



2014 Annual Report

OFFICE OF THE CITY ATTORNEY

Jennifer McGrath
City Attorney



October 2014

Inside:

- Advisory Division Highlights*
- Litigation Division Wins*
- Training Program*
- Department gives back*



Message from the City Attorney

It is my pleasure to serve as City Attorney for the City of Huntington Beach. I am delighted to present our 2014 Annual Report for the Office of the City Attorney.

Our experienced staff works diligently to provide timely customer service to fourteen City departments, City Council, and City officers and employees. Each department has unique legal needs and it is our job to ensure the Office of the City Attorney provides the finest legal representation possible in all lawsuits and administrative matters. Additionally, we work tirelessly to prosecute, in the name of the People, all violations of the City Charter and Municipal Code.

Offering an array of in-house legal expertise has earned the City Attorney's Office a renowned and distinguished reputation by providing some of the finest and most comprehensive municipal law services in the State of California.

As a parent, mentoring and supporting youth in the community is a priority. Introducing municipal law concepts and sharing the career opportunities associated with working in a dynamic, full service municipal law practice is an important community outreach function for the Office. We enjoy hosting local high school students and offer three externships a year for law students who desire municipal law experience.

As a resident of Huntington Beach and a mother of two, I can appreciate the many issues that concern residents, City leaders, and employees alike. Thank you for taking the time to learn more about our Office's many legal accomplishments and numerous cases won in court during this past fiscal year. It is my distinguished pleasure to serve as your City Attorney.

Most Sincerely,

Jennifer McGrath
City Attorney

*"It is an honor and a privilege to serve as your
City Attorney."*

~Jennifer McGrath





Customer Service First

Our exceptional staff of professionals continuously strives to provide exemplary and comprehensive law office services to our clients. Customer service is what we do everyday; it is our job to serve diligently and prudently while responding to unique and varied client requests. We are proud to provide both Advisory and in-house Litigation services to all our clients. Our full-service approach to a municipal law office greatly reduces budgetary expenditures in lieu of outsourcing all litigation matters to outside counsel (a more expensive alternative). Collectively, the Office of the City Attorney is proud to provide a full-service palette of exceptional municipal law services, in-house.



Meet our Staff...

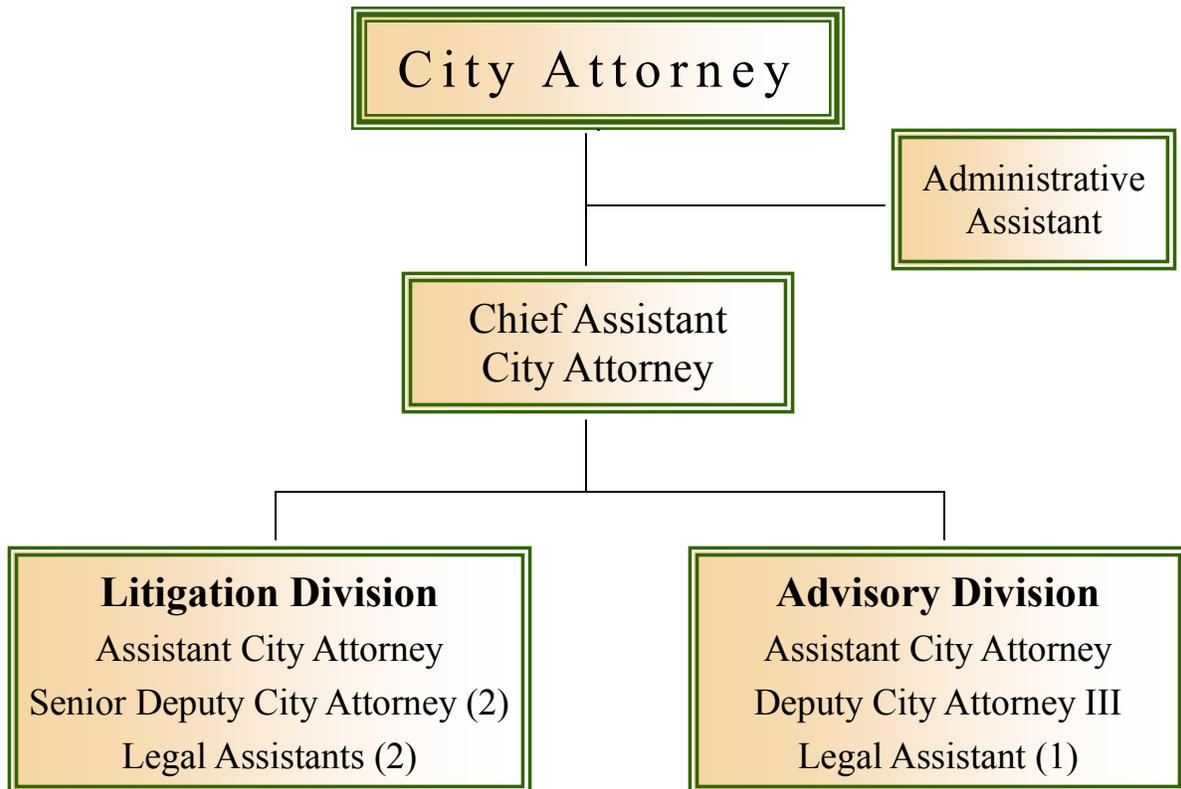
Top (left to right): Dan Ohl, Carlina Thomas, Scott Field, Joan Naideth, Paul D'Alessandro, Neal Moore

