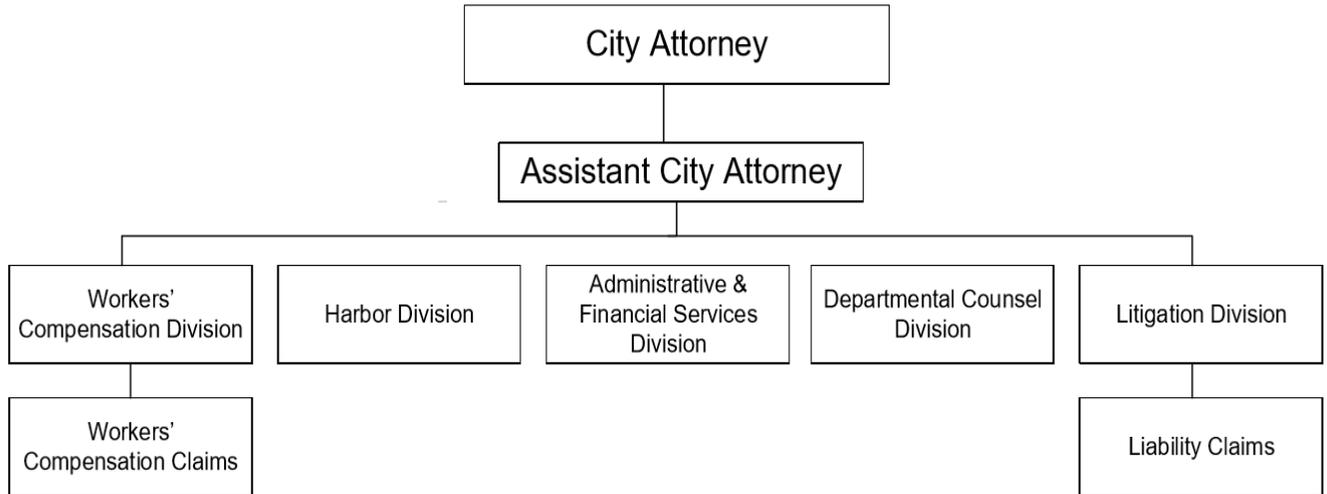


# City Attorney



## 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

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## **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 always 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 provides legal advice on personnel matters, including litigating various contested personnel matters in both State and Federal courts.

# Department Overview

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## **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 is responsible for providing medical and indemnity benefits to injured employees covered by the City's Self-Insured and Self-Administered Workers' Compensation Program. Workers' Compensation Division attorneys adjudicate litigated claims and experienced claims, staff administer benefits and investigate questionable cases.

The 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 works collaboratively with City departments to reduce costs, while at the same time improving service.

## **Administrative & Financial Services Division**

The Administrative and Financial Services Division provides executive leadership and administrative support to the Department's four divisions and 65 employees. The Division provides financial processing, reporting, and forecasting support within the Department as well as budget development. It also plays a key role in the Department's strategic planning efforts, explores new methods to maximize efficiency and reduce cost, development of all internal policies and regulations and provides the Department with key human resources, information technology, payroll, safety and risk management guidance and support.

# FY 20 Accomplishments

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## Departmental Counsel Division

- **Coronavirus Pandemic COVID-19.** The City Attorney's Office has provided a wide and unprecedented array of assistance this past year in connection with the City's COVID-19 pandemic response. Among the significant contributions to the City's efforts were the opening by the City Attorney of over 500 separate assignments directly related to COVID-19. Those assignments included advice to various City Departments regarding the emergency; implementation of State and implementation and drafting of a multitude of City Health Orders; continuous staffing of attorneys and support staff at the City's Emergency Operations Center (EOC); and advice and guidance regarding the establishment and operation of COVID-19 testing sites. The City Attorney's office researched, analyzed and drafted Covid related Worker Retention and Worker Recall Ordinances; performed research and analysis related to the federal Families First Coronavirus Response Act; provided advice and drafted a COVID-19 Supplemental Sick Leave Ordinance; implemented the City's internal response to the pandemic with employees and employee organizations and provided advice on legal issues related to telecommuting during the pandemic. Loan documents were drafted for the Economic Development Department to facilitate the distribution of emergency micro-loans, and advice and assistance provided for the purchasing or acquisition of emergency supplies and materials necessary to combat COVID-19; advice provided to the Airport regarding social distancing requirements and face mask use at the Airport; the propriety of rent or lease payment waivers for Airport tenants, together with advice regarding FAA grants related to COVID-19.

