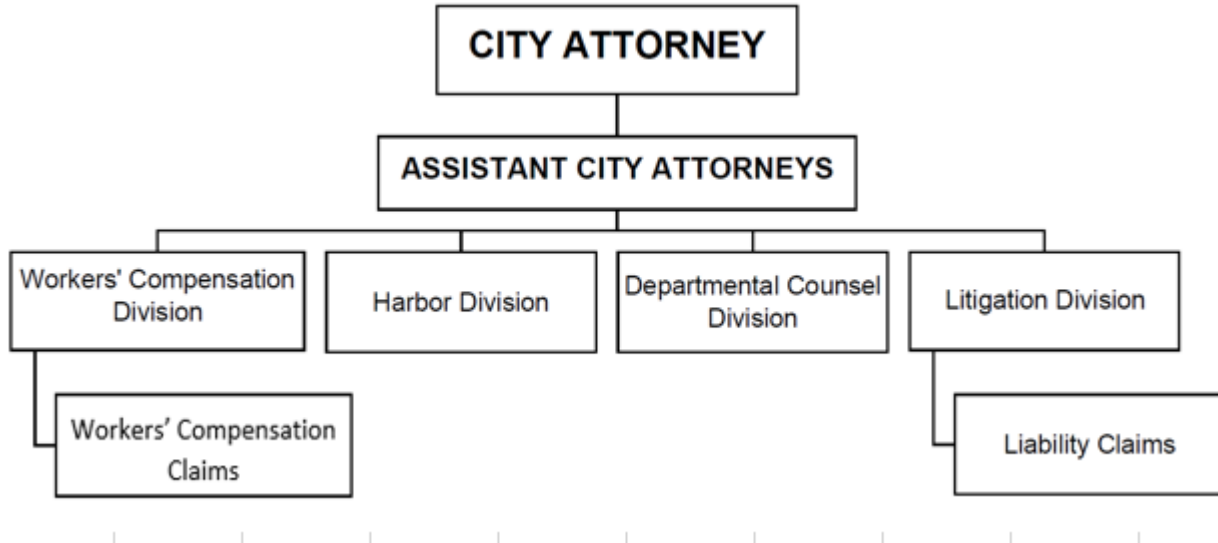


# City Attorney



## 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 forty-six (46) of the City's 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, the Long Beach Community Investment Company, the Successor Agency to the Redevelopment Agency of the City of Long Beach, and the Oversight Board, the Marine Advisory Commission, the Parks and Recreation Commission, the Sustainable City Commission, the Technology and Innovation Commission, the Cultural Heritage Commission, the Board of Health and Human Services, the Commission on Youth and Children, the Senior Citizen Advisory Commission, the Citizen's Advisory Commission on Disabilities, the Veterans Affairs Commission, and the Human Relations Commission.

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 and Land Use writ actions, and also provides legal advice on personnel matters, including litigating various contested personnel matters in both State and Federal courts.

# Department Overview

---

## **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.

## **Harbor Division**

The Harbor Division provides legal counsel and advice to the Board of Harbor Commissioners and the Port of Long Beach (Harbor Department), the second-busiest seaport in the United States with cargo valued annually at \$180 billion. The Harbor Division attorneys work on all transactions related to the Port's operations whose annual revenues exceed \$700 million and on formulating and implementing the "Green Port Policy" which mitigates the environmental impacts of Port operations.

