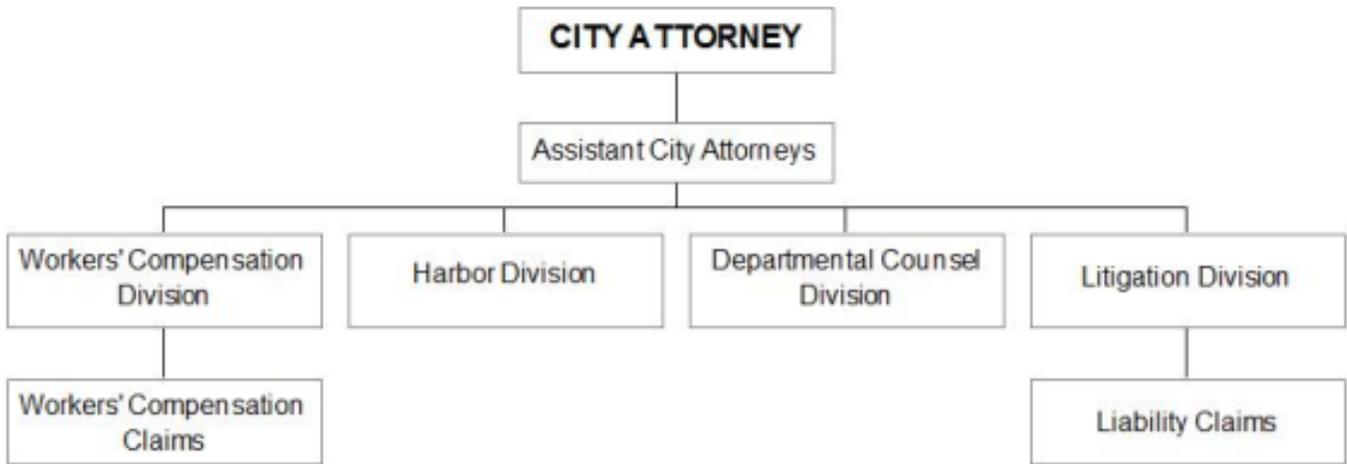


City Attorney



Mission Statement

It is the mission of the City Attorney's Office to serve the citizens of Long Beach by providing to our clients accurate and timely legal counsel and representing them aggressively in State and Federal Court, consistent with the powers and duties conferred upon the City Attorney's office by the City Charter.

Department Overview

Mission Statement

The City Attorney's office is committed to providing superior, cost effective legal services to the City, consistent with the highest professional and ethical standards.

The goal of the City Attorney's office is to protect the public's interest and provide sound legal advice and counsel to the City, its elected and appointed officials, departments, boards and commissions.

The office will at all times strive to protect and preserve the legal rights and assets of the City and will vigorously enforce its municipal regulations in order to maintain and improve the quality of life of its residents.

Overview

The City Attorney's office handles all of the civil legal affairs of the City of Long Beach. The duties of the City Attorney are set forth in the City's Charter, which provides that the City Attorney shall be the sole and exclusive legal advisor of the City, City Council, and all City commissions, committees, officers and employees. As such, the City Attorney is charged with municipal responsibilities as complex as any in the State.

The City Attorney's office represents the City on affirmative and defensive civil litigation, legislative and legal issues, and administrative code enforcement proceedings.

Departmental Counsel Division

The Departmental Counsel Division serves as general legal counsel to the City Council, City Officers, and all Departments, Divisions and Bureaus of the City. The Departmental Counsel Division also provides legal advice to City Boards, Committees and Commissions including the Planning Commission, Civil Service Commission, Housing Authority, Board of Water Commissioners, Board of Examiners Appeals and Condemnation, Citizen Police Complaint Commission, Airport Advisory Commission, and the City of Long Beach Housing Development Company.

In addition to providing legal advice, the Division's attorneys proactively investigate and pursue all manner of nuisance related matters in order to improve the quality of life of Long Beach's residents. The Division attorneys also review, edit, draft and negotiate various transactional documents including contracts, leases, permits, easements, and development agreements as well as drafting ordinances, resolutions, legal opinions and legal memorandums for all of the City's various departments. The Departmental Counsel Division is responsible for representing the City in CEQA writ actions, and also provides legal advice on personnel matters, including litigating various contested personnel matters in both State and Federal courts.

