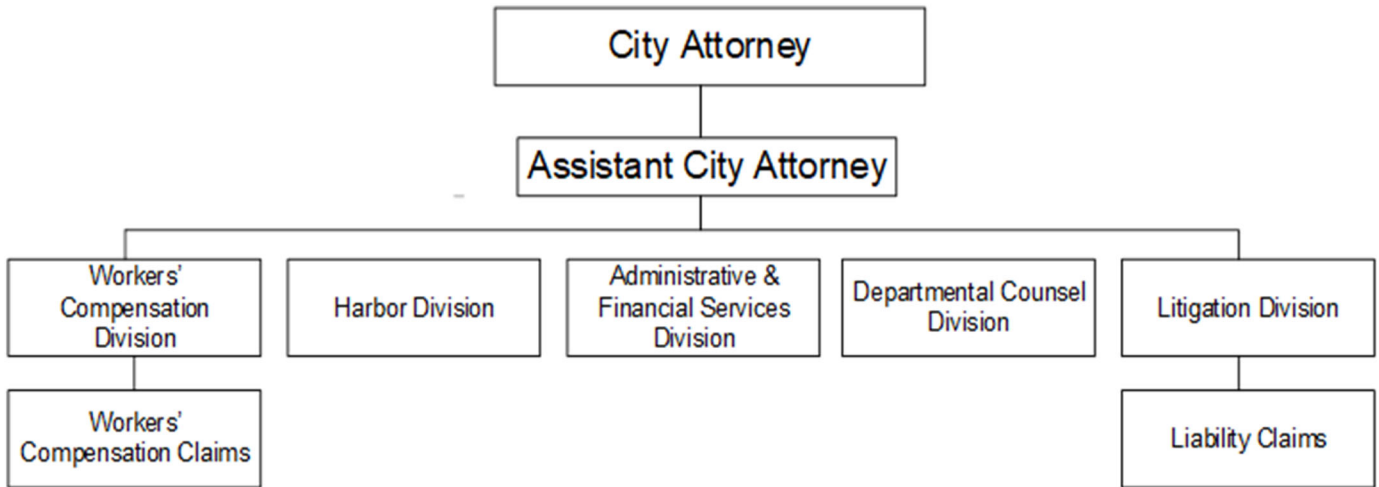


# City Attorney



## 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 to maintain and improve the quality of life of its residents.

## **Overview**

The City Attorney's Office handles all 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, Ethics Commission, Housing Authority, Board of Water Commissioners, Board of Examiners Appeals and Condemnation, Citizen Police Complaint Commission, Redistricting 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 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 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 21 Accomplishments

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- Provided an unprecedented array of legal assistance in connection with the pandemic which included drafting a multitude of City Health Orders; continuous staffing of attorneys and support staff at the City's Emergency Operations Center (EOC); and providing legal advice and guidance regarding the establishment and operation of COVID-19 testing and vaccination sites.
- Advised and prepared permits to facilitate outdoor sidewalk dining and the operation of parklets.
- Prepared a "Hero Pay" ordinance for grocery workers deemed essential workers.
- Provided legal advice and prepared contracts in connection with the conversion of the Convention Center as a place of refuge for migrant children.
- Provided legal guidance throughout the Queen Mary bankruptcy and default process and the proposed transfer of jurisdiction.
- Worked with City management and leaders regarding the establishment of the City's Framework for Reconciliation and provided legal advice and support for the Office of Equity.
- Prepared the City's resolution that urged President Biden to adopt Juneteenth as a Federal holiday.
- Provided significant assistance with the Port of Long Beach's COVID-19 pandemic response, including guidance on emergency procedures, preparation of emergency contracts, development of administrative directives, adjustments to Port operations, and to otherwise keep the Port fully operational.
- Provided contracting, real estate, and compliance advice and documentation on several major construction projects including the Middle Harbor Terminal, the Long Beach Gateway Bridge, and the transmission line replacement project on the Cerritos Channel.
- Furthered various Port environmental initiatives including: implementation of the Clean Air Action Plan and Clean Trucks Program; new tariffs and other measures to continue financial incentives for users of the Port of Long Beach to reduce their impact on the environment (including further electrification of the Port); granting funding contracts for health care programs to expand asthma and cardiopulmonary/respiratory services in Long Beach; advising the Port on negotiations with the California Coastal Commission and compliance with the California Environmental Quality Act regarding the Port Master Plan update; and assisting the Port in awarding subgrant, cost-sharing and funding agreements as part of a California Air Resources Board grant to demonstrate the performance of zero emissions terminal equipment and efficiency strategies at the Port.
- Assisted Port staff on its numerous leases, including a new lease with SpaceX at the Navy Mole.
- Handled approximately 72 new lawsuits; settled 33 cases without a trial; resolved five cases with dispositive motions; and tendered defense/indemnity to outside entities in three cases, saving City defense costs and potential payout for settlement/verdict.
- Recovered approximately \$268,679 through subrogation for the City.

## FY 21 Accomplishments

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- Received and investigated approximately 455 Government Tort Claims and resolved 134 claims with a total payout of approximately \$488,289.
- Handled a total of 2,054 claims of which approximately 700 were COVID-19 related.
- Successfully passed a rigorous Audit of the City's Workers' Compensation program by the Department of Industrial Relations, Division of Workers' Compensation's Audit Enforcement Unit
- Continued to use a pharmacy benefit management program to consistently maintain lower Workers' Compensation pharmacy costs.
- Continued 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 via Medical Provider Network (MPN).
- Continued to utilize bill review services in accordance with the Workers' Compensation Laws of California with an annual savings of approximately \$13 million against its medical bill volume of approximately \$22 million.