Middle: John Fujii, Jennifer McGrath, Mike Vigliotta

Bottom: Chris Leonhard, Thuy Vi, Kelly Junod, Sandie Frakes



Department Organization



“The Office of the City Attorney recently reorganized in an effort to provide more timely and efficient municipal law services that meet the needs and demands of our clients.”

~Mike Vigliotta,
Chief Assistant City Attorney





Administration

The Administration Division provides streamlined business management support under the direct supervision of the City Attorney and Chief Assistant City Attorney. Managing a comprehensive municipal law office that provides both Advisory and Litigation services in-house requires diverse support functions that include:

- | | |
|--------------------------|------------|
| Budget | Clerical |
| Finance | Personnel |
| Records Management | Technology |
| Training and Development | |

Additionally, the City Attorney attends City Council meetings (twice a month) as parliamentarian and legal advisor. The City Attorney is also an active and integral participant in the executive management team to help promote and facilitate the strategic goals of the City Council.

Civil Citation Hearings:

The City Attorney's Office prepared and coordinated 108 civil citation hearings for the City's Hearing Officer.

Criminal Hearings:

The City Attorney's Office appeared on behalf of the City and/or resolved 103 criminal hearings.

Training Presentations:

- | | |
|--------------------|-----------------------------|
| AB 1234 Ethics | Conflict Resolution |
| Public Records Act | You've Been Sued, Now What? |
| Brown Act | Sexual Harassment |

"By regularly offering specialized and pertinent in-house professional training courses to all City personnel, the City saves substantial outside training expenses that would otherwise need to be budgeted."

~ Dan Ohl,
Deputy City Attorney





Advisory

The Advisory Division provides exceptional daily customer service regarding a variety of legal matters encompassing almost all aspects of City business to fourteen City departments, City Council, and City management. The Advisory Division provides a long menu of legal services, including: preparing legislation; negotiating and drafting contracts and other transactional documents; providing legal representation and advice at meetings of the City Council, City Council Committees, and City boards and commissions; prosecuting code violations; providing timely legal advice and assistance to City staff; improving contracting practices and updating form agreements; developing and presenting training seminars on various municipal law topics; and informing City Council and City staff on changes in the law that directly impact the City.