Litigation Division

The Litigation Division defends the City and its agencies, departments, divisions and employees in lawsuits filed in both State and Federal court. Such litigation includes, but is not limited to, personal injury and property damage, alleged civil rights violations, excessive force, labor and employment disputes, dangerous conditions of public property, breach of contract and real estate issues.

The Litigation Division also pursues affirmative litigation matters which seek to recover money due and owing the City for such matters as breach of contract, damage to City property, injuries suffered by City employees acting in the course and scope of their employment, various small claims litigation matters, as well as various debts or financial obligations owed to the City.

Department Overview

Harbor Division

The Harbor Division provides legal counsel and advice to the Board of Harbor Commission and the Port of Long Beach (Harbor Department), the second-busiest seaport in the United States with trade valued annually at more than \$100 Billion. The Harbor Division Attorneys work on all transactions related to the port's \$500 Million annual operations and on formulating and implementing the "Green Port Policy" which mitigates the impacts on Port activities.

Harbor Division attorneys also serve as legal counsel to the Alameda Corridor Transportation Authority (ACTA), drafts and approves all Harbor Department leases, permits and contracts, prepares all resolutions, ordinances and other regulations for the Board of Harbor Commissioners and the Harbor Department, and provides advice on environmental matters, construction projects and real property transactions.

Workers' Compensation Division

The Workers' Compensation Division consists of attorneys who handle the litigated claims and claims staff who are responsible for providing medical and indemnity benefits to injured employees covered by the City's Self Insured and Self-Administered Workers' Compensation Program.

This Division strives to effectuate the purpose of California's Workers' Compensation law by ensuring that bona fide claims are handled expeditiously while, at the same time, vigorously defending the City against claims that lack merit. This Division continues to work closely with City Departments to reduce costs, while at the same time improving service.

FY 15 Accomplishments

Departmental Counsel Division

- Land Use and CEQA. Provided advice to the Development Services Department and Planning Commission on numerous land use and CEQA related matters such as the Alcohol Nuisance and Abatement Ordinance (ANAO), the City's consideration of a medical marijuana regulatory ordinance, the Douglas Park Development Agreement, Group Homes and Residential Care Facilities, wireless telecommunications, an Alcoholic Beverage Manufacturing ordinance, a moratorium and ordinance related to the issuance of certain Conditional Use Permit (CUP) exemptions related to alcohol sales, and the redevelopment of the Pike property in the downtown area.
- Ethics, FPPC and Election Issues. Provided advice and opinions on ethics, FPPC and election issues including matters involving the City's Campaign Reform Act, mass mailings, pensions, campaign contribution limits, campaign regulation, conflicts of interest, gift limitations, electioneering, the City's "Ethics Code", voting issues, independent expenditures, campaign activities, and various other election related issues.
- Southern California International Gateway (SCIG) Litigation. Provided advice and support and participated in litigation and mediation efforts regarding a project of the Port and City of Los Angeles and the BNSF Railroad to construct a large rail facility adjacent to residential and other sensitive land uses in the City of Long Beach.
- San Diego Freeway (I-405) Widening Project. Provided advice and support to the City Council and City Planning and Public Works staff regarding CalTrans and the Orange County Transportation Authority's failure to provide adequate mitigation measures for the City of Long Beach in connection to a proposed project to widen the I-405 Freeway between State Route 73 (SR-73) and Interstate 605 (I-605).
- Long Beach Airport. Provided advice and opinions and attended community meetings related to the City's Airport Noise Compatibility Ordinance.
- Technology and Innovation Commission. Drafted an ordinance creating a seven member commission advising the City Council on technology and related matters and attend their monthly commission meetings.
- Economic Development Commission. Amended an ordinance relating to the existing Economic Development Commission to expand it to 11 members and broaden the categories of participants who provide advice to the City Council on a variety of economic and small business development issues, and staff their monthly meetings.
- Pedestrian Safety Advisory Commission. Assisted the Public Works Department in relaunching this commission created by initiative for the purpose of providing citizen input on the placement of crossing guards near elementary schools. In May, the newly reformed commission held its first meeting in eight years, and will meet periodically as required by the ordinance.
- Taxi Modernization Pilot Program. Drafted an ordinance establishing a pilot program allowing Long Beach's exclusive taxi franchise to attempt to be competitive with transportation network companies (like Uber and Lyft) through the use of incentives like discounted fares and technology such as mobile applications for ordering and payment.
- Small Business Incentive Pilot Program. Drafted a Small Business Incentive Pilot Program ordinance, working with the Business License Division, to provide incentives to small businesses to relocate or remain and expand in the City of Long Beach, using business license tax credits.