Harbor Division attorneys also serve as legal counsel to the Alameda Corridor Transportation Authority (ACTA), draft and approve all Harbor Department leases, permits and contracts, prepare all resolutions, ordinances and other regulations for the Board of Harbor Commissioners and the Harbor Department, and provide advice on environmental matters, energy issues, 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 18 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, wireless telecommunications and siting, the litigation of several significant CEQA lawsuits, updates to the Long Beach General Plan, the Southeast Area Development and Improvement Plan (SEASIP), the Los Cerritos Wetlands Restoration and Oil Consolidation Project, the Belmont Pool, and PCH and Second Street projects.
- Southern California International Gateway (SCIG) Litigation. Provided advice and support and participated in ongoing litigation 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 litigation 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 in the City of Long Beach in connection with a proposed project to widen the I-405 Freeway between State Route 73 (SR-73) and Interstate 605 (I-605) and negotiated a settlement reimbursing the City for such measures.
- Long Beach Airport. Provided advice and opinions and attended community meetings related to the City's Airport Noise Compatibility Ordinance, the allocation of supplemental air carrier flight slots, unused flight slots, and the possibility of a Federal Inspection Station (FIS) and customs facility.
- Cannabis. Advised departments throughout implementation of Chapter 5.90 of the Long Beach Municipal Code (LBMC) ("Medical Marijuana Businesses"), including the Non-Priority Dispensary Public Lottery (Public Lottery) in September and all activities related to evaluating the eligibility of Non-Priority Dispensary applicants for participation in the Public Lottery. Represented City departments in informal challenges to the City's implementation of Chapter 5.90 of the LBMC, including lottery procedures, buffer measurements, and the Priority Points System. Evaluated whether multiple locations in the City were "schools" for purposes of the buffer map. Attended City Council meetings for cannabis related items. Issued cease and desist letters for illegal cannabis operations (i.e. dispensaries, delivery businesses, distribution, and cultivation) within the City. Drafted an ordinance to add enforcement remedies for unlicensed cannabis operations to Chapter 5.90 and to add day care and youth buffers to Chapter 5.90 due to changes in state law. Drafted and implemented a moratorium to ban adult-use/recreational cannabis businesses. Worked extensively with City staff to begin drafting an adult-use cannabis business regulatory ordinance. Advised departments regarding licensed and unlicensed enforcement through civil, administrative, and criminal remedies. Defended Business License in two hearings for denials of Non-Priority Dispensary applications. Prepared opposition to a writ petition and represented the City in Superior Court brought by a Non-Priority Dispensary applicant challenging another Non-Priority Dispensary applicant's legitimacy of participating in the Public Lottery.
- Public Records Act. Provided advice and counsel regarding new state laws pertaining to the California Public Records Act and records retention issues.
- Unattended Donation Boxes. Provided legal advice and drafted a moratorium ordinance pertaining to the proliferation of unattended donation boxes (UDBs).
- Long Beach Civic Center. Provided legal analysis and general counsel related to the Civic Center project. Prepared amendments and addendum related to the project.

## FY 18 Accomplishments

---

- RDA Dissolution. Provided legal analysis and counsel regarding the ongoing administration of the RDA Successor Agency and Oversight Board. Drafted and negotiated several agreements for the purchase and sale of former RDA properties in accordance with an approved Long Range Property Management Plan.
- Technology and Innovation Department. Staffed the Technology and Innovation Commission meetings. Assisted in the implementation of LB COAST (formerly, “ERP”--replacement technology for current payroll, timekeeping and personnel system).
- Election Issues. Performed research related to election issues. Provided support to the City Clerk at the primary election; drafted resolutions and ordinances required for the consolidated/coordinated general election with LA County. Provided advice on requirements for recall and initiative petitions. Drafted resolutions necessary to place charter amendments on the ballot.
- Ethics Advice. Provided advice relating to gifts, conflicts of interest, mass mailings, economic disclosure filings for City officials and employees. Requested advice from the FPPC on issues related to Government Code section 1090, the Political Reform Act and Form 700 filings. Provided training to various City boards and commissions on Brown Act, PRA and conflict of interest laws.
- Public Works. Provided oversight and support for City of Long Beach v. Monsanto et al., litigation related to PCB contamination in Long Beach storm water and tidelands. Provided advice to transportation engineering staff on a variety of parking and traffic issues including bike share, RVs (including drafting new RV permit ordinance), preferential parking districts, parking meters and City parking lots. Worked with Environmental Services division on refuse rate increase requirements under Prop. 218. Drafted polystyrene ban ordinance and implementing documents.
- Public Works Department. Provided advice and counsel to the Public Works Department related to bid protests, prevailing wage compliance, HUD Section 3 compliance, the Citywide Project Labor Agreement, indemnity and insurance provisions, surety bonds, change orders, and project close-outs. Prepared and/or reviewed various documents including plans and specifications, requests for proposals, construction contracts, job order contracts, on-call consulting contracts, license agreements, public walkways occupancy permits for sidewalk dining and/or parklets, easement deeds, and street vacation documents.
- Gym Parklet Pilot Program. Provided advice and prepared an ordinance allowing public walkways occupancy permits for gym or fitness uses-pilot project at 333 Pine Avenue.
- Urban Agriculture Incentive Zone Program. Provided advice and prepared an ordinance establishing the Urban Agriculture Incentive Zone (UAIZ) Program to promote urban agriculture and increase access to healthy food items in the City, by allowing property owners to voluntarily enter into an agreement with the City to use vacant or unimproved property for small scale agricultural purposes and be subject to a reduced property tax assessment in accordance with certain provisions of the State’s Revenue and Taxation Code.
- Job Order Contracting (JOC). Prepared a JOC ordinance and developed a JOC Policy applicable to all City departments and offices directly responsible to the City Manager.
- Library. Worked with Library Department on a variety of operations issues.
- Financial Management/Purchasing. Worked on a wide variety of sales tax, collections and fee issues; bids, RFPs and contract issues; budget resolutions and ordinances.

