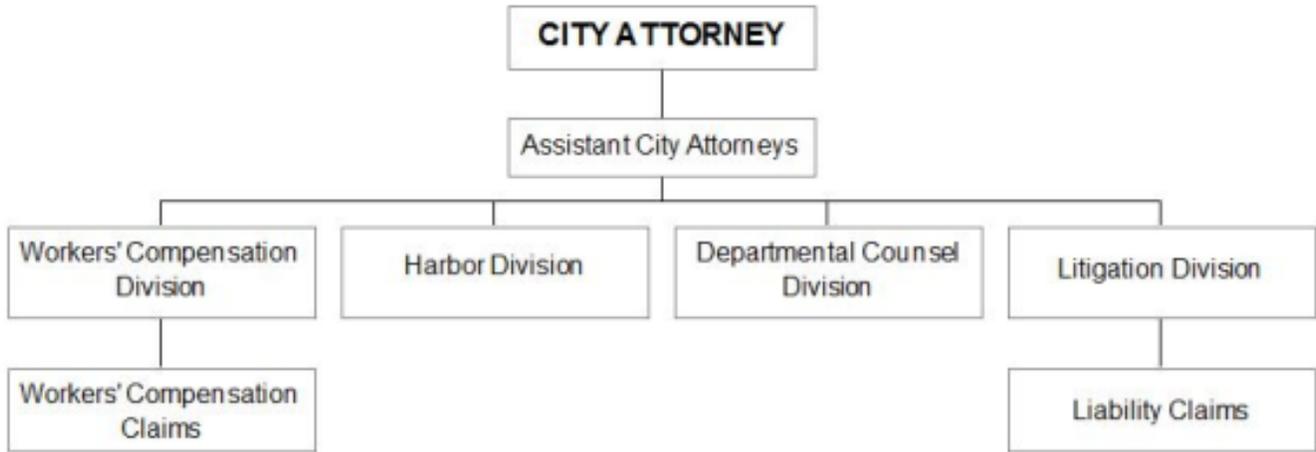


City Attorney



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 acts as legal counsel to the Mayor and elected officials, the City and all its agencies and departments. City Attorneys represent the City on affirmative and defensive civil litigation, legislative and legal issues, and administrative code enforcement proceedings.

Departmental Counsel Division

The Departmental Counsel Division serve as general legal counsel to the City Council, City Officers, and the various Departments, Divisions and Bureaus of the City. The Departmental Counsel Division also provides legal advice to City Boards 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 prosecute 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 various 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, personnel 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 Port of Long Beach, the second-busiest seaport in the United States with trade valued annually at more than \$100 Billion. The Harbor Division Attorneys are working closely with the City's Harbor Department in formulating and implementing the Port's "Green Port Policy" in an effort to minimize and eliminate negative environmental impacts associated with the Port's activities.

In addition, Harbor Division attorneys serve as legal counsel to the Alameda Corridor Transportation Authority (ACTA), draft and approve 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 and counsel on California Environmental Quality Act (CEQA) matters, construction projects and all real property transactions.

Workers' Compensation Division

The Workers' Compensation Division consist 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 14 Accomplishments

Departmental Counsel Division

- **Electronic Cigarette Ordinance.** Prepared ordinance amending the Long Beach Municipal Code on smoking regulations to include electronic cigarettes, vapor devices and products containing biologically active amounts of nicotine.
- **Living Wage Ordinance.** Prepared ordinance requiring future food concessionaire contractors at the Long Beach Airport and Convention Center to pay wages consistent with Measure N.
- **Worker Retention Ordinance.** Prepared ordinance requiring future food service concessions contractors at the Long Beach Airport and Convention Center to rehire for an initial trial period the workers employed by their predecessor contractor.
- **Labor Peace Ordinance.** Prepared ordinance requiring future concessions contractors at the Long Beach Airport and Convention Center to provide the City with contractual assurance of labor peace to avoid interruption of City revenues.
- **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.
- **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.
- **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 demolition and reconstruction of the Belmont Pool, Medical Marijuana, the new Billboard Ordinance, and the conversion of residential structures to parking lots in parking impacted areas, digital signage, the CSULB Technology Center project, Douglas Park Development, Farmers Markets, Group Homes and Residential Care Facilities, the adoption of the City's Land Use and Housing Elements of the General Plan, Planning Commission Bylaw Revision, wireless telecommunications, and development of the Pike.
- **Ethics, FPPC and Election Issues.** Provided advice and opinions on ethics, FPPC and election issues including matters involving 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.
- **Police Department - Legal Advice.** 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.

