



City Council Memorandum

City of Arts & Innovation

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: AUGUST 9, 2016
FROM: CITY ATTORNEY WARDS: ALL
SUBJECT: OUTSIDE COUNSEL EXPENDITURE REPORT

ISSUE:

The issue for City Council consideration is the Outside Counsel Expenditure Report for the period of 7/1/2015 through 6/30/16 as provided in the outside counsel policy approved by City Council on June 16, 2015.

RECOMMENDATIONS:

That the City Council receives and files the attached report.

BACKGROUND:

In the continuing effort of transparency and accountability, City Council approved the City Attorney's recommendation of quarterly reporting of the outside counsel expenditures. This report includes the current spending for the prior quarter and the cumulative spending from inception of the matter grouped by law firm name. All closed matters are highlighted and will not be included in the next report. It should be noted that bond counsel and contingency payments are not paid through the City's account payable division and therefore must be manually added to information derived from the City's accounting system. In the case of bond counsel payments, the payments are typically made directly by the bond trustee from bond proceeds. In the case of contingency payments, the payments are typically deducted from the funds received prior to deposit by the City.

FISCAL IMPACT:

There is no fiscal impact at this time.

Prepared by: Gary G. Geuss
City Attorney

Attachment: *Outside Counsel Expenditure Report*

**OUTSIDE COUNSEL EXPENDITURE REPORT
THROUGH JUNE 30, 2016**

LAW FIRM	MATTER/CASE NAME	BRIEF DESCRIPTION			EXPENDITURES		BALANCE
			Funding Source	Authorized Spending Limit	4/01/16 - 6/30/16	TOTAL AS OF 6/30/16	
BEST BEST KRIEGER							
	<i>City HA v DOF</i>	*Note - HA allowance, costs split with several cities	280	37,388	209	28,482	8,906
	<i>City v Clayton</i>	Eminent domain litigation/Riverside grade separation	401	53,847	-	51,383	2,464
	<i>City v Jurupa Valley</i>	(Vernola Apts) CEQA litigation	510	155,842	4,656	104,846	50,996
	<i>Fair Housing Council v. City</i>	Room rental permit litigation	600	827,090	1,082	245,300	581,790
	<i>General Advice</i>	Miscellaneous	101	25,000	900	12,870	12,130
	<i>General Advice</i>	RPU	101	13,000	-	5,918	7,082
	<i>Jurupa Valley v City (RTRP)**</i>	CEQA litigation	510	236,628	5,405	233,759	2,869
	<i>Overlook Parkway</i>	EIR Review	101	112,048	-	99,866	12,182
	<i>RTRP/CPUC</i>	Advice	510	16,455	206	206	16,249
	<i>SCE v. Mitsubishi Nuclear Energy Systems</i>	San Onofre decommissioning (SONGS)	510	721,693	112,645	613,749	107,944
Subtotal					125,103	1,396,379	802,612
CONSTANTINE CANNON							
	<i>State of California et al. ex rel. [Under Seal] v [Under Seal]</i>	Litigation re wireless cell service/contingency			-	-	-
Subtotal							

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COLANTUONO HIGHSMITH & WHATLEY							
	<i>General matters</i>	Prop 218 and conflicts advice	520	40,400	33	20,747	19,653
	<i>General Advice</i>	CAO	101	15,000	1,820	6,899	8,101
	<i>General/RPU</i>	City land transactions	510	5,000	813	6,208	(1,208)
	<i>General/RPU</i>	Electric & Water Cost Service Study	520	10,000	-		10,000
	<i>Trask v City</i>	Ballot initiative/appeal	101	99,000	77,995	77,995	21,005
	<i>Olquin v City</i>	Litigation re GFT	630	95,000	32,811	32,811	62,189
Subtotal					113,472	144,660	119,740
GIBBS GIDEN LOCHER TURNER SENET & WITTBRODT							
	<i>Wasden, David</i>	Construction project dispute	520	5,000	720	1626	3374
	<i>General advice</i>	Prequalification re PW Bid Docs	510	7,500	3000	3000	4500
Subtotal					3720	4626	7874
GREINES MARTIN STEIN & RICHLAND							
	<i>Dunbar, Ulrike v City</i>	Wrongful death	630	58,775	4,841	42,468	16,307
	<i>Easley, Michael v. City</i>	Federal civil rights action	630	37,695	4,427	30,079	7,616
	<i>Hopes v City</i>	Federal civil rights action	630	50,000	1,316	4,207	45,793
	<i>Jean-Louis, Jean v City</i>	Federal civil rights action	630	46,180	-	1,180	45,000
	<i>Masgula, John v City</i>	Appellate counsel	630	113,724	2,485	106,209	7,515
	<i>Nichols, Raymond v City</i>	Federal civil rights action	630	66,962	3,196	25,203	41,759
Subtotal					16,265	209,346	163,990