## FY 18 Accomplishments

---

- Business Improvement Districts. Provided advice to City staff related to annual ordinances and resolutions required to administer the City's ten merchant-based and property-based business improvement districts, including the renewal of the Uptown BID.
- Economic Development Commission. Provided advice and staffed Commission meetings, including implementation of the adopted Economic Development Blueprint for Long Beach.
- Pedestrian Safety Advisory Commission. Provided advice and staffed the re-launched PSAC, an eleven-member citizen commission regulating crossing guards, required by initiative ordinance.
- Transactions and Use Tax Citizens' Advisory Committee. Provided advice to staff and committee overseeing the use of Measure A funds for conformance with the intent of the Measure.
- Cell Sites on City Rights-of-Way. Prepared a new wireless telecommunications facilities ordinance, provided advice to Public Works and Development Services regarding the location of cell sites on City property in public right-of-way areas, and prepared a Master License Agreement with providers and carriers for the non-exclusive use of City-owned properties for wireless telecommunication facilities.
- Advanced Energy Storage System. Provided advice and negotiated a Master Energy Management Services Agreement for an advanced energy storage system at various sites within the City of Long Beach.
- Historical Landmarks. Provided advice and drafted ordinances designating seven properties as historical landmarks: 362 Junipero, 355 Junipero, 909 Elm Avenue, 287 Granada, 501 East Broadway, the Fly DC Jets sign located at 3860 N. Lakewood Boulevard, and the VIP Records sign.
- Mills Act Program. Provided advice and prepared Mills Act historic property contracts with owners of 22 historic landmark properties.
- Proactive Rental Housing Inspection Program Ordinance. Provided advice regarding the City's existing Proactive Rental Housing Inspection Program.
- Prosecution of 31 Nuisance related cases within the past 12 months, which included short term vacation rentals, sober living facilities, half-way houses, AB 109 (public safety realignment) individuals, as well as residences that are frequented by gang members or drug dealers and cause numerous disturbances to adjacent properties. In addition, prosecuted 41 Drug and Weapons Eviction cases pursuant to the relevant provisions of the City's drug abatement ordinance, namely, LBMC Chapter 9.16 et seq.
- Mobile Billboard Enforcement. Researched and created framework for the regulation of Mobile Billboards within the City using the Long Beach Municipal Code (LBMC) as well as applicable California Vehicle Code sections. Worked together with Patrol Resource Officer (PRO) from the Police Department to create a plan for enforcement of these sections. Drafted citation warning letters and provided copies to the PRO to post and subsequently tow these illegal Mobile Billboards. Ultimately, the Police Department removed eight Mobile Billboards from the public rights of way within the City.
- Homelessness. Represented the City Attorney's Office on the Interdepartmental Team on homelessness. Researched recent case law and settlements from other jurisdictions to provide continual guidance for our team to refine our City's approach to homelessness. Provided briefs to the Police Department regarding the constitutional basis for the reasons behind treatment of those experiencing homelessness. Attended a meeting with Quality of Life Police Officers and Health

## FY 18 Accomplishments

---

Department Outreach Officers as well as LA County Public Works and LA Sheriff's Department to facilitate coordination in LA River clean ups. Provided advice to Quality of Life Officers when tackling complicated homeless encampments or jurisdictional questions. Worked alongside City Prosecutor's Office and the Police Department to draft a Quality of Life Crimes Guide to assist patrol officers with applicable sections of the LBMC and Penal Code.