Advisory Division Highlights:

- Assisted in negotiating a new franchise agreement with Paramount Petroleum that will bring the City over \$600,000 in revenue the first year.
- Drafted promotional agreement with Toyota Motor Sales for free Lifeguard vehicles.
- Successfully secured a grant agreement with the California Department of Alcoholic Beverage Control for downtown law enforcement.
- Drafted agreement with KABC-TV to be the Official Broadcaster for the July 4th Parade.
- Drafted Senior Overlay Ordinance prohibiting senior mobile home parks from converting to all age status.
- Drafted cooperative agreements with the OCTA for the Edinger Bicycle Corridor and traffic signal coordination on Warner

“The Attorneys’ of the Advisory Division team provide over 60 years of combined municipal law experience and expertise to the City.”

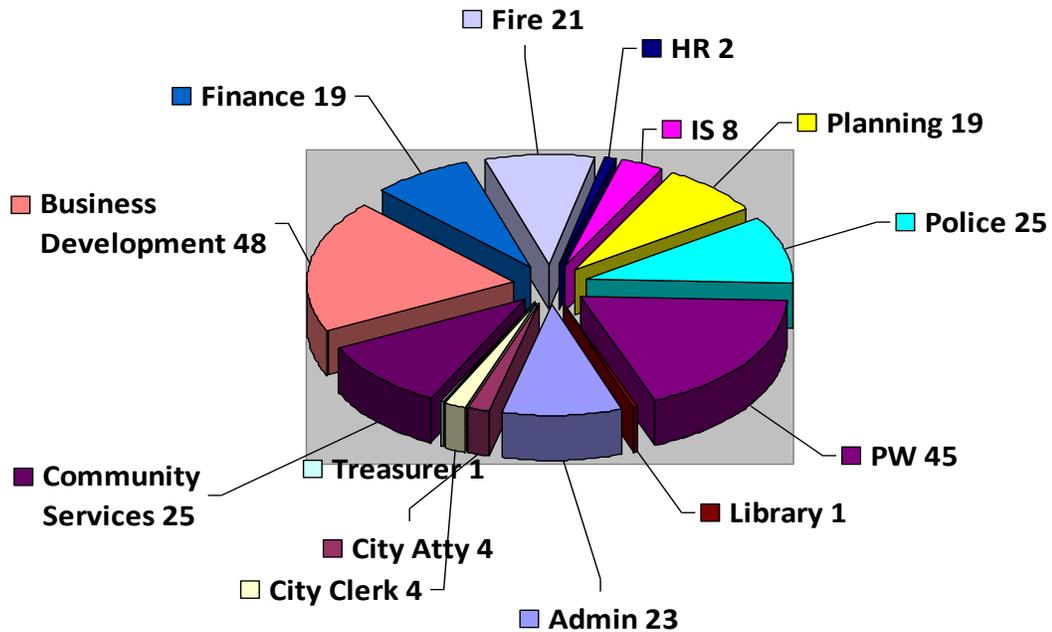
~Paul D’Alessandro
Assistant City Attorney





Advisory

245 Completed Requests by Departments in 2014



Administration	City Attorney	City Clerk
City Treasurer	Community Services	Business Development
Finance	Fire	Human Resources
Information Services	Planning	Police
Public Works	Library	

Request for Legal Services

In 2014, the Advisory Division received 245 requests for legal services. The above chart identifies the 2014 requests for legal services completed by each client/department. While hundreds of requests were efficiently completed in an expedited and timely manner, a summary of significant Advisory Division projects is listed on page 6.



Litigation

Two BIG wins for the People of Huntington Beach...

The City Attorney's Office successfully defended the City's Charter to keep cell phone towers out of all City parks, ensuring our parks are safe and meeting the diverse recreational needs of our community. The City successfully won (on appeal in the appellate court) the right to build the new (voter approved) Senior Center at the proposed site in Central Park.