## Financial Summary by Category

	Actual FY 20	Adopted* FY 21	Adjusted** FY 21	Adopted* FY 22
<b>Revenues:</b>				
Property Taxes	-	-	-	-
Sales and Use Taxes	-	-	-	-
Other Taxes	-	-	-	-
Utility Users Tax	-	-	-	-
Franchise Fees	-	-	-	-
Licenses, Permits and Fees	57,590	-	-	-
Fines and Forfeitures	-	-	-	-
Use of Money & Property	-	-	-	-
Revenue from Other Agencies	-	-	-	-
Charges for Services	-	-	-	-
Other Revenues	17,963	5,000	5,000	5,000
Intrafund Services	-	-	-	-
Intrafund Transfers	-	-	-	-
Interfund Services	-	-	-	-
Interfund Transfers	-	-	-	-
Other Financing Sources	-	-	-	-
Total Revenues	75,552	5,000	5,000	5,000
<b>Expenditures:</b>				
Salaries and Wages	7,448,292	7,598,015	7,340,489	7,952,566
Employee Benefits	4,083,082	4,365,703	4,274,968	4,502,790
Overtime	(1,615)	400	400	400
Materials, Supplies and Services	(1,509,284)	(1,387,140)	(1,387,140)	(1,358,379)
Interfund Support	755,520	1,012,318	1,012,318	1,167,086
Intrafund Support	-	-	-	-
Capital Purchases	-	-	-	-
Insurance Premiums and Losses	-	-	-	-
Other Non-Operational Expenditures	-	-	-	-
Operating Transfers	-	-	-	-
Intrafund Transfers Out	-	-	-	-
Purchase of Gas & Water	-	-	-	-
Depreciation and Non Cash Expenditures	-	-	-	-
Total Expenditures	10,775,996	11,589,297	11,241,035	12,264,464
<b>Budgeted FTEs</b>	72.00	70.00	70.00	70.00

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

\*\*Adjusted Budget as of May 31, 2021.

Note: During this stabilization period of the new financial system, the amounts and character categories have been updated to match the revised Chart of Accounts in the system. As the City refines its reporting functionality and Chart of Accounts, future reports may have further adjustments.

## Personnel Summary

Classification	FY 20 Adopt FTE	FY 21 Adopt FTE	FY 22 Adopt FTE	FY 21 Adopted Budget	FY 22 Adopted Budget
City Attorney	1.00	1.00	1.00	315,015	319,525
Assistant City Attorney	1.00	1.00	1.00	255,454	265,748
Deputy City Attorney	20.00	19.00	19.00	2,751,540	2,916,067
Executive Assistant	2.00	2.00	2.00	208,529	216,932
General Liability Claims Adjuster II	2.00	2.00	2.00	172,719	187,183
General Liability Claims Adjuster III	1.00	1.00	1.00	104,695	112,909
Legal Administrative Assistant	-	1.00	1.00	56,337	63,498
Legal Administrator	1.00	1.00	1.00	138,936	144,534
Legal Assistant I	1.00	1.00	1.00	51,556	54,844
Legal Assistant III	5.00	5.00	5.00	371,283	379,920
Legal Assistant IV	7.00	6.00	6.00	466,569	483,565
Legal Assistant-Subrogation	1.00	1.00	1.00	94,010	98,769
Legal Office Assistant	1.00	1.00	2.00	49,802	102,233
Legal Office Specialist	2.00	1.00	1.00	56,337	59,930
Legal Records Management Supervisor	1.00	1.00	1.00	78,834	80,804
Legal Records Specialist	2.00	2.00	1.00	97,078	56,977
Legal Systems Support Specialist	1.00	1.00	1.00	98,904	105,213
Liability Claims Assistant II	1.00	1.00	1.00	62,834	66,841
Manager-Workers' Compensation	1.00	1.00	1.00	130,358	135,612
Paralegal	1.00	1.00	1.00	85,963	85,963
Principal Deputy City Attorney	4.00	4.00	4.00	738,396	768,155
Senior Workers' Comp Claims Examiner	2.00	2.00	2.00	211,940	228,106
Workers' Comp Administrative Assistant	1.00	1.00	1.00	83,516	88,843
Workers' Comp Claims Assistant	2.00	2.00	2.00	160,591	164,606
Workers' Comp Claims Examiner	5.00	5.00	5.00	451,178	484,032
Workers' Comp Medical Only Examiner	1.00	1.00	1.00	65,384	67,018
Workers' Comp Office Assistant II	5.00	5.00	5.00	277,230	286,572
<b>Total Salaries</b>	72.00	70.00	70.00	7,634,988	8,024,400
<b>Overtime</b>	-	-	-	400	400
<b>Fringe Benefits</b>	-	-	-	4,201,071	4,320,276
<b>Administrative Overhead</b>	-	-	-	164,633	182,514
<b>Attrition/Salary Savings</b>	-	-	-	(151,866)	(186,727)
<b>Expenditure Transfer</b>	-	-	-	114,893	114,893
<b>Total</b>	72.00	70.00	70.00	11,964,118	12,455,756

## 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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