



RESOLUTION NO. 27412

WHEREAS, on recommendation of Management, there was presented for approval, Fifth Amendment to Contract DA-5355 with Anderson & Krieger, LLP to increase the contract authority by \$900,000 and add an additional year to the contract, for legal services to assist Los Angeles World Airports and the Los Angeles City Attorney with federal regulatory work and related matters, including litigation; and

LAX

Van Nuys
City of Los Angeles

WHEREAS, said increase amount of \$900,000 was an amendment of the originally proposed increase amount of \$1,300,000 and approved by the Board at the meeting; and

Eric Garcetti
Mayor

Board of Airport
Commissioners

Beatrice C. Hsu
President

Valeria C. Velasco
Vice President

Sean O. Burton
Gabriel L. Eshaghian
Nicholas P. Roxborough
Dr. Cynthia A. Telles
Karim Webb

WHEREAS, Anderson & Krieger LLP is currently under contract with the City Attorney's Office to assist with federal regulatory advice and litigation, including the case of Turo, Inc. v. City of Los Angeles, Case No. 2:18-cv-06055-CAS (GJSx). For said case, in addition to defending the City of Los Angeles (City) and Los Angeles World Airports (LAWA) in the civil lawsuit brought against them by Turo, Inc., the City and LAWA also brought affirmative claims against Turo, Inc., and some of its so-called "Super Hosts," alleging that they are engaged in an unlawful commercial rental car business that violates LAWA ground transportation rules at Los Angeles International Airport (LAX) and constitutes a trespass upon LAWA's LAX property. There are extensive amounts of legal proceedings that are ongoing in said litigation, including competing discovery motions and requests for protective orders; and

Justin Erbacci
Chief Executive Officer

WHEREAS, at the end of October 2021, a court-ordered mediation was held. At the conclusion of the twelve-hour session, a partial settlement was achieved. However, a second mediation session is required in order to clarify a few salient points. The mediation's second session will be taking place in January 2022; and

WHEREAS, additionally, Anderson & Krieger LLP's legal assistance has been utilized in additional matters including assistance with the Northside development project, the ARSAC mediation, the Airline Cost Stabilization and Recovery Plan, issues regarding use of LAWA property for people experiencing homelessness at LAX, lease negotiations concerning property located at Van Nuys Airport and other inquiries regarding Federal Aviation Administration regulations. Further assistance from Anderson & Krieger LLP will be required ongoing for those matters as well. Therefore, additional funding is required to support those critical legal activities. The Fifth Amendment will also set a new termination date of February 28, 2023; and

WHEREAS, presently, the City Attorney's Office does not have sufficient in-house expertise to handle certain complex federal regulatory and related litigation matters and, therefore, requires outside counsel's assistance. While the City Attorney's Office provides legal services and closely oversees and manages Anderson & Krieger, LLP's services, LAWA's continued need for specialized legal services exceeds in-house capacity. Given the highly complex, technical, and often a need to look to outside counsel to assist in fully addressing these aspects of advice, both in transactional and litigation matters, it is necessary to use the services of outside counsel such as Anderson & Krieger, LLP; and

WHEREAS, funds for the Amendment are available in the Fiscal Year 2021-2022 LAWA Operating Budget in LAX Cost Center 1110004 – Legal Services Division, Commitment Item 520 – Contractual Services. Funds for subsequent years will be requested as part of the annual budget process; and



WHEREAS, this action, as a continuing administrative activity, is exempt from California Environmental Quality Act (CEQA) requirements pursuant to Article II, Section 2.f. of the Los Angeles City CEQA Guidelines; and

WHEREAS, Anderson & Krieger, LLP is required to comply with the provisions of City Charter Section 609(e) and related ordinances; and

WHEREAS, Anderson & Krieger, LLP is required by contract to comply with the provisions of the Living Wage Ordinance; and

WHEREAS, Anderson & Krieger, LLP is required by contract to comply with the provisions of the Affirmative Action Program; and

WHEREAS, Anderson & Krieger, LLP has been assigned Business Tax Registration Certificate 0002330068-0001-1; and

WHEREAS, Anderson & Krieger, LLP is required by contract to comply with the provisions of the Child Support Obligations Ordinance; and

WHEREAS, Anderson & Krieger, LLP has approved insurance documents, in the terms and amounts required, on file with LAWA; and

WHEREAS, pursuant to Charter Section 1022, it has been determined that the work specified in the contract can be performed more feasibly or economically by an independent contractor than by City employees; and

WHEREAS, Anderson & Krieger, LLP has submitted the Contractor Responsibility Program Pledge of Compliance, and will comply with the provisions of said program; and

WHEREAS, Anderson & Krieger, LLP has been determined by the Public Works, Office of Contract Compliance, to be in full compliance with the provisions of the Equal Benefits Ordinance; and

WHEREAS, Anderson & Krieger, LLP will be required to comply with the provisions of the First Source Hiring Program for all non-trade LAX jobs; and

WHEREAS, Anderson & Krieger, LLP has submitted the Bidder Contributions CEC Form 55, and will comply with its provisions; and

WHEREAS, Anderson & Krieger, LLP has submitted the MLO Bidder Contributions CEC Form 50, and will comply with its provisions; and

WHEREAS, Anderson & Krieger, LLP will be required to comply with the provisions of the Iran Contracting Act of 2010 Affidavit; and

WHEREAS, actions taken on this item by the Board of Airport Commissioners will become final pursuant to the provisions of Los Angeles City Charter Section 373;

NOW, THEREFORE, BE IT RESOLVED that the Board of Airport Commissioners adopted the amended Staff Report; determined that this action is exempt from CEQA pursuant to Article II, Section 2.f. of the Los Angeles City CEQA Guidelines; found that the work can be performed more economically or feasibly by an independent contractor than by City employees; approved the Fifth Amendment to Contract DA-5355 with Anderson & Krieger, LLP to increase the contract authority by \$900,000 and add an additional year to the contract, for legal services to assist Los Angeles

World Airports and the Los Angeles City Attorney with federal regulatory work and related matters, including litigation; and authorized the Chief Executive Officer to execute said Fifth Amendment to Contract DA-5355 with the law firm of Anderson & Krieger, LLP after approval as to form by the City Attorney and approval by the Los Angeles City Council.

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I hereby certify that this Resolution No. 27412 is true and correct, as adopted by the Board of Airport Commissioners at its Regular Meeting held on Thursday, January 6, 2022.



Grace Miguel – Secretary
BOARD OF AIRPORT COMMISSIONERS