Cases won at trial:

1. The City Attorney's Office successfully defended the City and two police officers in a federal civil rights/wrongful death jury trial involving a police shooting.
2. The jury returned a unanimous verdict in favor of the City that rejected a contractor's lawsuit seeking \$750K in damages in the construction of a sewer lift station.

Cases successfully concluded, won with no monies paid:

1. Two cases against the City's Police Department, one a wrongful death case and the other a personal injury case, both settled with no payment of monies from the City.

Cases won on appeal:

1. Trial court was directed to try the City's complaint to enforce the Affordable Housing Covenant at the Las Brisas Del Mar condominiums.

Cases successfully concluded:

1. In a traffic accident involving substantial injuries, the City was dismissed while the City's summary judgment motion was pending.
2. Dangerous road condition case was dismissed by the court.
3. Employment lawsuit regarding discrimination claims was dismissed.

"Our in-house Litigation Division has the qualifications and experience to handle nearly every lawsuit brought against the City and its employees, saving the City substantial money in not having to retain costly outside counsel."

~ Neal Moore,
Senior Deputy City Attorney

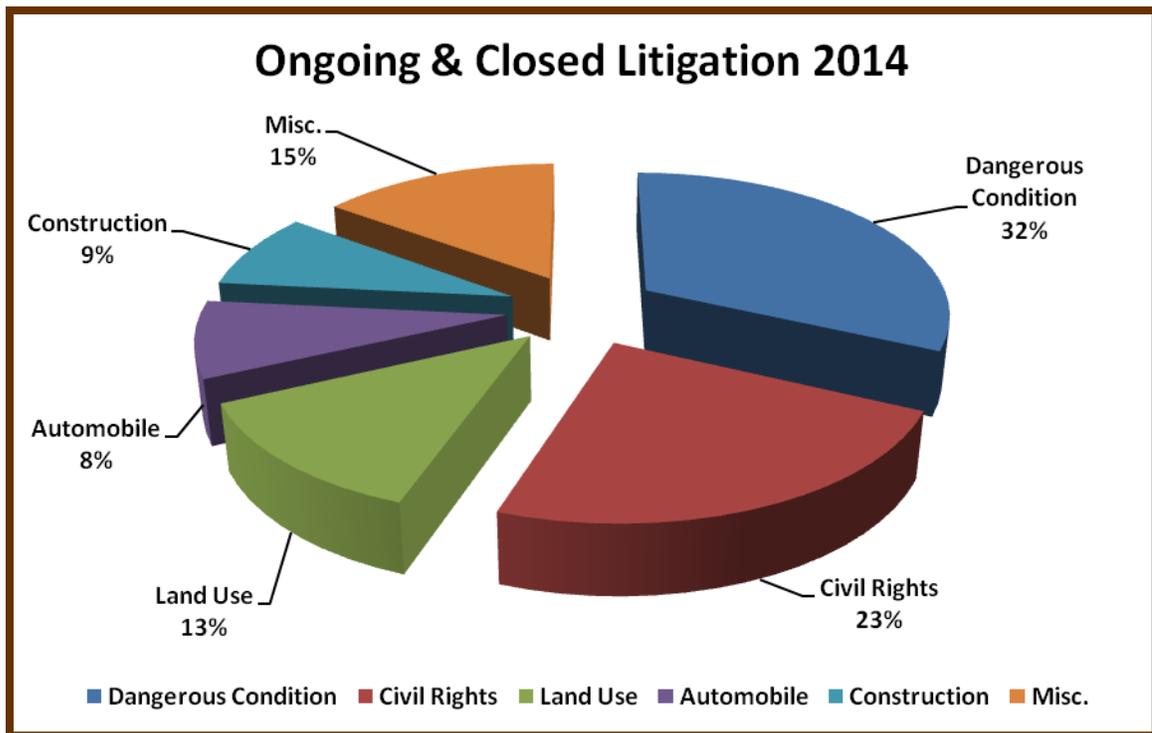




Litigation

More than half of all 2014 litigation cases were resolved without the payment of *any* monies by the City.