- Animal Care Services Bureau. Advised Animal Care Services on various issues including responses to Public Records Act ("PRA") requests, vicious dog hearings, barking dog hearings, provisions in the LBMC relating to administrative appeals of Animal Care citations, as well as all other law related questions.
- Multi-Disciplinary Team. Provided advice and assistance with the implementation of the Administrative Regulation relating to sharing of data amongst the various departments within the City of Long Beach which are directly responsible to the City Manager. Provided assistance to City Manager's Office in the implementation of a data sharing systems for a number of the City's departments. Drafted Memorandums of Understanding as well as Research Agreements to include non-City partners within our Multi-Disciplinary Team to ensure the security and privacy of data.
- Proposition "L". Provided advice to all City departments regarding compliance with Section 1806 of the City Charter (known as "Prop L") for the contracting out of work or services usually performed by City employees.
- Civil Service Commission. Represented the Long Beach Civil Service Commission during employee disciplinary hearings involving City employees.
- Labor Negotiations. Provided legal analysis and counsel to resolve labor disputes.
- PERB. Represented the City in numerous actions before the Public Employment Relations Board regarding alleged unfair labor practice charges brought on behalf of City employees and employee unions.
- CalOSHA – Provided legal analysis and counsel to resolve CalOSHA complaints.
- Employment Law Writs and Appeals. Prepared opposition to writ petitions and represented the City in Superior Court and Court of Appeal on Writs of Appeal brought by City employees challenging City imposed discipline.
- Employment Advice. Provided 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 Brown Act and Open Meeting training for various commissions and committees.
- Long Beach Community Investment Company. Provided legal advice to the former Long Beach Housing Development Company in its new post-Redevelopment role with its expanded powers to apply for and expend funds for the purposes of affordable housing, economic development and neighborhood improvements.
- Utilities. Provided legal counsel to staff in connection with the conversion of all gas meters to an automated meter-reading system. Drafted and negotiated several agreements related thereto.
- Fire Department. Provided legal advice and counsel to the Fire Department for activities and services throughout the City and responses to Public Records Act requests and subpoenas.

## FY 18 Accomplishments

---

- Police Department. Provided legal advice to the Police Department regarding various issues, conducted training on search and seizure and presentation of evidence at the Long Beach Police Academy, updated departmental policies, assisted with all contracts including transit law enforcement services, and responded to Public Records Act requests and subpoenas.
- Los Angeles County Law Enforcement Assisted Diversion (LEAD) Program. Provided legal advice and counsel to the Police Department and the City Prosecutor's Office, and assisted with finalizing an agreement for a grant funded diversion program that offers individuals various social services while seeking to reduce crime in the community.
- Disaster Preparedness and Emergency Communications (DPEC). Provided legal advice and counsel to DPEC, reviewed and approved grant funding agreements, and attended various training opportunities to better prepare for any and all disasters.
- Citizen Police Complaint Commission (CPCC). Provided legal advice to the CPCC regarding policies and procedures, meetings, confidentiality requirements, conflicts of interest laws, and Public Records Act requests, and attended meetings upon request.
- Impact Fees. Provided legal advice to the Financial Management Department regarding the Transportation Improvement Fee, Parks and Recreation Facilities Fee, Fire Facilities Impact Fee, and Police Facilities Impact Fee, and drafted a resolution approving the annual and five-year reports for said fees.
- Immigration Enforcement Policy. Provided legal advice to the City Manager's Office and various departments regarding federal and states laws concerning immigration, met with local organizations and members of the community, and assisted with the creation of the now approved Long Beach Values Act of 2018 regarding procedures for sensitive information and the enforcement of federal immigration law.
- Health and Human Services Department. Provided legal advice and counsel to the Health and Human Services Department related to HIPAA compliance and other issues. Prepared and/or reviewed various documents including grant agreements and subcontracts for the Continuum of Care Program and the California Emergency Solutions Grant Program.
- Healthy Kids' Beverage Ordinance. Prepare legal advice and drafted an ordinance pertaining to establishing default beverages offered with children's meals.
- 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.
- Water Department. Provide legal advice and counsel to the Water Department.
- Economic and Property Development. Provide legal advice and counsel to the Economic and Property Development Department.
- Special Events. Provided advice and counsel to the Office of Special Events on First Amendment issues related to demonstrations, parades and marches throughout the City.
- Workforce Development. Provided advice and counsel to the Workforce Development Bureau related to various programs. 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.



## FY 18 Accomplishments

---

- 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.
- Grand Prix. Prepared contracts and provided counsel regarding the Long Beach Grand Prix.
- Community Hospital. Provide advice and counsel regarding the planned closure of Community Hospital Long Beach.
- Underground Storage Tanks. Provided advice and counsel regarding environmental compliance for the City's 26 underground fuel storage tanks.