FY 14 Accomplishments

- Business Improvement Districts. With Public Works/Asset Management, establishment of Uptown Business Improvement District in North Long Beach and renewals of more than 10 business improvement districts and areas throughout Long Beach, including Belmont Shore, Downtown, Retro Row and Bixby Knolls.
- Medical Marijuana Business License Tax. Drafted ordinance and related ballot documents pursuant to Council direction for the April primary election, authorizing a general tax on medical marijuana sales, cultivation and warehouse facilities in the City, subject to approval of a regulatory ordinance by the City Council.
- Water Quality Regulations. Assisted 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 twenty-six (26) underground fuel storage tanks.
- Fire Department. Provided advice and counsel to the Fire Department for activities and services throughout the City.
- Technology Services. Provided advice and counsel to the Technology Services Department regarding Microsoft Cloud 365 implementation.
- Fortune-telling Ordinance. Amended fortune telling ordinance (LBMC section 5.38) to eliminate antiquated references to racial stereotypes, under threat of litigation.
- Skateboarding Ordinance. Amended ordinance regulating skateboarding to remove CSULB and allow it to regulate its own property.
- Destruction of Narcotics & Contraband. Negotiated agreements with Dept of Justice and US Customs/Border Patrol for destruction of narcotics and contraband at SERRF.
- Improved Parking Citation Processing. Advised Financial Management/Commercial Services on selection of contractor to provide updated and improved parking citation processing and collection services citywide.

Litigation Division

- Handled approximately 209 cases involving a wide variety of issues, including claims of police misconduct, First Amendment and Fourteenth Amendment violations, election law disputes, breach of contracts, claims as to the constitutionality of fishing tariffs, suits brought under the Public

FY 14 Accomplishments

Records Act, employment discrimination cases and public liability cases, including catastrophic injury cases and wrongful death. While many of these cases are on going, the majority of cases that were resolved included a favorable outcome for our clients.

- Tried fourteen (14) cases to trial in state of federal court over the year. Of these trials, ten (10) were defense verdicts [72 percent]; Two (2) of the fourteen were admitted liability, but the verdicts were substantially below the amount demanded, (i.e., Erica Garibaldi claims she had a traumatic brain injury and demanded \$33,000,000- the jury awarded \$162,000.) Six (6) cases were dismissed by the Plaintiffs for a waiver of costs, including a claim of wrongful death.
- Resolved five (5) cases by summary judgment, (judgment in favor of the City entered by the court before trial), including a claim of a Fourteenth Amendment violation brought by a man wrongfully arrested, and 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.
- Handled several cases before the court of appeal. The City prevailed on three (3) of the four (4) cases decided during the year- one before the Federal 9th Circuit Court of Appeal and the other in the State Court of Appeal.
- Prosecuted or defended twenty-four (24) cases in small claims court over the year. The City prevailed on all of the cases wherein the City was suing as a plaintiff; and prevailed in fourteen (14) of the cases where we defended the City. [83%]
- Investigated a total of 673 Government Tort Claims, of which 147 were resolved by payment and 141 of these were settled for under \$5,000.
- Recovered approximately \$546,470 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 use of force and search and seizure laws to employment discrimination and progressive discipline.

Harbor Division

- Green Ship Rates. Obtained reduced electric rates for ships that plug-in to shore power while calling at the Port of Long Beach. Shore power reduces emissions by 95 percent and the new electric rates will save maritime operators approximately \$350 million compared to existing rates.
- Environmental and Business Incentives. Drafted new provisions in the tariff structure to create financial incentives for users of the Port of Long Beach to reduce their impact on the environment and to bring additional cargo to the Port of Long Beach.
- Procurement Process Improvements. Assisted the Harbor Department in establishing more robust procurement and contract compliance procedures.
- Negotiation and Drafting of Leases. Negotiated and drafted all major real estate documents, including the 40-year, \$4.6 billion Middle Harbor lease. Lease revenues account for two-thirds of the income of the Port of Long Beach.
- 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.

FY 14 Accomplishments

- **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 574 newly reported claims, including 111 newly litigated claims, for which workers' compensation benefits were administered. Total open claims were approximately 2,500, for which on-going benefits and services were provided.
- Implemented new vendor programs for Nurse Case Management and Utilization Review as a result of a Select Managed Care RFP. Utilization Review and Nurse Case Management control the treatment provided to cure and relieve the effects of an injury.
- Implemented a new Pharmacy Benefit Management Program. Transitioned all open claims that receive prescription medications from the prior vendor. Pharmacy Benefit Management provides lower cost pharmacy products and services.
- Aggressively monitored and managed vendor partners to obtain the best pricing and service to control costs. Vendor services include investigations, medical diagnostic services, durable medical equipment, and transportation services, among others.
- Created a generic Long Beach price list for medical services not captured under the State of California Official Medical Fee Schedule, and to obtain the best pricing for these services.
- Conducted examiner round-tables devoted to legal strategies for the purpose of effecting the most cost effective plan of action on difficult or complex cases.
- Amended the Medical Provider Network to enhance the provider choices. Eliminated over 2,000 providers that do not comply with the state requirements of Medical Provider Networks, resulting in a more streamlined network.
- Audited the billing practices of a major vendor partner and conducted staff training to identify and address vendor billing errors and over-billing practices.
- Participated in the RFP process for managed care services including Nurse Case Management, Utilization Review, and Medical Provider Network.

