

Council/Agency Meeting Held: _____	_____ City Clerk's Signature
Deferred/Continued to: _____	
<input type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved <input type="checkbox"/> Denied	
Council Meeting Date: 12/3/2007	Department ID Number: 07-30

**CITY OF HUNTINGTON BEACH
REQUEST FOR CITY COUNCIL ACTION**

SUBMITTED TO: MAYOR AND COUNCILMEMBERS
SUBMITTED BY: JENNIFER McGRATH, City Attorney
PREPARED BY: JENNIFER McGRATH, City Attorney
SUBJECT: Review and Accept City Attorney's Quarterly Report

Statement of Issue, Funding Source, Recommended Action, Alternative Action(s), Analysis, Environmental Status, Attachment(s)

Statement of Issue: Receive and accept the City Attorney's Quarterly Report for July 1, 2007 through September 30, 2007.

Funding Source: Not Applicable

Recommended Action: Motion to: Review and accept the City Attorney's Third Quarterly Report for July 1, 2007 through September 30, 2007.

Alternative Action(s): Deny or critique quarterly report.

Analysis: Not Applicable

Strategic Plan Goal: City Services (C-2) Provide quality services with the highest professional standards to meet community expectations and needs, assuring that the city is sufficiently staffed and equipped overall.

Environmental Status: Not Applicable

Attachment(s):

City Clerk's Page Number	No.	Description
2	1.	City Attorney's Quarterly Report for July 1, 2007 through September 30, 2007

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ATTACHMENT 1

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City Attorney's Quarterly Report

This report reflects the activities of the City Attorney's Office for July 1, 2007 through September 30, 2007.

Administration Division

The administration and support functions are performed under the supervision of the City Attorney. This includes personnel, clerical, financial, technology, training and development, and records management support. This function also includes attendance at regular council meetings as parliamentarian and advisor, and active participation in the executive management team to promote the strategic goals of the City Council.

Significant accomplishments for the Administration section include:

1. Implementation of a comprehensive training program on the Brown Act, Public Records Act, and sexual harassment prevention.

Advisory Division

The Advisory Division, comprised of four deputy city attorneys, is supervised by an Assistant City Attorney and provides legal assistance on all matters pertaining to the daily operation of the City to the City Council and City officers. It prepares all legal documents and opinions to ensure the City can accomplish its goals and objectives with little, if any, risk of litigation.

The Advisory Division received 136 requests for legal assistance and completed 133 requests. There are 175 outstanding requests for legal assistance.

Additionally, staff provided assistance with labor negotiations; reviewed and prepared 121 documents and contracts; drafted 40 ordinances and resolutions; made 35 appearances on criminal matters; and provided on-going advice related to the following:

- fire code revisions
- tax-exempt financing
- affordable housing
- campaign contributions
- condominium conversion restitution fund
- Application of AB 1597 to charter cities
- Pacific City, Bella Terra, and the Strand.

COMPLETED REQUEST FOR LEGAL SERVICES AS OF JULY - SEPTEMBER 2007							
	Advice Memo & Opinion	Documents & Contracts	Public Records & Citizen Inquiry Requests	Criminal Pitchess & Hearings	Resolution & Ordinance	Projects	Total
Administration	1	0	7	0	2	0	10
Building & Safety	1	2	0	0	0	3	3
City Attorney	0	3	0	1	2	3	9
City Clerk	1	0	0	0	0	0	1
City Treasurer	1	4	0	0	0	0	5
Community Services	2	3	0	0	0	0	5
Econ. Development	2	13	0	0	3	1	19
Finance	0	4	0	0	5	0	9
Fire	2	1	0	0	1	0	4
Info. Services	0	5	0	0	0	0	5
Human Resources	1	4	0	0	1	1	7
Library	0	1	0	0	0	0	1
Planning	0	14	0	1	2	0	17
Police	1	5	0	9	2	0	17
Public Works	1	14	0	1	5	0	21
Total	13	73	6	11	23	5	133

Significant projects for the Advisory Division include:

1. Prepared the Second implementation Agreement for Bella Terra.
2. Updated the Outdoor Dining License Agreement for Downtown.
3. Assisted the Planning Department in reviewing the First Christian Church application.
4. Advised the Agency and City with regard to the proposed Community Facilities District for Pacific City.
5. Advised Planning Department and Planning Commission with regard to the Medicinal Marijuana Dispensary ordinance.
6. Prepared amendments to the zoning code and municipal code relating to communication facilities in the public right-of-way.
7. Provided advice relating to the purchase of surplus school sites pursuant to the Naylor Act.
8. Assisted with issues relating to the recording of the Pacific City Final Map.
9. Assisted department with CIM development issues.
10. Advised Public Works regarding process that must be followed when modifying or increasing water or sewer rates pursuant to Proposition 218.