### Litigation Division

- With seven deputies, the City Attorney's Litigation Division handled approximately 200-220 lawsuits. These lawsuits involved a wide variety of issues. This Division handled cases including claims of alleged police misconduct, allegations of 1st Amendment and 14th Amendment violations, a challenge to the City's conditional use permit process for tattoo parlors, election law disputes, various breach of contract claims, suits brought under the Public Records Act, significant public liability cases, including catastrophic injury cases, and several employment discrimination cases. The Division handles in-house cases both at the trial court level and appeals and writs before the Court of Appeal, and occasionally appears before the Supreme Court. While many of these cases are ongoing, the majority of cases that were resolved resulted in a favorable outcome for the City.
- The Litigation Division also resolved a number of cases with pre-trial motions, sparing the costs of a full trial. Also, during this time period, this Division resolved multiple outstanding claims involving medical marijuana and the City's ordinance banning same, all in the City's favor.
- The Litigation Division also pursued or defended 21 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. Our Subrogation Section has recovered approximately \$393,082.53 for the City.
- The Liability Claims Section handled approximately 709 Government Tort Claims. The Claims Section either settled meritorious claims, typically between \$5,000 to \$10,000, or rejected claims having no merit.
- During this fiscal year, the City Attorney's Office, working with outside counsel, negotiated a comprehensive and long term, thirty-year agreement to bring the City's infrastructure in line with the requirements of the Americans with Disabilities Act (ADA). This agreement also serves to prevent future ADA lawsuits, so that City funds can be used on improving access to all citizens of Long Beach, and not on lawsuits.
- Finally, the Litigation Division provides ongoing training to City departments on issues ranging from investigations, preservation of evidence, police use of force, search and seizure laws, employment discrimination, progressive discipline, the ADA, and the California Public Records Act.

### Harbor Division

- Environmental and Business Incentives. Drafted new tariffs and other measures to continue financial incentives for users of the Port of Long Beach to reduce their impact on the environment.
- CEQA Lawsuit. Obtained favorable verdict in CEQA lawsuit challenging development of an RDA property within the Downtown Plan area and represented the City in the appeal.

## FY 18 Accomplishments

---

- **Litigation - Fireboats and Structures.** Assisted Port in litigation regarding fireboat construction as well as in cases involving materials located in structures.
- **Transmission Line Replacement Project.** Provided legal advice and guidance to assist Port staff and management with negotiations and environmental review of SCE's multi-million dollar project to raise and replace transmission lines over the Cerritos Channel.
- **PCB Litigation.** Provided substantial legal support for damages case against Monsanto related to PCB contamination of Long Beach waters and trust marine areas, including coordination with outside counsel on briefing, discovery and public records request responses.
- **New Long Beach Civic Center.** Assisted the Harbor Department in implementing that portion of the new Long Beach Civic Center project which will house the Port Headquarters and related areas such as Port parking.
- **Real Estate Contracts.** Advised and drafted numerous documents regarding leases and other real estate transactions.
- **Property Damage Litigation.** Provided legal support in lawsuit against contractors who damaged Harbor Department property during construction of a secant pile wall, resulting in a \$5.5 million settlement in favor of the Department.
- **Contract Claim Resolution.** Provide ongoing legal support, advice and representation of the Harbor Department in connection with construction claims asserted by contractors against the Department.
- **Public Contract Code Compliance.** Advise staff on public contract law requirements including public bidding, sole source procurements, licensing requirements, prequalification of bidders, bid responsiveness, bid protests, subcontractor substitutions, and prevailing wages.
- **Project Labor Agreement.** Provided legal advice relating to the implementation of the Port-wide Project Labor Agreement.
- **Procurement.** Assisted the Harbor Department in the procurement of the new state-of-the-art Long Beach Harbor fireboats.
- **Electrification of Port.** Provided legal advice regarding matters before the California Public Utilities Commission to facilitate further electrification of Port, including the obtaining of millions of dollars in grants.
- **Construction and Development.** Provided contracting, real estate, 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.
- **Port Information Portal.** Assisted the Harbor Department in entering into an agreement for a pilot project to test a common user information portal for enhancing maritime supply chain performance and efficiency by improving data visibility and stakeholder collaboration.
- **Community Mitigation Grants.** Assisted the Harbor Department in the preparation of the Community Grants Program Guidelines, and assisted in awarding 11 grant funding contracts totaling approximately \$3,744,000 to help mitigate the effects from Port operations on the community related to air quality and community health.

