



**MEMORANDUM**

CSFRA, Community Development Department

**DATE:** August 27, 2018

**TO:** Members of the Rental Housing Committee

**FROM:** Anky van Deursen, Associate Planner

**SUBJECT:** **Contract for Legal Services for the First Six Months of Fiscal Year 2018-19**

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**RECOMMENDATION**

That the Rental Housing Committee authorize the Program Manager or other designee to execute an agreement with Goldfarb & Lipman LLP for legal services related to the Community Stabilization and Fair Rent Act for the first six months of Fiscal Year 2018-19 in an amount not to exceed \$100,000.

**BACKGROUND**

At the beginning of Fiscal Year 2017-18, Goldfarb & Lipman LLP (Goldfarb & Lipman) was enlisted to provide legal services for the Rental Housing Committee (RHC) to provide subject matter expertise to assist the Committee 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 in an amount not to exceed \$200,000 as part of the Fiscal Year 2017-18 budget. On June 18, 2018 the RHC similarly approved in its Fiscal Year 2018-19 budget an amount not to exceed \$200,000 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. These outside legal services are different from litigation services which are separately budgeted for Fiscal Year 2018-19. The RHC has also retained Goldfarb & Lipman to represent the RHC and the City in the Redwood Villa case concerning the application of the CSFRA to a particular property.

On March 26, 2018 the RHC directed staff to issue a Request for Proposals (RFP) process to determine available specialized resources in the market and to make an informed selection of professionals such as attorneys for these legal services. The RFP process

involves a number of steps, including defining the scope of professional services to be included in the RFP, identifying qualified vendors, and evaluating responses to find the most qualified and suitable professionals to present to the RHC. Issuing an RFP is a significant undertaking and requires the multiple phases and decision points for the RHC. Staff estimates an RFP process could be completed by end of the first half of Fiscal Year 2018-19 with professional services hopefully in place in the second half of the fiscal year. The RHC adopted staff's recommendation to retain the present contractual arrangements with Goldfarb & Lipman for the first six months of Fiscal Year 2018-19 to ensure uninterrupted services for the RHC and all stakeholders and petitioners under the CSFRA.

### **ANALYSIS**

Goldfarb & Lipman has been providing legal services for Fiscal Year 2017-18. In order to reimburse Goldfarb Lipman for the services rendered in the first half of Fiscal Year 2018-19, an agreement needs to be executed. 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 agreement with Goldfarb & Lipman for legal services for the first six months of Fiscal Year 2018-19 in an amount not to exceed \$100,000 because the amount of the contract exceeds \$50,000.

### **FISCAL IMPACT**

The RHC adopted a budget for the CSFRA for Fiscal Year 2018-19, including up to \$200,000 for legal services. It is currently foreseen that half of the budgeted amount will be sufficient for the first six months of Fiscal Year 2018-19. Staff will return to the RHC if additional services beyond the budgeted amount in the recommendation are needed.

**PUBLIC NOTICING** – Agenda posting.

AK/3/CDD/RHC  
896-08-27-18M-1