The Litigation Division is supervised by City Attorney Jennifer McGrath and is comprised of Assistant City Attorney Scott Field, Sr. Deputy City Attorney's Neal Moore and John Fujii, and Legal Assistants Thuy Vi and Chris Leonhard. The Litigation Division handles all civil matters on behalf of the City and its employees and officials. All cases are handled by the in-house staff unless there is a conflict in representation or the outside counsel is paid by a third party or a non-general fund source.



During the 2014 fiscal year, 16 of 28 litigation cases closed were resolved at no cost to the City. That is an astounding 57%. This evidence speaks to the quality and tenacity of the Litigation Division attorneys who work diligently to achieve favorable results for their clients.



Helping the Community

The Office of the City Attorney is proud to lead the charge for volunteerism in Huntington Beach and throughout Orange County, serving numerous organizations that benefit people, animals and communities in need. We are delighted to share the highlights of our collective volunteer activities for 2014.

3/1 Marine Foundation 5k Run

Orange County Bar Association

Second Harvest Food Bank

Mercy House Armory

South Coast Repertory

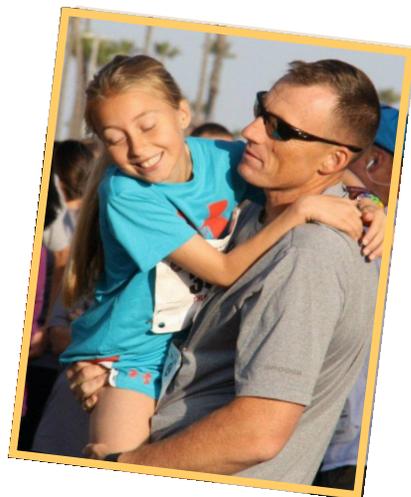
Pro Tem (Judge for a Day)

Photographer for the Kiwanis Easter Hunt Family Fun Day

Irvine Animal Care Center Super Pet Adoption

Mock Trials for Marina High School

Orangewood Children and Family Center



“Volunteerism is important to our staff. Many of us are parents and strive to set a positive example for our own children to participate in the community where we both live and work.”

~ John Fujii,

Senior Deputy City Attorney





Structured to Meet Huntington Beach's Goals

The residents of Huntington Beach are represented by a seven-member, part-time City Council. The City Council establishes policies and priorities for the provision of effective and efficient municipal services. The City Council is the City's legislative authority and sets the policies under which the City operates.

The City Council has established five strategic goals that provide the framework for carrying out its vision for the City:

1. Maintain our financial reserves;
2. Maintain, improve and obtain funding for public improvements;
3. Maintain public safety;
4. Enhance economic development;
5. Improve internal and external communication.



These strategic goals direct the efforts and activities of the City's elected officials and departments. They also direct the efforts of the City Attorney's Office in providing legal services associated with and arising out of those activities. These practice areas of the Office are discussed more fully in this report under the Administration, Advisory, and Litigation headings.

In accordance with the City's strategic goals, the City Attorney's Office is structured into three divisions: Administration, Advisory and Litigation. These divisions drive the organizational structure of the Office.

2014 City Council

Mayor Matthew Harper

Councilmember Connie Boardman

Councilmember Jill Hardy

Councilmember Joe Shaw

Councilmember Joe Carchio

Councilmember Jim Katapodis

Councilmember Dave Sullivan



Attorney Bios

PAUL D'ALESSANDRO

Practice Areas, Background and Experience

Mr. D'Alessandro presently serves as the Assistant City Attorney supervising the Advisory Division of the City Attorney's Office. He is the legal counsel for the Huntington Beach Planning Commission. He provides legal assistance on all areas of municipal law, including land use, affordable housing, public works, community services, public meetings (Brown Act), public records, elections, conflicts of interest, and business transactions.