FY 15 Accomplishments

- Downtown Dining and Entertainment District. Amended the ordinance creating additional requirements for entertainment permits in the Downtown area, addressing noise, littering and other nuisance activities associated with entertainment establishments, and clarifying the rights and responsibilities of business owners.
- 2015 Special Election, Council District 4. Assisted the City Clerk with ballot verification and tabulation in the special election for a vacant City Council seat.
- Proactive Rental Housing Inspection Program Ordinance. Prepared an ordinance codifying the City's existing proactive rental housing inspection program for housing consisting of four or more units thereby increasing tenant protections and the ability of Code Enforcement staff to aggressively abate substandard building conditions.
- Mandatory Spay/Neuter Ordinance. Prepared an ordinance requiring all dogs in the City be spayed or neutered and prohibiting pet shop sales of all animals other than those obtained from animal shelters.
- Dog Beach Ordinance. Prepared an ordinance expanding the boundaries of Rosie's Dog Beach.
- Abatement of Dangerous Nuisance Conditions on Hill Street. Obtained a Judgment in favor of the City to demolish two unpermitted structures constituting a hazardous nuisance on Hill Street following four years of ongoing litigation.
- Citywide Project Labor Agreement (PLA). Provided legal advice and drafted the Citywide Project Labor Agreement, the first ever PLA for the City of Long Beach adopted by the City Council on a citywide scale, containing a local hiring goal of 40 percent with the objective of providing that construction work bring full employment and economic benefit to the City and its residents.
- Office Depot Settlement. Received, on behalf of the City of Long Beach, a \$610,794 settlement check representing the City's share of an overall settlement of State of California et al., ex rel., Estate of Sherwin v. Office Depot, Inc. for the overcharging of California public agencies and failure to give the agencies the "best price" as the contract provided, for the purchase of office supplies and related products from 2001 to 2011.
- Lateral Support Ordinance. Prepared an ordinance amending Chapter 14.08 of the Long Beach Municipal Code relating to excavations within and adjacent to public rights-of-way to ensure that surrounding walls of an excavation site are properly supported so that public property is adequately protected.
- Nuisance Abatement. Pursued 45 nuisance related cases within the past 12 months which included properties with vacation rental, group home, and sober living issues, as well as properties housing prisoners who are under "supervised release" pursuant to AB 109 (Public Safety Realignment). In addition, pursued 30 evictions pursuant to the Long Beach drug abatement ordinance, LBMC § 9.16 et seq.
- 3942 Knoxville Avenue. Addressing both Code Enforcement and Nuisance related issues associated with this residence, which has been a haven for criminal activity and drug use for the past 30 years and has been the bane of the community. Instituted a Substandard Building case against the residence for numerous code and nuisance related violations, and successfully executed an Order to Vacate the premises and effectively eliminated the nuisance activity at the property. Will continue to pursue the action until all the issues with the property are abated.
- 6966 Lake Avenue. Property holding itself out as a Sober Living Home was successfully pursued for having over 18 residents, well over the number of six residents allowed for a Sober Living Home.

