City of Arts & Innovation

City Council Memorandum

TO: **HONORABLE MAYOR AND CITY COUNCIL** **DATE: MARCH 2, 2021**

FROM: **CITY ATTORNEY** **WARDS: ALL**

SUBJECT: **OUTSIDE COUNSEL EXPENDITURE REPORT**

ISSUE:

Outside Counsel Expenditure Report for the period of October 1, 2020 through December 31, 2020.

RECOMMENDATIONS:

That the City Council receives and files the attached report.

DISCUSSION:

In the continuing effort of transparency and accountability, in 2015, City Council approved a policy for the City Attorney to provide quarterly reports regarding outside counsel expenditures. This report includes the current spending for the prior quarter (October 1, 2020 through December 31, 2020) 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 accounts 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: Kristi J. Smith, Interim City Attorney

Attachment: Outside Counsel Expenditure Report

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OUTSIDE COUNSEL EXPENDITURE REPORT
THROUGH DECEMBER 31, 2020

LAW FIRM	MATTER/CASE NAME	BRIEF DESCRIPTION	Funding Source	Authorized Spending Limit	EXPENDITURES 10/1/20 - 12/31/20	EXPENDITURES TOTAL AS OF 12/31/20	BALANCE
ALSTON BIRD							
	Public Watchdogs v CA State Lands Commission	CEQA Lawsuit	**520**	5,000	-	1,774	3,226
	Samuel Lawrence Foundation v Coastal Commission #1	Re Songs	**520**	5,370	-	1,314	4,056
	Samuel Lawrence Foundation v Coastal Commission #2	Re Songs	**520**	2,148	-	100	2,048
	Public Watchdogs v CA State Lands Commission	Appeal	**520**	3,580		-	3,580
Subtotal					**0**		
BAKER HOSTETLER							
	Cyber Security Breach	Prevention/Advice	510	20,000	-	2,375	17,625
	Business Tax Security	Prevention/Advice	630	4,000	-	1,838	2,162
Subtotal							
BEST BEST KRIEGER							
	General Advice	Miscellaneous	101	25,000	-	14,987	10,013
	General Advice	RPU	101	13,000	-	5,918	7,082
	City v DOF	Anticipated litigation	630	65,000	-	60,085	4,915
	Riverwalk CSD Foreclosure	Collection	101	10,000	-	2,645	7,355
	Gage Canal	Advisory	101	20,000	-	17,548	2,452
	General Advice	HR/401(a) Advisory	101	45,000	9,706	26,457	18,543
	Live Nation/Fox Theatre	Advisory	101	5,000	-	-	5,000
	Ice Energy	Bankruptcy		12,000	-	4,080	7,920
	Riverside Community Hospital	Tax Matter	101	1,500	-	1,500	-
Subtotal					**9,706**		

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BUCHALTER							
	SCE/CPC Application[1]	RTRP	520	450,000	2,324	426,949	23,051
	CPUC Rulemaking	PSPS	520	60,000	912	27,590	32,412
Subtotal					**3,236**		
BLAISDELL, CHURCH & JOHNSON							
	*Bond Counsel**	IPP Generation Plant	510	5,000		1,000	4,000
Subtotal							
BURKE WILLIAMS & SORENSEN	*Friends of Riverside Airport v City **	Ag Park Litigation	630	1,550,000	435,378	525,254	1,024,746
Subtotal					**435,378**		
CHAPMAN AND CUTLER							
	*Bond Counsel**						
CONSTANTINE CANNON							
	State of California et al. ex rel. [Under Seal] v [Under Seal]	Litigation re wireless cell service/contingency		-		-	-
Subtotal							
COTCHETT PITRE & McCARTHY							
	Bond Derivative Litigation	Contingency*		-		-	-