## FY 18 Accomplishments

---

- Rail Projects. Continue to provide substantial legal support for environmental analysis and documentation of on-dock, near-dock, and short haul 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.
- Air Quality. Provided substantial legal support for environmental and regulatory issues associated with development of the third iteration of the Clean Air Action Plan.
- Alameda Corridor Transportation Authority. Provided ongoing legal support on all matters before the Alameda Corridor Transportation Authority.
- Financial Restructuring. Facilitated Port's new bond issuance in the amount of \$200 million.
- Drone Ordinance. Provided substantial legal support for implementation of an ordinance which amended the Tariff to incorporate new regulations governing drone takeoffs and bindings with the Harbor District.
- Hanjin Bankruptcy Follow-up: Assisted in successful lease transactions at Pier A Terminal.
- Small Business Enterprise Program. Assisted Harbor Department in restructuring Small Business Enterprise Program to increase use of small businesses.
- Trucker Misclassification. Worked with City Council and Board of Harbor Commissioners to assist state agencies, City of Los Angeles and the Labor Commissioner in addressing trucker misclassification issues.
- Port Master Plan. Assisted Port staff with development of a new Port Master Plan and compliance with CEQA.
- Shiploader Dispute. Resolved a complex dispute over alleged potential mechanical failure of a bulk commodity shiploader at Pier G, avoiding litigation and continuing a long-standing relationship with a major tenant.
- Pier B CEQA Approval. Assisted Port staff in completing the environmental impact report for the Pier B On-Dock Rail Support Facility project, navigating through the public comment, hearing and approval processes, and successfully defeating an appeal of the project to the City Council.
- Pipeline Permit. Assisted the Harbor Department in issuing a permit for a major underground pipeline installation connecting two refineries, and obtained performance guarantees.

### **Workers' Compensation Division**

Workers' Compensation costs remain a significant statewide issue. As a result, the State of California reformed the law to combat the deleterious effects of those costs on the California economy. The Workers' Compensation Division incorporates current reform measures with cost savings programs such as Bill Review Service, a Medical Provider Network and a Pharmacy Benefit Program as its core foundation of cost management.

- Received 527 newly reported claims, including 99 newly litigated claims, for which workers' compensation benefits were administered. Total open claims increased slightly over the year from 2,095 to approximately 2,316, for which ongoing benefits and services were provided.

## FY 18 Accomplishments

---

- Through a Request for Proposal process, the Workers' Compensation Division re-selected our current vendor, Pharmaceutical Technologies, Inc. (now known as CastiaRx, a division of PTI) to perform pharmacy benefit management services, providing prescription drugs to our injured workers. Over the past 5 years, the City significantly decreased pharmacy costs over \$1,000,000, and continues to maintain lower pharmacy costs. Through the renewed partnership with PTI, the City expects to impact pharmacy costs through targeted utilization review measures.
- Through the use of a Medical Provider Network, the City is able to manage the quality of the medical providers available to injured workers by addressing provider issues such as access, quality of care, timeliness of reporting and consistent evidence-based treatment.
- Workers' Compensation Division continues to use Medata, Inc. to perform bill review services in accordance with the Workers' Compensation Law of California. The Workers' Compensation division has an annual medical bill volume of \$22,000,000 and through its bill review process, the City has been able to reduce this amount by approximately \$13.6 million.

## Financial Summary by Category

	Actual FY 17	Adopted* FY 18	Adjusted** FY 18	Adopted* FY 19
<b>Revenues:</b>				
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	5,744	5,000	5,000	5,000
Interfund Services - Charges	-	-	-	-
Intrafund Services - General Fund Charges	-	-	-	-
Harbor & Water P/R Rev Trsfs	-	-	-	-
Other Financing Sources	-	-	-	-
Operating Transfers	-	-	-	-
	-----	-----	-----	-----
<b>Total Revenues</b>	<b>5,744</b>	<b>5,000</b>	<b>5,000</b>	<b>5,000</b>
<b>Expenditures:</b>				
Salaries, Wages and Benefits	9,747,179	11,530,868	11,594,731	11,916,614
Overtime	776	400	400	400
Materials, Supplies and Services	535,692	584,281	585,236	604,282
Internal Support	(963,329)	(1,097,706)	(1,097,706)	(1,240,261)
Capital Purchases	-	-	-	-
Debt Service	-	-	-	-
Transfers to Other Funds	-	-	-	-
	-----	-----	-----	-----
<b>Total Expenditures</b>	<b>9,320,319</b>	<b>11,017,843</b>	<b>11,082,661</b>	<b>11,281,034</b>
<b>Personnel (Full-time Equivalents)</b>	<b>69.25</b>	<b>71.00</b>	<b>71.00</b>	<b>72.00</b>