In addition, the City Attorney's Office provided advice and prepared public walkway occupancy permits to facilitate outdoor sidewalk dining and the operation of parklets; and drafted and negotiated agreements for the Water Department related to delays caused by the on-going COVID-19 pandemic. At the direction of City Council, the Office drafted several ordinances specifically related to COVID-19, including tenant protection, an eviction moratorium, and anti-harassment ordinances. In addition, the Office consistently updated the City Manager and various City departmental staff on the continually evolving Governor's Executive Orders related to the COVID-19 pandemic.

- **Land Use and CEQA.** Provided advice to the Development Services Department and Planning Commission on numerous land use and California Environmental Quality Act (CEQA) related matters including Environmental Impact Reports (EIRs) and Addendums and zoning amendments in connection with many projects including the Belmont Pool, Spring Street Business Park project, PD-32 North and South, and the 2<sup>nd</sup> & PCH Development.
- **Planning and Zoning.** Prepared ordinances and resolutions relating to various zoning and Municipal Code regulations regarding Short-Term Rentals (STRs); Omnibus amendments to Title 21 (Zoning Regulations), General Plan amendments; Accessory Dwelling Units (ADUs); billiards, amusement and arcades; motel conversions; and the Shoemaker Bridge Replacement project. Provided advice to the Planning Bureau regarding Coastal Commission requirements regarding seawalls and coastal developments; and wireless telecommunications and cell tower site issues.
- **Planning Litigation.** Handled lawsuits involving challenges to the legality of a Coastal Development Permit issued by the California Coastal Commission for a wetland restoration and development project at the Pumpkin Patch site; the Belmont Pool replacement project; the 2020 Census; the federal Religious Land Use and Institutionalized Persons Act ("RLUIPA"); and defended a permitted use issued for the Women's Shelter of Long Beach.
- **Long Beach Airport.** Provided advice to the Airport regarding flight slot allocations and relinquishments by JetBlue of seven permanent slots; provided advice regarding runway/gate analysis for California Heights residents.

## FY 20 Accomplishments

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- 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. Drafted Memorandums of Understanding between the City and various labor unions.
- Public Employment Relations Board (PERB). Represented the City in numerous actions before the PERB 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 the Court of Appeal on Writs 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 training on Conflicts of Interest, Brown Act and Open Meetings, and Public Records Act Requests to various City staff, boards, commissions and committees.
- Short-Term Rentals. Drafted LBMC Chapter 5.77 regarding Short-Term Rentals (STRs). Worked with and advised City staff during the implementation process of the STR ordinance including issues related to registration, administrative guidelines, and enforcement. Met and collaborated with rental platforms during the drafting and implementation process.
- First Amendment Activity. Drafted local emergency and related curfew orders, and resolutions for the City Manager and City Council's approval resulting from actual and/or anticipated citywide civil unrest. Provided legal advice to staff regarding First Amendment activities, including those occurring in residential neighborhoods.
- Framework for Reconciliation. Drafted a Resolution for the City Council's approval regarding acknowledging racism as a public health crisis and establishing the City's Framework for Reconciliation.
- Economic Development Commission. Provided advice and staffed Commission meetings, including implementation of an adopted Economic Development Blueprint for the Long Beach 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.
- Employee Grievances. Provided advice to staff regarding formal employee grievances and successfully represented the City in related arbitration.
- Wireless Lawsuit Recovery. Handled class action lawsuit *OnTheGo Wireless, LLC v. Cellco Partnership d/b/a Verizon Wireless, et al.*, related to the City's purchase of mobile phone and related wireless services from Defendant carriers under a series of contracts with optimization programs. Recovery in 2020 was approximately \$485,000.

