



*City of Huntington Beach
City Attorney
Adopted Budget – FY 2012/13*

City Attorney

Chief Assistant City Attorney

ADMINISTRATION
Administrative Assistant

LITIGATION

Assistant City Attorney
Senior Deputy City Attorney (2)
Legal Assistant (2)

ADVISORY

Assistant City Attorney
Deputy City Attorney III
Legal Assistant

The City Attorney's Office is an internal service department that advises and represents the City Council and all City employees on matters of law pertaining to their offices. This includes daily assistance on operational issues as well as pro-active defense of litigation filed against the City and its elected officials and employees.



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 with the executive management team to promote the strategic goals of the City Council.

Advisory Division

The Advisory Division 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 of Huntington Beach can accomplish its goals and objectives with little, if any, risk of litigation.

Litigation Division

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.

Ongoing Activities & Projects

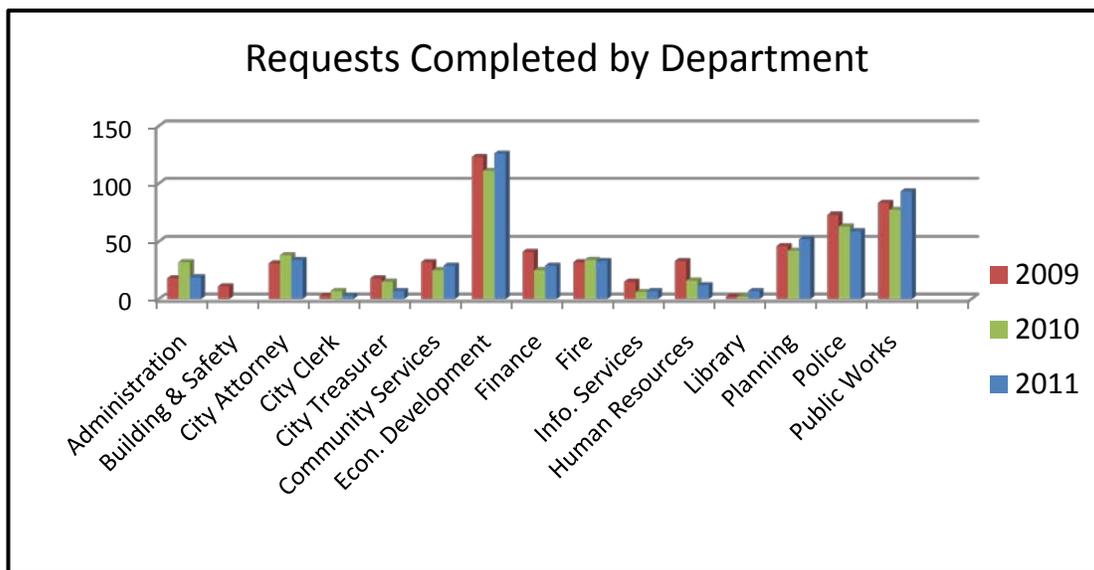
Administration Division

- Manage and supervise daily operations of the City Attorney's Office
- Maintain document management software
- Maintain active and closed matters
- Create and maintain monthly, quarterly, and annual reports to departments and City Council
- Provide citywide training on the Brown Act, public records, sexual harassment, ethics, and contract process
- Coordinate an active internship program for college and graduate students



Advisory Division

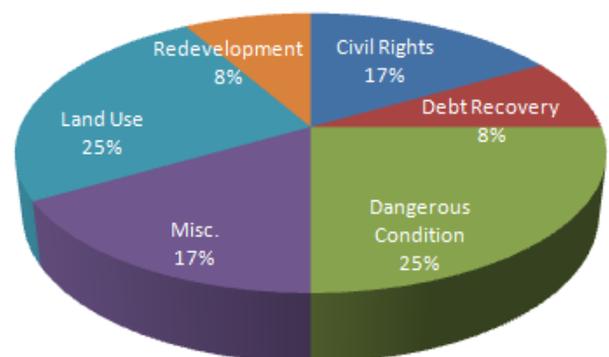
- Interpret the City Charter and all City ordinances
- Provide ongoing legal advice to 14 City departments
- Actively participate in negotiations with eight labor organizations
- Attend, advise, and prepare for Planning Commission meetings and other committee meetings, as requested
- Coordinate Public Records Act responses
- Prosecute in the name of the People all criminal violations of the municipal and zoning codes
- Administer all civil citation hearings
- Research, advise, and prepare all ordinances, resolutions, and agreements
- Review and approve all insurance forms and indemnification waivers submitted to the City
- Maintain standardized agreements and contract processing
- Review and advise regarding changes in state law impacting the City



