



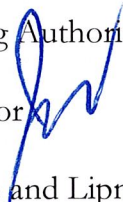
Berkeley Housing Authority

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Office of the Executive Director

Item 7E
NEW BUSINESS
June 8, 2023

To: Honorable Chairperson and
Members of the Berkeley Housing Authority Board

From: James Williams, Executive Director 

Subject: Contract Amendment – Goldfarb and Lipman, LLP

RECOMMENDATION

Approve a resolution authorizing the Executive Director to exercise the third one-year renewal option for the Goldfarb and Lipman, LLP contract, extending the term through June 30, 2024, and increasing contract amount by \$45,000 for a total contract amount not to exceed \$234,000.

BACKGROUND

Public Housing Authorities (PHAs) use a variety of models to ensure adequate legal representation. Some contract with City Attorney Offices, some with County Counsel, others use private firms, and some use a combination of government attorneys and private firms.

On February 25, 2019 staff issued a Request for Proposals (RFP) to procure legal counsel; of the three respondents, Goldfarb rated most points on the scoring criteria. On May 11, 2019, the Board approved a resolution authorizing the Executive Director to execute a contract with the law office of Goldfarb and Lipman, LLP for an initial term of two years, with three one-year renewal options.

The maximum fee for the initial years is \$70,000, and \$38,000 per year for each of the renewal periods. The initial two year term expired on June 30, 2021, and the second one-year option will expire on June 30, 2023. When the Acting Executive Director resigned in October 2022, our legal counsel assumed the role as Interim Executive Director increasing the utilization of the contract, thus on April 13, 2023, the BHA Board approved a resolution adding \$43,000 to the contract amount for a not to exceed amount of \$189,000. For the incoming fiscal year (FY2024), we anticipate legal fees to be approximately \$45,000.

Goldfarb & Lipman has served as general counsel for the Berkeley Housing Authority since 2006. Jhaila Brown is lead counsel for BHA, with assistance from James Diamond on personnel issues. Jhaila Brown, in particular, have been very helpful in leveraging information and resources between the various housing authorities she represents, and has been instrumental in providing guidance to staff in day to day legal questions that arise, and the Board during meetings.

FINANCIAL IMPLICATIONS

\$45,864 is budgeted for FY2023-2024.

CONTACT PERSON

James E. Williams, Executive Director, 981-5485

Jesy Yturalde, Finance Manager, 981-5488

Attachment: Resolution – Goldfarb and Lipman

BERKELEY HOUSING AUTHORITY
RESOLUTION 23-___

ADOPT A RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE THE THIRD ONE-YEAR RENEWAL OPTION FOR THE CONTRACT WITH THE LAW OFFICES OF GOLDFARB & LIPMAN, LLP, EXTENDING THE TERM THROUGH JUNE 30, 2024, AND INCREASING CONTRACT AMOUNT BY \$45,000 FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$234,000.

WHEREAS, the Berkeley Housing Authority requires expert general counsel; and

WHEREAS, the law office of Goldfarb & Lipman LLP has served BHA competently for the past 16 years; and

WHEREAS, the firm has demonstrated expert knowledge and experience in serving as general counsel for California-based Public Housing Authorities, and superior responsiveness on all issues; and

WHEREAS, the current contract will expire June 30, 2023; and

WHEREAS, the current contract includes three one-year renewal options at \$38,000 per year.

WHEREAS, on April 13, 2022 the BHA Board approved a contract amendment increasing the contract amount by \$43,000 for a not to exceed amount of \$189,000; and

WHEREAS, BHA budgeted \$45,864 in legal fees in FY2024; and

NOW THEREFORE, BE IT RESOLVED, that the Executive Director is authorized to execute the third one-year renewal option with the Law Offices of Goldfarb & Lipman LLP, extending the term through June 30, 2024 and increasing contract amount by \$45,000 for a not to exceed amount of \$234,000.

The foregoing Resolution was adopted by the Board of the Berkeley Housing Authority on June 8, 2023 by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Attest: _____
James Williams, Secretary