## FY 20 Accomplishments

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- Election Issues. Performed research related to election issues. Provided support to the City Clerk at the primary and general elections including drafting resolutions and ordinances required for consolidated elections with LA County. Provided advice on requirements for initiative measures and campaign finance. Drafted resolutions necessary to place charter amendments on the ballot.
- Measure “US” (Oil Barrel Production Tax). Assisted in drafting and preparing resolutions in support of a successful tax increase ballot measure in the November 2020 election.
- Measure “A” Extension. Prepared resolutions and documents necessary to extend the City’s Measure A transactions and use tax in the March 2020 election.
- Measure “B.” Prepared resolutions and documents necessary to increase the City’s general fund transient occupancy tax (“TOT”) in the March 2020 election.
- Ethics Advice. Provided advice relating to conflicts of interest, receiving gifts, 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 advice for new employee training, and supervisor training relating to gifts, conflicts of interest, mass mailings, and economic disclosure filings for City officials and employees. Assisted in establishing the new City Ethics Commission, created by Measure CCC in 2018.
- Redistricting Commission. Assisted in establishing the new Independent Redistricting Commission, created by Measure DDD in 2018, including selection processes for commissioners
- 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 scooter share, bike share, RVs. Provided advice regarding surety bonds, change orders, prepared and/or reviewed various documents including plans and specifications, requests for proposals, construction contracts, on-call consulting contracts, license agreements, public walkways occupancy permits for sidewalk dining and/or parklets.
- Library. Worked with the Library Department on a variety of issues related to the new Billie Jean King Main library.
- Financial Management/Purchasing. Worked on a wide variety of sales tax, collections and fee issues; bids, RFPs and contract issues; budget resolutions and ordinances.
- Business Improvement Districts (BIDs). 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.
- Transactions and Use Tax Citizens’ Advisory Committee. Provided advice to City staff and committee overseeing the use of Measure A funds for conformance with the intent of the Measure.
- Long Beach Civic Center. Provided legal analysis and general counsel related to the opening of the Civic Center project. Prepared amendments and addendum related to the completion of the New Lincoln Park and the disposition and conveyance of the Mid Block Site.
- 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.

## FY 20 Accomplishments

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- **Bond Issuance.** Provided legal analysis and counsel in connection with several bond issuances by the City and its constituent departments, including Water and Harbor.
- **Long Beach Community Investment Company.** Provided legal advice to the Long Beach Community Investment Company in support of affordable housing, economic development and neighborhood improvements.
- **Real Estate Acquisitions.** Provided legal advice and drafted several agreements in connection with various acquisitions of property by the City, including for the development of the homeless services transition center, temporary and permanent locations for Fire Station 9, and office space required by various City departments.
- **Water Department.** Provided legal advice and counsel to the Water Department, including in connection with the ongoing conversion of all water meters to an automated meter-reading system.
- **Economic and Property Development.** Provided legal advice and counsel to the Economic and Property Development Department.
- **Eviction Moratoriums and Rent Protections.** Provided legal advice and counsel and drafted several ordinances imposing temporary eviction moratoriums and tenant protections in response to AB 1482.
- **Financial Management/Purchasing.** Worked on a wide variety of sales tax, collections and fee issues; bids, RFPs and contract issues; budget resolutions and ordinances. Provided legal advice to the Budget Oversight Committee.
- **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 RFPs, ordinances and resolutions, grant agreements and subcontracts.
- **Americans with Disabilities Act (ADA) Compliance.** Worked with outside legal counsel, and advised Public Works on a comprehensive and long term, 30-year plan to bring the City's infrastructure in line with the requirements of the ADA. This plan will serve 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.
- **Human Relations Commission.** Provided legal advice to the Human Relations Commission.
- **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. Provided legal advice regarding the Police Department's compliance with Senate Bill 1421.
- **Underground Storage Tanks.** Provided advice and counsel regarding environmental compliance for the City's 26 underground fuel storage tanks.
- **Davenport Park.** Provided legal advice to Public Works, Fleet Management, Parks, Recreation, and Marine, and the Health Department in regard to landfill gas management violations at Davenport Park and the implementation of a landfill gas management system so the expansion of Davenport Park may occur.
- **Census.** Advised staff on 2020 Census related matters. Prepared and/or reviewed various documents including RFPs and agreements.

