



City Council Memorandum

City of Arts & Innovation

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: February 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 12/31/15 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

**OUTSIDE COUNSEL EXPENDITURE REPORT
THROUGH DECEMBER 31, 2015**

LAW FIRM	MATTER/CASE NAME	BRIEF DESCRIPTION	EXPENDITURES				
			STATUS	Authorized Spending Limit	10/01/15 - 12/31/15	TOTAL AS OF 12/31/15	BALANCE
BEST BEST KEIGER							
	<i>City HA v DOF</i>	*Note - HA allowance, costs split with several cities	B	37,388	15,114	27,631	9,757
	<i>City v Clayton</i>	Eminent domain litigation/Riverside grade separation	B	53,847	36	51,383	2,464
	<i>City v Jurupa Valley</i>	(Vernola Apts) CEQA litigation	B	155,842	13,075	71,086	84,756
	<i>City v. Michael Arroyo</i>	Judicial foreclosure; parolee flop house. Appeal	C	75,674	-	73,174	2,500
	<i>Fair Housing Council v. City</i>	Room rental permit litigation	B	827,090	39,595	243,781	583,309
	<i>General Advice</i>	Miscellaneous		25,000	77	11,970	13,030
	<i>Jurupa Valley v City (RTRP)</i>	CEQA litigation	B	226,628	14,337	228,354	(1,726)
	<i>Overlook Parkway</i>	EIR Review	B	112,048	2,467	93,544	18,504
	<i>SCE v. Mitsubishi Nuclear Energy Systems</i>	San Onofre decommissioning (SONGS)	B	721,693	30,172	461,307	260,386
Subtotal					114,873	1,262,230	972,980
BURKE WILLIAMS SORENSEN							
	<i>City v Jurupa Rubidoux CSD, et al.</i>	Recovering contribution obligation for RWQCP project	B	2,076,487	114,671	980,350	1,096,137
Subtotal					114,671	980,350	1,096,137

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COLANTUONO HIGHSMITH & WHATLEY							
	<i>General matters</i>	Prop 218 and conflicts advice	B	40,400	4,810	20,714	19,686
Subtotal					4,810	20,714	19,686
CONSTANTINE CANNON							
	<i>State of California et al. ex rel. [Under Seal] v [Under Seal]</i>	Litigation re wireless cell service/contingency		-	-	-	-
GIBBS GIDEN LOCHER TURNER SENET & WITTBRODT							
	<i>City v ProTech Engineering**</i>	Breach of Public Works contract	C	40,000	1,650	40,683	(683)
Subtotal					1,650	40,683	(683)
GREINES MARTIN STEIN & RICHLAND							
	<i>Dunbar, Ulrike v City</i>	Wrongful death	B	58,775	165	37,792	20,983
	<i>Easley, Michael v. City</i>	Federal civil rights action	B	37,695	6,506	17,214	20,481
	<i>Heltebrake, Richard v City</i>	Breach of contract re Dorner reward	B	19,610	71	2,775	16,835
	<i>Hopes v City</i>	Federal civil rights action	B	50,000	2,891	2,891	47,109
	<i>Inland Empire Patients Health</i>	Appeal	B	35,000	-	-	35,000
	<i>Jean-Louis, Jean v City</i>	Federal civil rights action	B	46,180	-	1,180	45,000
	<i>Masgula, John v City</i>	Appellate counsel	B	113,724	2,585	106,309	7,415
	<i>Nichols, Raymond v City</i>	Federal civil rights action	B	66,962	-	22,007	44,955
Subtotal					12,218	190,168	237,778