Financial Summary by Category

	Actual FY 13	Adopted* FY 14	Adjusted** FY 14	Adopted* FY 15
Revenues:				
Property Taxes	-	-	-	-
Other Taxes	-	-	-	-
Licenses and Permits	-	-	-	-
Fines and Forfeitures	-	-	-	-
Use of Money & Property	-	-	-	-
Revenue from Other Agencies	-	-	-	-
Charges for Services	-	-	-	-
Other Revenues	2,556	5,250	5,250	5,250
Interfund Services - Charges	-	-	-	-
Intrafund Services - GP Charges	-	-	-	-
Harbor P/R Revenue Transfers	-	-	-	-
Other Financing Sources	-	-	-	-
Operating Transfers	-	-	-	-
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Total Revenues	2,556	5,250	5,250	5,250
Expenditures:				
Salaries, Wages and Benefits	9,139,452	9,914,576	10,007,959	10,161,605
Overtime	1,153	400	400	400
Materials, Supplies and Services	282,615	384,281	508,093	384,281
Internal Support	(1,391,804)	(1,327,839)	(1,327,839)	(1,083,281)
Capital Purchases	-	-	27,387	-
Debt Service	-	-	-	-
Transfers to Other Funds	-	-	-	-
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Total Expenditures	8,031,416	8,971,418	9,216,000	9,463,005
Personnel (Full-time Equivalents)	67.25	67.25	67.25	67.25

* Amounts exclude all-years carryover. See Budget Ordinance in the front section of this document.

** Amounts as published in the FY 15 Proposed Budget released July 2, 2014.

Personnel Summary

Classification	FY 13 Adopt FTE	FY 14 Adopt FTE	FY 15 Adopt FTE	FY 14 Adopted Budget	FY 15 Adopted Budget
City Attorney	1.00	1.00	1.00	252,671	271,789
Assistant City Attorney	2.00	2.00	2.00	378,769	437,251
Deputy City Attorney	13.00	13.00	13.00	1,733,336	1,753,314
Executive Assistant	2.00	2.00	2.00	157,114	187,344
Investigator II	1.00	1.00	1.00	92,915	92,916
Investigator III	2.00	2.00	2.00	194,776	194,777
Law Clerk	-	1.00	1.00	78,338	78,338
Legal Administrator	1.00	1.00	1.00	106,870	123,371
Legal Assistant	2.00	2.00	2.00	131,149	137,708
Legal Assistant I	1.00	1.00	1.00	59,210	59,209
Legal Assistant III	3.00	3.00	3.00	211,641	211,642
Legal Assistant IV	5.00	5.00	5.00	371,349	371,351
Legal Assistant-Subrogation	1.00	1.00	1.00	82,914	83,958
Legal Office Assistant	1.00	1.00	1.00	50,471	50,471
Legal Office Specialist	2.00	2.00	2.00	106,174	106,175
Legal Records Management Supervisor	1.00	1.00	1.00	78,996	78,997
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 I	1.00	-	-	-	-
Liability Claims Assistant II	-	1.00	1.00	59,210	60,253
Manager-Workers' Compensation	1.00	1.00	1.00	106,972	115,753
Office Specialist	0.25	0.25	0.25	20,991	23,299
Paralegal	2.00	1.00	1.00	85,963	85,963
Principal Deputy City Attorney	4.00	4.00	4.00	603,240	679,942
Senior Deputy City Attorney	2.00	2.00	2.00	308,172	308,172
Senior Workers' Comp Claims Examiner	2.00	2.00	2.00	192,039	192,038
Workers' Comp Administrative Assistant	1.00	1.00	1.00	74,951	78,699
Workers' Comp Claims Assistant	2.00	2.00	2.00	145,508	145,509
Workers' Comp Claims Examiner	5.00	5.00	5.00	408,809	408,810
Workers' Comp Office Assistant I	1.00	-	-	-	-
Workers' Comp Office Assistant II	4.00	5.00	5.00	261,235	262,284
Workers' Comp Medical Only Examiner	1.00	1.00	1.00	62,253	62,254
Total Salaries	67.25	67.25	67.25	6,594,279	6,839,826
Overtime	---	---	---	400	400
Fringe Benefits	---	---	---	3,192,956	3,189,695
Administrative Overhead	---	---	---	127,342	132,083
Attrition/Salary Savings	---	---	---	---	-
To Be Negotiated Savings	---	---	---	---	-
Mayoral Veto	---	---	---	---	-
Total	67.25	67.25	67.25	9,914,977	10,162,005

Key Contacts

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