## FY 20 Accomplishments

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- Homelessness. Represented the City Attorney's Office on the Interdepartmental Team on homelessness, and on the Interjurisdictional Team on homelessness to better coordinate with local and regional partners on response to 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. Provided advice to Quality of Life Officers when tackling complicated homeless encampments or jurisdictional questions. Advised and drafted various documents regarding homelessness response, including RFPs, grant agreements, subcontracts and leases for the Winter and Year-Round Shelter.
- Emergency Operations Center (EOC) Activation. Provided on-site legal advice and support for EOC activations related to COVID-19, and civil unrest.
- Gun Violence Restraining Order (GVRO) Program. Coordinated a training program for the City Attorney's Office and Long Beach Police Department on how to evaluate and file GVROs, presented by the San Diego City Attorney's Office. GVROs prohibit a person from possessing a firearm because there is a significant danger in the near future of harm to themselves or others.
- Equity and Reconciliation. Provided legal advice and support for the Office of Equity's Framework for Reconciliation project.
- Cannabis. Advised departments regarding the application of Chapters 5.90 and 5.92 of the Long Beach Municipal Code (LBMC) ("Medical Marijuana Businesses & Adult/Recreational Use"). Advised departments regarding licensed and unlicensed enforcement through civil, administrative, and criminal remedies. Conducted inspections with Business License, Code Enforcement, and Fire Department ("Enforcement Team") of alleged illegal businesses selling, distributing and cultivating cannabis without a license. Prepared and Issued cease and desist letters for illegal cannabis operations (i.e. dispensaries, delivery businesses, distribution, and cultivation) that were determined to be operating within the City. Advised the Business License Bureau regarding potential administrative enforcement actions to take against licensed businesses as well as applicants. Conducted administrative hearings regarding the requested denial of cannabis related business license applications for applicants who were found to be operating illegally.
- Nuisance cases. Prosecution of 34 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 16 drug and weapons eviction cases pursuant to the relevant provisions of the City's drug abatement ordinance, namely, LBMC Chapter 9.16.
- 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. Assisted with the review of the new Compassion Saves Model for implementation by Animal Care Services Bureau.
- 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. Provided guidance and counsel on the implementation of parklets for businesses and the allowance of businesses to operate outdoors in the City's parks in response to COVID-19 restrictions.

