



City Council Memorandum

City of Arts & Innovation

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: MAY 3, 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 3/31/16 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 MARCH 31, 2016**

LAW FIRM	MATTER/CASE NAME	BRIEF DESCRIPTION			EXPENDITURES		BALANCE
			Funding Source	Authorized Spending Limit	12/31/15 - 3/31/16	TOTAL AS OF 3/31/16	
BEST BEST KRIEGER							
	<i>City HA v DOF</i>	*Note - HA allowance, costs split with several cities	280	37,388	642	28,273	9,115
	<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	29,104	100,190	55,652
	<i>Fair Housing Council v. City</i>	Room rental permit litigation	600	827,090	437	244,218	582,872
	<i>General Advice</i>	Miscellaneous	101	25,000	-	11,970	13,030
	<i>General Advice</i>	RPU	101	13,000	5,918	5,918	7,082
	<i>Jurupa Valley v City (RTRP)**</i>	CEQA litigation	510	236,628		228,354	8,274
	<i>Overlook Parkway</i>	EIR Review	101	112,048	8,789	99,866	12,182
	RTRP/CPUC	Advice	510	16,455			16,455
	SCE v. Mitsubishi Nuclear Energy Systems	San Onofre decommissioning (SONGS)	510	721,693	39,797	501,104	220,589
Subtotal					84,687	1,271,276	927,715
BURKE WILLIAMS SORENSEN							
	<i>City v Jurupa Rubidoux CSD, et al.</i>	Recovering contribution obligation for RWQCP project	550	2,076,487	373,096	1,353,446	723,041
Subtotal					373,096	1,353,446	723,041

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COLANTUONO HIGHSMITH & WHATLEY							
	<i>General matters</i>	Prop 218 and conflicts advice	520	40,400		20,714	19,686
	<i>General Advice</i>	CAO	101	15,000		5,079	9,921
	<i>General matters</i>	City land transactions		5,000	5,395	5,395	(395)
Subtotal					5,395	31,188	29,212
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>Wasden, David</i>	Construction project dispute	520	5,000	906	906	4094
Subtotal					906	906	4094
GREINES MARTIN STEIN & RICHLAND							
	<i>Dunbar, Ulrike v City</i>	Wrongful death	630	58,775	-	37,627	21,148
	<i>Easley, Michael v. City</i>	Federal civil rights action	630	37,695	8,438	25,652	12,043
	<i>Heltebrake, Richard v City</i>	Breach of contract re Dorner reward	630	19,610	-	2,704	16,906
	<i>Hopes v City</i>	Federal civil rights action	630	50,000	-	2,891	47,109
	<i>Inland Empire Patients Health</i>	Appeal	630	35,000	-	-	35,000
	<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	-	103,724	10,000
	<i>Nichols, Raymond v City</i>	Federal civil rights action	630	66,962	-	22,007	44,955
Subtotal					8,438	195,785	232,161

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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	4,245	61,478	148,037
	<i>Dunbar, Ulrike v City</i>	Civil rights litigation	630	207,750	1,617	124,926	82,824
	<i>Easley, Michael v City</i>	Civil rights litigation	630	281,500	45,047	157,181	124,319
	<i>Hagedon v City (Nunez)</i>	Employment litigation	630	142,785	161	15,325	127,460
	<i>Sims, Shawnee v. City</i>	Dangerous condition	630	35,969	2,277	36,641	(672)
Subtotal					53,347	395,551	481,968
LIEBERT CASSIDY WHITMORE							
	<i>Bonome, Jr., Camilo</i>	Petition re CCW denial	630	48,775	7,235	32,482	16,293
	<i>Leach, Gary</i>	Employment/Appeal	101	71,600	-	5,203	66,397
Subtotal					7,235	37,685	82,690
MANNING & KASS							
	<i>Wells Fargo v. City - 1 and 2</i>	Civil penalties on Tax Rolls Validity	101	26,577	149	4,913	21,664
Subtotal					149	4,913	21,664
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	630	436,584	2,623	325,405	111,179
Subtotal					2,623	325,405	111,179
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</i>	6024 Tyler Street	101	10,993		1,346	9,647
	<i>Emerald City</i>	9000 Arlington Avenue	101	10,993	-	-	10,993
Subtotal						1,346	20,640
SMITH LAW OFFICES							
	<i>Hagedon, Marilyn v City</i>	Employment litigation	630	148,208	512	34,714	113,494
	<i>Jean Louis, Jean v. City</i>	Civil rights litigation	630	91,466	-	53,648	37,818
	<i>Luong, Jason v City</i>	Civil rights litigation (Federal)	630	114,510	2,755	18,974	95,536
	<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	365	37,771	44,185
	<i>Nichols, Raymond v City</i>	Civil rights litigation (State)	630	70,550		7,656	62,894
	<i>Nguyen v City</i>	Employment litigation	630	122,000	1,306	1,306	120,694
	<i>Roberts v City</i>	Employment litigation	630	180,000	165	165	179,835
Subtotal					5,103	167,165	725,901

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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	500,000	98,676	462,811	37,189
Subtotal					98,676	462,811	37,189
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					639,655	4,290,323	3,458,628

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

** Change order issued; amount increased \$10,000