

**DATE:** September 24, 2015

**TO:** Watershed Conservation Authority Governing Board

**From:** Mark Stanley, Executive Officer

**SUBJECT:** Item 10: Consideration of a resolution to approve Olivarez Madruga, LLP professional services expenditure.

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**RECOMMENDATION:** That the Watershed Conservation Authority (WCA) approve payment to Olivarez Madruga, LLP for professional services expenditure related to Leinco Enterprises, Inc. v. Watershed Conservation Authority in the amount of \$9,949.

**PROJECT DESCRIPTION:** The firm of Olivarez Madruga, LLP was engaged to provide legal representation to defend against the claim made by Leinco Enterprises, Inc., dba Gail Materials, in seeking recovery for unpaid invoices by dissolved prime contractor America West Landscape, Inc. for decomposed granite materials supplied by Leinco and installed at the Duck Farm 1A-Step 1 project.

**BACKGROUND:** The WCA Board approved legal service to be provide by Olivarez Madruga on February 18, 2013 in the case of Leinco Enterprises, Inc. v. Watershed Conservation Authority. Legal services were provided by Olivarez Madruga through the settlement and Release of Claims in May 2015.

**FISCAL INFORMATION:** Activities in the closeout and settlement of the case included communication for settlement documents, final negotiations, court filings and satisfaction of and release of claims for a final remaining expense of \$9,949.

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**RESOLUTION 2015-34**

**RESOLUTION OF THE WATERSHED CONSERVATION AUTHORITY TO APPROVE OLIVAREZ MADRUGA, LLP PROFESSIONAL SERVICES EXPENDITURES.**

**WHEREAS**, the Watershed Conservation Authority (WCA) has been established as a joint powers agency between the Rivers and Mountains Conservancy (RMC) and the Los Angeles County Flood Control District (District); and

**WHEREAS**, the Watershed Conservation Authority (WCA) has further been established to focus on projects which will provide open space, habitat restoration, and watershed improvement projects in both the San Gabriel and Lower Los Angeles Rivers watershed; and

**WHEREAS**, this action approves payment to Olivarez Madruga, LLP for professional services expenditure related to Leinco Enterprises, Inc. v. Watershed Conservation Authority; and

**WHEREAS**, the proposed action is exempt from the provisions of the California Environmental Quality Act; NOW

*Therefore be it resolved that the WCA hereby:*

1. **FINDS** that this action is consistent with the purposes and objectives of the WCA.
2. **FINDS** that the actions contemplated by this resolution are exempt from the environmental impact report requirements of the California Environmental Quality Act (CEQA).
3. **ADOPTS** the staff report dated September 24, 2015.
4. **APPROVES** payment to Olivarez Madruga, LLP for professional services expenditure related to Leinco Enterprises, Inc. v. Watershed Conservation Authority in the amount of \$9,949.

*~ End of Resolution ~*

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Motion: \_\_\_\_\_ Second: \_\_\_\_\_

Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_ Abstentions: \_\_\_\_\_

Passed and Adopted by the Board of the  
**WATERSHED CONSERVATION AUTHORITY**  
On September 24, 2015

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Brian Mejia, Chairperson

ATTEST: \_\_\_\_\_  
Terry Fujimoto  
Deputy Attorney General