## FY 20 Accomplishments

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- Public Records Act (PRA). Provided advice and counsel regarding new state laws pertaining to the California Public Records Act. Conducted reviews of proposed responses to numerous PRA requests to confirm their respective compliance with the provisions of the California Public Records Act.
- Historical Landmarks. Provided advice and drafted ordinances designating three properties as historical landmarks: 1005 Locust and 141 and 143 E 10<sup>th</sup> Street. Three additional historic properties are expected to be designated by year end: 4204 Cedar Avenue, 244 Mira Mar Avenue, and 262 Newport Ave.
- Mills Act Program. Provided advice and prepared Mills Act historic property contracts with owners of 13 historic landmark properties.
- Discrimination Training. Prepared and provided training on harassment, retaliation and discrimination under California and Federal law for the Civil Service Commission.
- Public Works. Provided oversight and support for *Machowski v. Birds Rides, et al.*, class action litigation related to scooter operations in the City. Provided advice to staff on a variety of vacation, easement and dedication issues. Provided advice regarding small cell installations and interpretation of City's Municipal Code regarding the same. Reviewed and advised in regard to surety bonds, change orders, prepared and/or reviewed various documents including plans and specifications, requests for proposals, construction contracts, on-call consulting contracts, license agreements, public walkways occupancy permits for sidewalk dining and/or parklets, including those related to the current COVID pandemic.
- Amicus Brief Opportunity. Researched, analyzed and provided advice on opportunity to join onto amicus brief in matter of *Flores v. Bar* filed by the City of Los Angeles relating to regulations affecting immigrant children and City's immigrant residents.
- Small Cell Installation Appeals. Prepared opposition to small cell permit appeals and successfully represented the City in an Appeal Hearing initiated by City residents challenging small cell installations permits approved by the Department of Public Works.
- City Manager Employment Contract. Prepared employment agreement for newly hired City Manager.
- Labor Compliance. Provided oversight, support, and advice for labor compliance matters city-wide including the requests for review before the Department of Industrial Relations.
- Project Labor Agreement. Provided advice and support in the performance of existing Project Labor Agreement and the negotiation and implementation of a new Project Labor Agreement.
- Technology Services. Prepared, reviewed and/or advised on requests for proposals, consultant contracts, license agreements, vendor terms and conditions and Memorandums of Understandings for smart City pilot initiatives.

### Litigation Division

- With seven deputies, the City Attorney's Litigation Division litigates cases in state and federal courts, including handling writ petitions and appeals. The vast majority of cases handled by the Litigation Division resulted in a favorable outcome for the City.
- Handled approximately 113 new lawsuits during the reporting period as well as continuing to litigate previously-filed cases. The lawsuits involved a wide variety of issues, including: wrongful death;

## FY 20 Accomplishments

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claims of alleged police misconduct; catastrophic personal injury claims; and employment discrimination cases.

- Adverse verdict in one jury trial, resulting in total payout of \$2,501,322.30 (including costs and attorneys' fees).
- Settled 45 cases without a trial, with a total payout of approximately \$6,019,751.
- Resolved 12 cases with dispositive motions, sparing the costs of a full trial.
- Resolved six cases by waiving City's defense costs in exchange for full dismissal of case.
- Tendered defense/indemnity to outside entity in 17 cases, saving City defense costs and potential payout for settlement/verdict.
- Pursued or defended nine 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.
- Liability Claims Section received approximately 626 Government Tort Claims, resolved 125 claims, with a total payout of \$410,680.26.
- Subrogation Section recovered approximately \$246,818 for the City.

### 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.
- Litigation - Fireboats. Oversaw litigation regarding fireboat construction.
- Transmission Line Replacement Project. Provided legal advice and guidance to assist Port staff and management with negotiations during implementation of SCE's multi-million dollar project to raise and replace transmission lines over the Cerritos Channel.
- Polychlorinated Biphenyls (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, expert discovery, and public records request responses and negotiation of a global settlement with Monsanto.
- 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. Also, assisted Harbor Department Security Division with negotiations to provide security as part of a larger security team at the Civic Center.
- Real Estate Contracts. Advised and drafted numerous documents regarding leases and other real estate transactions.
- Middle Harbor Terminal. Provided advice and documentation regarding transfer of ownership of major container terminal.
- Contract Claim Resolution. Provided ongoing legal support, advice and representation of the Harbor Department in connection with construction claims asserted by contractors against the Department.