Mr. D'Alessandro joined the City Attorney's Office as a Deputy City Attorney in 1988. As a Deputy City Attorney, Mr. D'Alessandro had extensive litigation and transactional practice. He served as legal advisor to many of the City's Boards, Commissions, and Committees, and handled numerous trials, appeals, arbitrations and administrative hearings in virtually all areas of municipal litigation practice, including eminent domain, inverse condemnation, civil rights, tort defense, land use, labor, and criminal prosecutions.

Professional Affiliations

Mr. D'Alessandro is admitted to practice law in California and the District of Columbia and before the United States District Courts for the Central and Southern Districts of California and the Ninth Circuit Court of Appeal.

Education

Mr. D'Alessandro is a graduate of Loyola Law School (J.D.), where he was a staff member on the Loyola of Los Angeles Law Review, and the University of California, Riverside (B.A., English and History).

SCOTT FIELD

Practice Areas, Background and Experience

Mr. Field presently serves as the Assistant City Attorney in the Litigation Division of the City Attorney's Office. The Litigation Division handles all phases of all civil litigation matters involving the City, including pretrial discovery, law and motion, trial, and appeals.

Mr. Field joined the City Attorney's Office as a Deputy City Attorney in 1995. Prior to joining the City Attorney's Office, Mr. Field was a partner at Burke, Williams & Sorensen, a law firm specializing in the representation of public agencies throughout California, where he served as City Attorney for the cities of Temecula (1989-94) and Mission Viejo (1988-90).

Professional Affiliations

Mr. Field is admitted to practice law in California, and before the United States District Courts for the Central and Southern Districts of California, and the Ninth Circuit Court of Appeal.

Education

Mr. Field is a graduate of UCLA School of Law (J.D.) and the University of California, Berkeley (B.A., Economics).



Attorney Bios

JOHN FUJII

Practice Areas, Background and Experience

Mr. Fujii presently serves as a Senior Deputy City Attorney in the Litigation Division of the City Attorney's Office. He primarily practices in state and federal trial and appellate courts, litigating cases involving civil rights, land use, torts, construction and environmental law.

Prior to joining the City Attorney's Office, Mr. Fujii was an associate at the law firms of Jeffer, Mangels, Butler & Mitchell in Century City and at Brobeck, Phleger & Harrison in San Francisco. From 2002 to 2005, Mr. Fujii taught legal research and writing as an adjunct professor at Chapman University School of Law.

Professional Affiliations

Mr. Fujii is admitted to practice law in California and before the United States District Courts for the Central and Northern Districts and the Ninth Circuit Court of Appeal.

Education

Mr. Fujii is a graduate of Boalt Hall School of Law at U.C. Berkeley (J.D.) and U.C. Davis (B.S., Animal Physiology).

JENNIFER MCGRATH

Practice Areas, Background and Experience

In 1996, Ms. McGrath began her career with Huntington Beach as a Deputy City Attorney. While at that position, Jennifer established relationships with city residents and officials that allowed her to improve service levels to the City Council. In November of 2002, the people of Huntington Beach elected Jennifer McGrath as their City Attorney.

Professional Affiliations

Ms. McGrath is admitted to practice law in California and before the United States District Courts for the Central and Northern Districts and the Ninth Circuit Court of Appeal.

Education

Ms. McGrath is a graduate of McGeorge School of Law (J.D.) and the University of California at Los Angeles (B.A., Political Science).



Attorney Bios

NEAL MOORE

Practice Areas, Background and Experience

Mr. Moore presently serves as Senior Deputy City Attorney in the Litigation Division of the City Attorney's Office. Mr. Moore is the senior trial attorney in the City Attorney's Office, and handles a wide range of civil litigation matters involving the City.