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COLANTUONO HIGHSMITH & WHATLEY							
	General matters	Prop 218 and conflicts advice	520	40,400		36,879	3,521
	General Advice	CAO	101	15,000		13,771	1,229
	General/RPU	Electric & Water Cost Service Study	520	25,000		65	24,935
	General Advice	Solid Waste	101	15,000		1,330	13,670
	*Parada II v City***	GFT Challenge/Litigation	101	252,500	22,845	175,323	77,177
	Bailey, William R. v City	Litigation Initiated by Mayor	101	338,000	38	337,557	443
	Carl Pongs v City	Water Rate Challenge	520	100,000	6,477	23,907	76,093
	Simpson v City	Water GFT Challenge	520	60,000	22,823	52,131	7,869
Subtotal					**52,183**		
ELLISON SCHNEIDER							
	*1969 Judgment**	Bunker Hill Basin	510	30,000	9,282	21,531	8,469
Subtotal					**9,282**		
GIBBS GIDEN							
	General Public Contracting	Advisory	101	7,500	-	2,883	4,617
	Convention Center/Fox	Force Majeure Review	101	15,000	3,109	14,948	52
Subtotal					**3,109**		

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GREINES MARTIN STEIN & RICHLAND							
	Easley, Michael v. City	Federal civil rights action	630	137,695	-	117,736	19,959
	*Nichols, Raymond v City***	Federal civil rights action	630	107,455	-	102,982	4,473
	Burtis v City	Appellate advice	630	17,500	2,478	14,643	2,857
	Louis, Jean-Louis v City	Appellate advice	630	15,000	-	9,748	5,252
	Parada v City	Appellate advice	630	15,000	3,452	3,452	11,548
	Harris v City	Appellate advice	101	15,000	3,128	3,128	11,872
Subtotal					**9,058**		
JONES HALL							
	*Bond Counsel**	SIFMA		40,000		-	40,000
	*Bond Counsel**	Electric and Water Bonds 2018		45,000		-	45,000
	*Bond Counsel**	2019 Electric & Water Bonds		90,000		-	90,000
Subtotal							
LEWIS BRISBOIS BISGAARD & SMITH							
	Easley, Michael v City	Civil rights litigation	630	406,500	6,395	374,209	32,291
	*Friends of Riverside Airport v Dept of the Army***	CEQA Litigation/Environmental	630	1,700,138	321,780	1,007,314	692,824
Subtotal					**328,175**		

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LIEBERT CASSIDY WHITMORE							
	General Advice	Misc	101	1,000	-	447	553
Subtotal							
MILLER AXLINE & SAWYER							
	TCP Contaminataion	Advisory/contingency*					
	City v Black & Decker (U.S), Inc.	Perchlorate litigation/contingency*					
MURPHY & EVERTZ							
	SBCTA v City	Condemnation		150,000	-	13,413	86,587
Subtotal							
SMITH LAW OFFICES							
	Clymer v City	Challenge to Russo Contract	630	75,000		18,376	18,576
	Louis, Jean-Louis v City	Civil rights litigation	630	176,000		16,810	159,190
	Nichols, Raymond v City	Civil rights litigation	630	120,000	2,500	52,309	67,691
	Wilder, S. v City	Suit for Wrongful Termination	630	100,000	7,440	20,860	79,140
	Casteel v City	Special Appearance	630	5,000	-	5,000	5,000
Subtotal					**9,940**		

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STRADLING YOCCA CARLSON & RAUTH							
	Bond Counsel	2006 Lease Revenue (Galleria)		55,000		-	55,000
	Bond Counsel	2018 Sewer Revenue Bonds		65,000		-	65,000
	Bond Counsel	2019 Electric and Water Bonds		140,000		-	140,000
	Bond Counsel	Debt Disclosure Reports		15,000		-	15,000
	Bond Counsel	CFDs and Assessment Districts		15,000		-	15,000
	Bond Counsel	2015A Sewer Revenue Bonds		10,000		-	10,000
Subtotal							
THINK LEGAL360							
	Harris, Bobby v. City	Employment Litigation	630	485,000	4,220	283,060	201,940
Subtotal					**4,220**		
THOMPSON COBURN							
	FERC	Regulatory	510	750,000	138,379	275,729	474,271
	LADWP Transmission Agreements	Potential Extension	510	25,000		-	25,000
Subtotal					**138,379**		
TOTAL					**1,002,666**		

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Note: Plaintiff's Case - Outside Counsel Retained for Recovery							
BURKE WILLIAMS SORENSEN							
	*City v. Jurupa/Rubidoux CSD, et al.***	Recovering contribution obligation for RWQCP project	550	4,782,326	33,364	**4,639,067**	143,259
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) Change order**							
[1] Attorney's fees will be recovered from SCE							