## FY 20 Accomplishments

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- **Public Contract Code Compliance.** Advised 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 and amendments to the Port-wide Project Labor Agreement.
- **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 Operational Efficiencies.** Assisted the Harbor Department in preparing and executing an MOU with the Port of Los Angeles to improve operational efficiencies at both Ports. Also assisted Port staff in implementing measures to improve efficiencies in Port operations within the Port of Long Beach.
- **Community Mitigation Grants.** Assisted the Harbor Department in awarding 13 grant funding contracts totaling approximately \$945,000 to improve air quality and energy efficiency at public facilities, and 5 grant funding contracts totaling approximately \$3.6 million to add local greenspace and enhance parks in Long Beach.
- **Port Sponsorships.** Updated the Port's Sponsorship Policy Guidelines and assisted the Harbor Department in awarding 261 sponsorships totaling approximately \$746,000 to nonprofit organizations for community events to help inform the public about the Port.
- **Clean Freight Technology Grants.** Assisted the Harbor Department in awarding 8 subgrants and entering into cost-sharing and funding agreements as part of \$50-million California Air Resources Board grant awarded to the Port to demonstrate the performance and effectiveness of zero-emissions terminal equipment and efficiency strategies at the Port of Long Beach, Port of Oakland, and Port of Stockton.
- **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 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 and an MOU with the South Coast Air Quality Management District. Also provide legal support in negotiations and discussions with state and federal agencies, the Port of Los Angeles and stakeholders regarding new regulations and new technologies to address air quality issues at the Ports of Long Beach and Los Angeles.
- **Alameda Corridor Transportation Authority.** Provided ongoing legal support on all matters before the Alameda Corridor Transportation Authority, including the Authority's transition to a new Chief Executive Officer and Chief Financial Officer.
- **Financial Restructuring.** Assisted in securing a \$500 million TIFIA loan for the Gerald Desmond Bridge at a historic low rate of 1.26%. Facilitated Port's issuance of \$131 million of bonds and \$145 million of bond anticipation notes.

## FY 20 Accomplishments

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- Drone Usage. Provided substantial legal support for implementation of an ordinance which amended the Tariff to incorporate new regulations governing drone takeoffs and landings within the Harbor District.
- Small Business Enterprise Program. Assisted Harbor Department in restructuring and implementation of the Small Business Enterprise Program to increase use of small businesses.
- Environmental Regulatory Compliance. Provided legal support to Port staff implementing state and federal environmental statutes requiring analysis of environmental impacts associated with all projects that might have impacts on the environment in and around the Port.
- Port Master Plan. Assisted Port staff with development of a new Port Master Plan and compliance with CEQA, including discussions with state agencies regarding the scope of statutory requirements.
- Pier B On Dock Rail Facility. Assisted Port staff in working with the U.S. Maritime Administration as lead agency to complete an Environmental Impact Statement and participate in public hearings for National Environmental Policy Act (NEPA) review of this \$870 million project. Worked with Port staff to prepare a Real Estate Acquisition Management Plan for acquisition of properties to be acquired, including deep involvement in right of way planning.
- Electronic Signatures. Researched and developed a blueprint for transitioning to electronic signatures for documents. Assisted Port staff in selecting applicable technology solutions, and creating an implementation plan including training of Port staff. The plan has been executed Port-wide.
- Terminal Island Wye Railroad Project. Assisted Port staff through National Environmental Policy Act review with the United States Maritime Administration as lead agency, including preparation of an Environmental Assessment, and a corresponding right of way activity plan, for this rail infrastructure project which includes federal grant funds.
- San Pedro Bay Pipeline Company. Resolved a complex dispute involving eminent domain issues for a long-time Port tenant, avoiding litigation and entered into a long-term lease extension.
- Colorado Lagoon. Finalized and executed a Memorandum of Understanding with the Public Works Department whereby the Port agreed to fund the \$26.3 million mitigation and restoration of the Colorado Lagoon in exchange for the mitigation credits generated by the project. The Port will receive the mitigation credits over the next three years and be able to utilize the credits for Harbor development projects.
- Deep Draft Navigation Study. Assisted Port staff in preparation of the Draft Integrated Feasibility Report, which includes an Environmental Impact Statement and Environmental Impact Report, to comply with both CEQA and NEPA for this \$151 million channel deepening study and project conducted with the United States Army Corps of Engineers as lead agency and federal partner.
- Memorandum of Understanding. Advised Port staff on the preparation of a Memorandum of Understanding with the Water Department to transfer a portion of the Port's potable water infrastructure system to LBWD; the MOU was approved by both departments and is being implemented.
- Tidelands Trust Law. Provided ongoing legal advice to Port concerning its obligations under the Public Trust Doctrine with respect to the tidelands and submerged lands located within the boundaries of the City's Harbor District.

