REPORT

DATE: June 7, 2007

TO: Administration Committee
Regional Council

FROM: Joann Africa, Interim Director of Legal Services, 213-236-1928, africa@scag.ca.gov

SUBJECT: Fulbright & Jaworski Contract

EXECUTIVE DIRECTOR'S APPROVAL:

RECOMMENDED ACTION:
Authorize amendment to the Fulbright & Jaworski contract to increase maximum amount payable by $50,000 for Fiscal Year 2006-2007, and to continue contract on a month-to-month basis starting July 1, 2007.

BACKGROUND:
The Regional Council previously authorized the retention of Fulbright & Jaworski and in particular, Colin Lennard, to serve as SCAG's General Counsel. Mr. Lennard has served as SCAG's General Counsel for over twenty years. Under the terms of the existing contract, Mr. Lennard or his designee provide legal services as requested by the Regional Council, the Executive Director and the Chief Counsel. All legal services performed by Fulbright & Jaworski firm are billed at the blended rate of $350 per hour, and the maximum amount payable under the contract is $200,000.

Due to additional legal costs, including those associated with services related to such issues as subregional audits, RHNA, and air quality matters, it is necessary to increase the maximum contract amount payable for this fiscal year by $50,000. These services include the work of Jeff Margulies from Fulbright & Jaworski who served as legal counsel to the RHNA Appeals Board and prepared the written decisions of the Board regarding the more than 60 appeals and revision requests filed by local jurisdictions.

In addition, because the contract expires on June 30, 2007, it is necessary to extend the term of the contract to allow services to continue beyond this date. Based upon previous comments and questions by the Regional Council regarding this contract, it had been staff's intent to use a competitive process for selecting the General Counsel prior to the expiration of the Fulbright contract. However, with the departure of Karen Tachiki as Chief Counsel in February 2007, staff felt it would be in SCAG's best interests to not start this process until the Chief Counsel position had been filled. Staff anticipates completing the recruitment for the Chief Counsel position by the end of July 2007, and thereafter, will commence the competitive selection process for General Counsel. In the meantime, it is necessary to extend the term of the contract, and staff proposes to do so on a month-to-month basis starting July 1, 2007. All other terms and conditions of the agreement would remain the same.

FISCAL IMPACT:
Funding for the proposed amendment is included in the FY 2006-2007 and FY 2007-2008 Budgets for Legal Services, and will be allocated as appropriate between the General Fund and Indirect Costs Fund.

Reviewed by:

Division Manager

Reviewed by:

Department Director

Reviewed by:

Chief Financial Officer