



MEMORANDUM

Agenda Item #: 5
Meeting Date: March 13, 2018

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: ANTON DAHLERBRUCH, CITY MANAGER /s/

SUBJECT: REQUEST FOR CONSENT TO ASSIGN CURRENT LEGAL SERVICES AGREEMENT

DATE: MARCH 13, 2018

ISSUE/PURPOSE

Shall the City Council Approve Amendment No. 3 to Legal Services Agreement between City of Palos Verdes Estates and Jenkins & Hogin LLP to consent to an assignment to Best, Best, & Krieger LLP of the Agreement (ATTACHMENT A)?

DISCUSSION:

The City has an agreement with Jenkins & Hogin, LLP to provide legal services and perform the functions of city attorney. The agreement requires the City's consent for any assignment of the agreement. Jenkins & Hogin, LLP has requested the City consent to an assignment to Best, Best, & Krieger LLP <https://www.bbklaw.com/>. (ATTACHMENT B) The request is made because the two firms are merging. The merger would not result in any changes to the City in that the terms of the City's legal services agreement would be exactly the same. The lawyers currently working with the City are part of the merger and will continue to serve the City in the same capacities.

FISCAL IMPACT

There is no fiscal impact associated with Amendment No. 3.

NOTIFICATION

This agenda item was noticed in accordance with City practices and requirements.

ALTERNATIVES

The alternatives available to the City Council include:

1. Approve Amendment No. 3 for assignment of the agreement to Best, Best & Krieger LLP.
2. Decline to act and provide alternative direction.
3. Request additional information.

CONCLUSION/RECOMMENDATION

Approve Amendment No. 3 to Legal Services Agreement between City of Palos Verdes Estates and Jenkins & Hogin LLP to consent to an assignment to Best, Best, & Krieger LLP of the Agreement. (ATTACHMENT A)

ATTACHMENTS:

- Attachment A. Amendment No. 3 to Legal Services Agreement
- Attachment B. Letter from Christi Hogin requesting Assignment
- Attachment C. [Agreement and Amendments with Jenkins & Hogin](#)

Amendment No. 3
to Legal Services Agreement between City of Palos Verdes Estates and Jenkins & Hogin LLP
ASSIGNMENT OF AGREEMENT FOR SERVICES

This constitutes written consent to an assignment to Best, Best, & Krieger LLP of the Agreement for Services between City of Palos Verdes Estates ("City") and Jenkins & Hogin, LLP ("the Firm") dated April 16, 2010, as amended November 12, 2012, and March 1, 2015 (the "Agreement"). The consent is valid beginning April 1, 2018.

RECITALS

- A. The City entered into an Agreement with the Firm to provide legal services and perform the functions of city attorney.
- B. The Firm desires to assign or transfer interest in the Agreement to Best, Best, & Krieger LLP ("Assignee").
- C. Pursuant to Section 11 of the Agreement, Jenkins & Hogin, LLP requested permission to assign the Agreement to Assignee. The attorneys of Jenkins & Hogin LLP, including City Attorney Christi Hogin, desire to merge law practices with Assignee and continue to practice under the auspices of Assignee. Assignee warrants that it possesses the skill and training to fully undertake the obligations of the Consultant under the Agreement and agree to all its terms. Moreover, the assignment will not change any of the personnel, fees, or other terms of the Agreement.

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

- 1. Consent. The City hereby consents to the assignment as requested effective April 1, 2018. If the Firm submits a fully executed assignment of the Agreement, the Firm will be excused from further obligations under the Agreement and Assignee will thereby assume all the Firm's obligations under the Agreement.
- 2. Client Files. The City hereby authorizes Firm to release hardcopy and electronic versions of any and all client papers and property including, without limitation, correspondence, e-mail, pleadings and other court filings, memoranda, legal research, draft documents, deposition transcripts, exhibits, physical evidence, expert reports, billing records, and other items contained in Firm's files related to the City to Assignee or to its representative or attorney. This authorization specifically extends to materials covered by the attorney client privilege and attorney work product doctrine, as well confidential and privileged materials related to personnel matters.
- 3. Limited Amendment. All terms and conditions of the Agreement remain in full force and effect.

The Firm:



 Christi Hogin
 Partner, JENKINS & HOGIN, LLP

CITY OF PALOS VERDES ESTATES:

MAYOR

ATTEST:

 CITY CLERK
 (Seal)

JENKINS & HOGIN, LLP
A LAW PARTNERSHIP

MICHAEL JENKINS
CHRISTI HOGIN
JOHN C. COTTI
GREGG KETTLES
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February 28, 2018

Mayor Vandever and
Honorable Councilmembers
Palos Verdes Estates City Hall
340 Palos Verdes Dr West
Palos Verdes Estates, CA 90274

Reference: Request for Assignment of Legal Services Agreement

Dear Mayor and Councilmembers:

I write to request the City's consent to assign my firm's contract with the City to Best, Best & Krieger LLP. This request is made pursuant to Section 11 of the Agreement.

First off, let me take this opportunity to say what I hope you already know. I am honored to serve this community and to be part of the Council's continued commitment to this beautiful and special place.

We have enjoyed practicing municipal law as a small group, but we see advantages for our clients in joining forces with a larger public agency law firm at this time. The merger will relieve me and Michael of the day-to-day responsibility of running the business end of the practice, which will free us up to spend our work time just practicing law. The merger will also give our clients access to the broad expertise of Best, Best, & Krieger LLP. BB&K has the most extensive public agency practice of any law firm in California. BB&K has expertise in a full panoply of relevant areas, including, to name a few, drone regulations and new technologies (like driverless cars and broadband infrastructure), water law, litigation, personnel and employment, real estate, and public finance. BB&K also have advocates for clients in Sacramento and Washington DC.

The attorneys of Jenkins & Hogin LLP desire to merge law practices with BB&K, which would allow us to continue to practice law in the same manner that we are now but under the auspices of BB&K and with those additional resources. BB&K is a highly

JENKINS & HOGIN, LLP

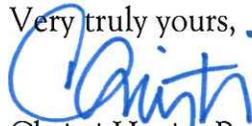
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valued part of the California city attorneys community. Like us, their lawyers are active in the League of California cities and champion local government. Lawyers at BB&K possess the skill and training to assist us in serving the City. However, consent to the assignment will not change any of the personnel, fees, or other terms of the City's current Agreement. I will continue to serve as City Attorney, assisted by John, Gregg, Lauren, and others from our firm with whom staff has built trusting professional relationships. We will continue to work from our current offices.

I take my commitment to the City seriously and make this request with confidence that we will be able to deliver excellent service to the City without additional cost.

Very truly yours, .



Christi Hogin, Partner
Jenkins & Hogin, LLP