



CITY OF LONG BEACH

OFFICE OF THE CITY MANAGER

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PATRICK H. WEST
CITY MANAGER

March 24, 2017

The Honorable Heath Flora
California State Assembly
State Capitol, Suite 3149
Sacramento, CA 94249

RE: OPPOSITION to Assembly Bill 1146 (Flora) – Local Cities and Counties: Legal Services: Contingency Fee Contracts

Dear Assemblymember Flora:

On behalf of the City of Long Beach, I write to oppose Assembly Bill 1146. This legislation undermines the City Attorney's ability to contract outside representation in a timely manner for purposes of seeking relief in civil litigation where the City of Long Beach is the plaintiff.

This bill requires the City Council to substitute the legal judgement of the City Attorney, who is duly sworn to pursue the best interest of the City of Long Beach, by requiring the City Council to first determine whether a contingency fee contract is cost effective and in the public interest. The criteria for these determinations requires the City Council consider the novelty, complexity, difficulty of the questions involved, and the skill requisite to perform the attorney services properly. These determinations are best suited for the City Attorney. Further, in a case where time is of the essence, the City's ability to bring forth a lawsuit will be delayed by making the contingency fee contract into a public competitive process as required by this bill.

AB 1146 (Flora) requires that the City of Long Beach expose confidential information, including intent to seek outside counsel, which is otherwise protected by the duty of confidentiality. This requirement alone would undermine outside counsel's efforts to represent the City to the best of their ability. It is in Long Beach's best interest to preserve the contracting rights of public entities, and AB 1146 undermines those rights.

Given these reasons, the City of Long Beach opposes AB 1146.

Sincerely,



Patrick H. West
CITY MANAGER

cc:

The Honorable Speaker Anthony Rendon, State Assembly
The Honorable Steven Bradford, State Senate, 35th District
The Honorable Ricardo Lara, State Senate, 33rd District
The Honorable Janet Nguyen, State Senate, 34th District
The Honorable Mike Gipson, State Assembly, 64th District
The Honorable Patrick O'Donnell, State Assembly, 70th District