



Council Agenda Report

To: Mayor Grisanti and the Honorable Members of the City Council

Prepared by: Elizabeth Shavelson, Deputy City Manager

Reviewed by: Joseph D. Toney, Assistant City Manager

Approved by: Steve McClary, City Manager

Date prepared: November 21, 2022 Meeting date: December 12, 2022

Subject: Amendment to Professional Services Agreement with Stoel Rives LLP

RECOMMENDED ACTION: Authorize the Mayor to execute Amendment No. 2 to the Professional Services Agreement with Stoel Rives LLP for a total contract amount not to exceed \$125,000.

FISCAL IMPACT: No additional appropriation is required. The Funding for this amendment is included in the Adopted Budget for Fiscal Year 2022-2023 in Account No. 100-7005 (Legal Counsel) budget.

WORK PLAN: This item was not included in the Adopted Work Plan for Fiscal Year 2022-2023. This project is part of normal staff operations.

DISCUSSION: On May 9, 2022, the City engaged Stoel Rives LLP to represent the City of Malibu with respect to potential litigation against the County of Los Angeles regarding 1) its plans for Camp Kilpatrick to be used as a permanent Secured Youth Track Facility (SYTF) for male youth and 2) the Santa Monica Mountains Local Coastal Program Amendment (LCPA) to modify the standard of review under which resource-dependent uses, including low impact campgrounds, may be established in sensitive habitats. The City contracts with Best, Best & Krieger LLP (BBK) to provide legal services including representing the City in litigation. Due to a conflict of interest, BBK is unable to represent the City in these matters.

On March 15, 2022, the Los Angeles County Board of Supervisors voted to move high-risk juvenile prisoners to Camp Vernon Kilpatrick and to develop a plan for renovations of the facility within 120 days. Camp Vernon Kilpatrick is located in the Santa Monica

Mountains north of Malibu. Since that time, the County has begun to move a number of juvenile prisoners to Camp Kilpatrick on a “temporary” basis. Stoel Rives LLP has assisted the City with its continual opposition to the project, including the County’s failure to analyze the wildfire, public safety and other environmental effects of the project under the California Environmental Quality Act.

On April 19, 2022, the Los Angeles County Board of Supervisors held a public hearing and adopted a motion to amend the Santa Monica Mountains Local Coastal Program to allow low-impact camping in environmentally sensitive areas consistent with the California Coastal Commission’s (CCC) recommendation. The Board instructed County Counsel to prepare a resolution adopting the policy revisions to the Santa Monica Mountains Land Use Plan and prepare an ordinance to adopt the revision to the Santa Monica Mountains Land Implementation Plan and instructed the Director of Regional Planning to transmit the adopted amendment to the CCC once finalized. On November 15, 2022, the Board approved and adopted the resolution and ordinance, which will be sent to the CCC to determine whether it meets the requirements for final certification and implementation. Stoel Rives LLP has assisted the City in its continued opposition to the LCP amendments, including their potential to exacerbate wildfire related impacts.

At this time, if the Council wishes to continue its objections to the County’s plan to move high-risk juvenile prisoners to Camp Vernon Kilpatrick and the County’s LCPA for camping in environmentally sensitive areas, additional legal services are needed. To this end, staff recommends that the City Council authorize the Mayor to execute Amendment No. 2 to the Professional Services Agreement with Stoel Rives LLP increasing the budget for the work by \$25,000 for a total contract amount not to exceed \$125,000. Additional legal budget may be needed in the future to continue this effort, depending upon the County’s actions. Further, this increased budget is for the administrative process on these two matters only and does not include potential litigation against the County.

ATTACHMENTS: 1) Amendment No. 2 to Professional Services Agreement with Stoel Rives LLP

AMENDMENT NO. 2 TO AGREEMENT

THIS AMENDMENT NO. 2 TO that May 9, 2022 Engagement Letter and Advanced Waiver is made and entered in the City of Malibu on December 12, 2022, by and between the CITY OF MALIBU, hereinafter referred to as City, and Stoel Rives, LLP, hereinafter referred to as Consultant.

The City and the Consultant agree as follows:

RECITALS

A. On May 9, 2022, the City entered into an Agreement with Consultant for legal services (the "Agreement").

B. On August 8, 2022, the City entered into Amendment No. 1 with Consultant to authorize an additional seventy-five thousand dollars (\$75,000.00) for a total amount not to exceed one hundred thousand dollars (\$100,000.00).

C. The City desires to amend the Agreement to authorize an additional twenty-five thousand dollars (\$25,000.00) for a total amount not to exceed one hundred and twenty-five thousand dollars (\$125,000.00).

NOW THEREFORE, in consideration of their mutual promises, obligations and covenants hereinafter contained, the parties hereto agree as follows:

1. City and Consultant agree that the authorized budget for the Agreement is increased by twenty-five thousand dollars (\$25,000.00) for a total amount not to exceed one hundred and twenty-five thousand dollars (\$125,000.00). Any amount in excess of this amount shall require written approval by the City.
2. The Parties agree that this Amendment will be considered signed when the signature of a party is delivered physically or by facsimile transmission or scanned and delivered via electronic mail. Such facsimile or electronic mail copies will be treated in all respects as having the same effect as an original signature.
3. All terms and conditions of the Agreement not amended by this Amendment No. 1 remain in full force and effect.

This Agreement is executed on _____, at Malibu, California, and effective as of November 10, 2022.

CITY OF MALIBU:

PAUL GRISANTI, Mayor

ATTEST:

KELSEY PETTIJOHN, City Clerk
(seal)

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED
BY THE CITY ATTORNEY'S OFFICE

TREVOR RUSIN, Interim City Attorney

CONSULTANT:

By: STOEL RIVES LLP

Timothy Taylor
Lindsay Puckett