



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Nora Frimann

**SUBJECT:** SEE BELOW

**DATE:** December 3, 2020

**SUBJECT: EIGHTH AMENDMENT TO AGREEMENT WITH HANSON BRIDGETT LLP FOR LEGAL SERVICES RELATED TO *PRESERVATION OF BENEFIT PLAN RETIREES ASSOCIATION, ET AL V. CITY OF SAN JOSE, ET AL***

## **RECOMMENDATION**

Adopt a resolution authorizing the City Attorney to negotiate and execute an Eighth Amendment to the agreement with Hanson Bridgett LLP for legal services related to *Preservation of Benefit Plan Retirees Association, et al v. City of San Jose, et al*, to extend the term through December 31, 2022 with no increase in the total amount of compensation.

## **OUTCOME**

Execution of the Eighth Amendment to the agreement with Hanson Bridgett LLP will allow this law firm to continue to provide legal services related to *Preservation of Benefit Plan Retirees Association, et al v. City of San Jose, et al*.

## **BACKGROUND**

On December 11, 2017, the City Attorney executed an agreement with the law firm of Hanson Bridgett LLP to provide legal services pertaining to the case of *Preservation of Benefit Plan Retirees Association, et al v. City of San Jose, et al*, in a total amount not to exceed \$175,000. On June 11, 2018, the City Attorney executed a First Amendment to the agreement, increasing the compensation by \$75,000 to a total amount not to exceed \$250,000. On August 21, 2018, the City Council adopted Resolution No. 78752 authorizing the City Attorney to negotiate and execute a Second Amendment to the agreement, increasing the amount of compensation by \$150,000 to a total amount not to exceed \$400,000. On March 5, 2019, the City Council adopted Resolution No. 78997 authorizing the City Attorney to negotiate and execute a Third Amendment to the agreement, increasing the amount of compensation by \$300,000 to a total amount not

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to exceed \$700,000, and extending the term through June 30, 2020. On June 18, 2019, the City Council adopted Resolution No. 79152 authorizing the City Attorney to negotiate and execute a Fourth Amendment to the agreement, increasing the amount of compensation by \$200,000 to a total amount not to exceed \$900,000. On September 10, 2019, the City Council adopted Resolution No. 79226 authorizing the City Attorney to negotiate and execute a Fifth Amendment to the agreement, increasing the amount of compensation by \$500,000 to a total amount not to exceed \$1,400,000. On April 21, 2020, the City Council adopted Resolution No. 79481 authorizing the City Attorney to negotiate and execute a Sixth Amendment to the agreement, increasing the amount of compensation by \$500,000 to a total amount not to exceed \$1,900,000. On November 20, 2020, the City Attorney executed a Seventh Amendment to the agreement extending the term by six months through December 31, 2020 with no change in the maximum amount of compensation, pursuant to the provisions of San José Municipal Code Section 4.04.055.

### **ANALYSIS**

Hanson Bridgett LLP was chosen to provide specialized legal services based on the firm's expertise in tax law and fiduciary obligations of pension boards. The purpose of the Eighth Amendment is to extend the term through December 31, 2022 to allow Hanson Bridgett to continue to provide legal services pertaining to the case of *Preservation of Benefit Plan Retirees Association, et al v. City of San Jose, et al*.

### **PUBLIC OUTREACH**

This memorandum will be posted on the City's website as part of the December 15, 2020 City Council Agenda.

### **COORDINATION**

This item has been coordinated with the City Manager's Budget Office.

### **COST SUMMARY/IMPLICATIONS**

No additional funding is required for approval of the amendment.

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**CEQA**

Not a Project; File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.

*/s/ Nora Frimann*

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NORA FRIMANN

City Attorney

For questions please contact Nora Frimann, City Attorney, at (408) 535-1900.