

APPROVED
by the Board of Directors of
The Metropolitan Water District
of Southern California
at its meeting held

7-8

JUN 13 1995

**MWD**

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Daten Endorf
EXECUTIVE SECRETARY

May 23, 1995

To: Board of Directors (Organization and Personnel Committee--Action)
(Legal and Claims Committee--Action)

From: General Counsel

Subject: Authorization to Amend Agreements with Special Counsel for Eminent Domain Litigation to Acquire Property for the Domenigoni Valley Reservoir Project.

RECOMMENDATION:

It is recommended that the Board of Directors authorize the General Counsel to extend by three years the term of the contracts with Avila & Putnam, Best, Best & Krieger, Hill, Farrer & Burrill, McCormick, Kidman & Behrens, and Katherine Stone, who are acting as special counsel for the eminent domain litigation for the Domenigoni Valley Reservoir Project, and to amend the terms of the contracts with Katherine Stone and Avila & Putnam.

N. Gregory Taylor
N. Gregory Taylor
General Counsel

BRIEF DESCRIPTION:

In July, 1992, your Board authorized the General Counsel to retain four law firms on three year contracts to represent Metropolitan in eminent domain litigation arising from the Domenigoni Valley Reservoir Project. These contracts expire in July, 1995. In October, 1993, your Board authorized the retention of Katherine Stone to handle the eminent domain action arising from the CEQA case filed by owner, Paul Garrett. Each of the firms has eminent domain cases still pending requiring that the contracts be extended. Avila & Putnam has negotiated for an increase in the hourly rate charged for paralegal services to \$70, which is lower than the rates charged by the other firms. The General Counsel has negotiated a reduction in the hourly rate charged by Ms. Stone to \$195 per hour.

<p style="text-align: center;"><u>CONTRACT TYPE</u></p> <p><input type="checkbox"/> NEW</p> <p><input checked="" type="checkbox"/> AMENDED</p> <p style="text-align: center;"><u>CONTRACT FORM</u></p> <p><input type="checkbox"/> LEASE</p> <p><input checked="" type="checkbox"/> PROFESSIONAL SERVICES</p>	<p style="text-align: center;"><u>FUNDING</u></p> <p><input checked="" type="checkbox"/> CAPITAL</p> <p><input type="checkbox"/> O & M</p> <p style="text-align: center;"><u>BUDGET STATUS</u></p> <p><input type="checkbox"/> FY 94/95 AMT _____</p> <p><input type="checkbox"/> OUT-YEAR AMT _____</p> <p><input type="checkbox"/> NON-BUDGET AMT _____</p>	<p style="text-align: center;"><u>TYPE OF COMPETITION</u></p> <p><input type="checkbox"/> RFQ</p> <p><input type="checkbox"/> RFP NO. _____</p> <p><input checked="" type="checkbox"/> INFORMAL RFP</p> <p><input type="checkbox"/> OTHER COMPETITION</p> <p>_____</p> <p><input checked="" type="checkbox"/> SOLE SOURCE</p>
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PURPOSE/BACKGROUND:

In July, 1992, your Board authorized the General Counsel to enter three year contracts with the following firms to handle the eminent domain cases expected to be generated by the Domenigoni Valley Reservoir Project: Avila & Putnam, Best, Best & Krieger; Hill, Farrer & Burrill; and McCormick, Kidman & Behrens. At the time, the General Counsel anticipated that 25 cases would be referred for condemnation proceedings. That number was greatly exceeded with a total of 101 eminent domain actions filed to date, and 38 cases still active. Each firm retained for this work still has cases pending. The contracts expire in July, 1995, and it is necessary that they be extended to allow the cases to be completed.

It is recommended that the General Counsel be authorized to extend the terms of these contracts for three years on the same terms, except that the rate charged by Avila & Putnam for paralegal services will change from \$65 to \$70 per hour. This change brings the firm within the range charged by the other firms for paralegal services.

In October, 1993, your Board authorized the General Counsel to retain Katherine Stone for purposes of representing Metropolitan in the eminent domain action to acquire 577 acres owned by Paul Garrett for the Project. Ms. Stone had successfully defeated a CEQA challenge filed by Mr. Garrett and was familiar with the property involved. The eminent domain action is set for trial in January, 1996. It is recommended that the General Counsel be authorized to extend Ms. Stone's contract for the same three year period and terms provided to the other law firms, except that the rate charged for her services will change from \$210 to \$195 per hour. This rate will be a blended rate for Ms. Stone and Roger Myers of the firm of Myers, Widders & Gibson, with which she is of counsel.

MBE/WBE:

The firm of Avila & Putnam is a certified MBE. Katherine Stone is a certified WBE.

CEQA COMPLIANCE / ENVIRONMENTAL DOCUMENTATION:

Pursuant to Section 15061 of the California Environmental Quality Act (CEQA) Guidelines, the action requested by this Letter is exempt from the provisions of CEQA as it does not constitute a project as defined in Section 15378 of the Guidelines.

<p><u>RFP STATISTICS</u></p> <p>23 FIRMS REQUESTED RFP</p> <p>13 FIRMS SUBMITTED PROPOSALS</p> <p>6 FIRMS WERE SHORT-LISTED</p> <p><u>CONTRACTS WITH CONSULTANT</u></p> <p><input type="checkbox"/> TOTAL NO. _____</p> <p><input type="checkbox"/> MAXIMUM DOLLAR AMT. _____</p>	<p><u>EVALUATION CRITERIA</u></p> <p>_____</p> <p>_____</p> <p>_____</p> <p><u>CONTRACTUAL DETAILS</u></p> <p><input checked="" type="checkbox"/> ANTICIPATED DURATION--THREE YEARS</p> <p><input checked="" type="checkbox"/> HOURLY RATES--VARIOUS</p>
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SOLE SOURCE JUSTIFICATION: (OPTIONAL)