## FY 20 Accomplishments

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- Legal Ethics and Conflicts. Provided guidance to ensure compliance with the Brown Act, public records requests, and avoiding conflicts of interest.

### **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 a Pharmacy Benefit Program, Medical Provider Network, and a Bill Review Service as its core foundation of cost management.

- Received 515 newly reported claims, including 96 newly litigated claims, for which workers' compensation benefits were administered. Total open claims at 2,354 are up slightly from the prior year low of 2,094, for which ongoing benefits and services are provided.
- Rising pharmacy costs remain a national and local concern. Our prior vendor, CastiaRx, a division of Pharmaceutical Technologies, Inc. (PTI), was acquired by Optum to manage the Workers' Compensation pharmacy benefit management program which provides prescription drugs to our injured workers, while simultaneously continuing to manage costs. The City has consistently maintained lower Workers' Compensation pharmacy costs under \$1,000,000 for the past five years and expects to continue the trend by targeting utilization review measures and non-compliant prescribing physicians.
- With a Medical Provider Network (MPN), the City can 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.
- The Workers' Compensation Division continues to use Medata, Inc. to perform bill review services in accordance with the Workers' Compensation Laws of California. Through the bill review process, the City has maintained an annual savings of over \$13 million against its annual medical bill volume of approximately \$22 million. Medata, Inc. is an aggressive partner in negotiating excessive hospital bills and combating provider over-billing.

## Financial Summary by Category

	Actual FY 19	Adopted* FY 20	Adjusted** FY 20	Adopted* FY 21
<b>Revenues:</b>				
Property Taxes	-	-	-	-
Sales and Use Taxes	-	-	-	-
Other Taxes	-	-	-	-
Utility Users Tax	-	-	-	-
Franchise Fees	-	-	-	-
Licenses, Permits and Fees	-	-	-	-
Fines and Forfeitures	-	-	-	-
Use of Money & Property	-	-	-	-
Revenue from Other Agencies	-	-	-	-
Charges for Services	-	-	-	-
Other Revenues	(349,315)	5,000	5,000	5,000
Intrafund Services	-	-	-	-
Intrafund Transfers	-	-	-	-
Interfund Services	-	-	-	-
Interfund Transfers	-	-	-	-
Other Financing Sources	-	-	-	-
Total Revenues	(349,315)	5,000	5,000	5,000
<b>Expenditures:</b>				
Salaries and Wages	7,300,409	7,744,364	7,744,364	7,598,015
Employee Benefits	3,794,858	4,420,276	4,420,276	4,365,703
Overtime	4,219	400	400	400
Materials, Supplies and Services	(1,438,405)	(1,176,758)	(1,176,758)	(1,387,140)
Interfund Support	526,262	795,291	795,291	1,012,318
Intrafund Support	-	-	-	-
Capital Purchases	-	-	-	-
Insurance Premiums and Losses	10,000	-	-	-
Other Non-Operational Expenditures	-	-	-	-
Operating Transfers	40,269	-	-	-
Intrafund Transfers Out	-	-	-	-
Purchase of Gas & Water	-	-	-	-
Depreciation and Non Cash Expenditures	-	-	-	-
Total Expenditures	10,237,613	11,783,573	11,783,573	11,589,297
<b>Personnel (Full-time Equivalents)</b>	72.00	72.00	72.00	70.00

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

\*\*Adjusted Budget as of August 31, 2020

Note: With the conversion to the new financial system, the amounts and character categories have been updated to match the revised Chart of Accounts in the system. The City is still going through a stabilization period with the new system and future reports may have further adjustments.