Litigation Division

- Defend all civil matters wherein the City is a party; including police matters, land use decisions, contract disputes, personnel grievances, automobile accidents, slip and fall injuries, and constitutional challenges
- Coordinate with Risk Management on claims processing, workers' compensation, and liability assessment
- Actively pursue relief on behalf of the City via injunctive relief, collections, subrogation, writs, appeals, and amicus
- Supervise outside counsel on an as-needed basis
- Advise staff on opportunities to minimize liability exposure before, during, and after the filing of litigation
- Represent staff at depositions in third party litigation wherein the City is not a party
- Assist staff in preparation of bankruptcy matters
- Provide assistance to staff in small claims disputes
- Advise on settlement of claims prior to litigation

Closed Litigation Cases 2011



The City's performance measure program is in its seventh year. Results for the past two fiscal years in addition to goals and objectives for FY 2012/13 are presented below.

	FY 2010/11 ACTUAL	FY 2011/12 ACTUAL	FY 2012/13 BUDGET	Strategic Plan Goal
Goal:				
1. Review and process insurance and indemnification approvals and waivers; and respond to Public Records Act and Citizen Inquiries within three business days 95% of the time.				Improve Internal and External Communication
Measure: % of insurance and indemnification approvals and waivers processed and Public Records Act and Citizen Inquiries responded to within three business days	95%	95%	95%	
Goal:				
2. Prepare City ordinances and City Council resolutions within twenty business days of request 85% of the time.				Improve Internal and External Communication
Measure: % of ordinances and resolutions prepared within twenty business days	84%	85%	85%	
Goal:				
3. Review 85% of standard agreements within three business days.				Improve Internal and External Communication
Measure: % of standard agreements reviewed within three business days	83%	85%	80%	
Goal:				
4. Provide aggressive and cost-effective defense of all civil litigation 95% of the time.				Improve Internal and External Communication
Measure: % of aggressive and cost-effective defense	90%	95%	95%	

FY 2011/12 Accomplishments

Administration Division

- Prepared quarterly and annual reports to departments and City Council
- Provided four Citywide training sessions entitled: AB 1234 – Ethics; one Form 700 and Sexual Harassment training session
- Prepared and arranged 75 Civil Citation Hearings for City’s hearing officer

Advisory Division

- Prepared 85% of City ordinances and City Council resolutions within twenty business days of request
- Reviewed and processed 95% of insurance and indemnification approvals and waivers; and respond to Public Records Act within three business days
- Reviewed 85% of standard agreements within three business days

Staff made 54 appearances in West Municipal Court on various Municipal Code violation cases and provided on-going advice related to the following:

- | | |
|---|--|
| Home Depot/Expo Design | Bella Terra Phase II OPA |
| First Christian Church Appeal | Atlanta Widening Project |
| Harmony Cove Project | Affordable Housing Program |
| Beach Promenade Project | Inn Ocean Lease Takeover of TWAcComm.com Suites |
| Annexation of Sunset Beach | AT&T UUT Refund Claim |
| City’s relocation Grievance Procedures | Whether City has Inspection Authority For Offshore Oil Platforms |
| Release of Fire Department Med Records | Coastal Commission Curfew |
| Legislation Ambulance Service Operator Rights | HBMC Updates |
| Pacific City 2011 Development | Wireless Communication Ordinance |
| Quiet Title – Ownership of Bartlett and Moffett Parks | PRA Policies and Procedures Update |
| Annexation of Sunset Beach | |

Litigation Division

Cases settled with no monies paid to the plaintiffs:

