



- **Board of Directors**
Legal and Claims Committee

3/14/2023 Board Meeting

7-13

Subject

Authorize an increase in the maximum amount payable under contract with Burke, Williams & Sorensen, LLP for legal services related to general real estate and leasing law issues by \$100,000 to a maximum amount payable of \$200,000; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA

Executive Summary

In August 2019, Burke Williams & Sorensen, LLP (Burke Williams) began providing Metropolitan with legal advice and support services for specialty real estate and right-of-way matters. The General Counsel's Office authorized a not-to-exceed contract amount of \$100,000, but the need for general and specialized advice in real estate and leasing, telecommunications site licensing, and general permitting issues is ongoing and will require additional funds exceeding the General Counsel's authority. To continue support of these critical and ongoing efforts, staff requests Board authorization to increase the maximum amount payable under the existing contract to \$200,000.

Details

Background

The Burke Williams law firm has special expertise in general real estate and eminent domain matters. Such expertise is helpful in the acquisition, disposition, and management of Metropolitan rights of way, public works facilities, easements, and operational lands. Specialized commercial leasing and land management expertise is also needed in order to provide assistance in drafting leases and agreements to encourage water-efficient farming, water supply preservation, and water quality. The Burke Williams law firm also assists Metropolitan with the creation and implementation of protocols to deal with illegal encampments and encroachments on Metropolitan land and the siting and management of telecommunication sites and other secondary uses of Metropolitan property.

Policy

Metropolitan Water District Administrative Code Section 6431: Authority to Obtain Expert Assistance

Metropolitan Water District Administrative Code Section 11104: Delegation of Responsibilities

California Environmental Quality Act (CEQA)

CEQA determination for Option #1:

The proposed action is not defined as a project under CEQA (Public Resources Code Section 21065, State CEQA Guidelines Section 15378) because the proposed action involves fiscal decisions that will not cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Additionally, where it can be seen with certainty that there is no possibility that the proposed action in question may have a significant effect on the environment, the proposed action is not subject to CEQA (Section 15061(b)(3) of the State CEQA Guidelines).

CEQA determination for Option #2:

None required

Board Options

Option #1

Authorize an increase in the maximum amount payable under contract with Burke, Williams & Sorensen, LLP for general real estate legal services by \$100,000 to a maximum amount payable of \$200,000

Fiscal Impact: \$100,000, authorized legal services funded within the FY 2022/23 budget

Business Analysis: Expert special counsel will assist staff in general and specialized real estate transactions, right-of-way issues, licenses, leases, and other matters.

Option #2

Do not authorize the contract increase

Fiscal Impact: Unknown

Business Analysis: Without expert special counsel, the legal support of real property acquisitions, dispositions, and management could be more uncertain.

Staff Recommendation

Option #1



Marcia Scully
General Counsel

3/1/2023

Date