

MINUTE ITEM
This Calendar Item No. C61 was approved as
Minute Item No. 61 by the California State Lands
Commission by a vote of 3 to 0 at its
4-26-07 meeting.

**CALENDAR ITEM
C61**

A)		04/26/05
)	Statewide	C2004-049
S)		503.1945
		503.1949
		D. Brown
		A. Abeleda

**RATIFY AN AGREEMENT FOR EXPERT SERVICES TO PREPARE DOCUMENT
DISCOVERY FOR PENDING LITIGATION**

PARTY:

California State Lands Commission
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825-8202

BACKGROUND:

The Commission is currently involved in litigation regarding various sand extraction leases in the San Francisco Bay area. As part of the discovery process, both sides have requested certain electronic information (documents, email etc). To comply with the discovery motion and insure due diligence on behalf of the State, expert witness services by specialists in electronic discovery methods and techniques are required. Such experts most likely will also be called as witnesses to verify the validity of the information and the processes used to recovery it.

PROPOSED ACTIVITY:

The firm of LECG has been selected to perform the specialized computer forensic work to comply with the discovery motion. The firm will also be obligated to appear as an expert witness to verify and validate the processes used in the discovery. On the advice of the Attorney General Office and to meet the demands of the Court, the Executive Officer has executed an agreement with LECG to provide the necessary expert witness services.

CALENDAR ITEM NO. C61 (CONT'D)

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

STATUTORY AND OTHER REFERENCES:

- A. Public Resources Code Section 6106 (Delegation to execute written instruments)
- B. State Administrative Manual Section 1200
- C. State Contracts Manual Section 3.08 (rev 11/04)
- D. Public Contract Code Section 10335.5

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THESE ACTIVITIES ARE EXEMPT FROM THE REQUIREMENTS OF CEQA PURSUANT TO 14 CAL CODE REGS. 15060(c)(3) BECAUSE THESE ACTIVITIES ARE NOT PROJECTS AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND 14 CAL CODE REGS. 15378.
2. RATIFY THE AGREEMENT FOR EXPERT WITNESS SERVICES.