- Enforcement of Affordability Covenant at Brisas del Mar, Unit B-22
- Plaintiff’s van was ransacked by unknown third parties
- Various police agencies conducted a raid on a residence
- Amicus Brief on behalf of League of Cities. The City refused to rezone the property to permit religious assembly at the new site
- A husband and wife were detained by police and allege false imprisonment and civil rights violations
- CEQA challenge to the Negative Declaration issued to expansion of Brethren Christian High School
- City filed complaint with the CPUC challenging approval cellular antenna installation in right-of-way, primarily on existing utility poles, in violation of the City’s undergrounding ordinance
- Plaintiffs allege City’s failure to overturn the issuance of the Conditional Use Permit for an express car wash
- Minors sustained injuries from State beach fire pits
- Plaintiff tripped over fire pit that was obscured with sand
- Enforcement of Affordability Covenant
- Passenger in vehicle collision alleges dangerous condition
- Subcontractor claims that contractor breached the contract by not providing payment for labor and materials for worked performed on the Newland Street Improvement Plan
- Defendant made illegal alterations to block wall along side of his property
- Plaintiff challenging a protective lawsuit filed to preserve the rights of the Park Owners pertaining to the denial of tentative tract map seeing to convert a mobile home park to condominiums

Case settled with monies recovered on behalf of the City:

- Claim for recovery of worker's compensation benefits paid to employee who was rear-ended while on City business, traveling in his private vehicle
- Collection of City funds for sewer repair

Other cases settled:

- Lifeguard with the Junior Lifeguard Program alleges sexual harassment, retaliation and discrimination
- Plaintiff tripped and fell on uneven pavement at Crest Street
- Plaintiff slipped and fell on sidewalk allegedly caused by a raised water valve cover
- Plaintiff tripped and fell on a raised and uneven portion of the City's sidewalk
- A public interest advocacy organization alleges that City violated CEQA, City Charter Section 612 (Measure C), and City's General Plan in approving Senior Center
- Automobile accident involving a police vehicle

FY 2012/13 Goals

Despite facing staffing and budget cuts, a main goal and accomplishment of the City Attorney's Office is to maintain a certain level of service for the City. More specifically, continue to provide the best possible representation to the City in all lawsuits and administrative matters; to provide excellent legal advice and services to the City Council and to all City officers and employees; and to prosecute, in the name of the People, all violations of the City Charter and Municipal Code.



City Attorney
Adopted Budget - FY 2012/13
Department Budget Summary
All Funds by Object Account

DEPARTMENT

Expenditure Object Account	FY 2008/09 Actual	FY 2009/10 Actual	FY 2010/11 Actual	FY 2011/12 Adopted	FY 2011/12 Revised	FY 2012/13 Adopted	Percent Change From Prior Year
All Funds							
PERSONAL SERVICES							
Salaries, Permanent	1,729,864	1,641,494	1,350,383	1,355,553	1,355,553	1,356,169	0.05%
Salaries, Temporary	56,250	50,082	56,122	26,900	26,900		-100.00%
Salaries, Overtime	4,524	4,441	8,666				
Leave Payouts	73,583	96,101	75,728				
Benefits	551,099	551,086	466,681	522,169	522,169	525,097	0.56%
PERSONAL SERVICES	2,415,320	2,343,204	1,957,579	1,904,622	1,904,622	1,881,267	-1.23%
OPERATING EXPENSES							
Equipment and Supplies	104,755	70,604	76,504	68,900	68,951	58,195	-15.54%
Repairs and Maintenance				1,000	1,000	1,000	0.00%
Conferences and Training	14,165	2,841	5,128	15,000	15,000	13,000	-13.33%
Professional Services	277,098	264,204	253,979	267,865	348,482	117,865	-56.00%
Other Contract Services	56,238	81,214	49,806	44,500	44,518	44,500	0.00%
Rental Expense	3,145	3,088	4,575	3,737	3,737	3,737	0.00%
Expense Allowances	5,924	6,023	6,023	6,000	6,000	6,000	0.00%
Other Expenses	1,052	352	95				
OPERATING EXPENSES	462,377	428,325	396,110	407,002	487,688	244,297	-39.98%
Grand Total(s)	2,877,696	2,771,529	2,353,689	2,311,624	2,392,310	2,125,564	-8.05%
General Fund	2,736,425	2,656,638	2,141,827	2,161,624	2,217,956	2,125,564	-1.67%
Other Funds	141,272	114,891	211,861	150,000	174,355		-100.00%
Grand Total(s)	2,877,696	2,771,529	2,353,689	2,311,624	2,392,310	2,125,564	-8.05%
Personnel Summary	18.00	18.00	11.00	11.00	11.00	11.00	0.00



