

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: OCTOBER 27, 2015

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 9/30/15 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

LAW FIRM					EXPEN		
				BUDGET	07/01/15 -	CUM AS OF	
	MATTER/CASE NAME	BRIEF DESCRIPTION	STATUS	FY 2015-16	9/30/15	9/30/15	BALANCE
BEST BEST KEIGER							
		*Note - HA allowance, costs split with					
	City HA v DOF	several cities	В	37,388	12,517	12,517	24,871
		Eminent domain litigation/Riverside					
	City v Clayton	grade separation	В	53,847	-	51,347	2,500
	City v Jurupa Valley	(Vernola Apts) CEQA litigation	В	155,842	38,269	58,011	97,831
		Successor Agency litigation, and					
	City v Metro Riverside	bankruptcy re Hyatt Hotel	В	114,380	386	112,266	2,114
		Judicial foreclosure; parolee flop					
	City v. Michael Arroyo	house. Appeal	В	75,674	-	73,174	2,500
	Edwards v Riverside	Property damage/ Eminent domain	С	14,477	-	12,255	2,222
	Fair Housing Council v. City	Room rental permit litigation	В	827,090	40,096	204,186	622,904
	General Advice	Miscellaneous		25,000	5,668	11,893	13,107
	Jurupa Valley v City (RTRP)	CEQA litigation	В	226,628	9,064	214,017	12,611
	Overlook Parkway	EIR Review	В	112,048	-	89,098	22,950
	SCE v. Mitsubishi Nuclear	San Onofre decommissioning (SONGS)					
	Energy Systems		В	721,693	9,442	431,135	290,558
Subtotal					115,442	1,269,899	1,094,168
	·						
BURKE WILLIAMS SORENSEN							
		Recovering contribution obligation for					
	City v Jurupa Rubidoux CSD, et al.	RWQCP project	В	2,076,487	106,342	865,679	1,210,808
	Pepper v City (See footnote #6)	Private person arrest of council					
		attendee	С	264,226	15,713	222,747	41,479
Subtotal					122,055	1,088,426	1,252,287

					EXPENDITURES		
				BUDGET	07/01/15 -	CUM AS OF	
LAW FIRM	MATTER/CASE NAME	BRIEF DESCRIPTION	STATUS	FY 2015-16	9/30/15	9/30/15	BALANCE
COLANTUONO HIGHSMITH & WHATLEY							
	General matters	Prop 218 and conflicts advice	В	40,400	504	15,904	24,496
	General matters	Frop 218 and connects advice	D	40,400	304		
Subtotal					504	15,904	24,496
CONSTANTINE CANNON							
	State of California et al. ex rel.	Litigation re wireless cell					
	[Under Seal] v [Under Seal]	service/contingency					
		•					
GIBBS GIDEN LOCHER							
TURNER SENET & WITTBRODT							
	City v ProTech Engineering**	Breach of Public Works contract	В	40,000	6,916	39,033	967
Subtotal					6,916	39,033	967
GREINES MARTIN STEIN & RICHLAND							
	Dunbar, Ulrike v City	Wrongful death	В	58,775	28,852	37,627	21,148
	Easley, Michael v. City	Federal civil rights action	В	37,695	3,013	10,708	26,987
	Heltebrake, Richard v City	Breach of contract re Dorner reward	В	19,610	94	2,704	16,906
	Inland Empire Patients Health	Appeal	В	35,000	-	-	35,000
	Jean-Louis, Jean v City	Federal civil rights action	В	46,180	-	1,180	45,000
	Masgula, John v City	Appellate counsel	В	113,724	-	103,724	10,000
	Nichols, Raymond v City	Federal civil rights action	В	66,962	45	22,007	44,955
Subtotal					32,004	177,950	199,996