11. Assisted in the negotiation of Municipal Employee Association Memorandum of Understanding.
12. Successfully negotiated allocation agreement with Verizon Wireless.

Litigation Division

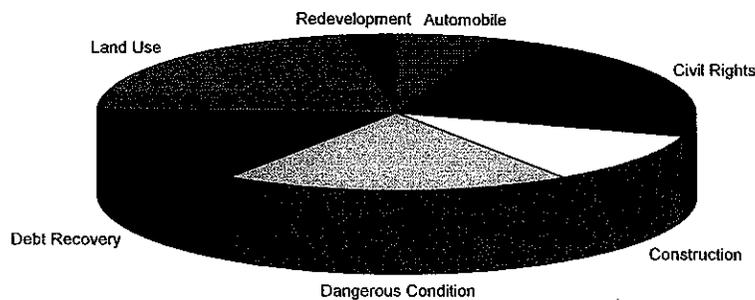
The Litigation Division, comprised of three deputy attorneys, is supervised by an Assistant City Attorney and handles all civil matters on behalf of the City and its employees and officials. All cases are handled by the in-house staff unless there is a conflict in representation or the outside counsel is paid by a third party.

Currently, the City Attorney has assigned two personnel related cases to outside counsel.

The Litigation Division is currently handling 37 active cases, which the City was served with four new cases. The charts below identify the types of cases and the potential liability exposure of these cases.

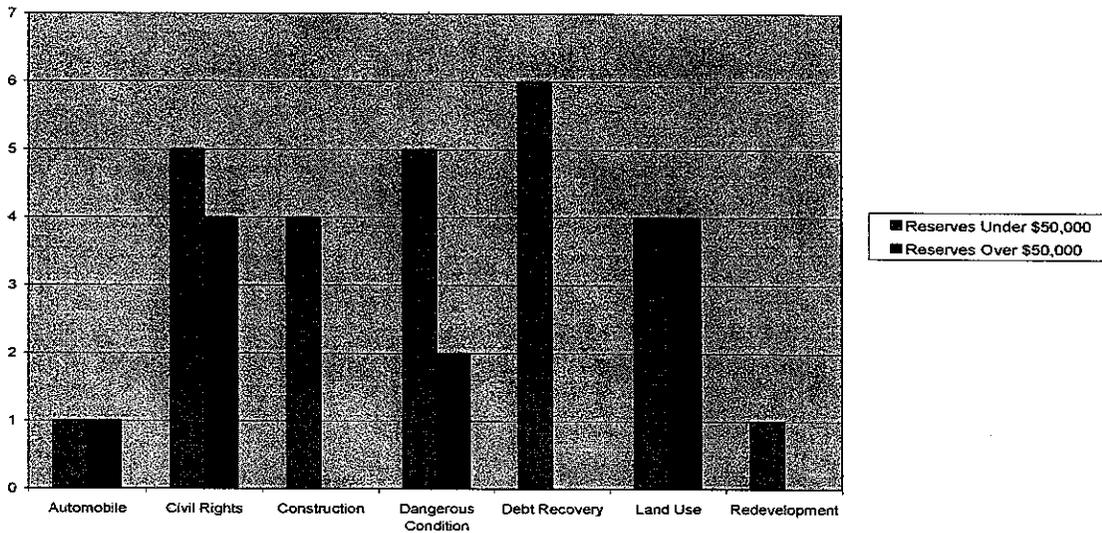
Existing Litigation Cases

Active Cases



POTENTIAL LIABILITY OF PENDING CASES

Existing Litigation Cases



The Litigation Division resolved the following cases with no monies paid to the plaintiff:

1. Lawsuit for injuries allegedly caused by condition of sidewalk and sustained injuries. A letter stating that the State, not the City owned and maintained the sidewalk was sent to plaintiff who agreed to dismiss the lawsuit.
2. A federal action challenging a warrantless search of plaintiff's house.
3. A civil rights lawsuit challenging a warrantless search of Plaintiff's garage.
4. Action for damages resulting from plaintiffs' purchase of a condominium that was unlawfully converted.
5. Claims for false arrest and civil rights violations arising from Plaintiff's arrest for felony spousal battery.
6. Minor tripped over tree root while chasing down volleyball during physical education at Sowers Middle School.

The Litigation Division also resolved the following matters:

1. City employee driving City vehicle hit a vehicle, propelling it into Plaintiff's vehicle.
2. Claim for value of personal property allegedly converted by police.