City Attorney
Adopted Budget - FY 2012/13
Department Budget Summary
General Fund by Object Account

DEPARTMENT

Object Account	FY 2008/09 Actual	FY 2009/10 Actual	FY 2010/11 Actual	FY 2011/12 Adopted	FY 2011/12 Revised	FY 2012/13 Adopted	Percent Change From Prior Year
General Fund							
PERSONAL SERVICES							
Salaries, Permanent	1,729,864	1,633,426	1,350,383	1,355,553	1,355,553	1,356,169	0.05%
Salaries, Temporary	21,520	25,554	46,387	26,900	26,900		-100.00%
Salaries, Overtime	4,361	4,441	8,666				
Leave Payouts	73,583	96,101	75,728				
Benefits	550,397	549,570	466,437	522,169	522,169	525,097	0.56%
PERSONAL SERVICES	2,379,724	2,309,092	1,947,600	1,904,622	1,904,622	1,881,267	-1.23%
OPERATING EXPENSES							
Equipment and Supplies	104,755	70,604	76,504	68,900	68,951	58,195	-15.54%
Repairs and Maintenance				1,000	1,000	1,000	0.00%
Conferences and Training	14,165	2,841	5,128	15,000	15,000	13,000	-13.33%
Professional Services	171,421	183,425	52,097	117,865	174,127	117,865	0.00%
Other Contract Services	56,238	81,214	49,806	44,500	44,518	44,500	0.00%
Rental Expense	3,145	3,088	4,575	3,737	3,737	3,737	0.00%
Expense Allowances	5,924	6,023	6,023	6,000	6,000	6,000	0.00%
Other Expenses	1,052	352	95				
OPERATING EXPENSES	356,700	347,546	194,227	257,002	313,334	244,297	-4.94%
Total	2,736,425	2,656,638	2,141,827	2,161,624	2,217,956	2,125,564	-1.67%
Personnel Summary	18.00	18.00	11.00	11.00	11.00	11.00	0.00



City Attorney
Adopted Budget - FY 2012/13
Department Budget Summary
General Fund Division by Object Account

DIVISION

Expenditure Object Account	FY 2008/09	FY 2009/10	FY 2010/11	FY 2011/12	FY 2011/12	FY 2012/13	Percent Change From Prior Year
	Actual	Actual	Actual	Adopted	Revised	Adopted	
City Attorney							
PERSONAL SERVICES							
Salaries, Permanent	1,729,864	1,633,426	1,350,383	1,355,553	1,355,553	1,356,169	0.05%
Salaries, Temporary	21,520	25,554	46,387	26,900	26,900		-100.00%
Salaries, Overtime	4,361	4,441	8,666				
Leave Payouts	73,583	96,101	75,728				
Benefits	550,397	549,570	466,437	522,169	522,169	525,097	0.56%
PERSONAL SERVICES	2,379,724	2,309,092	1,947,600	1,904,622	1,904,622	1,881,267	-1.23%
OPERATING EXPENSES							
Equipment and Supplies	104,755	70,604	76,504	68,900	68,951	58,195	-15.54%
Repairs and Maintenance				1,000	1,000	1,000	0.00%
Conferences and Training	14,165	2,841	5,128	15,000	15,000	13,000	-13.33%
Professional Services	171,421	183,425	52,097	117,865	174,127	117,865	0.00%
Other Contract Services	56,238	81,214	49,806	44,500	44,518	44,500	0.00%
Rental Expense	3,145	3,088	4,575	3,737	3,737	3,737	0.00%
Expense Allowances	5,924	6,023	6,023	6,000	6,000	6,000	0.00%
Other Expenses	1,052	352	95				
OPERATING EXPENSES	356,700	347,546	194,227	257,002	313,334	244,297	-4.94%
Total	2,736,425	2,656,638	2,141,827	2,161,624	2,217,956	2,125,564	-1.67%

Significant Changes

As part of budget reductions, the department has eliminated all funding for Temporary Salaries, reduced \$10,705 in Equipment and Supplies and reduced \$2,000 in Conferences and Training. In addition, a new Chief Assistant City Attorney position was created with a corresponding decrease of a Deputy City Attorney III position for a net neutral effect. Council approved this action at the September 24, 2012 City Council Special Meeting.