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LIEBOLD McCLENDON & MANN							
	<i>Habitat for Humanity</i>	3753 Myers Street	B	16,000	630	10,530	5,470
Subtotal					630	10,530	5,470
LEWIS BRISBOIS BISGAARD & SMITH							
	<i>Buckley, John v City</i>	Dangerous condition	B	209,515	26,603	57,233	152,282
	<i>Dunbar, Ulrike v City</i>	Civil rights litigation	B	207,750	26,751	123,309	84,441
	<i>Easley, Michael v City</i>	Civil rights litigation	B	281,500	55,245	112,134	169,366
	<i>Hagedon v City (Nunez)</i>	Employment litigation	B	142,785	6,314	15,164	118,771
	<i>Sims, Shawnee v. City</i>	Dangerous condition	B	35,969	8,070	34,364	1,605
	<i>Wilson, Lumard v. City</i>	Civil rights litigation	C	113,417	891	110,558	2,859
Subtotal					123,874	452,762	529,324
LIEBERT CASSIDY WHITMORE							
	<i>Bonome, Jr., Camilo</i>	Petition re CCW denial	B	48,775	4,514	29,761	19,014
	<i>Leach, Gary</i>	Employment/Appeal	B	71,600	636	5,203	66,397
Subtotal					5,150	34,964	85,411
MANNING & KASS							
	<i>Wells Fargo v. City - 1 and 2</i>	Civil penalties on Tax Rolls Validity	B	26,577	462	4,764	21,813
Subtotal					462	4,764	21,813
MILLER AXLINE & SAWYER							
	<i>City v Black & Decker (U.S), Inc.</i>	Perchlorate litigation/contingency*					

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ORROCK POPKA FORTINO TUCKER & DOLEN							
	<i>Masgula, John v City (C/W Robinson and Knight matters)</i>	Dangerous condition litigation filed in 2009	B	436,584	21,201	322,782	113,802
Subtotal					21,201	322,782	113,802
SABINE & MORRISON							
	<i>General matters</i>	Sign code issues/advice	B	31,500	-	27,312	4,188
Subtotal					-	27,312	4,188
SILVER AND WRIGHT							
	<i>Dank Bank</i>	6024 Tyler Street	B	10,993	1,346	1,346	9,647
	<i>Emerald City</i>	9000 Arlington Avenue	B	10,993	-	-	10,993
Subtotal					1,346	1,346	20,640
SMITH LAW OFFICES							
	<i>Hagedon, Marilyn v City</i>	Employment litigation	B	148,208	2,408	34,202	114,006
	<i>Jean Louis, Jean v. City</i>	Civil rights litigation	B	91,466	-	53,648	37,818
	<i>Luong, Jason v City</i>	Civil rights litigation (Federal)	B	114,510	12,259	16,219	98,291
	<i>Luong, Jason v City</i>	Civil rights litigation (State)	B	84,376	-	12,931	71,445
	<i>Nichols, Raymond v City</i>	Civil rights litigation (Federal)	B	81,956	-	37,406	44,550
	<i>Nichols, Raymond v City</i>	Civil rights litigation (State)	B	70,550	5,593	7,656	62,894
	<i>Shelton, Mary v City</i>	Trip & Fall/personal injury	B	98,846		38,796	60,050
Subtotal					20,260	200,858	489,054

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SOHAGI LAW GROUP							
	<i>Climate Action Plan</i>	Review Climate Action Plan	B	56,700	-	5,184	51,516
	<i>World Logistics Center</i>	Review EIR	C	69,761	-	60,728	9,033
Subtotal						65,912	60,549
THOMPSON COBURN							
	<i>FERC</i>	Regulatory	B	500,000	99,197	364,135	135,865
Subtotal					99,197	364,135	135,865
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>						
	<i>Bond Counsel*</i>						
Subtotal							
JONES HALL							
	<i>Bond Counsel*</i>						
	<i>Bond Counsel*</i>						
Subtotal							

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STRADLING YOCCA CARLSON & RAUTH							
	<i>Bond Counsel*</i>						
	<i>Bond Counsel*</i>						
	<i>Bond Counsel*</i>						
Subtotal							
TOTAL					520,342	3,980,856	3,792,014

2015 ANNUAL GRAND TOTAL 2,485,410

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

Status: "B" indicates litigation budget; "C" closed matters