

HAYWARD CITY COUNCIL

RESOLUTION NO. 20-

Introduced by Council Member \_\_\_\_\_

RESOLUTION AUTHORIZING AMENDMENT OF THE LEGAL SERVICES AGREEMENT WITH DOWNEY BRAND LLP TO INCREASE THE CONTRACT AMOUNT FOR SPECIALIZED LEGAL SUPPORT ON WATER RESOURCES-RELATED MATTERS TO A NOT-TO-EXCEED AMOUNT OF \$225,000

WHEREAS, on June 6, 2017, the City of Hayward became the Groundwater Sustainability Agency (GSA) for the portion of the East Bay Plain Subbasin that underlies the City boundaries under requirements of the Sustainable Groundwater Management Act of 2014 (SGMA), which authorizes and requires local agencies to sustainably manage local groundwater resources; and

WHEREAS, Hayward is working cooperatively with the East Bay Municipal Utility District, which serves as the GSA for the remainder of the East Bay Plain Subbasin, to develop a single Groundwater Sustainability Plan in compliance with SGMA; and

WHEREAS, Hayward also overlies a portion of the Niles Cone and is a stakeholder in the sustainable management of this groundwater basin; and

WHEREAS, the City entered into a legal services agreement with Downey Brand, LLC (Downey Brand) on October 27, 2016 for Downey Brand to provide specialized legal support on SGMA and other increasingly complex water resources-related matters, in an amount not to exceed \$75,000; and

WHEREAS, the City executed an amendment to the legal services agreement with Downey Brand on March 15, 2018 to increase the contract amount by \$75,000, for a total amount not to exceed \$150,000, for Downey Brand to provide additional specialized legal support on water resources-related matters; and

WHEREAS, the City continues to require specialized legal support services on water resources-related matters; and

WHEREAS, Downey Brand has demonstrated the necessary experience and expertise to continue advising the City on SGMA and other water resources-related matters; and

WHEREAS, the Water Improvement Fund in the FY 2020 Capital Improvement Program includes sufficient funding for Downey Brand to provide the legal support services required by the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Attorney is hereby authorized to amend the legal services agreement with Downey Brand, LLP to increase the contract amount for specialized legal support services on water resources-related matters by \$75,000, to a total not to exceed amount of \$225,000.

IN COUNCIL, HAYWARD, CALIFORNIA, January 21, 2020

ADOPTED BY THE FOLLOWING VOTE:

AYES:           COUNCIL MEMBERS:  
                  MAYOR:

NOES:           COUNCIL MEMBERS:

ABSTAIN:       COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
          City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward