



**METROPOLITAN
TRANSPORTATION
COMMISSION**

Joseph P. Bort MetroCenter
101 Eighth Street
Oakland, CA 94607-4700
TEL 510.817.5700
TDD/TTY 510.817.5769
FAX 510.817.5848
E-MAIL info@mtc.ca.gov
WEB www.mtc.ca.gov

Memorandum

TO: Administration Committee

DATE: September 4, 2013

FR: General Counsel

W.I: Liability reserve

RE: Contract Amendment: Special CEQA Counsel - Thomas Law Group

Following the adoption by the Commission of Plan Bay Area on July 18, 2013, the following three law suits were brought against MTC challenging the Plan on environmental and other grounds:

- *Bay Area Citizens v. ABAG, et al.*, Alameda County Superior Court Case No.: RG-13690631
- *Building Industry Association Bay Area v. ABAG, et al.*, Alameda County Superior Court Case No.: RG-13692098
- *Communities for a Better Environment and The Sierra Club v. Metropolitan Transportation Commission, et al.*, Alameda County Superior Court Case No.: RG-13692189

I will be briefing the Committee regarding the status of the three cases in closed session.

Subject to that discussion and review, I will be requesting the Committee's approval to amend MTC's Special CEQA Counsel contract with the Thomas Law Group to increase the contract budget to accommodate the anticipated work required in assisting MTC to defend these suits. The request will be consistent with funds available in the FY 2013-14 agency budget for this purpose. Tina Thomas, of Thomas Law Group, has represented MTC as Special CEQA Counsel since October 2009, advising MTC and ABAG regarding implementation of SB 375 and the development and adoption of the Sustainable Communities Strategy (SCS)/Regional Transportation Plan embodied in Plan Bay Area. Prior to 2009, Ms. Thomas represented MTC in an air quality litigation case.



Adrienne D. Weil

AW:MJM:rc

REQUEST FOR COMMITTEE APPROVAL

Summary of Proposed Legal Services Contract Amendment

Work Item No.: Fund 106 – Liability reserve

Law Firm: Thomas Law Group
Sacramento, CA

Work Project Title: Special CEQA Counsel

Purpose of Project: Assist Office of the General Counsel in the litigation in:

- Bay Area Citizens v. ABAG, et al., Alameda County Superior Court Case No.: RG-13690631
- Building Industry Association Bay Area v. ABAG, et al., Alameda County Superior Court Case No.: RG-13692098
- Communities for a Better Environment and The Sierra Club v. Metropolitan Transportation Commission, et al., Alameda County Superior Court Case No.: RG-13692189

Project Cost Not to Exceed: Amount confidential during the pending of this litigation, subject to funds available in MTC's liability reserve budget

Funding Source: General fund

Fiscal Impact: In current FY's litigation contingency budget

Motion by Committee: That the Executive Director or his designee is authorized to negotiate and enter into a contract amendment with Thomas Law Group as Special CEQA Counsel, effective as of August 1, 2013, and the Chief Financial Officer is directed to set aside funds for such contract amendment.

Administration Committee:

Adrienne J. Tissier, Chair

Approved: Date: September 11, 2011