FY 15 Accomplishments

- 281 Nieto Avenue. Under Long Beach Municipal Code §6.16.110, pursued owner for excessive dark barking at this residence. Owner had an extensive history of receiving dog barking citations over the previous three years but consistently refused to adequately comply with the dog barking ordinance. Owner plead to misdemeanor violation, agreed to sell the problem dog and is currently on two years of probation.
- Labor Negotiations. Assisted in providing legal analysis and counsel in on-going labor negotiations between the City and its largest employee union - International Association of Machinists and Aerospace Workers.
- PERB. Represented the City before the Public Employment Relations Board (PERB) regarding alleged unfair labor practice charges brought on behalf of City employees and employee unions.
- Civil Service Commission. Represented the Long Beach Civil Service Commission during employee disciplinary hearings involving City employees.
- Writs and Appeals. Prepared opposition to writ petitions and represented the City in Superior Court on Writs of Appeal brought by City employees challenging City imposed discipline.
- Employment Advice. Provided legal analysis and counsel to the Department of Human Resources and various other City departments on legal issues related to employee discipline procedures and Federal and State labor and employment laws.
- Training. Provided annual sexual harassment and hostile work environment training at the Long Beach Fire Department Training Center for new employees.
- Long Beach Civic Center. Provided legal analysis and counsel throughout the Civic Center and Main Library procurement process.
- Long Beach Community Investment Company. Transitioned the former Long Beach Housing Development Company into a new post-Redevelopment role pursuant to which it has expanded powers to apply for and expend funds for the purposes of affordable housing, economic development and neighborhood improvements.
- Redevelopment Agency (RDA) Dissolution. Provided legal analysis and counsel throughout the ongoing State-wide Redevelopment dissolution process, including the establishment and administration of the Successor Agency and Oversight Board.
- Alcohol Nuisance Abatement Ordinance. Provided legal advice and drafted the City's Alcohol Nuisance Abatement Ordinance requiring that liquor stores be brought into compliance through meaningful operating and aesthetics standards and conditions.
- Police Department. Provided legal advice to the Police Department regarding various issues including search and seizure, 1st Amendment, and interrogations. Prepared a city-wide ordinance banning aggressive panhandling.
- Business Improvement Districts. Worked with Public Works/Asset Management to establish the Uptown Business Improvement District in North Long Beach and to renew more than ten business improvement districts and areas throughout Long Beach, including Belmont Shore, Downtown, Retro Row and Bixby Knolls.
- Medical Marijuana. Drafted an ordinance pursuant to City Council direction regarding medical marijuana sales, cultivation and warehouse facilities in the City, attended meetings with City Council, Planning Commission and Medical Marijuana Task Force.

FY 15 Accomplishments

- **Water Quality Regulations.** Assisted the Stormwater Division of Public Works Department in obtaining NPDES permit from the Regional Water Quality Control Board and establishing cooperation agreements with surrounding jurisdictions to regulate water quality.
- **Special Events and 1st Amendment.** Provided advice and counsel to the Office of Special Events on 1st Amendment issues related to demonstrations, parades and marches throughout the City.
- **Workforce Development.** Provided advice and counsel to the Workforce Development Bureau covering the various programs administered by the department. Prepared and/or reviewed all contracts between City and State, City and non-profit providers for the delivery of job training and workforce development services.
- **Parks, Recreation, and Marine.** Provided advice and counsel to the Department of Parks, Recreation and Marine for activities and services throughout the City and in the Tidelands area.
- **Public Works.** Provided advice and counsel to the Public Works Department regarding environmental compliance for the City's 26 underground fuel storage tanks.
- **Fire Department.** Provided advice and counsel to the Fire Department for activities and services throughout the City.

