

DATE: August 22, 2022

TO: Rental Housing Committee

FROM: Andrea Kennedy, Analyst II
Anky van Deursen, Program Manager

SUBJECT: **Contract Amendment—Goldfarb & Lipman LLP for Fiscal Year 2021-22**

RECOMMENDATION

To authorize the Program Manager, or other designee, to approve an amendment to the agreement with Goldfarb & Lipman LLP for legal services related to the Community Stabilization and Fair Rent Act for services performed between July 1, 2021 through June 30, 2022, with an increase of \$95,893 for a total amount not to exceed \$320,893 for Fiscal Year 2021-22.

BACKGROUND

Since Fiscal Year 2017-18, Goldfarb & Lipman LLP has provided legal services for the Rental Housing Committee (RHC) to provide subject-matter expertise to assist the RHC in implementing and administering the Community Stabilization and Fair Rent Act (CSFRA). On October 23, 2017, the RHC discussed and approved outside legal services by Goldfarb & Lipman. Following a Request for Proposals process, on November 26, 2018, the RHC approved a contract with Goldfarb & Lipman for Fiscal Year 2018-19 for outside legal services to provide support for the RHC. These services include, but are not limited to, attendance at RHC meetings, drafting of regulations and staff reports, tentative decisions in cases of appeal, and assistance with issues and questions that arise concerning the implementation of the CSFRA. The RHC has also retained Goldfarb & Lipman to represent the RHC in litigation in two lawsuits (*Redwood Villa Inc. v. City of Mountain View*, *Mountain View Rental Housing Committee*, Santa Clara Superior Court Case No. 18CV322991, and *Enlightened Investments, Inc. v. City of Mountain View Rental Housing Committee*, *City of Mountain View*, Santa Clara Superior Court Case No. 21CV390118).

ANALYSIS

In Fiscal Year 2021-22, Goldfarb & Lipman has been providing legal services to the RHC related to the CSFRA and also represented the RHC in litigation in two lawsuits as mentioned above. The approved contract amount for Goldfarb & Lipman in Fiscal Year 2021-22 amounted to \$225,000. Staff received two invoices at the end of the Fiscal Year 2021-22 related to increased litigation

activity in the *Redwood Villa* case, including depositions and a court hearing. As a result, the total costs in Fiscal Year 2021-22 for legal services are exceeding the approved contract amount.

In accordance with the adopted policies and procedures for the execution of agreements, staff seeks authorization from the RHC for the Program Manager, or other designee, to execute an amendment to the agreement with Goldfarb & Lipman for Fiscal Year 2021-22 with an additional amount of \$95,893 for a total amount not to exceed \$320,893 for Fiscal Year 2021-22.

FISCAL IMPACT

The RHC adopted a budget for the CSFRA for Fiscal Year 2021-22, including up to \$175,000 for legal services and up to \$50,000 for litigation, and approved an agreement with Goldfarb and Lipman not to exceed \$225,000. This agreed upon amount for Goldfarb and Lipman was not sufficient to cover the CSFRA's legal costs for Fiscal Year 2021-22, hence the request for an additional amount of \$95,893.

PUBLIC NOTICING—Agenda posting.

AK-AVD/JS/6/CDD/RHC

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