



STAFF REPORT

Meeting Type: Board of Directors
Title: Amendment No. 2 to Professional Service Agreement with Kronick, Moskovitz, Tiedemann & Girard for Water Law and Environmental Legal Services
From: Molly MacLean, General Counsel
Through: Ben Horenstein, General Manager
Meeting Date: November 6, 2024

TYPE OF ACTION: X Action Information Review and Refer

RECOMMENDATION: Approve Amendment No. 2 to MA-6200, professional services agreement with Kronick, Moskovitz, Tiedemann & Girard to add \$200,000 for water and environmental law and legal services

SUMMARY: Staff is seeking approval to amend the professional services agreement with Kronick, Moskovitz, Tiedemann & Girard to add funding to cover water and environmental legal services provided to the District, in amount not to exceed two hundred thousand dollars (\$200,000), which will include specialized legal support for the District’s water supply development efforts.

DISCUSSION: The General Counsel’s Office regularly retains outside legal services to support the District in specialized areas, such as labor and employment law and litigation. In May 2023, the District retained the legal services of Kronick, Moskovitz, Tiedemann & Girard to provide legal support in review of the District’s water rights in connection with the District’s ongoing work on water supply projects. On April 17, 2024, the District issued a request for qualifications and circulated it to a number of law firms for legal services to support some of the environmental law work of the District, including in the areas of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), the federal equivalent of CEQA as may arise in connection with the District’s water resources work. Several proposals were received from law firms specializing in this area of practice. Staff conducted interviews with multiple firms and found that Kronick, Moskovitz, Tiedemann & Girard (BBK) would be best suited to provide environmental law legal services in conjunction with the water law legal services already being provided. Staff is seeking to augment the initial contract amount to assure the necessary funds are available for these services. Staff is seeking the Board’s approval of Amendment No. 2, which would add a not to exceed amount of \$200,000, bringing the contract total not to exceed amount to \$300,000. The contract has no end term, as the services will be provided on an as needed basis under the direction of the General Counsel.

ENVIRONMENTAL REVIEW: Not applicable.

FISCAL IMPACT: Funds for Legal Services are provided by the General Counsel Offices budget for Fiscal Year 2024-25, and will be included in the next two-year budget. Project specific services may be allocated to those projects, and general litigation services are covered under the Interdepartmental budget.

ATTACHMENT(S):

1. Proposed Amendment No. 2 to MA-6200 for Legal Services
2. Amendment No. 1 to MA-6200 for Legal Services
3. MA-6200 Professional Services Agreement for Legal Services

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
General Counsel's Office		
	Molly MacLean General Counsel	Ben Horenstein General Manager