



Midpeninsula Regional
Open Space District

R-15-76
Meeting 15-13
May 13, 2015

AGENDA ITEM 5

AGENDA ITEM

Special Legal Services Contract relating to Real Property Issues

GENERAL MANAGER'S RECOMMENDATION

A handwritten signature in black ink, appearing to be "G.M.", written over the end of the "GENERAL MANAGER'S RECOMMENDATION" header.

Approve the proposed contract with Price, Postel & Parma, LLP, for Special Legal Services relating to Real Property for a total not-to-exceed amount of \$100,000.

SUMMARY

The District has need of special legal services relating to real property and rights-of-way issues to provide and protect public access to District Preserves. The General Manager and General Counsel recommend entering into a contract with Price, Postel and Parma, LLP, for a not-to-exceed amount of \$100,000 to secure these services. The requested funding has been budgeted for this purpose in the Real Property Department Budget for Fiscal Year 2015-16.

DISCUSSION

There are multiple, long-standing real property and right-of-way issues that need to be addressed to ensure that the District can provide and protect public access to District Preserves, specifically on Mount Umunhum, and resolve any disputes relating thereto. Negotiations with individual private property owners have not been successful in resolving these issues even after a great deal of staff effort, and it is therefore now necessary to explore all legal options.

District General Counsel, in collaboration with Real Property and the General Manager's Office, interviewed three qualified law firms for this engagement, and all agreed that Todd Amspoker, Esq. and his team at Price, Postel and Parma, Inc, have the skills and approach most suitable for this task at this time.

FISCAL IMPACT

The FY2015-16 Real Property Budget includes \$100,000 for this purpose.

BOARD COMMITTEE REVIEW

This item was not previously reviewed by a Board Committee. The underlying matters have been discussed in closed session with the full Board.

PUBLIC NOTICE

This matter was noticed as required by the Brown Act. No further noticing is required.

CEQA COMPLIANCE

This item is not a project subject to the California Environmental Quality Act.

NEXT STEPS

Pending Board approval, the General Counsel and General Manager will finalize the proposed contract, engage the services required, and bring back any recommended actions to the Board for its consideration.

Responsible Department Head:
Sheryl Schaffner, General Counsel

Prepared by:
Sheryl Schaffner, General Counsel