Mr. Moore joined the City Attorney's Office in 2004. From 1976 to 2004, Mr. Moore was in private practice, specializing in the defense of public entities and public employees. He has completed approximately 100 civil jury trials. From 1971 to 1976, Mr. Moore was employed by the County of Los Angeles as a Deputy County Counsel. He holds the rank of Advocate from the American Board of Trial Advocates and was a member of the Executive Committee for the Litigation Section of the State Bar of California for a 3-year term (2008 – 2011).

Professional Affiliations

Mr. Moore is admitted to practice law in California and before the United States District Court for the Central District of California, the Ninth Circuit Court of Appeal, and the United States Supreme Court.

Education

Mr. Moore is a graduate of the University of Southern California School of Law (J.D.) and the University of Southern California (B.A., History).

DANIEL K. OHL

Practice Areas, Background and Experience

Mr. Ohl presently serves as a Deputy City Attorney in the Advisory Division of the City Attorney's Office. He practices primarily in the areas of police legal advisor, "Pitchess" motions, code enforcement, building and public works, and public records. Mr. Ohl also prosecutes violations of the City's Municipal Code.

Prior to joining the City Attorney's Office, Mr. Ohl was a Deputy City Attorney with the City of Newport Beach from 1994-2007. He handled all phases of civil litigation, including pretrial discovery, law and motion, trial, and appeal. He provided advisory services to the police and fire departments, city lifeguards, code enforcement, building, planning, community services, and general services departments.

Professional Affiliations

Mr. Ohl is admitted to practice law in California and before the United States District Courts for the Southern, Central, Eastern and Northern Districts, and the Ninth Circuit Court of Appeal.

Education

Mr. Ohl is a graduate of McGeorge School of Law (J.D.) and California State University at Long Beach (B.A., Political Science).



Attorney Bios

MIKE VIGLIOTTA

Practice Areas, Background and Experience

Mr. Vigliotta presently serves as a Chief Assistant City Attorney in the Advisory Division of the City Attorney's Office. He primarily practices in the area of labor and employment law and advises all city departments on issues relating to employee discipline, discrimination, harassment, wages and hours, family and medical leave, disability, and labor law. He is responsible for prosecuting employee disciplinary appeals on behalf of the City before the Personnel Board and representing the City before the Unemployment Appeals Board. He also participates in the negotiation of memorandums of understanding with employee unions, as well as the drafting of employee contracts, city resolutions, ordinances, processes and policies. He provides training on various employment-related issues to city management and staff.

Prior to joining the City Attorney's office in 2005, Mr. Vigliotta was employed by the City of Santa Ana as a Deputy City Attorney. In Santa Ana, Mr. Vigliotta provided general counsel to various city departments on such issues as utility user and hotel visitor tax and fees, election matters, open meeting laws, conflict of interest and ethics regulations. In addition, Mr. Vigliotta prosecuted code enforcement matters and provided litigation support regarding law and motion for specialized litigation matters.

Professional Affiliations

Mr. Vigliotta is admitted to practice law in California and before the United States District Court for the Central District of California and the Ninth Circuit Court of Appeal.

Education

Mr. Vigliotta is a graduate of the Chapman University School of Law (J.D.) and Gannon University (B.A., Political Science).

City Hall Directory

City Attorney	(714) 536-5555
City Clerk	(714) 536-5227
Passports	(714) 536-1612
City Council	(714) 536-5553
City Manager	(714) 536-5575
Community Services	(714) 536-5486
Beach Operations	(714) 536-5281
Office of Business Development	(714) 536-5542
Finance	(714) 536-5630
Business Licenses	(714) 536-5267
Fire Department	(714) 536-5411
Human Resources	(714) 536-5492
Information Services	(714) 536-5515
Library	(714) 842-4481
Planning & Building	(714) 536-5271
Code Enforcement	(714) 375-5155
Police Department	(714) 960-8811
Public Works	(714) 536-5431



CITY OF HUNTINGTON BEACH



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