



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 18-0981, Version: 1

SUBJECT

Approve the First Amendment to Outside Counsel Agreement with Nielsen, Merksamer, Parrinello, Gross & Leoni for Legal Services

BACKGROUND

Marguerite Leoni, a partner in the law firm Nielsen, Merksamer, Parrinello, Gross & Leoni, is an experienced trial lawyer who heads the firm's redistricting and voting rights practices. Ms. Leoni's firm was retained by the City Attorney under Section 908 of the City Charter to represent the City and provide legal services, consultation and advice concerning regarding the California Voting Rights Act. The Agreement was for an amount not to exceed \$100,000. On October 9, 2018, the City received a Notice of California Voting Rights Act from the law firm of Goldstein, Borgen, Dardarian & Ho, on the behalf of Mr. Samir Kalra. It is necessary to increase the contract amount in order that Ms. Leoni can continue to represent the City regarding the California Voting Rights Act and to participate in community engagement activities the City Council will be considering at a future meeting.

DISCUSSION

Approval is requested for a First Amendment to the Outside Counsel Agreement with the law firm of Nielsen, Merksamer, Parrinello, Gross & Leoni. This First Amendment is needed to cover the costs associated with this continued legal representation of the City related to allegations of violations of the California Voting Rights Act and to participate future community engagement activities, which is estimated to be \$150,000. Therefore, it is necessary to amend the Agreement to allow for this \$250,000, in additional legal expenses, for a new not-to-exceed amount of \$350,000.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" with the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(4) in that it is a fiscal activity that does not involve any commitment to any specific project which may result in a potential significant impact on the environment.

FISCAL IMPACT

Funds are available in the FY 2018/19 Outside Counsel Fund.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

RECOMMENDATION

Authorize the City Attorney to execute a First Amendment, in substantially the same form as Attachment 1 to the report, to the Outside Counsel Agreement with Nielsen, Merksamer, Parrinello, Gross & Leoni for Legal Services related to California Voting Rights Act and to participate in the community engagement activities to increase the amount by \$250,000 for a new not-to-exceed amount of \$350,000.

Prepared by: Nichole G. Anglin, Paralegal

Reviewed by: Melissa C. Tronquet, Assistant City Attorney

Approved by: John A. Nagel, City Attorney

ATTACHMENT

1. Draft First Amendment to Outside Counsel Agreement