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LIEBOLD McCLENDON & MANN							
	<i>Habitat for Humanity</i>	3753 Myers Street	101	16,000	-	10,530	5,470
Subtotal						10,350	5,470
LEWIS BRISBOIS BISGAARD & SMITH							
	<i>Buckley, John v City</i>	Dangerous condition	630	209,515	10,563	72,041	137,474
	<i>Dunbar, Ulrike v City</i>	Civil rights litigation	630	207,750	6,006	130,932	76,818
	<i>Easley, Michael v City</i>	Civil rights litigation	630	281,500	95,035	252,216	29,284
	<i>Sims, Shawnee v. City</i>	Dangerous condition	630	35,969	2,525	39,166	(3,197)
Subtotal					114,129	494,355	240,379
LIEBERT CASSIDY WHITMORE							
	<i>Bonome, Jr., Camilo</i>	Petition re CCW denial	630	48,775	10,040	42,522	6,253
	<i>Medicare Tax</i>	Opinion letter	101	7,000	-		7,000
Subtotal					10,040	42,522	13,253
MANNING & KASS							
	<i>Wells Fargo v. City - 1 and 2</i>	Civil penalties on Tax Rolls Validity	630	26,577	1,188	6,101	20,476
Subtotal					1,188	6,101	20,476

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MILLER AXLINE & SAWYER							
	<i>City v Black & Decker (U.S), Inc.</i>	Perchlorate litigation/contingency*					
ORROCK POPKA FORTINO TUCKER & DOLEN							
	<i>Masgula, John v City (C/W Robinson and Knight matters)</i>	Dangerous condition litigation filed in 2009	630	436,584	29,651	355,056	81,528
Subtotal					29,651	355,056	81,528
SABINE & MORRISON							
	<i>General matters</i>	Sign code issues/advice	101	31,500	-	27,312	4,188
Subtotal					-	27,312	4,188
SILVER AND WRIGHT							
	<i>Dank Bank/Univer. Collective</i>	6024 Tyler Street	101	10,993	197	1,543	9,450
	<i>Emerald City/THC</i>	9000 Arlington Avenue	101	10,993	371	371	10,622
Subtotal					568	1,914	20,072
SMITH LAW OFFICES							
	<i>Jean Louis, Jean v. City</i>	Civil rights litigation	630	91,466	11,286	64,934	26,532
	<i>Lacson v City</i>	Labor/Employment Litigation	630	158,832	-	-	158,832
	<i>Luong, Jason v City</i>	Civil rights litigation (Federal)	630	114,510	10,388	29,362	85,148
	<i>Luong, Jason v City</i>	Civil rights litigation (State)	630	84,376	-	12,931	71,445
	<i>Nichols, Raymond v City</i>	Civil rights litigation (Federal)	630	81,956	-	37,771	44,185
	<i>Nichols, Raymond v City</i>	Civil rights litigation (State)	630	70,550	1,733	9,389	61,161
	<i>Nguyen v City</i>	Employment litigation	630	122,000	6,068	7,374	114,626
	<i>Roberts v City</i>	Employment litigation	630	180,000	5,482	5,647	174,353
Subtotal					34,957	167,408	736,282

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SOHAGI LAW GROUP							
	<i>Climate Action Plan</i>	Review Climate Action Plan	101	56,700	-	5,184	51,516
Subtotal					-	5,184	51,516
THOMPSON COBURN							
	<i>FERC**</i>	Regulatory	510	575,000	160,490	623,301	(48,301)
	<i>LADWP Transmission Agreements</i>	Potential Extension	510	25,000	11,483	11,483	13,517
Subtotal					171,973	634,784	(34,784)
CHAPMAN AND CUTLER							
	<i>Bond Counsel*</i>						
Subtotal							
COTCHETT PITRE & McCARTHY							
	<i>Bond Derivative Litigation</i>	Contingency*					
Subtotal							
HAWKINS DELAFIELD & WOOD							
	<i>Bond Counsel*</i>						
Subtotal							
JONES HALL							
	<i>Bond Counsel*</i>						
Subtotal							

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STRADLING YOCCA CARLSON & RAUTH							
	<i>Bond Counsel*</i>						
Subtotal							

TOTAL					621,066	3,499,997	2,232,596
		2015/16 FISCAL YEAR TOTAL			2,159,300		

LAW FIRM	MATTER/CASE NAME	BRIEF DESCRIPTION	Funding Source	Authorized Spending Limit	3/31/16 - 6/30/16	TOTAL AS OF 6/30/16	BALANCE
<i>Note: Plaintiff's Case - Outside Counsel Retained for Recovery</i>							
BURKE WILLIAMS SORENSEN							
	<i>City v. Jurupa/Rubidoux CSD, et al.</i>	Recovering contribution obligation for RWQCP project	550	2,076,487	446,451	1,799,897	276,590
Subtotal					446,451	1,799,897	276,590

Please note:

- (1) Some totals may include costs
- (2) Items shaded in blue are closed
- (3) *Contingency bond counsel payments are per individual bond transactions or recovery received

** Change order issued; amount increased