					EXPENDITURES		
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LIEBOLD McCLENDON &							
MANN							
	Camp Anza	Home Front at Camp Anza	С	41,887	-	40,887	1,000
	Habitat for Humanity	3753 Myers Street	В	16,000	-	9,900	6,100
Subtotal						50,787	7,100
LEWIS BRISBOIS							
BISGAARD & SMITH							
	Buckley, John v City	Dangerous condition	В	209,515		30,630	178,885
	Dunbar, Ulrike v City	Civil rights litigation	В	207,750		96,558	111,192
	Easley, Michael v City	Civil rights litigation	В	281,500		56,889	224,611
	Hagedon v City (Nunez)	Employment litigation	В	142,785		8,850	133,935
	Sims, Shawnee v. City	Dangerous condition	В	35,969	-	26,294	9,675
	Wilson, Lumard v. City	Civil rights litigation	В	113,417		109,667	3,750
Subtotal						328,888	662,048
LIEDEDT CACCIDY			1				
LIEBERT CASSIDY WHITMORE							
	Bonome, Jr., Camilo	Petition re CCW denial	В	48,775	1,747	23,043	25,732
	Leach, Gary	Employment/Appeal	В	71,600	1,152	4,567	67,033
Subtotal					2,899	27,610	92,765
MANNING & KASS		T					
IVIANINING & KASS	Wells Fargo v. City - 1 and 2	Civil penalties on Tax Rolls Validity	В	26,577	4,302	4,302	22,275
Subtotal	vvens rargo v. City - 1 and 2	Civil perialties of Fax Noils validity	D	20,377	4,302 4,302	4,302 4,302	22,275 22,275
Jaztotai	Į				7,302	7,302	22,213
MILLER AXLINE & SAWYER							
	City v Black & Decker (U.S), Inc.	Perchlorate litigation/contingency*					

					EXPENDITURES		
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ORROCK POPKA							
FORTINO TUCKER &							
DOLEN							
	Masgula, John v City (C/W	Dangerous condition litigation filed in					
	Robinson and Knight matters)	2009	В	436,584	7,722	301,581	135,003
Subtotal					7,722	301,581	135,003
			•	1			
SABINE & MORRISON							
	General matters	Sign code issues/advice	В	31,500	2,312	27,312	4,188
Subtotal					2,312	27,312	4,188
SILVER AND WRIGHT							
	Dank Bank	6024 Tyler Street	В	10,993	-	-	10,993
	Emerald City	9000 Arlington Avenue	В	10,993	-	-	10,993
Subtotal							21,986
SMITH LAW OFFICES							
	Hagedon, Marilyn v City	Employment litigation	В	148,208	4,686	31,794	116,414
	Jean Louis, Jean v. City	Civil rights litigation	В	91,466	2,277	53,648	37,818
	Lamping v City	Employment litigation	С	155,890	528	156,418	(528)
	Leandro, Jr., Paul v City	Civil rights litigation	С	73,937	10,896	15,698	58,239
	Luong, Jason v City	Civil rights litigation (Federal)	В	114,510	3,960	3,960	110,550
	Luong, Jason v City	Civil rights litigation (State)	В	84,376	-	12,931	71,445
	Nichols, Raymond v City	Civil rights litigation (Federal)	В	81,956	-	37,406	44,550
	Nichols, Raymond v City	Civil rights litigation (State)	В	70,550	2,063	2,063	68,487
	Shelton, Mary v City	Trip & Fall/personal injury	В	98,846	3,310	38,796	60,050
Subtotal					27,720	352,714	567,025

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SOHAGI LAW GROUP							
	Climate Action Plan	Review Climate Action Plan	В	56,700	1,077	5,184	51,516
	World Logistics Center	Review EIR	В	69,761	1,906	60,728	9,033
Subtotal					2,983	65,912	60,549
THOMPSON COBURN							
	FERC	Regulatory	В	500,000	53,378	264,938	235,062
Subtotal					53,378	264,938	235,062
CHAPMAN AND CUTLER							
CHAPIVIAN AND COTEEN	Bond Counsel*						
Subtotal							
COTCHETT PITRE & McCARTHY			Т				
	Bond Derivative Litigation	Contingency*					
Subtotal							
HAWKINS DELAFIELD & WOOD							
	Bond Counsel*						
	Bond Counsel*						
Subtotal							
JONES HALL							
	Bond Counsel*						
	Bond Counsel*						
Subtotal							

					EXPENDITURES		
				BUDGET	07/01/15 -	CUM AS OF	
LAW FIRM	MATTER/CASE NAME	BRIEF DESCRIPTION	STATUS	FY 2015-16	9/30/15	9/30/15	BALANCE
STRADLING YOCCA							
CARLSON & RAUTH							
	Bond Counsel*						
	Bond Counsel*						
	Bond Counsel*						
Subtotal							
GRAND TOTAL					386,841	4,015,256	4,379,915

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
- (4) Items shaded in orange transferred in-house
- (5) **Budget may be exceeded by an additional \$5,000 in order to negotiate, finalize and enforce the settlement agreement
- (6) Re Pepper v City total amount paid includes negotiated fee reduction of \$33,083