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

\*\* Amounts as published in the FY 19 Proposed Budget released July 3, 2018.

## Personnel Summary

Classification	FY 17 Adopt FTE	FY 18 Adopt FTE	FY 19 Adopt FTE	FY 18 Adopted Budget	FY 19 Adopted Budget
City Attorney	1.00	1.00	1.00	284,925	295,211
Assistant City Attorney	2.00	2.00	2.00	454,915	464,013
Deputy City Attorney	14.00	15.00	16.00	2,092,880	2,284,677
Executive Assistant	2.00	2.00	2.00	194,914	198,812
Investigator II	1.00	1.00	1.00	96,633	102,547
Investigator III	2.00	2.00	2.00	202,569	214,967
Law Clerk	1.00	1.00	1.00	83,998	85,678
Legal Administrator	1.00	1.00	1.00	128,356	130,923
Legal Assistant	2.00	2.00	2.00	137,708	140,462
Legal Assistant I	1.00	1.00	1.00	50,545	51,556
Legal Assistant III	4.00	4.00	4.00	293,589	299,461
Legal Assistant IV	5.00	6.00	6.00	449,516	458,506
Legal Assistant-Subrogation	1.00	1.00	1.00	85,145	86,847
Legal Office Assistant	1.00	1.00	1.00	52,510	53,560
Legal Office Specialist	2.00	2.00	2.00	110,464	112,674
Legal Records Management Supervisor	1.00	1.00	1.00	82,157	87,185
Legal Records Specialist	2.00	2.00	2.00	95,175	97,078
Legal Systems Support Specialist	1.00	1.00	1.00	98,186	100,150
Liability Claims Assistant II	1.00	1.00	1.00	61,601	62,834
Manager-Workers' Compensation	1.00	1.00	1.00	120,429	122,837
Office Specialist	0.25	-	-	-	-
Paralegal	1.00	1.00	1.00	85,963	87,682
Principal Deputy City Attorney	4.00	4.00	4.00	720,224	734,629
Senior Deputy City Attorney	2.00	2.00	2.00	308,184	314,348
Senior Workers' Comp Claims Examiner	2.00	2.00	2.00	199,717	211,940
Workers' Comp Administrative Assistant	1.00	1.00	1.00	80,273	83,516
Workers' Comp Claims Assistant	2.00	2.00	2.00	151,330	160,591
Workers' Comp Claims Examiner	5.00	5.00	5.00	425,159	451,178
Workers' Comp Medical Only Examiner	1.00	1.00	1.00	62,254	66,064
Workers' Comp Office Assistant II	5.00	5.00	5.00	271,794	277,230
<b>Total Salaries</b>	69.25	71.00	72.00	7,481,113	7,837,157
<b>Overtime</b>	-	-	-	400	400
<b>Fringe Benefits</b>	-	-	-	3,929,748	4,121,985
<b>Administrative Overhead</b>	-	-	-	154,238	156,962
<b>Attrition/Salary Savings</b>	-	-	-	(34,231)	(199,490)
<b>Expenditure Transfer</b>	-	-	-	-	-
<b>Total</b>	<b>69.25</b>	<b>71.00</b>	<b>72.00</b>	<b>11,531,268</b>	<b>11,917,014</b>

## Key Contacts

---

Charles Parkin, City Attorney

Michael J. Mais, Assistant City Attorney

Monte H. Machit, Assistant City Attorney

Gary J. Anderson, Principal Deputy

Charles M. Gale, Principal Deputy

Anne C. Lattime, Principal Deputy

333 W. Ocean Boulevard

11<sup>th</sup> Floor

Long Beach, CA 90802

Phone: (562) 570-2200

Fax: (562) 436-1579

[www.longbeach.gov/attorney](http://www.longbeach.gov/attorney)

