

Approval of the proposed Third Amendment to Contract No. DA-5078 with Remy Moose Manley LLP will have no impact on the General Fund. Funding for this Contract is available in the Fiscal Year 2021-22 Los Angeles World Airports Operating Budget in LAX Cost Center 1110004 - Legal Services Division, Commitment Item 520 - Contractual Services. Funds for subsequent periods will be requested as part of the annual budget process. This item complies with the Department's adopted Financial Policies.

*MWS:DG:10220068*