## Personnel Summary

Classification	FY 19 Adopt FTE	FY 20 Adopt FTE	FY 21 Adopt FTE	FY 20 Adopted Budget	FY 21 Adopted Budget
City Attorney	1.00	1.00	1.00	305,745	315,015
Assistant City Attorney	2.00	1.00	1.00	240,000	255,454
Deputy City Attorney	16.00	20.00	19.00	2,862,123	2,751,540
Executive Assistant	2.00	2.00	2.00	198,812	208,529
General Liability Claims Adjuster II	-	2.00	2.00	180,471	172,719
General Liability Claims Adjuster III	-	1.00	1.00	105,970	104,695
Investigator II	1.00	-	-	-	-
Investigator III	2.00	-	-	-	-
Law Clerk	1.00	-	-	-	-
Legal Administrative Assistant	-	-	1.00	-	56,337
Legal Administrator	1.00	1.00	1.00	130,923	138,936
Legal Assistant	2.00	-	-	-	-
Legal Assistant I	1.00	1.00	1.00	51,556	51,556
Legal Assistant III	4.00	5.00	5.00	374,327	371,283
Legal Assistant IV	6.00	7.00	6.00	537,814	466,569
Legal Assistant-Subrogation	1.00	1.00	1.00	86,847	94,010
Legal Office Assistant	1.00	1.00	1.00	53,560	49,802
Legal Office Specialist	2.00	2.00	1.00	112,674	56,337
Legal Records Management Supervisor	1.00	1.00	1.00	87,185	78,834
Legal Records Specialist	2.00	2.00	2.00	97,078	97,078
Legal Systems Support Specialist	1.00	1.00	1.00	100,150	98,904
Liability Claims Assistant II	1.00	1.00	1.00	62,834	62,834
Manager-Workers' Compensation	1.00	1.00	1.00	122,837	130,358
Paralegal	1.00	1.00	1.00	85,963	85,963
Principal Deputy City Attorney	4.00	4.00	4.00	734,629	738,396
Senior Deputy City Attorney	2.00	-	-	-	-
Senior Workers' Comp Claims Examiner	2.00	2.00	2.00	211,940	211,940
Workers' Comp Administrative Assistant	1.00	1.00	1.00	83,516	83,516
Workers' Comp Claims Assistant	2.00	2.00	2.00	160,591	160,591
Workers' Comp Claims Examiner	5.00	5.00	5.00	451,178	451,178
Workers' Comp Medical Only Examiner	1.00	1.00	1.00	65,384	65,384
Workers' Comp Office Assistant II	5.00	5.00	5	277,230	277,230
<b>Total Salaries</b>	72.00	72.00	70.00	7,781,337	7,634,988
<b>Overtime</b>	-	-	-	400	400
<b>Fringe Benefits</b>	-	-	-	4,253,857	4,201,071
<b>Administrative Overhead</b>	-	-	-	166,419	164,633
<b>Attrition/Salary Savings</b>	-	-	-	(151,866)	(151,866)
<b>Expenditure Transfer</b>	-	-	-	114,893	114,893
<b>Total</b>	72.00	72.00	70.00	12,165,040	11,964,119

## Key Contacts

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Charles Parkin, City Attorney

Michael J. Mais, Assistant City Attorney

Gary J. Anderson, Principal Deputy

Charles M. Gale, Principal Deputy

Anne C. Lattime, Principal Deputy

Howard D. Russell, Principal Deputy

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