



City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Staff Report
July 18, 2023

TOPIC: Approve Legal Services Agreement with Burke, Williams & Sorensen, LLP for a Three-Year Term and Compensation not to Exceed \$500,000

AGENDA TITLE

Approve a Specialized Legal Services Agreement with Burke, Williams & Sorensen, LLP for a Three-Year Term and Compensation not-to-Exceed \$500,000 (General Fund)

RECOMMENDED ACTION

Authorize the City Manager to execute a legal services agreement with the law firm of Burke, Williams & Sorensen, LLP ("BWS") for litigation matters concerning the abatement of public nuisances for a three-year term to terminate June 30, 2026 and compensation in an amount not to exceed \$500,000, subject to non-substantive changes approved by the City Manager and City Attorney.

DISCUSSION

BWS was previously engaged by the City Council on March 4, 2020 to represent the City in specialized nuisance cases, including the City's lawsuit against the Orange County Association for Mental Health ("MHA") concerning the operation of their multi-service center at 2416 S. Main Street in the City. This case, filed in January 2020, is complex and has been litigated heavily in the succeeding three plus years. MHA has been represented, pro bono, by Sheppard Mullin, a large nationwide law firm. Disability Rights California, a legal non-profit, intervened and joined the case in April 2020, on behalf of three clients who allege they would be negatively affected if MHA were closed as a result of the City's lawsuit. Due to COVID-19-related delays and subsequent appellate review sought by the Defendants, the trial in this matter was not able to commence until June 7, 2023.

The law firm of Burke, Williams & Sorensen, LLP is a well-regarded, municipal law firm specializing in litigation and abatement of public nuisances. BWS was previously selected from a pool of several firms based on its deep resources, expertise, and understanding of the pertinent legal and factual issues. BWS has more than 100 attorneys and 10 offices in California. The City Attorney's Office retained BWS based on the experience and skill of its counsel.

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Due to the complex and significant ongoing trial being handled by BWS, this agreement provides a three-year term for a total of \$500,000 in compensation. The term and amount account for the time-intensive and substantial nature of the expected trial and provides a realistic budget for outside counsel to vigorously prosecute the City's action against MHA at trial, including the costs of expert witnesses. The agreement also provides resources for the City to take advantage of BWS' experience and skills on additional public nuisance cases, which may arise during the term of this agreement.

FISCAL IMPACT

Funds are available in the General Non-Departmental fund contractual services (Account No. 01105015- 62300) and will be budgeted in future fiscal years as follows. Future fiscal year funding will be included in the proposed budgets for City Council consideration.

Fiscal Year	Amount
2023-24	\$200,000
2024-25	\$150,000
2025-26	\$150,000
Total	\$500,000

EXHIBIT(S)

1. Legal Services Agreement with Burke, Williams & Sorensen, LLP

Submitted By: Sonia Carvalho, City Attorney

Approved By: Kristine Ridge, City Manager