



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Richard Doyle

**SUBJECT:** SEE BELOW

**DATE:** August 29, 2019

**SUBJECT: FIFTH 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 a Fifth 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 increase the compensation by \$500,000, for a total amount not to exceed \$1,400,000.

## OUTCOME

Execution of the Fifth 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 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

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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.

### **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 Fifth Amendment is to increase the total compensation 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 September 10, 2019 City Council Agenda.

### **COST SUMMARY/IMPLICATIONS**

Funding associated with the actions recommended in this memorandum is included in the General Fund, as outlined in the 2019-2020 Proposed Operating Budget. The recommendations in this memorandum would increase the total compensation in the agreement from \$900,000 to \$1,400,000. The additional funding for this contract amendment will be identified as part of the 2018-2019 Annual Report or another future budget process, as appropriate.

### **BUDGET REFERENCE**

The table below identifies the fund and appropriation proposed to fund the contract amendment recommended as part of this memorandum.

<b>Fund #</b>	<b>Appn. #</b>	<b>Appn. Name</b>	<b>Amt. for Contract</b>	<b>2019-2020 Proposed Operating Budget Page</b>	<b>Last Budget Action (Date, Ord. No.)</b>
001	0442	General Fund	\$500,000	III-4, pg 122	6-18-19, #30286

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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.

  
RICHARD DOYLE  
City Attorney

For questions please contact Richard Doyle, City Attorney, at (408) 535-1900.