



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Richard Doyle

SUBJECT: SEE BELOW

DATE: February 21, 2019

SUBJECT: **THIRD 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 Third 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 \$300,000, for a total amount not to exceed \$700,000, and extend the term of the agreement through June 30, 2020.

OUTCOME

Execution of the Third 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.

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

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the Third Amendment is to extend the term and 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 March 5, 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 2018-2019 Adopted Operating Budget, as amended by the 2018-2019 Mid-Year Budget Review adopted by the City Council on February 12, 2019. The recommended action would increase the total compensation in the agreement from \$400,000 to \$700,000.

BUDGET REFERENCE

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

Fund #	Appn. #	Appn. Name	Amt. for Contract	2018-2019 Adopted Operating Budget Page	Last Budget Action (Date, Ord. No.)
01	0442	General Fund	\$300,000	III-4, pg 142	2-12-19, #30223

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.