Litigation Division

- With six deputies, handled approximately 200 cases involving a wide variety of issues, including claims of alleged police misconduct, 1st Amendment and 14th Amendment violations, election law disputes, breach of contracts, suits brought under the Public Records Act, employment discrimination cases and public liability cases, including catastrophic injury cases and wrongful deaths. While many of these cases are ongoing, the majority of cases that were resolved resulted in a favorable outcome for the City.
- Tried eight cases to verdicts, including cases involving catastrophic personal injuries. Seven of these cases resulted in defense verdicts. During this period, eleven cases were dismissed by the Plaintiffs for a waiver of costs, including two cases wherein the claim involved an alleged wrongful death.
- Resolved a number of cases with pre-trial motions. Seven cases were resolved in the City's favor by summary judgment (judgment in favor of the City entered by the court before trial), including a challenge to a decision by the City Clerk to refuse to place a medical marijuana ordinance on the ballot for a special election where the ballot did not have the requisite verified signatures. Four cases were resolved in the City's favor by demurrer, one of which included a \$2 Million claim by the Los Angeles Department of Water and Power.
- Pursued or defended 36 cases in small claims court over the year. The City prevailed on the vast majority of the cases wherein the City was suing as a plaintiff or was defending itself.
- Handled approximately 490 Government Tort Claims. Of the claims which required a payout, only two exceeded \$5,000.
- Recovered approximately \$202,750 for monies owed and for recovery of workers' compensation benefits paid as a result of the negligence of a third party.
- Provided training to City departments on issues ranging from investigations, police use of force, search and seizure laws, employment discrimination, progressive discipline, and Americans with Disabilities Act (ADA).

FY 15 Accomplishments

Harbor Division

- **Environmental and Business Incentives.** Drafted new tariffs and other measures to create financial incentives for users of the Port of Long Beach to reduce their impact on the environment and to help the Port of Long Beach recover from congestion precipitated by larger vessels, equipment shortages and labor negotiations.
- **Procurement Process Improvements.** Assisted the Harbor Department in establishing more robust procurement and contract compliance procedures.
- **Construction and Development.** Provided contracting and compliance advice for multiple construction projects including the Middle Harbor Container Terminal and the Gerald Desmond Bridge replacement project, each with a budget of over \$1 Billion.
- **Community Mitigation Grants.** Assisted the Harbor Department in the implementation of its extremely successful Community Mitigation Grant Programs. Prepared over 70 separate contracts for the distribution of nearly \$16.5 million in grant money to local schools, hospitals, health clinics and community organizations. These contracts have facilitated projects that include installation of air filters at schools, day care facilities and hospitals, asthma health education and outreach programs, solar electricity generation and energy efficient lighting systems, and xeriscape landscaping and tree projects throughout Long Beach.
- **Rail Projects.** Provided substantial legal support for environmental analysis and documentation of on-dock and near-dock rail projects. These rail projects have the potential to reduce overall freight movement emissions but can have adverse impacts on local residents if not located and planned appropriately.

Workers' Compensation Division

- Received 534 newly reported claims, including 101 newly litigated claims, for which workers' compensation benefits were administered. Total open claims decreased over the year from 2,500 to approximately 2,200, for which ongoing benefits and services were provided.
- Reduced total cost of pharmacy products and services by 21 percent. The total cost of pharmacy products decreased over the year from \$1,506,059 to \$1,188,891 resulting in savings of \$317,168.
- Issued a Request for Proposal and selected a new vendor for the City's Medical Provider Network (MPN) to manage and monitor medical providers for the purpose of providing appropriate treatment to injured workers, while controlling costs.
- Underwent a profile audit review (PAR Audit) and Utilization Review Investigation by the Audit Unit of the State Division of Workers' Compensation. Achieved a successful PAR Audit performance rating far exceeding the State's passing score. Successfully received a Utilization Review Investigation rating of 95.6% which far exceeds the passing score.
- Prepared an action plan for program restructuring based on workers' compensation industry best practices, including a detailed review of office procedures, consistency, manuals, forms, notes, etc. for the purpose of improving best practice standards in claim handling.

