



City of Culver City

Mike Balkman Council
Chambers
9770 Culver Blvd.
Culver City, CA 90232

Staff Report

File #: 18-0934, **Version:** 1

Item #: C-5.

HA - Approval of an Amendment to the Existing Professional Services Agreement with Kane, Ballmer and Berkman for Legal Services on an As-Needed Basis.

Meeting Date: March 12, 2018

Contact Person/Dept: Tevis Barnes/CDD-Housing

Phone Number: (310)253-5782

Fiscal Impact: Yes ☒ No ☐

General Fund: Yes ☐ No ☒

Public Hearing: ☐ **Action Item:** ☒ **Attachments:** ☐

Commission Action Required: Yes ☐ No ☒ **Date:**

Public Notification: Kane, Ballmer and Berkman (02/26/2018); and (E-Mail) Meetings and Agendas - City Council (03/06/18)

Department Approval: Sol Blumenfeld, Community Development Director (03/01/18)

RECOMMENDATION:

Staff recommends the Culver City Housing Authority (Authority) Board approve an amendment to the existing professional services agreement with Kane, Ballmer, and Berkman for legal services on an as-needed basis.

BACKGROUND:

Kane, Ballmer & Berkman (KBB) has provided legal services to the City, former Culver City Redevelopment Agency (CCRA), Successor Agency to the CCRA, Culver City Parking Authority and Culver City Housing Authority since 1989, on various land use and housing matters.

DISCUSSION:

As Special Counsel to the Authority, KBB renders specialized legal services on an as-needed basis as requested by the Executive Director. These services generally pertain to affordable housing, homeowner and tenant assistance programs, use of Low and Moderate Income Housing Asset

Funds, Section 8 and affordable housing development. Services provided by the firm include:

- Legal advice and consultation and legal opinions on housing matters
- Review of affordable housing statutes and legislation.
- Representation at hearings, meetings and other housing related proceedings
- Litigation
- Development Agreement review

The Housing Division is requesting the KBB agreement be amended to remove the maximum compensation amount to allow for utilization of KBB's services on an as-needed basis. Keeping these agreements up-to-date will assist the Division with continuing to receive consistent, high quality, legal representation. Such legal services are often needed to quickly respond to immediate requests. In order to facilitate the handling of these issues, the Division requests to have flexibility in managing outside counsel through the use of on-going legal services contracts that allow the Division to utilize counsel as necessary.

The Division's total budget for legal services is approved each fiscal year by the Board. If the Board approves the recommended amendment to the KBB agreement, this does not authorize the expenditure of additional funds beyond the total amount appropriated by the Board via the annual budget process. The Division cannot exceed the amount budgeted without obtaining additional authorization from the Board.

FISCAL IMPACT:

Historically, the amount expended each fiscal year has been approximately \$50,000.¹

ATTACHMENT:

None

MOTION:

That the Housing Authority Board:

1. Approve an amendment to the existing professional services agreement with Kane, Ballmer and Berkman for legal services on an as-needed basis;
2. Authorize the Authority General Counsel to review/prepare the necessary documents; and
3. Authorize the Authority Executive Director to execute such documents on behalf of the City.

NOTES:

1. In Fiscal Year (FY) 2015-2016 the Authority spent \$52,710 on legal services through KBB. In FY 2016-2017 the Authority expended \$47,146 for legal services. For FY 2017-2018, since July 1, 2017, the Authority has spent \$29,668 on legal services. This amount is anticipated to increase to approximately \$50,000 due largely to the recent housing legislation enacted by the state earlier this year.