

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Richard Doyle

SUBJECT: SEE BELOW

DATE: June 6, 2019

SUBJECT: FOURTH 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 Fourth 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 \$200,000, for a total amount not to exceed \$900,000, contingent upon approval of the associated Fiscal Year 2018-2019 budget clean-up action.

OUTCOME

Execution of the Fourth 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

HONORABLE MAYOR AND CITY COUNCIL

June 6, 2019

Subject: FOURTH 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

Page 2

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.

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 Fourth 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

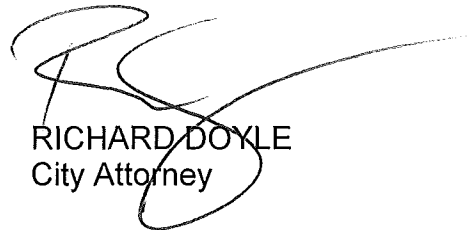
This memorandum will be posted on the City's website as part of the June 18, 2019 City Council Agenda.

COST SUMMARY/IMPLICATIONS

The recommendations in this memorandum would increase the total compensation in the agreement from \$700,000 to \$900,000, contingent upon approval of the associated Fiscal Year 2018-2019 budget clean-up action.

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.