Financial Summary by Category

	Actual FY 14	Adopted* FY 15	Adjusted** FY 15	Adopted* FY 16
Revenues:				
Property Taxes	—	—	—	—
Other Taxes	—	—	—	—
Franchise Fees	—	—	—	—
Licenses and Permits	—	—	—	—
Fines and Forfeitures	—	—	—	—
Use of Money & Property	—	—	—	—
Revenue from Other Agencies	—	—	—	—
Charges for Services	—	—	—	—
Other Revenues	3,909	5,250	5,250	5,000
Interfund Services - Charges	—	—	—	—
Intrafund Services - General Fund Charges	—	—	—	—
Harbor P/R Revenue Transfers	—	—	—	—
Other Financing Sources	—	—	—	—
Operating Transfers	—	—	—	—
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Total Revenues	3,909	5,250	5,250	5,000
Expenditures:				
Salaries, Wages and Benefits	9,103,158	10,161,605	10,331,451	10,805,196
Overtime	4,015	400	400	400
Materials, Supplies and Services	530,172	384,281	384,281	384,281
Internal Support	(1,518,803)	(1,083,281)	(1,083,281)	(1,208,182)
Capital Purchases	11,139	—	—	—
Debt Service	—	—	—	—
Transfers to Other Funds	—	—	—	—
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Total Expenditures	8,129,681	9,463,005	9,632,852	9,981,695
Personnel (Full-time Equivalents)	67.25	67.25	67.25	69.25

* Amounts exclude all-years carryover. See budget ordinance in the back of this document.

** Amounts as published in the FY 16 Proposed Budget released July 2, 2015.

Personnel Summary

Classification	FY 14 Adopt FTE	FY 15 Adopt FTE	FY 16 Adopt FTE	FY 15 Adopted Budget	FY 16 Adopted Budget
Assistant City Attorney	2.00	2.00	2.00	437,251	437,250
City Attorney	1.00	1.00	1.00	271,789	273,789
Deputy City Attorney	13.00	13.00	14.00	1,753,314	1,951,538
Executive Assistant	2.00	2.00	2.00	187,344	187,345
Investigator II	1.00	1.00	1.00	92,916	96,633
Investigator III	2.00	2.00	2.00	194,777	202,569
Law Clerk	1.00	1.00	1.00	78,338	78,338
Legal Administrator	1.00	1.00	1.00	123,371	123,372
Legal Assistant	2.00	2.00	2.00	137,708	137,708
Legal Assistant I	1.00	1.00	1.00	59,209	59,209
Legal Assistant III	3.00	3.00	4.00	211,642	283,233
Legal Assistant IV	5.00	5.00	5.00	371,351	372,395
Legal Assistant-Subrogation	1.00	1.00	1.00	83,958	85,144
Legal Office Assistant	1.00	1.00	1.00	50,471	50,471
Legal Office Specialist	2.00	2.00	2.00	106,175	106,175
Legal Records Management Supervisor	1.00	1.00	1.00	78,997	82,157
Legal Records Specialist	2.00	2.00	2.00	100,942	100,942
Legal Systems Support Specialist	1.00	1.00	1.00	77,299	77,299
Liability Claims Assistant II	1.00	1.00	1.00	60,253	60,253
Manager-Workers' Compensation	1.00	1.00	1.00	115,753	115,752
Office Specialist	0.25	0.25	0.25	23,299	23,299
Paralegal	1.00	1.00	1.00	85,963	85,963
Principal Deputy City Attorney	4.00	4.00	4.00	679,942	679,942
Senior Deputy City Attorney	2.00	2.00	2.00	308,172	320,499
Senior Workers' Comp Claims Examiner	2.00	2.00	2.00	192,038	199,717
Workers' Comp Administrative Assistant	1.00	1.00	1.00	78,699	78,699
Workers' Comp Claims Assistant	2.00	2.00	2.00	145,509	151,330
Workers' Comp Claims Examiner	5.00	5.00	5.00	408,810	425,159
Workers' Comp Office Assistant II	5.00	5.00	5.00	262,284	261,240
Workers' Comp Medical Only Examiner	1.00	1.00	1.00	62,254	62,254
Total Salaries	67.25	67.25	69.25	6,839,826	7,169,673
Overtime	—	—	—	400	400
Fringe Benefits	—	—	—	3,189,695	3,499,020
Administrative Overhead	—	—	—	132,083	136,503
Attrition/Salary Savings	—	—	—	—	—
Expenditure Transfer	—	—	—	—	—
Total	67.25	67.25	69.25	10,162,005	10,805,596

Key Contacts

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