Permanent Personnel	FY 2008/09	FY 2009/10	FY 2010/11	FY 2011/12	FY 2011/12	FY 2012/13	Change from Prior Year
	Actual	Actual	Actual	Adopted	Revised	Adopted	
City Attorney	1.00	1.00	1.00	1.00	1.00	1.00	0.00
Chief Assistant City Attorney	0.00	0.00	0.00	0.00	0.00	1.00	1.00
Assistant City Attorney	2.00	4.00	2.00	2.00	2.00	2.00	0.00
Senior Deputy City Attorney	3.00	3.00	2.00	2.00	2.00	2.00	0.00
Deputy City Attorney III	3.00	1.00	2.00	2.00	2.00	1.00	(1.00)
Deputy City Attorney I	1.00	1.00	0.00	0.00	0.00	0.00	0.00
Law Office Manager	1.00	1.00	0.00	0.00	0.00	0.00	0.00
Investigator	1.00	1.00	0.00	0.00	0.00	0.00	0.00
Administrative Assistant	1.00	1.00	1.00	1.00	1.00	1.00	0.00
Office Specialist	1.00	1.00	0.00	0.00	0.00	0.00	0.00
Legal Assistant	4.00	4.00	3.00	3.00	3.00	3.00	0.00
Total	18.00	18.00	11.00	11.00	11.00	11.00	0.00



City Attorney
Adopted Budget - FY 2012/13
Department Budget Summary
Other Funds by Object Account

OTHER FUNDS

Expenditure Object Account	FY 2008/09	FY 2009/10	FY 2010/11	FY 2011/12	FY 2011/12	FY 2012/13	Percent Change From Prior Year
	Actual	Actual	Actual	Adopted	Revised	Adopted	
Redevelopment-Legal							
PERSONAL SERVICES							
Salaries, Permanent		8,067					
Salaries, Temporary	34,730	24,528	9,735				
Salaries, Overtime	163						
Benefits	702	1,517	244				
PERSONAL SERVICES	35,595	34,112	9,979				
OPERATING EXPENSES							
Professional Services	105,676	80,779	201,883	150,000	174,355		-100.00%
OPERATING EXPENSES	105,676	80,779	201,883	150,000	174,355	0	-100.00%
Total	141,272	114,891	211,861	150,000	174,355	0	-100.00%

Significant Changes

The State dissolved the Redevelopment Agency as of February 1, 2012. This fund had been used for legal services related to Redevelopment projects and programs.

Permanent Personnel	FY 2008/09	FY 2009/10	FY 2010/11	FY 2011/12	FY 2011/12	FY 2012/13	Change from Prior Year
	Actual	Actual	Actual	Adopted	Revised	Adopted	
Total	0.00						



City Attorney
Adopted Budget - FY 2012/13
Department Budget Summary
All Funds by Business Unit

BUSINESS UNITS

Division / Business Unit	FY 2008/09 Actual	FY 2009/10 Actual	FY 2010/11 Actual	FY 2011/12 Adopted	FY 2011/12 Revised	FY 2012/13 Adopted	Percent Change From Prior Year
ATY City Attorney							
ATY City Attorney							
10015101 City Attorney Admin	2,736,425	2,656,638	2,141,827	2,161,624	2,217,956	2,125,564	-1.67%
ATY City Attorney	2,736,425	2,656,638	2,141,827	2,161,624	2,217,956	2,125,564	-1.67%
Other Funds							
30515101 Admin City Attorney	141,272	114,891	211,861	150,000	174,355		-100.00%
Other Funds	141,272	114,891	211,861	150,000	174,355		-100.00%
General Fund	2,736,425	2,656,638	2,141,827	2,161,624	2,217,956	2,125,564	-1.67%
Other Funds	141,272	114,891	211,861	150,000	174,355		-100.00%
Grand Total(s)	2,877,696	2,771,529	2,353,689	2,311,624	2,392,310	2,125,564	-8.05%

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